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No. 16(8)/67-NCL(T-IV)
Government of India
National Commission on Labour

D-27, South Extension, Part II,
New Delhi-3.
Dated the 6th November, 1967.

To

The Chairman and Members of the
National Commission on Labour.

Sub:- Records of Discussions in Maharashtra. ✓

Sir,

I am directed to forward herewith the record of discussions in Bombay from 19th to 21st October, 1967 as approved by the Chairman. Record of discussions in Nagpur and Poona from 16th to 18th October, 1967 together with the record of observation visits to mines and factories at these places is also enclosed.

A note regarding the visit to Bidi factories in Nagpur on 16th October and record of discussions in Poona on the afternoon of 18th October, 1967 will be sent later.

NATIONAL RESOURCE CENTRE OF LABOUR
INFORMATION & DOCUMENTATION
V.V. GRI N.L.I.
NOIDA

Yours faithfully,

ACC. No. L-102
DATE 25-1-99

G.P. Kepur
(G.P. Kepur)
Joint Director

encls: as above

NATIONAL COMMISSION ON LABOUR
CAMP: NAGPUR -- 16.10.1967.

Record of discussions which some members of the Commission had with (i) the I.N.T.U.C. (Nagpur Branch) represented by:

1. Mr. S.W. Dhabe,
President,
Maharashtra I.N.T.U.C.
2. Mr. G.M. Khodey,
Organising Secretary,
I.N.T.U.C., Nagpur.
3. Mr. S. Athver,
General Secretary,
Rashtriya Hospital Karamchhari Union.
4. Mr. Kharati Lal,
Vice President,
I.N.T.U.C.
5. Mr. S.D. Raut,
General Secretary,
Maharashtra Pradesh Rashtriya Koylandan,
Kamptee.
6. Mr. S.D. Dange,
Secretary,
Vidarbha Rashtriya Electric Workers' Union,
Nagpur.

10.00 A.M.

1. Recognition of sectional and communal unions should be banned. The Indian Trade Union Act may be amended to provide for such a ban. All India Adivasi Employees' Association which permits membership to Adivasis only and All India P. & T. Employees Union of Schedule Caste employees have already applied for registration. This should not be granted. There was a tendency towards the setting up of sectional and communal unions. It will be desirable to stop this tendency at the early stage itself. C. P. and Berar Act, which prohibits the formation of such unions, may be extended to all the States.

2. There is delay in implementation of awards. The Majumdar Award of 1956 had not yet been implemented. (Details will be supplied by the organisation)

3. Public sector undertakings should be treated on par with private undertakings for purposes of giving benefits to the workers.

4. No wage Board has been constituted for manganese ore mines. This is an industry where women are paid less

Contd.....2.

than men. The Minimum Wages Act does not apply to these mines. No Sunday wage is paid and average monthly wage of a worker is Rs.65/- only.

5. Local labour should be given preference in recruitment. N.C.D.C. acquired land and several persons were displaced. It is only fair that jobs should be provided to them. No arrangement has been made for pre-employment training of the local labour. Even in unskilled categories 60% of the labour is from outside. The existing labour belonging to any State should not be disturbed, but for future recruitment preference should be given to the local labour. Linguistic unions will anyhow come into being after a lapse of years when the regional languages are fully used by the States. This should not be a bar for denying opportunities to local labour now.

6. About 10,000 cases were pending in the two labour courts in Nagpur. Because of delays workers are losing faith in adjudication. Steps should, therefore, be taken for quicker disposal of cases. Implementation machinery of the Labour Department should also be strengthened.

7. Labour Court should have powers for recovery of fines and dues under the Act.

8. Even after the Gorakhpur labour was decided to be abolished, out of the 1,200 workers employed in the manganese mines in the area about 450 lived in the camp. Gorakhpur This system should be abolished.

9. Equal importance should be given to the implementation aspect of the reports of the various committees set up by the Government.

10. There was a distinction between male and female workers in agriculture; while the male worker was paid Rs.1.50, the female worker is paid only Rs.1/- a day.

11. A large number of workers are kept on muster roll for years, even in the Indian Bureau of Mines which is a public sector undertaking. At times, workers remained on the muster roll for as long as 5 years or more. They were denied the benefit of permanent labour. If workers could not be made permanent for some unavoidable reasons, they should be given the benefits of a permanent worker after 5 years of service.

12. Wages of the workers should not be reduced when Government takes over the management of the sick units.

13. The I.N.T.U. is against 'Gheraos'. If the workers resorted to 'gheraos', the unions will lose respect in the eyes of public as also the employers. It will also make collective bargaining more difficult.

(2) Rashtriya Mill Mazdoor Sangh, Nagpur (INTUC Textile) and others, represented by:-

1. Dr. S.L. Kashikar,
President,
Rashtriya Manganese Khadan Prantak Kamar Sangh
2. Mr. H.J. Naik,
President,
Rashtriya Mill Mazdoor Sangh,
Nagpur.
3. Mr. D.N. Lambat,
General Secretary,
Rashtriya Mill Mazdoor Sangh,
Nagpur.
4. Mr. V.P. Sathe,
Hind Mazdoor Sabha.

10.40 A.M.

Dr. Kashikar

1. There exists a large number of temporary workers in our country. Many workers were removed from service for a week - at times even for a day after 240 days of service. This is the technique resorted to by employers to deny benefits to which workers became entitled after 240 days of service. This is happening even in the public sector.
2. Public sector undertakings are indifferent towards their labour. Officials who manage these undertakings have no stake in the prosperity of the undertaking. They are transferred from one place to another at rapid intervals and that is why they do not acquire such stake.
3. The public sector undertakings should be headed by technical staff rather than by officials from administrative cadres.
4. Wage Boards are a must and should be set up in the manganese and transport industries.
5. Labour administrative machinery was far from adequate to supervise the proper implementation of labour laws.
6. All labour and welfare officers should be appointed by the Government and not by industry. Distinction should be drawn between the Labour Officer and the Welfare Officer and the functions of both should not be vested in the same person.

Contd.....4.

7. In the public sector undertakings such appointments should be made by the Labour Departments only. Labour Officers were necessary even when a strong union existed. These officers should educate workers and advise employers for maintaining cordial relations.

8. Welfare measures should be provided for Gumastas through their association.

9. Physical checks were necessary in regard to the implementation of recommendations of various committees.

10. Health Homes and Rest Homes should be provided for workers. Resources for this purpose could be found by levying a cess and getting an equal contribution from the employers.

Mr. Sathe

There should be an All-India Labour Code - this is a long standing need of the country and steps should be taken to provide for it as early as possible.

2. Most of the labour matters were now covered by the legislation of the country. The main activity of unions was to seek legal remedies about wages, security of employment etc.

3. There has been considerable delay in the settlement of issues by courts and arbitrators. Whatever the decision, it should be reached quickly.

4. Powers for enforcement of decisions should be given to the labour courts. The courts should be empowered to attach property and impose imprisonment wherever necessary.

5. Collective bargaining should be evolved on the American model.

6. E.S.I.S. advantages are based on the condition of paying contribution regularly. At times because of long illness a worker is not able to pay the contribution and is deprived of medical benefits. He also exhausts his leave. Exemption from payment of contribution may be granted in such cases.

7. Employer has the discretion to re-employ a worker after 6 months of illness. At times workers get long drawn diseases like T.B. and in such cases if they are able to produce a medical certificate they should be entitled for treatment.

8. The Registrar of Trade Unions should intervene for settling intra-union rivalries.

9. When the Government takes over the sick units as they did in the case of textiles, wages of the workers should not be reduced.

(3) The Maharashtra State Bidi Mazdoor Sangh,
represented by:-

Mr. N.H.Kumbhare,
Secretary,
Maharashtra State Bidi Mazdoor Sangh and
President, United Federation of Manganese
Workers.

11.25 A.M.

In order to avoid labour legislation, the bidi manufacturers have taken the industry to villages. Most of the workers work at their houses. There are 50 lakh bidi workers employed in the industry in Madras, U.P., Mysore, Orissa, Madhya Pradesh, Andhra Pradesh and Maharashtra. Maharashtra alone accounts for about 4 lakh workers of which 2 lakhs are in Vidarbha.

2. The main problem for bidi workers in Maharashtra was that of wage fixation and the applicability of the Minimum Wages Act. The Maharashtra Government has actually been more progressive and the wages here are better than in other States. (Mr. Kumbhare will furnish statements indicating the decrease in the number of workers in Maharashtra State because of higher wages.)

3. Workers were not able to organise themselves into cooperative societies because consumers were brand conscious and new manufacturers find it difficult to sell their product.

4. The fixation of a national minimum wage should be attempted to start with in bidi industry. Minimum wage should take into consideration reasonable comforts also. If the wages are the same in all States, the industry will not shift from one State to another.

5. Disparity in the Central and State Acts should be removed. Adequate machinery should be provided in the Central projects for implementation of labour laws. It was an anomaly that workers in the same State were governed by different sets of laws.

6. The B.I.R. Act pattern would be preferable for being used in all States.

7. Wages in the manganese ore industry vary from Rs.1.07 to Rs.1.94 per day per worker and have not been revised for the last 10 years. These are not even 50% of the wages that a worker in the coal industry gets. Early revision of wages was called for.

(4) Dr. V.S. Murti,
Head of the Department of Public Administration
and Local Self Government,
University of Nagpur,
Nagpur.

12.05 P.M.

When workers go on strike, essential services should

be manned by police and Home Guards. For this purpose necessary training should be given to such personnel in the course of their duties.

2. To make the employer feel the pinch of the strike the profit accruing to the industry during the strike period should be used in a way to be determined by an independent body.

3. The attitude of employers and employees should change and all matters should be settled by voluntary arbitration. No further legislation was necessary. An independent institution should decide all the labour matters without interference by Ministers etc.

4. Labour should be made a Central Subject.

5. Employers should not hide any information from the labour if their participation in management was to succeed.

6. Social workers may be used for managing trade unions.

7. Employers are not interested in developing a sense of pride for the product among the employees. They are guided by commercial considerations mainly. If this attitude changes, workers will also respond.

8. It is necessary to create the type of understanding amongst the workers and employers that was created at the time of the Chinese aggression.

(5) The All India Trade Union Congress (Nagpur Branch) and other allied organisations, represented by:-

1. Mr. A.B. Bardhan,
A.I.T.U.C., Nagpur.
2. Mr. M.N. Deshkar,
Trade Unionist, AITUC.
3. Mr. N.B. Mehendre,
President,
Nagpur Gumashta Mandal & General Secretary
Girni Majoor Sangh.
4. Mr. S.K. Sanyal,
General Secretary,
Samyukta Khadan Mazdoor Sangh.

12.45 P.M.

A unified labour code may be evolved.

2. Recognition system was not operating properly. Representative character of the union should be judged by secret ballot.

3. Every agreement which affects a section of the workers

....7/-

must be ratified by them. They should be asked to give their consent and the agreement should be enforced when a majority of such workers give their consent.

4. Recognised unions enter into agreements even on matters where none of the workers affected is a member of the union. A notice of agreement should be put on the notice board and it should be registered only if no objection is received.

5. Agreements should be registered when these are ratified by 50% of the workers affected.

6. Decisions taken at the Works Committee meetings were not implemented by the employers. Very often the excuse is that the approval of the Head Office of the Company was necessary for and this defeated the purpose of the Committees.

7. The individual worker should have the right to take the case to the courts.

8. Details about the 'badli' labour should be sought from the Badli Labour Enquiry Report of the Maharashtra State.

9. Definition of the 'minimum wage' should be modified specially to provide for some comforts also.

10. As far as possible industry-wise national minimum wage should be fixed.

(6) The Rashtriya Bidi Mazdoor Sangh and Maharashtra Gumashtra Mandal and Maharashtra Potteries Karamchari Sangh, Nagpur, represented by:-

1. Mr. Charan Das Kauruji Dhore,

2. Mr. R.D. Sakhre.

3. Mr. U.G. Murarkar.

4. Mr. N.H. Shrote.

5. Mr. A.N. Dhowre.

1.05 P.M.

Shri Dhore

All bidi workers irrespective of where they work, whether in factories or at home should be treated as worker for being covered by the Minimum Wages Act.

2. Not only are the wages low but many bidis are rejected during inspection. Cost of material used in manufacture of rejected bidis is deducted from wages, and rejected bidis are also sold in market at lower price. This is not fair.

3. Wages in bidi industry should be fixed on all-India basis.

4. The present system is expensive and the workers cannot afford to fight their cases in law courts. Government should give legal assistance to them.

Shri Shrote

Labour laws should be translated in local languages.

2. Existing labour laws are ineffective and should be simplified for giving adequate benefit to labour. Implementation is defective; the inspectorate is weak and Government is shy in prosecuting the employer - in case of non-implementation. Where there is prosecution employer is let off with light penalty. All this needs to be changed in the interest of workers.

(7) Manganese Ore (India) Ltd., represented by:-

1. Mr. P.G. Gavai,
Managing Director.
2. Mr. A.D. Jahagirdar,
Secretary.
3. Mr. A.R. Pillai,
Chief Labour and Welfare Officer.
4. Mr. V.G. Patankar,
Chief Audit and Accounts Officer.

3.00 P.M.

Maternity benefits should be given to the women employees subject to a maximum of three children.

2. The Company was welfare oriented right from the British days; this tradition was being followed even now. Adequate hospital and recreation facilities had been provided for workers.

3. Foodgrains were supplied at 1939 rates. All other employers should also adopt this system. The subsidy amounted to about Rs. 25 lakhs at present.

4. The wage bill of the Company amounted to about Rs. 125 lakhs including the food subsidy of Rs. 25 lakhs.

Contd...9/-

5. The value of output for the year 1966-67 was about 421 lakhs. Net profits of the Company amounted to Rs.45 lakhs.

6. Bonus, at the rate of about 17% to 18% was likely to be distributed this year.

7. Contract system, prevalent in the industry, was a legacy of the past; the Company was examining it with a view to restrict the use of this system to employments where it is absolutely essential.

(8) Nagpur Itwara Kirana Merchants' Association, Nagpur, represented by:-

1. Mr. C.K.Jasore,
Joint Secretary,
Nagpur Itwari Kirana Merchants' Association.
2. Mr. K.C. Agarwal,
Secretary,
Nagpur Itwari Kirana Merchants' Association.
3. Mr. Mawal Rathi,
Honorary Secretary,
Amravati District Gin & Press Owners' Association.
4. Mr. R.B.Rathi,
Partner,
Thakurdas Ballabhdas Gin & Press
Factory, Amravati.
5. Mr. L.B.Bhokre,
Chairman,
Vidarbha Co-operative Marketing Society.
6. Mr. V.B. Panat,
Secretary,
The Buldhana District Gin, Press &
Oil Mill Karkhandar Sangh, Khamgaon.
7. Mr. Chapsi Dhanji Dand,
President,
The Vidarbha Region Cotton Gin-Press
Karkahndar Federation, Khamgaon.
8. Mr. K.R.Taliwal,
Secretary,
Amravati District Gin-Press Factory
Owners' Association, Amravati.
9. Mr. P.J.Dotiwala,
President,
Amravati District Gin-Press Factory
Owners' Association, Amravati.

3.15 P.M.

Mr. Jasore:

In the existing legislation there was no difference

between the small and the large employers. Because of liberal retrenchment benefits after ten to twelve years' service, workers did not take interest in work and created conditions forcing employers to retrench them. Retrenchment benefits should, therefore, be made less attractive.

2. Labour Courts were biased in favour of labour.

3. Many workers join^a union only when they have some dispute with employers. Their interest in the trade union is thus temporary.

4. There were about 800 workers. They were given profit bonus depending on the profit of the concern. It normally varied from Rs. 50/- to Rs.175/- per year.

5. The workers were paid a consolidated amount which varied from Rs.90/- to Rs.100/- per month. They were not given any D.A. They worked eight hours a day and 6 days in a week.

6. They were given 21 days' leave in a year with pay plus four festival holidays.

Mr. Dand:

7. Ginning and pressing were seasonal occupations. According to the Payment of Bonus Act, 1965, the workers, who were employed even for two months in a year, had to be given a bonus of Rs.40/- even though their total wage was only Rs.120/-. This was considered as a burden on the Industry.

8. Labour cost was about 33 per cent.

9. Rates for ginning were fixed in the presence of the Collector and cannot be unilaterally revised by the Industry.

10. There are about 250 factories; the total number of workers employed in the factories is around 18,000.

(9) Bidi Leaves and Tobacco Merchants' Association, Nagpur, Vidarbha Chamber of Commerce and the Maharashtra Mofussil Mills Association, Nagpur, represented by:-

1. Mr. K.D.Rathi,
Authorised Controller,
Model Mills, Nagpur.

2. Mr. Devendra Jasani,
Representative,
Bidi Leaves and Tobacco Merchants'
Association.

3. Mr. S.R.Guha,
Honorary Secretary,
Maharashtra Mofussil Mills Association,
Nagpur.

4. Mr. K.N.Sharma,
General Manager,
Sri Baidya Nath Ayurved Bhavan (P) Ltd.,
Nagpur.
5. Mr. S.Sanyal,
Managing Partner,
Sanyal & Co., Nagpur.

4.00 P.M.

A Central Labour Code on the pattern of Bombay Industrial Relations Act, was suggested.

2. Small shops can not observe all complicated legal requirements. The number of minimum workers for purposes of the Factories Act may, therefore, be raised.
3. Classification of industry on the lines of the Banking Industry may also help in solving the problem to some extent.
4. Unified Code should provide for reciprocal obligations - both for managements and unions.
5. Reinstatement of the workers should not be compulsory even though provision for punishment in the form of fines etc. may be levied on employers.
6. Though recognition may be given to unions having a lower percentage of membership in the initial stages, ultimately it should be the aim that the recognised unions must have 51% of workers as members. Lower membership makes implementation of agreements difficult.
7. It should be for the employers to decide on facts whether a strike is illegal. They should pay compensation if the strike is not declared illegal ultimately by the Court.

Mr. Guha:

Since the Indian Cotton Mills Federation was submitting its replies to the Commission's Questionnaire, Shri Guha confined himself to those aspects which are peculiar to Vidarbha and made the following observations:

1. Textile mills in the region have to maintain a large badli complement because of high absenteeism amongst the workers. This makes the total wage cost higher than in other regions.
2. There is loss of production due to stoppage of spindles and looms consequent on absenteeism.
3. A technical training institute like the Mafatlal Gagalbhai Textile Training Institute be set up by the Government. (It was pointed out that the Mafatlal Gagalbhai Textile Training Institute was not run by Government but by industry.)

4. To awaken and sustain safety consciousness among workers more emphasis be laid in the syllabii of Scheme run by the Central Board for Workers' Education.
5. The Mills in Vidarbha are mostly coarse and medium count mills and their products are low priced. Because of increase in the cost of living index mills had to pay more dear food allowance. On the other hand, prices of products were controlled. Mills in this region were thus in a more vulnerable position than the mills in other regions.

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NATIONAL COMMISSION ON LABOUR
Camp: Nagpur (15-10-67)

OBSERVATION VISIT TO KANDRI MINES:

Mr. A. N. Bharmadhikari, Mine Manager :

The Mine Manager explained that, at present, the mining operations were being carried out at 0 feet level. Two more pits were being developed. The ore contained 52% manganese. Almost entire ore produced in this mine was exported. Daily production was about 60 tubs each having a capacity of one tonne.

Mr. A. R. Pillai, Chief Labour and Welfare Officer:

The workers are given cotton jercies. One fatal accident occurred about two weeks ago. One Tub got tilted and resulted in the death of the worker.

All employees, whose basic wage was Rs. 300/- or less p.m., were supplied grains at subsidised rates.

The wage rate for dump workers (Male) was Rs. 1.75 per day plus subsidised food grains. However, because of the piece/rate system, workers were generally able to earn about Rs. 2/- per day. Female workers were paid less. Workers worked for eight hours a day. There are two shifts - 8.30 A.M. to 4.00 P.M. and 4.00 P.M. to 12.00 midnight.

Sudam, (worker) age 41 years:

He has been allotted a rent free two room quarter and gets about Rs. 75/- per month plus subsidised food grains. One of his children is studying in Matric and one of his nephew is studying in B.Com. His wife (Nazuka) is also working in the mine and gets about Rs. 11/- per week. He finds it difficult to afford the education of his children but is determined to educate them.

Pussoo (worker) :

Gets about Rs. 11/- per week. Has four children. Three of these are going to school; one is in 7th Class. Wife is also employed. Works on surface in filing the pit. Complained that the ration supplied at subsidised rate was not adequate and about 1/3rd of his requirements he had purchased from the market at higher prices.

Jame Santiago (Foreman) :

He has a family of 8 and gets 42 kilos, i.e. the maximum permissible as subsidised ration. One worker gets 21 kilos plus 2 kilos per week per dependent subject to maximum of 42 kilos. He complained that his main difficulty in getting the work from the labour was their laziness. Ration supplied was not adequate.

Bishan (Underground worker) :

Does actual mining and gets about Rs. 18/- to Rs. 20/- per week. His wife is also employed and earns about Rs. 10/- to Rs. 12/- per week. He has six children of which, two are school-going. Complained that the ration supplied is not adequate for the family. First aid arrangements are stated to be adequate and serious cases are taken to hospital.

Workers do not join the union, as they are not satisfied with its working. They suspect that union officials are working in the interest of management.

In addition to the normal wages, workers also get the following :-

- (1) attendance bonus (one month's salary in a year); and
- (2) profit bonus (one month's salary per quarter).

Nathu (Mate) Bishram (A worker) :

Ration supplied not adequate. Many a times, junior workers are regularised, while seniors are still kept on daily wage basis. One worker, Lalman, was hospitalised for 90 days and got Rs. 20/- only as injury benefit. Outside workers are recruited but wives and children of the existing workers are not employed. Desired that in recruitment preference be given to the wives and children of the existing labour.

Phundi, Champa, Sundar, Pachhi & Nani (female workers) :

Earn about Rs. 8/- to Rs. 9/- per week. They get maternity leave for twelve weeks at the time of child birth. Bonus benefit is not denied to them during the period of maternity leave. Husbands of Phundi and Nani died while working on the mine. All complained that the ration supplied was not adequate.

Gawade, Laxman, Baljaram (Workers) :

There has been no revision in D.A., since the year 1952. The Management tries to suppress if any new Union tries to come into being. They were formerly supplied shoes at half the price but now this concession has been withdrawn. They are given interest free advances by the contractor, which are recovered from their salaries. They feel that the elections to union offices are not fair. At times, workers do not even come to know that the elections are being held.

Mr. Pillai was requested to supply a copy of the Balance Sheets of the Company, as at present, and as managed by the old European Company.

OBSERVATION VISIT TO KAMPTEE COLLIERIES :

Shri R. S. Grewal, Manager :

About 1,000 workers were employed in this Colliery. Of this, about 600 workers were living in the colony. Free houses (one room and one veranda) were supplied to the workers living in the colony. Being Sunday, the colliery was closed and actual working could not be seen. The minimum wage of the workers is Rs. 100/- each, excluding bonus. No 'contract labour' was employed. Subsidised ration was not supplied. There were about 260 single room and 65 double room quarters, which the Company had constructed. About 400 to 450 workers came from their villages every day. Most of them walked the distance, which varied from one to three miles. There were about 150 jhugies. Generally, in one family there was only one worker. No woman labour was employed in the colliery. The Management felt that woman labour was costly and not suitable for the hard work which was required of workers in coal mines. Most of the workers were from U.P.

There have been only two fatal accidents during the last ten years. There were two registered unions but for all practical purposes, there was only one union (INTUC affiliated).

Riwa (worker) :

Has five children and gets about Rs. 32/- per week plus bonus. Pays Rs. 5/- per month as rent for the jhugi in which he is staying. Mother-in-law is employed as Dai.

Abdul Nabi (worker) :

Gets Rs. 145/- per month (net) plus bonus. Has been allotted one room quarter which has no kitchen and no latrine. Has four children - two of whom are school-going.

Jaimal Singh & Birjan (workers) :

They have to work eight hours a day. The colliery works for 24 hours. Complained that canteen arrangements were not satisfactory. Union was not working properly. Many workers were, therefore, reluctant to become members. Elections of the union were also not fair. Medical facilities supplied to the workers were not adequate. They pointed out that one of the workers got his leg cut in the mine. He was hospitalised for about a week. Thereafter he was given Rs. 5/- and was asked to manage his own affairs. He was a temporary employee and had only two months' service. No compensation was given to him. There were no latrines and no electricity and water connections in the jhugies which had mostly been constructed by the workers themselves.

GORAKHPUR CAMP :

The Company has a recruiting office for labour in Gorakhpur. The workers recruited are brought to the colliery at company's expense. They are supplied one blanket free. About 12 persons stay in one room of about 12' x 12'. They have a common kitchen and take their meals from there. They were generally satisfied with the meals they got. They could eat as much as they liked. They were also entitled to one day's leave after completion of 16 days of service. Most of them save money to the extent of Rs. 70/- to Rs. 90/- per month, after paying for their kitchen expenses. They generally went home after about a year or so and took their savings with them. In addition to the two meals a day, they get tea twice a day, alongwith germinated gram.

NATIONAL COMMISSION ON LABOUR

Camp: Poona - 18-10-1967

Morning Session - 9-30 A.M. to 1-00 P.M.

Record of informal discussions which some Members of the Commission had with:

(1) The Maharashtra Chamber of Commerce and Industry, Poona
represented by:

1. Shri R.D. Pusalkar, Chairman
2. Shri V.A. Sundaram, Member
3. Shri R.V. Gothoskar, Member
4. Shri N.K. Firodia, Member
5. Shri B.R. Sabade, Secretary
6. Shri D.V. Gokhale, Assistant Secretary.

9-30 A.M.

The policy of the Government of Maharashtra regarding dispersal of industries from Bombay has resulted in the development of industries in Poona region. The Government was giving assistance to the industrialists in the form of allotment of land at reasonable rates, supply of electricity, etc. The weather in Poona has not been an important consideration in setting up of industries.

2. In the initial stages industrialists experienced shortage of skilled labour. They made their own arrangements for the training of unskilled labour. Though unskilled labour is usually local, technicians come from all parts of the country.
3. There was no difference in basic wage between Bombay and Poona. Dearness allowance was, however, lower in Poona. The cost of living is also lower in Poona as compared to Bombay. A separate cost of living index is now being compiled for Poona. Labour could be considered as only slightly cheaper in Poona. This advantage is offset because of the difficulties experienced in procurement of raw materials and employment of technical labour.
4. A large number of workers have to be kept on the muster roll because of high absenteeism particularly on festive occasions.
5. Local labour, particularly labour displaced from the land acquired for industries, is given preference in recruitment.
6. Wages of unskilled workers had more or less been standardized. There was standardization even in the case of semi-skilled workers. Standardization has not been possible for the more skilled categories.
7. Industrial relations in Poona have been better than in Bombay.
8. Collective bargaining with all its implications would be preferable on unit-wise basis.

9. The Management is in difficulties when strikes take place because of reasons on which they have no control. So is the case when labour wants to depart from certain normal practices.

10. Dispute over recognition of unions agitates its office bearers. It is possible to have good labour relations even in situations where labour is not organised; and that too with a fair deal to labour.

11. An ideal recognised union should have 51% of the workers as its members. For practical purposes, a Union with a membership of 33% may be given recognition as against the present minimum limit of 15%.

12. Employers and union members may take part in politics as individuals but their organisations should remain aloof from politics.

13. Political affiliations of either the employers or the union members should not be allowed to influence industrial relations.

14. Wages should be linked with productivity. Employers will not mind footing a higher wage bill provided they get adequate return from the capital invested by them. Their main problem was to get maximum amount of production from their capital equipment.

(2) The AITUC, Poona Branch and allied organisations represented by:

1. Shri Vasant Tulpule, General Secretary,
General Engineering and Metal Works.
2. Malini Tulpule, Vice- President, Chemical Workers, Poona.
3. Shri K.N. Phadke, Vice President, Hindustan Antibiotics
Mazdoor Sangh, Pimpri.
4. Shri V.T. Deshmukh, Vice President,
Hindustan Antibiotics Mazdoor Sangh.
5. Shri P.V. Subramanian, Joint Secretary,
Hindustan Antibiotics Mazdoor Sangh.
6. Shri R.P. Sharma, Vice President,
Hindustan Antibiotics Mazdoor Sangh.

10-15 A.M.

1. Sympathetic strikes are unavoidable in certain circumstances.
2. Recognition of unions should be made compulsory. If office bearers of recognised unions talk on behalf of employees they are better heard by the management.
3. Employers should not be allowed to victimise those who take active interest in trade union activities.

4. Collective bargaining is desirable but if it does not work, third party intervention should be available.
5. The present working of the courts is very unsatisfactory. Labour Officers are unable to solve many disputes. A Labour Officer was requested to take up one case in 1956, but no decision was taken till 1962. (The representatives of the union will furnish details of the case).
6. Delays in the decision of tribunals should be avoided.
7. There should be one union in one industry in local area.
8. Recognition of a union should be decided by secret ballot. No merger of unions was necessary though only one union may be selected for purposes of collective bargaining. The right to vote should be given to all workers.
9. The minimum membership requirements for recognition of a union may be raised to 30%.
10. Employers' organisations should not make contributions to political parties. Similar restriction may be placed on unions also. Members of either organisation should be free to collect funds on individual basis for political parties.
11. Employers and employees organisations may have their politics but this should not affect their mutual relations.
12. Industrial discipline is adversely affected by the bureaucratic attitude shown by management.
13. Minimum wage should be fixed on a regionwise basis. Wages in Poona differed from industry to industry. (Unions agreed to furnish a statement in support of its contention).
14. Need based minimum wage was necessary irrespective of the capacity to pay of the industry.
15. The management of Hindustan Antibiotics filed a petition on the Supreme Court against the award of tribunal. This was not desirable in public sector undertaking. (Union agreed to furnish details of the case).
16. There still existed a disparity between the wages of men and women. This was so even in public sector undertakings.
17. E.S.I. exemption may be allowed when both workers and employers agree to this. (Representative of Hindustan Antibiotics Mazdoor Sangh was requested to furnish a note suggesting improvements in the ESIS).
18. Court should have the authority to realise compensation benefits for the workers.
19. The minimum of 4 per cent bonus should be enforced by Government.
20. The undistributed bonus entitlements after giving maximum 20 per cent should be utilised for welfare activities.

(3) The INTUC represented by:

1. Shri Y.V. Patwardhan,
Secretary, INTUC, Maharashtra Branch.
2. Shri M.S. Hagwane,
INTUC (Member, General Committee of All India).
3. Shri Arun Mehta,
General Secretary, Association of Engineering Workers.

11.45 A.M.

1. Differences in wages between Poona and Bombay should be minimised.
2. Officials of employing department were not properly implementing G.Rs. Local officers should be given powers to settle disputes so that delays are avoided.
3. Grievances should be solved quickly. Suspension of workers for long periods particularly in Government department was frequent. This should be avoided. Whatever the decision, it should not be unduly delayed.
4. At present different acts were applicable for different employments. This was not a desirable practice and should be done away with.
5. Cases of cooperative societies employing less than 20 persons were not referred to adjudication by Government as a matter of policy. This policy required a revision.
(Union agreed to furnish details of such cases)

(4) The Management of Poona Municipal Transport represented by:

1. Shri V.D. Desai, Transport Manager,
Poona Municipal Transport.
2. Shri R.K. Shinde, Labour and Public Relations Officer.

12.15 P.M.

Shri V.D. Desai

1. The relations between the workers and the management of Poona Municipal Transport, Poona, had been cordial. Except for a token strike of one day there had not been even a single strike since the beginning.
2. The unions were associated with the promotions.
3. Recognised Union is allowed to hold meetings and collect funds within the premises of the factory.

(5) M/s. D. Macedo & CO., Poona represented by:

Mr. A.M. D'Souza - Partner.

12.35 P.M.

1. A small establishment should not be compared with the big industries. Payment of bonus becomes heavy on these establishments.
2. Because of the longer working hours and other difficulties of the trade a larger return should be allowed on the capital in small establishments. (Mr. D'Souza was requested to supply a statement giving the increases in wages in his establishment during the last ten years).

NATIONAL COMMISSION ON LABOUR

CAMP : POONA

MAHARASHTRA

18-10-1967

Observation visit to Hindustan Antibiotic Factory, Poona

1. Shri B.V. Raman, Works Manager

The undertaking recruits B.Sc.(Chemistry) graduates as apprentices. Suitable training is imparted to them by the undertaking before they are put to actual work. The undertaking has a residential colony for its employees. The smallest size of the worker's quarter consists of one living room, one verandah, kitchen, bathroom and latrine. Workers drawing salary upto Rs. 150/- p.m. were allotted this type of quarter. Nine hundred workers have been provided accommodation in the colony. A good number of workers came from the nearby villages. The undertaking has six buses which make regular trips between Poona and Pimpri. The undertaking charges only Rs. 7/- per month from workers for using company's transport.

A canteen costing about Rs. 6 lakhs was under construction. The undertaking subsidises meals served at the canteen.

2. Shri L.B. Chinderkar - Helper

He has about 15 years of service. He draws a salary of Rs. 190/- per month plus a bonus of Rs. 440 per annum. He has been allotted a three roomed quarter. He is a member of the union and feels satisfied with the working of the union. He appeared to have no complaints about the management.

3. Mrs. S.D. Shukle, Charge-hand

She had 11 years of service and was drawing Rs. 219/- per month. She also gets a bonus of Rs. 490 per annum. She was satisfied with the arrangement of creches in the undertaking though she was herself not availing of the service. She is a member of the union and is satisfied with the working of the union and also generally by the treatment she receives at the hands of manager.

4. Shri B.V. Kulkarni - Chargeman

Gets a salary of Rs. 365 plus annual bonus of Rs. 800/-. He has 13 years of service. He is a member of the union. His attitude to union and management is the same as in (2) and (3) above.

5. Mrs. S.G. Pandit

She has 9 years of service and draws a salary of Rs. 198 plus annual bonus of Rs. 390. She is a member of the union. She has been allotted a three roomed quarter by the company. She is satisfied with the arrangement of creches.

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Most of the workers whom we met were members of the union and were satisfied with the working in the factory. According to the workers, the relations between the management and the union are cordial.

We also paid a brief visit to the workers' colony. The colony is clean and tidy and has all amenities. There are adequate arrangements for recreation, children's education and play grounds. The undertaking has a big cinema hall. Family passes have been issued on a nominal charge of Rs. 1.25 per family per month. Three motion pictures are shown in the hall every week.

The management explained that the rate of obsolescence of the machinery in the industry was quite high. Adequate amounts were also being spent on research.

NATIONAL COMMISSION ON LABOUR

CAMP: BOMBAY (19-10-1967)

M A H A R A S H T R A

10.00 A.M.

Record of discussions with Maharashtra INTUC and the Rashtriya Mill Mazdoor Sangh represented by :-

1. Mr. Y.V. Patwardhan,
INTUC Maharashtra.
2. Mr. B. Desouza,
R.M.M.S.
3. Mr. D.S. Salvi,
R.M.M.S.
4. Mr. M.P. Thorat,
R.M.M.S.
5. Mr. A.T. Bhosale,
R.M.M.S.
6. Mr. Raja Kulkarni,
Petroleum Employees' Union.
7. Mr. H.N. Trivedi,
Treasurer, INTUC.
8. Mr. N.S. Deshpande,
Vice-President,
INTUC, Maharashtra and R.M.M.S.
9. Mr. Mahesh Joshi,
General Secretary,
Corp. Workers' Federation.
10. Mr. Dajiba P. Palhe,
General Secretary,
R.m.m. Sabha, Amalnor.
11. Mr. P.N. Inamdar,
R.M.M.S.
12. Mr. A.N. Likhate,
Rashtriya Mill Mazdoor Sabha.

1. The organisations are in favour of a common code for labour and a common labour judiciary. The procedure to be laid down under the Code should be simple.

2. The definition of worker should include supervisory staff but should exclude the managerial section. The excluded section should be very small.

3. There should be common Standing Orders. The Standing Orders should contain provisions for procedure to be followed in case of disciplinary action.

4. Subject to the specific meaning which has been attached to judiciary and which should not be introduced in a similar machinery for labour adjudication, the organisations would prefer a separate judiciary for labour cases.

5. Appointments to such judiciary should be on the advice of the High Court. Sitting judges could be appointed as tribunals with the concurrence of the High Court. The Bombay method which is based on a panel to be given by the Chief Justice from which to select a judge should be followed. (This part of the evidence will stand corrected in the light of Labour Minister's observations on 20-10-67).
6. The tenure of such judges should be 3 years.
7. The decisions of Labour Court/Industrial Court should be final. There should be no appeal because of the delays involved in its disposal. If delays are substantially curtailed, it may be possible to provide for one appeal.
8. Under the present arrangements there is too much of a legalistic approach; this should be avoided in any policy to be laid down for the future.
9. The parties should be permitted to lead evidence in some cases; decisions purely on the basis of affidavits may not be desirable.
10. There should be no collective bargaining if it is to be allowed only with strikes/lock-outs in case where parties do not settle.
11. Collective bargaining with voluntary arbitration agreed to in advance will be the most desirable arrangement.
12. Collective bargaining agreements should include a clause for voluntary arbitration in cases where there is difference of opinion between the parties about interpretation of collective agreements.
13. The organisations are against adjudication.
14. If employers/workers refuse voluntary arbitration or refuse inclusion of such a clause in the collective agreement and there is a dispute on this account, the union should be free to strike and employer to lock out.
15. In case of non-implementation of voluntary arbitration award by employer, workers should be free to strike.
16. Strikes and lock-out should stand on the same footing. The employer should be free to lock-out in case workers do not accept the award of an arbitrator. The statutory provisions for recognition should be as in the B.I.R. Act.
17. Voluntary arrangements such as the Code of Discipline, Industrial Truce Resolution, should also continue.
18. The idea of a secret ballot is attractive but may not be workable in India for a long time. Labour, because of its illiteracy, is not conscious of its rights and all malpractices of elections will figure in case secret ballot is resorted to.
19. Recognition should be by a scrutiny of membership. How impartiality should be introduced in the scrutiny and how Government interference in scrutiny should be minimised, are details which it should be possible to evolve.
20. An independent machinery of the type of Election Commission may answer the requirements.

21. There should be no craft unions but only industry-wise unions in local areas.
22. Since the rank and file membership shows its preference to a union by paying a membership fee to it, there is nothing to be gained by secret ballot arrangement.
23. The arrangements under the Bombay Act for recognising a union should be made common elsewhere.
24. The R.M.M.S. has acquired the right of collection of union dues in the factory premises because of its having been declared as a union on the approved list under the B.I.R. Act. Some unions do not seek this status because the statutory requirements of an approved union go against the union constitution.
25. A strike can succeed irrespective of the strength of the representative union because it is possible to arouse feelings of workers on topical issues. Success in taking workers on strike should not be construed to reflect upon the representative character of the union which gives the strike call.
26. It is not possible to introduce all ideas of democratic institutions in regard to the recognition of a union by the employer.
27. The controversy over 'outsider' in a union is mis-conceived. Outsiders have served the interest of labour well and will continue to do so in future. Status quo should remain in this regard. Outsiders are not necessarily politicians. Majority of office-bearers of the organisations are not members of any political party. Persons who are whole-time workers in the cause of trade union, though they may not have handled tools, should not be considered outsiders.
28. The R.M.M.S. did not want Works Committees in the textile units because all issues which are likely to be decided by such committees are taken up by the union with the management, and are settled across the table.
29. In due course, it will be possible for workers to close trade union ranks through the process of education.
30. Conciliation can play a useful role provided the officers enjoy the confidence of the parties and also provided the personnel manning the service is tuned to the philosophy of conciliation. The working of the conciliation machinery so far cannot be considered a success.
31. Tribunals should be given powers for realisation of money dues and claims from the employer. They should also be empowered to impose penalties on employers in case of non-implementation. The Bombay pattern, which provides for mutuality of obligations on unions and employers appears to be adequate for the purpose.
32. There should be a need-based minimum wage. The organisations do not have data at present to show the relationship between the need-based minimum and per capita national income.
33. Disparities in wages in different industries have been a constant cause of dispute. An attempt should be made to reduce them.

34. There are categories where a link between productivity and wages can be established. It should be understood that this cannot be introduced in all occupations/industries. With regard to the minimum wage, there should be a statutory minimum. In all other cases, collective bargaining of the concept explained earlier should prevail.

35. When Government runs "sick mills", Government should not be permitted to offer to workers a lower wage. According concessions in this regard will be against the interest of workers as a whole.

36. Participation in strike should not be considered a serious misconduct, provided adequate notice has been given. There should be no strike without notice.

37. When workers indulge in violence during the course of a strike, it should be considered a serious mis-conduct.

38. In cases where a union is recognised for the industry as a whole, there can be cases of units where it will not have a sufficient following. Wishes of the representative union for the industry will have to prevail because if the argument is carried too far, even a unit-wise union will find it difficult to operate. Such a union will not have a representative status in every section of the factory/unit.

39. Sectional and communal unions should be banned by legislation.

NATIONAL COMMISSION ON LABOUR

CAMP: BOMBAY (19-10-1967.)

M A H A R A S H T R A

11.10 A.M.

Record of discussions with Maharashtra A.I.T.U.C.
represented by :-

1. Mr. P.K. Kurane.
2. Mr. K.N. Joglekar.
3. Mr. V.M. Varghese
4. Mrs. Roza Deshpande.
5. Mr. G.V. Chitnis.
6. Mr. B.S. Dhume.
7. Mr. Vithal Chandhaya
8. Mr. P.V. Upadhyaya.
9. Mr. G. Sundaram.
10. Mr. S.Y. Kolhotkar.

1. There should be one labour code. It should be a simple code.
2. The salary limit for defining the term 'worker' under the proposed code should be raised sufficiently. It should also allow for variation in this limit when the cost of living rises.
3. Unless there is a clear classification of supervisory and non-supervisory categories, all technical persons should be considered 'workmen'. There should be no discrimination in the definition of workers according to the salaries or wages of workers - all workers should have some legislative protection. If there are persons who are not to be covered under the class of 'workmen', there should be individual contracts between employer and the workers not so covered.
4. Standing Orders should prescribe the procedure for departmental enquiries for disciplinary action.
5. There should be no third party intervention. But if Commission has to recommend such intervention ultimately, the appointments to industrial tribunals should be made by High Courts.
6. The pattern for recognition of unions as under the BIR will not be workable.
7. There should be full and free collective bargaining with all its implications.
8. All industrial legislation should be on the basis that unions must be recognised.
9. Strikes and lock-outs should not be on the same footing. Strikes should be permitted whereas lock-outs should not be. There can be no mutuality in this respect.
10. In many cases where a strike leads to violence, it is the police intervention which creates difficulties. Police intervene in order to permit strike breakers to go in the establishment and undermine workers' solidarity.
11. When a strike is the result of a strike ballot, the minority should not claim its right to work during the strike period.

12. Strike is in every case a serious decision and, therefore, it is resorted to only after ascertaining the wishes of workers.

13. It is not possible to separate politics from trade unions.

14. There can be even partisan politics in unions. At the same time it should not be understood that in all unions a particular line of political thinking is necessarily pursued.

15. In the union of bank employees, workers in insurance industry, petroleum workers, workers engaged in engineering industry, railways and in some other unions, the executive of the union consists of persons belonging to different political persuasions. In this sense, there is already a labour front in existence in some fields at least. This trend should be encouraged by building up of similar organisations of workers elsewhere. Even if there is politics at present, it should be possible to get it sorted out in the long run.

16. Conciliation proceedings in many cases are a farce. This is because there is a lack of perspective in all conciliation work. The success of conciliation would be limited even where the officer has imbibed the spirit of conciliation and is given adequate powers.

17. There should be no adjudication. But, if the Commission ultimately decides in favour of adjudication, unions should have a direct approach to the tribunal.

18. There should be penal provisions for non-implementation of agreements, awards, etc. Such a provision should be only against employers. There should not be similar obligations on workers. This is because workers have to face disciplinary action if they do not fulfil their part of the obligation. The aggrieved union should have power to take penal proceedings against the employer direct and not with the intervention of Government.

19. There should be a secret ballot. It may be confined to an electoral college of union members. If it is to be so confined, the present arrangements by which an approved union (under BIR) gets facilities for collecting subscription in the factory compound will have to be discontinued since they give undue advantage to a union subscribing to a particular philosophy in enrolling members and ultimately affect the fairness of the electoral college. If this special privilege for approved unions is removed, it should be possible to have an electoral college which will elect the representative union.

20. There is also a possibility that if all unions are permitted to collect dues at the premises, it will create other undesirable situations even without approved list provisions. It may be difficult in such cases to agree to an electoral college confined to union members for electing a bargaining agent.

21. There should be a need-based minimum which takes into account the requirements of a human being. Any minimum which does not take into account such needs, should be rejected.

22. Productivity considerations should not generally prevail in wage fixation. This is because there have been cases where as a result of productivity drive, lay-offs and retrenchments have taken place. Similar situations can be envisaged for the future.

23. Linking of wages with productivity can succeed only where continuity

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of employment is assured. Also productivity should not be a consideration in arriving at the need-based minimum wage.

24. There should be some special provisions for protecting employment of women. The percentage suggested was 20% in textile and 50% in clerical jobs.

NATIONAL COMMISSION ON LABOUR

CAMP: BOMBAY (19-10-1967)

Maharashtra

12.10 P.M.

Record of discussions with Maharashtra H.M.S.
represented by :-

1. Mr. Vasant Gupte.
2. Mr. S.S. Tawde.
3. Mr. Vilas Gandhi.
4. Mr. Vasant Khanolkar.
5. Mr. Ram Mahadik.

There should be a common labour code with permissible variations in view of regional differences. Broad principles however, should be laid down.

2. The procedure for disciplinary action should be incorporated in the standing orders.
3. A common judiciary for which the Chief Justice of the High Court names the persons should be established for settling labour disputes. Sitting judges should man such tribunals.
4. The organisations wanted litigation to be reduced as far as possible; there should be no appeals except on constitutional points.
5. Powers should be given to the same court for redressing complaints about non-implementation. These powers should be both for recovery of dues as also for penalising non-implementation.
6. Penalty for non-implementation should be based on the principle of mutuality as between employers and workers.
7. Government interference should be reduced as far as possible.
8. There should be collective bargaining and an agreement in advance for voluntary arbitration incorporated in case of failure in reaching agreement. There should be no compromise on workers' right to strike. The employers should have a similar right of lock-out.
9. Where collective bargaining is not possible, i.e. in cases where labour is not organised there should be legislation for protecting workers' interests.
10. Outsiders will be necessary for sometime for helping trade unions. Wrongs attributed to outsiders are unduly magnified. The alleged political partisanship can be eliminated if workers are educated and are made union conscious. This could be a long but sure process.
11. Allegation that strikes are motivated by political considerations is not well-founded. There are some basic economic causes which fall within the legitimate activities of trade unions which lead to work stoppages. Trade unions activities cannot be compartmentalised, nor can the causes of strike.
12. The recognition under the B.I.R. Act depends on verified memberships. Since it is always possible to manipulate membership B.I.R. should not be favoured. Secret ballot will be the only way out.

13. The provisions for including unions in the approved lists under the B.I.R. Act is unjust. This will create complications in giving union members alone the right to vote in the secret vote elections.

14. Another reason why secret ballot of all the workers is desirable is that if matters are decided by recognised unions their applicability to all workers will be easier. All workers, therefore, should participate in the ballot.

15. Minimum wage should reflect the basic needs of workers. The national minimum should also be defined in relation to such basic needs; there can be some regional variations also. Such minimum wage should not be linked to productivity.

16. Rigid levels of wages will be difficult for skilled workers. As a consequence it is possible that some disparities in wages will remain and as a result there will be labour mobility also. Such mobility is desirable.

17. Workers' right to strike should not be taken away nor should the right of employer to lock-out. It is after such struggle that both parties learn to maintain better relations. They can become more cooperative after the lessons on strike/lock out are imbibed.

18. Incentive schemes with some safeguards for security of employment and against rate-cutting will be accepted by workers if they are associated with framing them.

19. Industrial relations policies should not merely be judged in terms of their effect on industrial peace. If a conflict can lead to a rational development of industrial relations it should not be tabooed.

20. Domestic enquiries are vitiated because trade union officials are not permitted in such enquiries. If cases arising out of such enquiries are taken to courts the practice in courts which permits fresh evidence to be led also requires to be discouraged.

21. Courts either settle the point by their decisions or the case is referred back to the employer for a fresh inquiry. Once a case involving disciplinary action is taken to a court workers would prefer a final settlement by the court.

NATIONAL COMMISSION ON LABOUR

CAMP: BOMBAY (19.10.1967)

3.00 P.M.

MAHARASHTRA

Record of discussions with Hind Mazdoor Panchayat,
Maharashtra represented by:-

1. Mr. V.N. Sane.
2. Mr. D.V. Lonkar.

A uniform labour code should be attempted. In defining the term 'worker' for the proposed code there should be no salary considerations. Supervisory class should also be included. There is a case, however, for excluding supervisory personnel which have management functions.

2. Standing Orders should prescribe the procedure for domestic enquiries.
3. There should be a labour judiciary, the appointments to which should be made by the Government after a panel is given to it by the High Court.
4. In all labour cases which go to court one appeal should be permissible. High Court should be the appellate authority. The argument about delays as a result of such appeals does not find favour with the panchayat (The panchayat will send a note about the procedure to be adopted in labour tribunals in particular on whether the court should decide on the basis of affidavits or after recording evidence).
5. The ultimate goal should be collective bargaining, but the panchayat would retain the present position till such time as collective bargaining can be really effective.
6. General experience of conciliation is good. About fifty per cent of the cases are settled by conciliation.
7. Union membership should be made compulsory.
8. There should be one recognised union. It should be majority union claiming more than 50 per cent membership. If there is another union which has about 2/3rd of its membership it should also be permitted to operate along with the majority union. Such union could at some stage contest in a secret ballot. This suggestion is being made in order that there should be some check on the recognised union.
9. Secret ballot should be confined to union members. There should also be a provision that if a majority of the workers desert a union by expressing disapproval in writing a fresh election should take place.
10. The working of the B.I.R. Act is satisfactory.

11. The Panchayat would prefer plant-wise unions. There should be no craft unions.
12. The panchayat does not recognise a distinction between insiders and outsiders. Though outsiders are permissible upto a certain percentage among the trade union officials, the actual percentage is as low as 5 percent.
13. It is possible that there are political strikes organised by unions but to say that outsiders alone are responsible for organising such strikes is not correct.
14. It is feasible to have a joint labour front in the sense that in the executive of a union persons belonging to different political persuasion should be able to work. The All India Railwaymen's Federation was cited as an instance where such conditions prevail.
15. At the same time there is a case for insisting that union office bearers should have the same political persuasion. This is because the union can then remain well knit and can work better.
16. Conciliation officers should have powers for adjudication in regard to disputes in small units.
17. Right to make reference to adjudication should be with the conciliation officer and not with Government.
18. There is nothing wrong in permitting a direct reference by the aggrieved party to a tribunal.
19. The Panchayat supports the need-based wage formula of the 15th Indian Labour Conference.
20. As to the linking of wage to productivity, the experience has been that rise in productivity has not necessarily led to better wages or larger employment. There can be incentive payments but these should be built up after a need-based minimum is assured.
21. A minimum notice for strike should be there for public utilities. In other cases notice should be there but it could be shorter.
22. The observations on page 89 of the Panchayat's memorandum were then explained.
23. Promotions should be by seniority alone.
24. Close-shop arrangements will help the trade union movement.
25. The tripartite decisions in the Labour Conferences are taken in a light hearted manner. There are no sanctions if these are not followed either by employers or by workers. Such decisions are also flouted by Government.
26. For employment opportunities, preference should be given to local people. This should not be secured by statute but there should be a convention established for the purpose.

Contd....3/-

27. In fixing wages above the minimum, various considerations like capital formation, the stage of development of the industry, and broader national interest will be relevant.

28. A part of bonus payments should be used for amenities to workers like housing.

NATIONAL COMMISSION ON LABOUR
CAMP: BOMBAY (19-10-1967)

M A H A R A S H T R A

4.30 P.M.

Record of discussion with:-

1. Mr. S.R. Mohan Das.
2. Mr. V.B. Karnik.

Shri Mohan Das:

Outsider is one who has not worked in an establishment. Outsider is necessary in the current situation. The role of the outsider is not in dispute but the relationship which he holds with the union is a matter of controversy. This confusion in mandates should be removed - leadership need not be in the hands of an outsider.

2. If a worker is worth his wage, he certainly has a perception of the need to organise with a view to improving his wage.

3. Even where a union is completely manned by insiders, it should be possible for it to seek technical advice by payment of fees. The financial arrangements in a union should be such that seeking of such advice can be feasible.

4. While it is not possible to take out persons who have devoted their lives for labour work, such outsiders need not be encouraged in future. Workers who could devote time for such work as was possible formerly are in any case not increasing in number in relation to the needs of trade unions in future.

5. While outsiders have played a useful role in the past, they have also been somewhat of a deterrent for the development of internal leadership. However, there is at present some erosion in the existing leadership. With this erosion and the slower tempo of development of inside leadership in the last few years, there has been, on the whole, a weakening of the trade union movement.

6. For an insider, it should be possible to have active political interest. However, politicians should not be in the trade union movement.

7. There should be no participation in management. If such participation right is given, workers lose their inherent right of contesting management decisions. This is more important for a worker for improving his position than the mere right to participate in management. In this context it is more important that workers should participate in the management of their union.

8. The quality of trade unions has suffered because under the Trade Unions Act submission of trade union returns has become a mere formality; there is no attention to quality in such returns.

9. Many of the remedies which the Commission is likely to examine for improving labour conditions, will be redundant if workers are able to run an effective union.

10. There should not be an obsession with the feeling that strike is necessarily bad. One should not be afraid of conflict. There can be a better harmony in situations which emerges out of conflicts and even repeated conflicts.

11. Within his knowledge there are not many cases where insiders in a union have left, sorts of power in this country or abroad. (This was an answer to a point raised by Mr. Kotwal).

12. It should be possible to define clearly bargaining issues, bargaining areas and bargaining units. The absence of precise definition of these matters has led to considerable confusion at present.

13. If there is this clear definition, it should be possible that grievance issues can be settled in the Works Committee and matters regarding wages can be taken for bargaining with the union. Wages should be settled at the industry level.

14. There should be no protection given to supervisory personnel. The history of the last 10 years shows that such personnel has been able to improve its position without this protection.

Shri Karnik

1. Outsiders should not now control the affairs of a union. Whoeltime workers for trade unions may be treated as insiders.

2. Primary function of a trade union cannot be political. There is, however, no harm in members taking active interest in politics.

3. It is possible that trade unions will ultimately have a front of their own. Even a labour party on the lines on which it was evolved in some other countries may develop in India.

4. There should be a greater association of trade unions in the affairs of the economy. The present arrangements by which only bread and butter issues are discussed with trade unions should be replaced by one where such a proader consultation should be feasible.

5. Adjudication helped workers in the early years because of their weak bargaining position. At the same time, it has now developed both among workers and employers a litigious attitude. Workers believe not in their strength but in the ultimate fairness of industrial tribunals.

6. There should be progressive abolition of the adjudication machinery. If this is to be tried, the industries to be chosen for this purpose are Iron and Steel and Ports and Docks.

7. He would prefer secret ballot with every worker voting. Once the union is settled on the basis of secret ballot, there should be union-shop and check-off arrangements. This alone will make the recognition worthwhile.

8. Strikes should be permissible with due notice.....

9. There should be a common Labour Codes. The salary/wage limit for a worker who would be governed by the Code should be Rs.1,000. As regards supervisors, it is better to leave the position flexible.

10. There should be a common judiciary. The present Bombay pattern of appointing personnel to the Court is appropriate.

11. The present practice of industry or plant union may be continued. It should be possible for the parties to come to an arrangement at a plant level. This will affect, to some extent, standardisation but for achieving standardisation, it should be possible for government to lay down certain norms within which the parties are to negotiate.

12. Regarding bonus Shri Karnik will supply a separate note.

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NATIONAL COMMISSION ON LABOUR
CAMP: BOMBAY (20-10-1967)

MAHARASHTRA

10.00 A.M.

Record of discussions with Mill Owners' Association,
Bombay represented by:-

1. Mr. Ramprasad Poddar.
2. Mr. J.L. Gore.
3. Mr. M. Piramal.
4. Mr. C.B. Date.
5. Mr. P.M. Mantri.
6. Mr. R.L.N. Vijanagar.
7. Mr. Pratap Bhogilal.

The new formula for bonus proposed on behalf of the Commission (L.A.T. minus rehabilitation) will be difficult to work in practice. Labour generally is satisfied with the formula which has been evolved in the Bonus Act, but when it comes to the quantum they show dissatisfaction.

2. The Association will accept a unified Labour Code in principle. There should be a common labour judiciary appointments to which will be made by the High Court. So long as the appointment is with the High Court, the Association did not mind whether retired Judges were appointed for the tribunals. They should, however, have a fixed tenure. The procedure for disciplinary action should be a part of the Standing Orders.

3. The L.A.T. should be revived.

4. The Association did not have many complaints about dismissals, nor was there great difficulty in maintaining discipline in factories.

5. The Association favoured collective bargaining with all its implications. This alone could help in establishing responsibility at the plant level.

6. There should be statutory recognition of unions. The Association preferred secret ballot to arrangements under the B.I.R. Act. (On the question of secret ballot the Association wanted time to give its considered views subject to what has been said. As regards the point made by Mr. Karnik on the merger of unions after the bargaining agent has been selected by secret ballot the Association would give its considered reply later.)

7. There should be no rights for minority unions because cases not belonging to the members of the recognised union are taken by the union for redress by employers.

8. There would be difficulties in entering into arrangements on industry-wise unions, but even so the Association would prefer industry-wise unions.

9. The arrangements under the B.I.R. Act on the whole have worked better. (The Association will supply statistics for this claim).

10. There should be no craft unions.

11. The Association will have no objection to have outsiders in a union provided that they are good and reasonable. (The Association will elaborate its views on this subject in a separate note). However, an insider living in working class environment naturally understood the workers' feelings better; outsiders will always be more susceptible to outside influence.

12. It is possible that insiders will have political leanings, though in understanding their own interests they are always more practical in their approach. A wholtime insider is always an asset to a trade union.

13. A dismissed worker should not be treated as an insider. One who leaves the work after a certain period of work for trade union work should be considered an insider.

14. The Association did envisage a period when persons with different political affiliations could work together in a union. (The Secretary of the Association had a different view on the subject).

15. The Association did not mind political affiliation so long as they did not come in the way of better industrial relations. Influence of politics on industrial relations is something which the Association did not want.

16. The political affiliation of unions has not been harmful to trade unions in the textile industry in Bombay.

17. In calling and sustaining strikes, unions other than the recognised union become active; but for constructive work it is the recognised union alone which gives help.

18. Conciliation has not been a success in the case of major labour dispute; it may have shown results in minor ones. The Association has no problems of non-implementation. Under the B.I.R. Act there is a provision which gives the aggrieved worker a right to seek redress from the employer.

19. There should be a full play for strikes and lock-outs.

20. Regarding the need-based minimum, the main argument will be how the payment of such wage will affect prices for the consumers. (On this issue a detailed reference will be made in the Association's memorandum.) The Association's present view is that the economy has not yet reached a stage where a need-based minimum could be fixed.

21. Need-based minimum should have some relation to the per capita national income.

MAHARASHTRA

11.00 A.M.

Record of discussions with All India Manufacturers' Organisation, represented by:-

1. Dr. B.V. Bhoota.
2. Mr. P.L. Badami.
3. Mr. G.L. Kothari.
4. Mr. G.M. Parikh.
5. Mr. Ram Agarwal.
6. Mr. N.D. Sahul ar.
7. Mr. B.D. Sonani.

Industrial relations policy should be so fashioned that it will promote production and productivity.

2. Common Labour Code with common judiciary appointments to which will be in the hands of the Chief Justice will be acceptable to the organisation. Judges should have, some economic background in view of the financial stakes involved.
3. There should be appeals on points of law but none on points of fact.
4. There should be no collective bargaining in public utilities. Government should not relinquish its responsibility in regard to maintenance of these services for the public.
5. Standing Orders should prescribe procedure for disciplinary cases.
6. There should be statutory recognition of unions.
7. There should be secret ballot for recognition of unions. Once a union is recognised, it should have a fixed period of tenure.
8. The Organisation would prefer unit-wise recognition. In industries where there is uniformity of work, however, industry-wise unions may be recognised. Plantations, textile etc., can have industry-wise unions, but engineering units should have unit-wise unions.
9. The Organisation would prefer a classification of areas - urban/rural and separate area-wise consideration in regard to settlement of disputes.
10. A person who has worked once in an industry should be considered as an insider. The Organisation firmly believes that education for unions will promote inside leadership. Workers are now strong enough to build up their own unions. Outsiders, however, may continue to remain as advisers to the unions. (The Organisation will supply a note on how outsiders could be excluded from union consistent with the provisions of the Constitution).

11. Politics should not be tabooed in either the workers' or employers' organisation, but professional politicians should not take keen interest in these organisations. A person can even be an active politician and be in a trade union movement; but in such cases he should not bring his politics in unions' affairs. There should be a mutual obligation on employers' and workers' organisations in this respect. (The Organisation will refer to this aspect also in its paper).
12. The Organisation does not contribute to political funds. However, individual units are free to make such contributions.
13. The Organisation has made no representation about the discontinuation of political funds by the employers.
14. The Organisation will be in favour of management training on the same lines as training for workers.
15. Minimum wage should be associated with a minimum quantum of work. (There will be references to this aspect and also to bi-partite consultations in the memorandum which the Organisation will present.)
16. The present labour policy has not yielded the result it should have. (The Organisation will indicate the lines on which policy changes should be made.)

NATIONAL COMMISSION ON LABOUR
CAMP: BOMBAY (20-10-1967)

MHARASHTRA

12.00 Noon

Record of discussions with Bombay Chamber of Commerce, the Federation of Electricity Undertakings of India, Indian Engineering Association (Western Region), Cement Manufacturers' Association and the Automobile Dealers Association of Western India Ltd., represented by:-

1. Mr. G.L. Govil,
Associated Cements Ltd.
2. Mr. R.G. Gokhale,
Cement Manufacturers' Association.
3. Mr. M.G. Chinoy,
Automobile Dealers Association Western India Ltd.
4. Mr. M.S. Lathi,
Automobile Dealers Association Western India Ltd.
5. Mr. L.M. Parischia,
India Engineering Association.
6. Mr. M.C. Janokia,
Federation of Electricity Undertakings.
7. Mr. H.R. Vijifdar,
Federation of Electricity Undertakings.
8. Mr. A.T. Rajiji,
Engineering Association of India (Western Region).
9. Mr. T.L.A. Acharya,
Indian Engineering Association of Bombay
Chamber of Commerce.
10. Mr. S.C. Bakshi,
Indian Engineering Association of
Bombay Chamber of Commerce.
11. Mr. J.B. Bowman,
Bombay Chamber of Commerce & Industry.
12. Mr. H.R. Vicaji,
Indian Engineering Association (W.R.).
13. Mr. W.C. Cole,
(Mazagaon Dock Ltd.),
Indian Engineering Association (W.R.).
14. Mr. T. Mathew,
Guest Keen Williams (I.E.A.).
15. Mr. L.C. Joshi,
Bombay Chamber of Commerce & Industry and
Indian Engineering Association (W.R.).
16. Mr. P.C. Mehta,
Bombay Chamber of Commerce & Industry &
Indian Engineering Association (W.R.).

There should be a common labour code, but in drawing it up there should be no disturbance to the settled law.

2. There can be variations in the definition of workers according to the objective for which the legislation has been framed. By and large the present definition of worker appears to be adequate with specific regard to salary limits.

3. There should be a common judiciary, the appointments to which should be made by the High Court. Tribunals should have persons on it who have some understanding of industry and also of the functioning of trade unions.

4. There should be no tripartite judiciary. (On this point the Organisations will supply further views). An arrangement where a Judge could be helped by assessors as at present should be adequate.

5. L.A.T. should be revived. It has helped in building up a substantial case law in labour disputes. This will result in having a quicker settlement of disputes.

6. Voluntary arbitration also takes a long time. On this basis it cannot be a substitute for other modes of settlement of disputes.

7. There are difficulties in voluntary arbitration because procedures for such arbitration are not adequately defined.

8. One view was that there should be no collective bargaining. Another view accepted collective bargaining conditionally. The condition for acceptance was that voluntary arbitration should be agreed to in advance in case collective efforts fail.

9. Secret ballot with right to vote for all workers was preferred (Mr. Gokhale made an alternative suggestion that a union should not be allowed to enter contest for seeking representative character through secret ballot unless it has adequate membership. Generally if there is a large union and the second union is within striking distance the two unions should be allowed to try out their popularity in the secret ballot.

10. Recognition should be unit-wise. (Mr. Gokhale felt that if there is a tradition of industry-wise bargaining in some industries, it should be retained).

11. Both workers education and management education would be necessary for ultimate success of industrial relations policy.

12. Conciliation has been failure by and large. Even when cases are reported to be settled in conciliation, the settlement takes place outside conciliator's office. It is only for recording the settlement under the law that they have to use the office of the conciliator.

13. If the conciliation machinery is to succeed, conciliators should be given adequate authority. (Mr. Gokhale pleaded for Mediation Service. His view was that such an arrangement will work much better because in mediation it is the parties which approach the mediator and not vice versa.)

14. The general experience of employers is that because of the shortage of conciliation officers and because of other pre-occupations of this small number, conciliation has suffered.

15. The 15th Indian Labour Conference formula requires a review. Exception mentioned in the formula has become the main consideration in denying need-based minimum where the Tribunal or wage fixing authorities have tried to interpret the Indian Labour Conference formula. (The Organisations will supply a considered memorandum on the subject).

16. The present view is that many employers will not be able to provide minimum wage as at present quantified.

17. The need-based minimum should be introduced only when there is a fair level of production.

18. Engineers are in short supply as also trained workers. (A note will be supplied by the Organisations suggesting arrangements for training of workers).

19. The representative of the electricity undertakings felt that strikes should be banned in their undertakings because of their being public utility services. This has been done in Mysore State.

20. In considering a wage pattern all consumers of electricity require to be kept in mind because electricity enters all aspects of production. (The Organisations concerned will supply a statement of strikes on political grounds. They will also mention in their memorandum the constitutional position in regard to excluding outsiders from the unions.)

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NATIONAL COMMISSION ON LABOUR

CAMP - BOMBAY -- 20-10-1967.

M A H A R A S H T R A.

3.00 P.M.

Record of discussions with Maharashtra Government :

1. Shri N.M. Tidke,
Labour Minister.
2. Shri S.V. Bhawe,
Secretary, Industries & Labour Deptt.
3. Shri B.V. Laud,
Deputy Secretary.
4. Shri D.G. Kale,
Commissioner of Labour.
5. Shri C. Thomas,
Director of Employment.
6. Shri N.L. Gadkari,
Chief Inspector of Factories.
7. Shri T.R. Bhagwat,
Deputy Labour Commissioner &

Maharashtra Government would agree to having a common Labour Code. The position with regard to the appointment of industrial tribunal in Maharashtra is that the High Court supplies the requisite names for appointment and Government accepts the names given by the High Court. Appointments are, therefore, virtually made by High Court. According to the Maharashtra Government, this is a healthy arrangement.

2. The present President of the Industrial Court was invited to accept the post after his retirement from the High Court. Normally, there is no extension granted to retired judges once they are appointed for a fixed tenure on the recommendation of the High Court.
3. Standing Orders should provide for a procedure to be adopted in disciplinary cases. Maharashtra Government would give a trial to collective bargaining up to a point; thereafter, it would seek the concurrence of the parties for voluntary arbitration and if no concurrence is possible, cases could go to adjudication. The Government would support the continuance of the present arrangements for the settlement of disputes.
4. These arrangements can take away some seriousness in the matter of collective bargaining, but this appears to be inevitable. There is no industry in the State of Maharashtra which is ripe for collective bargaining with all its consequences.
5. Maharashtra Government does not favour secret ballot. Loyalty of members is the main strength of unions. It is not adult franchise. There are day-to-day dealings with the management; there is give and take. Where unpleasant decisions are to be taken, the union should be able to count on the loyalties of its members. Therefore, membership can be the only criterion for deciding the representative character of a union.

6. It is incorrect to assume that Maharashtra Government shows special favours to I.N.T.U.C. (A statement showing the recognition secured by organisations with different trade union affiliations under the B.I.R. Act and also under the Code was supplied).
7. It is possible that in a secret ballot, workers belonging to different persuasions can come together merely to defeat the majority union.
8. The present arrangements under the B.I.R. for recognition of unions are satisfactory. The suggestion that after the secret ballot there should be a check-off and union-shop, was not favoured by Maharashtra Government.
9. It is not correct to say that the present method deprives a union with real strength from securing recognition.
10. The Maharashtra Government would prefer industry-wise unions in cases where there is some historical background to their existence as in the case of textile industry. In other cases, unit-wise recognition would be appropriate. This will not lead to disparity in wages because the impact of agreements travels fast from unit to unit.
11. It is not the experience of Maharashtra Government that a recognised union cannot deliver the goods at the plant level. In a minority of cases this may happen.
12. Outsiders will be necessary in managing the affairs of unions for some time to come. Persons who have dedicated their careers to trade union work should not be considered outsiders.
13. Trade unions should continue to be with one political party or the other, though these should not be the wings of a political party. Politics certainly is an important force in the life of the workers as much as in the lives of the rest of the community.
14. There will be also cases of partisan politics. These should not be shunned. This situation will improve only when political parties themselves get polarised; in that situation, it should be possible to move in the matter of unity in trade union movement.
15. Multiplicity of political sympathies within a union is likely to create difficulties in the working of a union.
16. Legally, it may not be possible to take out political leaders from the trade union movement. A reasonable restriction to put on union leadership should be that a person who has been an office-bearer of a political party should not be allowed to be an office-bearer of a trade union also.
17. According to the Maharashtra Government, conciliation has been effective. There has been many cases settled in conciliation. (A statement on the effectiveness of the machinery will be supplied).
18. The Maharashtra Government have set up a Personnel Management Service which takes cognizance of disputes when parties on their own approach this Service for advice. There is informal consultation with the parties on the basis of norms evolved for the settlement of different demands. Conciliation Officer comes into the picture thereafter.
19. Conciliation Officers do not take their work casually as is alleged, because of the difficulties of their handling other responsibilities. There have been over the last few years special attempts for curtailing delays in conciliation and there are cases of even major disputes being amenable to/settled in the conciliation machinery.

20. Individual cases can go straight to the courts. But, in the case of collective disputes, unless there is a sole bargaining agent, it will be inadvisable to give unions a direct approach to the court. There is no favouritism about the reference of disputes to adjudication as between unions of different affiliations. (A statement will be supplied by Maharashtra Government to establish this point).

21. There are some principles which have been evolved for taking decisions about reference of cases to adjudication. These are strictly followed.

22. With regard to non-implementation of awards, the aggrieved parties can go to the court direct to file a complaint (without reference to Government).

23. There is a need to fix a national minimum. A practical view will have to be taken in the fixation of this wage. It will be somewhat lower than what has been suggested as the need-based wage by the Indian Labour Conference.

24. Beyond the minimum, wages should be linked to productivity. Even in case of minimum wage, some norms of work should be fixed.

25. Wages/productivity should be linked to. There should be a merger of a substantial part of dearness allowance in the basic wage. Such merger is opposed by employer. If linking with productivity is effected on the basis of merged wages, improvement in productivity will be quicker.

The Supreme Court decision has come in the way of settlement of bonus disputes. In view of the stakes involved, it is desirable to have intervention in such matters at the highest level.

26. Maharashtra Government feels that it should be possible to resolve bonus disputes if a formula which is based on the relationship between the average production and the quantum of bonus paid over the last 3 to 5 years, is accepted by employers.

27. Intra-union rivalries will always remain since they depend on the struggle for leadership. This is irrespective of whether leadership is from within or without.

28. Consumers cooperatives in Maharashtra have not been much of a success. There have been recently some defalcations of provident funds. (A statement showing the cases where this has occurred will be supplied). These are, however, exceptions. Generally, the arrangements for P.F. are working well. Recent difficulties in the engineering industry have come in the way of a more effective working of P.F.

29. P.F. Commissioner takes adequate precautions to see that the property of the industry is not sold out before workers' P.F. claims are settled.

30. When the Government takes over sick industries, full payment of wages should be made wherever possible. Lower wages if paid, should be a temporary phenomenon. If profits are made, wages can be made good with retrospective effect.

31. L.A.T. need not be revived.

32. Wages should not be taken out of the purview of the State machinery and adjudication. If Wage Boards function properly, the tendency to approach the adjudicator would be less. If Wage Boards are abolished, then, it will mean resort to collective bargaining. Maharashtra Government is opposed to that.

33. It will not be desirable to give subsidised food to employed persons only. However, a beginning may be made in some selected industries to provide some essential consumer goods at subsidised prices so that there is 100% neutralisation with respect to those items. This will be possible if the cost of living indices reflect subsidised prices. This should be tried where industry is in a compact area.

34. Hospitals should be taken out of the purview of the I.D. Act.

35. A Committee had been set up to enquire into the working conditions of the employees of the cooperative factories. (The report when ready will be made available to the Commission).

36. Courts should be empowered to go into questions of fact in case of dismissal. This may not, however, be applied to personnel and confidential services.

37. A Committee had been appointed for the Textile Industry to report about the large percentage of temporary employees. (The report of the Committee has since been received and a copy will be made available to the Commission.)

38. Unfair practices of both the sides should be defined and made actionable. We are appointing a Committee to go into it.
