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NCL. Ref. No. AS-V. 117

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NOWGONG RICEMILLERS ASSOCIATION

(ESTD : 1951)

(Registered under Societies Registration Act-XXI of 1860)

REPLIES TO THE QUESTIONNAIRE ISSUED

BY

GOVERNMENT OF INDIA

National Commission On Labour

NOWGONG : ASSAM

June 28, 1968,

NATIONAL COMMISSION ON LABOUR.

SECTION ONE.

QUESTIONNAIRE.

1. Name and address
of the respondent :
- Nowgong Rice Millers Association**
Haibargaon
Nowgong (Assam) Phone : 303.

I RECRUITMENT AND INDUCTION.

Recruitment :—

1. (a) Through contractors and introduction of existing employees.
(b) As far as this typical industry is concerned, the arrangement is satisfactory.
2. Skilled and Semi-skilled labour is in short supply. Vocational Institutes in each State— preferably at District levels should assess the actual type of trade/Industry growing in the area— the estimated requirement of personnel, category-wise, and ensure training accordingly.
4. As far as the industrial labour in Rice and Oil mills are concerned majority of them are migratory. The problems they pose are : (i) Uncertainty in the field of production and its volume.

- (ii) Waste of energy and time in trying to give them the bare necessary training on appointment.
 - (iii) Difficulty in enforcing discipline and various social and welfare legislations including the continuity of the P. F. a/c and in making them permanent after the minimum period of work.
 - (iv) Difficulties in forming the grievance committees and implementation of the grievance procedure unitwise, when each mill is treated as a unit. The works committee cannot also be possibly formed.
 - (v) The labour under the contractor varies from day to day. The minimum or maximum number of labour maintained by the contractor are not known to the employer and therefore the appropriate section of the Indian Factories Act and the rules framed thereunder can not be made applicable to the group under the contractor while the employers have sometimes to face unnecessary difficulties for alleged violations for no fault of theirs
6. In view of item 4 above most of the labour in the industry represented by this Association, are of casual in nature. If decasualisation is to be made, the respective unions and the labour concerned have to be brought under certain obligations so that the labour may not leave the job any-time at their sweet will and pleasure without giving the due prior notice to the employers, if the employers are expected to comply with the law and procedures laid down in the Standing Orders and/or the I. D. Act.
7. From a philanthropic point view the thought of employing "physically handicapped" persons, even under certain statutory provisions deserves consideration. But the difficulty in

this regard would be the fixation of wages, which obviously has to be discriminatory as the out-turn of work will not be the same as given by a physically fit person. In case identical wage is fixed, the fit persons will naturally become slow and give less out-turn.

8. Not existing at present in the Industry represented by this Association. In some cases where apparently there is any, it is due to the non-availability of the required personnel in the locality/region, as such employments are not considered as acceptable.

Inducation :

9. Not adequate trade/industrywise. Details may please be seen in reply 2 above.
10. The Rice-milling Industry in the private sector is a dying industry due to Government's stepmotherly dealings. The industry which has not been organised well, due to various factors, which this questionnaire can not deal, also can not make necessary arrangements for any training. If the Government can open any centre it is desirable from all respects. No system of granting study leave exist in Rice-milling industry in Assam.
11. (a) Cannot be applicable in this industry.
(b) This is also not possible. The labour force which form the bulk are illeterate. The supesvoisory and managerial posts are one of each in each unit. The books and accounts are in Rajasthani way as most millers are Rajasthanis settled in Assam from generations. The promotion of an unskilled labour to the position of a skilled labour, to an apprecialbe degree, is not possible for the lack of training facilities.

II CONDITIONS OF WORK

Working Conditions :

12. (a) As far as this particular industry is concerned, the implementation is up to the maximum of its bearable limit. More satisfactory results can be obtained if the Trade Union Officials, concerning the industry, take a little pain in discharging their due responsibility, by thoroughly understanding the implications of the various enactments and explain the same to the workers properly to discharge their responsibilities satisfactorily and have the full benefit offered to them under various schemes and enactments.
13. Uniformity in total number of National and Festival holidays in different regions desirable, but the occasions for festival holidays may differ from region to region.
14. In respect of security of service, old age and unemployment benefits.
16. Watch over the contractor's activity are to be kept. Periodical inspection of their muster roll, wages and other benefits paid by them to the labour are to be made by the appropriate authorities as is done in the case of factories Schemes in details have to be worked out by the State Govt. for implementation by the contractors. for the benefit of labour force regularly maintained by them.
17. Standing agreement appears essential in this part of of the country, where Trade Unionism has not progressed well in the desired direction, except in some cases.

Safety and Health :

18. Not high.

19. Training Schools should be opened as and when feasible to impart the necessary knowledge about taking precautions by the workers.
20. In this area there is hardly any bipartite agreement for enforcement of safety measures in factories. The factory Act is the main guidance.
22. The existing provisions are adequate.
23. (b) Yes. In many instances the workers ignore safety measures provided for. Improvement may be brought about by brining home the possibility of losing benefits in case of accidents that occur due to the negligence of the worker himself.

III TRADE UNIONS AND EMPLOYERS' ORGANISATIONS.

Federation of Employers and workers organisations :

26. Unions have increased with a political background primarily. Looking after the interests of the workers, is secondary and that is also done to keep the Union functioning. Nevertheless there are some good Unions primarily for workers. Employers organisations have developed as a natural consequence to protect the interests of their constituents from exploitation' by fast legislations, in respect of labour, social and various other legislations, wading through which, by the employing units becomes difficult, unless they are of a large scale with the ability to employ personnel to give expert advice on the various problems.
30. In some unorganised areas like Assam (excluding plantation) Trade Unions do not take much care to ascertain the merit of a case represented by a worker, before creating a dispute. The officials who want to judge cases without taking any

bias are dubbed as pro-employer by the Unions. This takes away the scope of justice for the employers as officers are naturally more careful to avoid strictures from their superior officers in respect of the allegations made by the Unions which may not be just. (a) Unions should not be a party to unjust claims and the employers organisations equally should not give any encouragement to their constituents where there are wilful violations of some provisions.

31. The scope should be enlarged and the State Govt. should endeavour to include as many employers' Trade Organisations, Chambers of Commerce, representative in any vital deliberations keeping in mind the various types of trade and industry.
38. Directives of the All India Organisations should be made mandatory. Similarly the directives of organisations at local or State level should also be mandatory on their constituents. Constituents of organisations at local level should not be allowed to have any approach direct to the Govt. State organisation, in matters of All India policy, should go through the All India Organisation in cases where they have such affiliations. Otherwise they make direct representations. Legislations, if considered necessary, should be made.
42. No steps, worthy to be mentioned, are taken. In Assam, plantation side is some what advanced in this respect.
43. Rank and file have no influence in formation of policies which is always from above.
48. The Employers help in the real sense. The Unions like to create an issue if opportunity arises.

Trade Unions—Leadership and Multiplicity

49. Already answered in reply 26

50. "Out-sider" is one who for his own interest meddles with the activities of Trade Unions by sometimes outwitting the Union officials. The influence of such outsiders not only creates chaos in the Unions but unnecessarily causes harassment to the employers.

Trade Union Recognition :

55. Yes, due to the change in the outlook of the employers with the change of time.
59. Industrywise Unions are advantageous as it can maintain a uniform policy in all the units. No difficulty appears for their recognition as has been seen here. The Industry/Union would nominate personnel to deal matters at plant level where no Union is considered necessary.

IV INDUSTRIAL RELATIONS.

Introductory :

56. Methods of settlements are quite working. Methods for preventions of disputes, work more as a method of settlement. No sooner the Workes/Unions come up with some items of demand, hardly any negotiation for prevention of dispute appear to be effective unless the employer has yeilded somehow and to some extent.
59. Too fast and too many legislations, before the workers could correct their steps and before the workers or Unions could be made effectively responsible for any of their wrong steps, have emboldened the workers to go on placing their demands at intervals unmindful of the fact that a Trade/Industry

reached a stage when it could not shoulder further burden or pressure.

70. Increased difficulties for the employers who can displease none.
80. While the employers very carefully endeavour to observe the provisions of the standing orders, the workers very conveniently neglect it.
89. One method should work in respect of charter of demands to settle disputes. No separation is desirable.

Joint consultation :

92. Lack of sincerity on the part of the workers and Unions in general and in some cases of the employer.
96. Profit sharing and co-partnership though on experimental basis are functioning somewhere, the general consideration should be taken up only when the workers have fully been educated to realise their rights and obligations.
97. Trial may be given in big share-holding companies running Industry or managing trade. In proprietary concerns or firms this may not be suitable as it would in due course oust the owner to bring in a new group of owners.

Conciliation :

98. The conciliation machinery is useful to a very great extent.

Adjudication :

103. Adjudication machinery is to be retained with powers only to exercise in cases of discharge and dismissals where the same has not been in accordance with the standing orders, agreed upon by employers-employees/unions and certified by the labour commissioner as the case may be.

106. Time limit should be fixed by the conciliation. Officer when issuing notice. Long absence of either party to the dispute should not be allowed except where it is justified and under exceptional circumstances.

Strikes and Lock-outs :

117. In public utility concerns strikes and lock-outs should be totally banned. The justifications are that various other lawful and effective methods exist for reaching the objective.
118. Unions' rules are hardly known to employers. Due and proper notice in most cases are not served.
120. In two cases wages for the strike period have been paid. In another case wages have also been paid when the strike was illegal.
121. Real victimisation has not been reported in the Rice milling Industry.
123. With the formal visits and with the help of the conciliation officer where necessary.

General :

126. Already indicated in reply 117.
128. No. All sectors to be treated alike on grounds of justice and equity.
29. A great confusion exist when we generalise industries in small scale sector with a capital ranging from Rs. 25,000/- to the maximum limit. Rice milling industry is also a Small Scale Industry. The fate of the industry is dependent upon the Govt. policy framed from time to time. Presently the procurement of paddy in Assam is done through monopoly procuring agents for the last 8/10 years while the millers are allowed a milling cost @ Rs. 2.33 per quintal of paddy on the basis of cost existing in the year 1951, since when the production costs have increased in every respect,

in some cases upto 200 to 300 percent, the obligations arising out of various Social Welfare, wages and other labour legislations including 'Compulsory bonus' have become applicable to Rice milling Industry, which has no business except milling operation, as has been applicable to major and heavy industries. This industry has no capacity to bear the burden imposed upon it by say about eleven statutory obligations causing continuing dissatisfaction amongst the labour who compare it with other well off S. S. I and place demands accordingly. Though this sector is endeavouring to use the industrial relation machinery, time is not far off when the industry will have to be closed down to cause serious unemployment which personnel can not be absorbed by the proposed high capacity automatic Rice mills in the co-operative or public Sectors.

V WAGES

Introductory :

132. Industry in addition to wages undertakes various other cash obligations, which benefit, the Agriculture and unorganised industry never undertake and therefore the latter should not be allowed to influence the wage in industry.
135. The norms accepted at the 15th session of the Indian Labour Conference in no case can become applicable in Rice-milling Industry particularly in Assam. The industry has no capacity to bear the existing obligations as already explained in reply no 129 & 135 and for some years past this Association has been requesting the State Govt. to appoint a committee to determine if it is possible for the industry to meet the existing burden before further burden is put on it. The Rice mills can not now use even the minimum installed

capacity as paddy allotment depends on the monopoly agents who allot at an average 5 to 10 thousand quintols in a year whereas the Rice milling committee appointed by the State Govt. stated that mills become uneconomic if allotment of paddy is less than 80,000 mds. a year.

138. The idea of fixing a national minimum wage may not satisfactorily work as the price index vary from state to state and the production cost in Assam is probably highest.

139. This confirms our view as expressed in reply 138 above and therefore may not work.

143. (a) Local index number (b) with half-yearly revision (c) Slab of 10 points.

145. The capacity of an Industry to pay should be the consideration.

149. Yes.

Methods of wage fixation :

151. Statutory wage fixation after a discussion with an Advisory committee where representatives from various industries and unions concerned should be able to state their views.

General .

162. We do not feel that there is any difficulty in respect of implementation of the M. W. Act/1948. The officers concerned during their periodic visits can detect violations.

163. The payment of Bonus Act, 1965, has not been satisfactory. The Act has in some cases completely overlooked the essential fact of "capacity to pay" and pay the minimum even when there is a loss. Some industries are likely to be ruined.

164. The system of payment of some sort of bonus existed and was paid as the result of collective bargaining. Therefore no compulsory mode of payment should be introduced. As in question 166 (b), in respect of the incentive scheme, protection of the workers normal wages has been envisaged,

similarly on grounds of justice protection of the so called SSI should also be ensured.

VI INCENTIVE SCHEMES AND PRODUCTIVITY

172. The growing sense of irresponsibility amongst the labour, is not checked by the Unions which causes increased absenteeism creating a problem for the small industry which can not maintain expert personnel or welfare officers to look after and tactfully manage matters. The workers always have an upper hand in such units.
174. These are indirect threats to reduce the productivity and to ultimately force the employers to come to some sort of compromise.

VII SOCIAL SECURITY,

180. Like the recently introduced Public Provident Fund Scheme some more such schemes may be considered providing for contributions by self-employed persons which will not be considered as earnings for tax purposes.
181. The recommendations of the E. S. I. S. Review Committee are worthy of consideration by the Govt.
192. It is doubtful if management would become satisfactory.

VIII LABOUR LEGISLATION

203. There is no justification for the public sector claiming exemption from the applicability of certain provisions. This appears to be a discrimination.

IX RURAL AND UNORGANISED LABOUR

207. Items (a), (b) and (f) are feasible.

X LABOUR RESEARCH AND INFORMATION

216. Data in respect of work stoppages, other than stoppages arising out of Industrial Dispute, should also be collected with

particular stress on stoppages due to non availability of raw materials.

221. To our knowledge nothing worth mentioning is done in this area.
228. The nature and extent of publicity about industrial conflict would give a general impression about the actual state of things. Non-publication of a conflict in any industry may be interpreted as harmony in some quarters.
229. Local press should of their own take up the publicity failing which the State Labour Dept. should ensure periodical publication of news in the press.
230. Press in Assam in general have neither helped nor hindered.

For Nowgong Rice Millers Association,

Sd/- A. R. Bhattacharjee

SECRETARY.