

B 59



No. 7/26/67-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension Part II
.....

New Delhi-3, dated the 16th December, 1967.

To

The Chairman and Members of the
National Commission on Labour.

Subject: Programme of visit of the National Commission
on Labour to Rajasthan State.
.....

Sir,

✓ | In continuation of the Commission's letter of even number dated the 4th November 1967, I am directed to forward herewith a copy each of the record of discussions of the Commission at Jaipur in Rajasthan State on the 13th and 14th November 1967, as approved by the Chairman and notes on observation visits to various factories on the 15th November 1967.

Yours faithfully,

(R.K. Srivastava)
Assistant Director.

(Camp: Jaipur - 13.11.1967)

RAJASTHAN

12:00 noon to 12:45 P.M.

Record of discussions with Rajasthan Branch of I.N.T.U.C. represented by:-

1. Mr. J. Purgavat (Vide our ref.No.NCL.P-VI-59)
2. Mr. Kamodar Maurya
3. Mr. Brij Mohanlal Sharma
4. Mr. Hazari Lal Sharma
5. Mr. Ram Chander Sharma
6. Mr. Mani Lal Sharma
7. Mr. Brahma Deo Rajotia
8. Mr. Shyamlal Mathur
9. Mr. Ganpat Lal Pareekh
10. Mr. Hazari Lal Verma

The I.N.T.U.C. in Rajasthan has a membership of 26,000 distributed in all major industries in Rajasthan.

2. The HMS and U.T.U.C. do not have any membership but according to a convention established by the Centre, they have to be given representation in State tripartite bodies. This gives the unions of these federations undue importance. The record of these unions towards maintaining industrial peace is not very happy. (A statement on this point will be supplied by the I.N.T.U.C.)

3. Employer can be prosecuted for non-implementation of awards, settlements, etc. But the authority for prosecution rests with the State Government. Under the present system, no direct reference is permissible to industrial tribunals. This point was specially mentioned because non-implementation is a serious problem in Rajasthan. If the State is not active enough in prosecuting an employer, unions should be given power to approach the court direct. As an instance of non-implementation, a case was cited where even a Supreme Court judgement was not implemented. (A statement on the cases of non-implementation will be supplied by the I.N.T.U.C.)

4. Penalties for non-implementation should be not only against employers but also against unions if they are in default.

5. The present membership fees are inadequate. If cases of non-implementation are to be pursued in courts, it is necessary that finances of unions should improve. The case for raising of membership fees which is even otherwise strong thus gets added support.

6. There should be one recognised union for one industry in a local area to be suitably defined. Recognition should be on the basis of verification of membership registers by an independent agency.

7. A minimum of 5% membership should be necessary for recognition. Attending to individual complaints should be the only right of minority unions. General complaints or general demands should be handled/negotiated by the

representative union only.

8. The Union has been unable to undertake any activities outside the normal trade union activities, viz., processing grievances or making demands on the employer.

9. It is the practice of unions affiliated to INTUC not to enrol persons with disruptive tendencies as union members. It is not necessary to make inquiries into the antecedents of such persons; they are known by their activities.

10. Till such time as there is understanding on the basic objectives of unions and the means to achieve them, a united labour front is not feasible.

11. For the success of collective bargaining, there should be one recognised representative union. The system of 'union shop' or 'closed shop' was not always necessary for establishing one union.

12. A minority union should be allowed to exist side by side; it can process individual complaints. It can operate as a check on the representative union in case of a default on the part of that union. The minority union can also hope to secure recognition as a representative union.

13. Textile industry in Rajasthan does not pay over-time. This question was discussed in various forums including the State Labour Advisory Board. It is difficult to take cases to court because overtime records are not maintained.

14. Model Standing Orders contain a list of actions which could be termed as misconduct on the part of a worker. This spelling out of misconduct gives a handle to employers to discharge workers after making allegations about misconduct. The task of an employer to frame charges and discharge or punish the employee becomes easier when misconduct is defined.

15. The Certifying Officer feels that he is bound by what is stated in the Standing Orders. If some Standing Orders are unjust or inequitable, the demand made for a change in it does not succeed when the employer objects to the change. The Certifying Officer is helpless in the matter. (The I.N.T.U.C. will supply a statement on the changes which it wants in the Model Standing Orders in respect of which the grievances were made.)

16. There have been too many cases of victimisation. The State Transport Corporation uses 'transfer' as a method of victimisation. This creates difficulties in the way of effective working of unions. It is not true that a union names a worker as its office-bearer only when he is under orders of transfer or under orders of inquiry for a disciplinary action. List of office bearers of a union is filed with the Registrar of Trade Unions every year.

17. In the State Transport Corporation, over 100 workers have been under suspension for more than a year. The officer-in-charge of the State Transport Corporation openly proclaims that during his regime, workers will not be allowed to join a union. He wants no discussion between him and his workers either.

18. The State Electricity Board also does not want collective bargaining. The authorities want to pass orders and they expect

that these will be obeyed. In short State Public Undertakings are a law unto themselves.

19. Upto the level of minimum wage, productivity considerations should not come in. Productivity will depend on various factors, like supply of materials, working conditions, managerial effectiveness, apart from the role which workers have. If there is satisfaction on these points to workers and a minimum guaranteed, the INTUC is not opposed to linking of wages to productivity.

20. There has been slackness in implementation of the Factories Act because the inspectorate is not adequate. The Labour Department is one of the weaker departments of Government. The Labour Commissioner is appointed for a short term. He is not allowed to acquire experience.

21. The Shops and Establishments Act is administered in the State by the Industries Department. This creates difficulties so far as the workers are concerned. The dual control on medical facilities under the Employees' State Insurance Scheme has resulted in hardships to workers. This point, however, is under consideration of the E.S.I. Corporation.

22. Generally, three agitations are needed for attracting the Government's attention to grievances in the public sector; one for getting the attention of Government; the second for starting negotiations where the usual reply is negative. It is only when the third agitation starts that matters become ripe for settlement. When, as a result of these agitations, certain benefits are promised, to get the promises implemented, workers have again to agitate.

23. Conciliation Officer's failure report, in cases where a public sector undertaking is a party, is referred to the Department concerned through the Labour Department. The Department passes it on to the undertaking where conciliation had failed. It is the comment of the authorities in charge of the public sector which ultimately prevails in this matter. (The statistics supplied by the State Government did not substantiate these allegations. The INTUC will supply its own data. Cases will also be supplied where, as a result of Government's inaction on failure reports, the organisation has taken workers on strike.)

24. Delays in conciliation are quite common. (The point made is not substantiated by the figures supplied by the State Government. INTUC promised to produce its own statistics.)

25. There have not been enquiries in the State about the linking of the Labour Bureau Index (1960 = 100) with the old index. This has resulted in some hardship to employees.

26. In the name of rationalisation, employers now unilaterally make a change. No notice of change is given by the employers and it becomes difficult for employees to resist the change once it is effected. A provision for getting an injunction on the employer to stay the change will result as a check on unilateral change.

27. Minimum wages were fixed by Notification for the employees of local bodies. By an executive order, this notification has been suspended. This has led to a belief in the local bodies that they have been taken out of the purview of the Minimum Wages Act. This impression was corroborated by the Labour Commissioner.

.....

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur - 13.11.1967)

RAJASTHAN

12.45 P.M. to 1.00 P.M.

Record of discussions with Rajasthan Khadi Gramudiyog Karmchhari Sangh, represented by:-

1. Mr. Rajendra Kumar 'Ajeya',
President, Khadi Gramudiyog Samiti.
2. Mr. Hanuman Prasad Sharma,
General Secretary.
3. Mr. Govind Narain Sharma,
Secretary.

Vide our ref.
No.NCL.R-VI-58

The wage rates are too low and whatever has been fixed, is also not paid. (On this point, a statement will be furnished by the Sangh.)

2. There is no proper implementation of labour laws through the machinery set up for the purpose.

3. Four unions operate among the employees of the Khadi Gramudiyog establishment. None of these unions is recognised. Complaints have been made even to the top men of the Commission who say that since they are doing a service to the community, they should not be subject to any legislation.

4. Victimization is also quite common. (A statement of cases of victimisation will be supplied by the Sangh.)

5. Though the establishment where the Sangh operates is covered by the Factories Act, the factory inspectors have not visited the establishment. The directives of the authorities in Labour Department are not honoured by establishment.

6. In the co-operative sector also, the same situation prevails.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur - 13.11.1967)

RAJASTHAN

3.00 P.M. to 3.15 P.M.

Record of discussions with Mr. Shiv Charan Mathur,
Education Minister (Personal views): (Vide our Ref.No.NCL.X.23)

Enforcement machinery under the Payment of Wages Act requires to be strengthened.

2. In the mica industry in Rajasthan, cases exist where workers have not been paid even earned wages for a period of 9 to 10 months. When courts are approached, the employer, because of his superior power delays the final decision through appeals. There is no effective remedy against this attitude. Cases have been so numerous that their disposal understandably takes a long time. The enforcement machinery should, therefore, be empowered to take effective action so that workers' dues are paid to them.

3. Mica mining is under the Central sphere whereas mica factories under the same ownership and in the same area under State supervision. This dual control puts extra strain on the State Government because the Central machinery is distant and ineffective, whereas the State machinery could be available more readily. There should be one machinery provided for this work. If the State Government is made solely responsible, there should be financial assistance from the Centre for making implementation adequate.

4. Fixation of minimum wages was also a Central responsibility but powers have been delegated to State Government. Likewise, implementation of minimum wages should also be transferred to State Government.

5. Powers, similar to those given to income-tax authorities, should be given to the enforcement authority for collecting dues from the defaulting employer.

6. Wage rate in the mica industry was revised in 1959 to 1.31 paise per day. Subsequently, there was another revision which raised the wage to Rs.2 per day. There has been a dispute about this latter revision, but even 1.31 paise has not been paid. It is the bigger employer who commits default in this manner.

7. There is no difficulty in allowing the State Inspectorate to handle the work of inspecting mica mines, so far as the payment of wages part is concerned. Central Government has been approached to make this change but there is yet no response.

8. Minority unions should be allowed to exist. They should handle only individual cases. But, where points of interest to all workers are involved, these should be settled by the representative union.

9. There should be no strike/lock-out without prior notice.

10. Provident fund contributions are deposited after

long delays in many establishments. Bonus payments are not made either.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur - 13.11.1967)

RAJASTHAN

3.15 P.M. to 3.45 P.M.

Record of discussions with the Rajasthan Branch of AITUC represented by:-

1. Mr. V. Viswanathan, |
 2. Mr. Hiren Mukerji |
 3. Mr. Jayanti Lal Shah |
- Wide our ref.No.NCL-VI-94

Rajasthan Branch of A.I.T.U.C. has a membership of about 20,000.

2. Public Sector Undertakings do not implement labour laws adequately. Partiality is shown to this sector by the industrial relations machinery; non-implementation is ignored. Trade unions should be given the right to prosecute employers, both public and private, for non-implementation of agreements/awards without having to go through Government.

3. In case there is non-implementation on the part of the employees, the disciplinary powers with the employer are always pressed in service. This is adequate. If, on top of this, he is subjected to prosecution because of the principle of mutuality, this will be inequitable.

4. When conciliation fails in the public sector, the report of the Conciliation Officer is sent to the concerned Department. The defence of that undertaking is usually accepted and no further action taken by the Labour Department which shows greater consideration to officers of the sister department than to its own officers. This situation requires to be changed because, apart from delays it causes, it has the basic infirmity that the person to whom a complaint is made is himself allowed to decide whether the case should proceed further.

5. Standing Orders in some units provide for suspension for a longer period than four days. In some others, punishment outside the model are found. Though objections were raised against them before the Standing Orders were certified, the Certifying Officer did not accept these objections and allowed offending Standing Orders to remain. This situation requires to be remedied.

6. Trade unions have been asked to give an undertaking that they will abide by the Code of Discipline before their application for registration is granted. This is against the spirit of the Indian Trade Unions Act, 1926. (On being asked for a clarification on this point, the Labour Commissioner stated that this question is not asked of unions belonging to the central organisation of workers which have accepted the Code of Discipline. It is only to those who have not shown their preference in affiliation that this question is asked. But even if the answer is in the negative, registration is not refused. The Labour Commissioner

Contd.....2

accepted the position that there should be no insistence on a prospective union giving this undertaking before it is registered if the application is otherwise competent.)

NATIONAL COMMISSION ON LABOUR
(Camp: Jaipur - 13.11.1967)

RAJASTHAN

3.45 P.M. to 4.00 P.M.

Record of discussions with Rajasthan Working Journalists Union, Jaipur, represented by:-

1. Mr. I.M. Bapna
2. Mr. P.C. Chhabra (Vide our ref.No.NCL.R.VI-97.)
3. Mr. Vijay Bhandari

Common Labour code, common judiciary and the appointment of sitting judges to labour tribunals through High Court would be welcome.

2. There have been delays in getting decisions through the current industrial disputes machinery. Time for various stages of the settlement of dispute should be prescribed and enforced. The tribunal which gives an award should also have the power to get it executed. The present procedure for recovery of dues takes a long time. Here also, steps which would minimise delays require to be taken.

3. Serious default on the part of an employer should be treated as a penal offence and the punishment for it should be imprisonment. Workers should have the right to approach courts direct for seeking such redress. A local paper in Rajasthan 'Lokavani' had not paid its workers their dues for a long time. Arrears of wages with the employer were substantial. At this stage, he closed his business. After some time, the same employer changed the name of the undertaking and started another venture in the same line. He has still not paid the arrears of wages to his past employees.

4. There has been also non-payment of provident fund to the extent of Rs.52,000. Penal remedies against such default should be provided.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur - 13.11.1967)

RAJASTHAN

4.00 P.M. to 4.15 P.M.

Record of discussions with the Jaipur Paschim Railway Mazdoor Union, Jaipur & Phulera Branches, represented by:-

1. Mr. C.S. Parashar (vide our Ref.No.NCL.R.VI-38)
2. Mr. Birdhi Chand

Railway porters and vendors should be treated as railway employees.

2. Apart from the normal fee which a railway porter is to pay to the railway authorities (for his uniform), the registered porter has to pay through agents a tidy amount for securing the right to work. (It was explained that a Committee has been appointed by the Labour Ministry to examine the grievances of railway porters and vendors. Such representations should appropriately be made to that Committee. The report of the Committee will be considered if it is available before this Commission makes its recommendations.)

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur - 13.11.1967)

RAJASTHAN

4.15 P.M. to 4.20 P.M.

Record of discussions with Irrigation Technical Staff Union, Kota, represented by:-

1. Mr. Yogesh Bhardwaj
2. Mr. Chandratan Acharya (Vide our Ref.No.NCL. R.VI.6.)
3. Mr. M. Rankavat
4. Mr. M.P. Bhargava
5. Mr. Ishwardutt Madhan

Since the members of this union are employees of the State Government, they were outside the purview of the Commission's terms of reference. This point was explained* to them and the Commission did not discuss their memorandum.

* On the following day, the union made out a case that its members are covered by the Commission's terms of reference. The Labour Commissioner, Rajasthan, also held this view. The Commission will examine the issue further and if it finds that the union members attract the Commission's inquiry, the union will be given an opportunity to place its case before the Commission.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur - 14.11.1967)

RAJASTHAN

10.00 A.M. to 11.30 A.M.

Record of discussions with Employers' Association of Rajasthan, Rajasthan Textile Mills Association and Chamber of Commerce and Industry, Rajasthan, represented by:-

1. Mr. K.B. Podar
2. Mr. M.L. Gupta
3. Mr. M.L. Bhartiya (Vide our Ref.No.NCL.R.V-35)
4. Mr. K.C. Sogani
5. Mr. R.L. Toshniwal
6. Mr. B.T. Shimpi
7. Mr. V.N. Soral
8. Mr. N.M. Gupta
9. Mr. A.C. Mukharji
10. Mr. J.V. Mathur
11. Mr. K.C. Bakiwala
12. Mr. S.V. Iyer
13. Mr. D.P. Sharma (Vide our Ref.No.NCL.R.V-34)

A common labour code, a common pattern of labour judiciary with the High Court nominating persons to be appointed to the Judiciary will be helpful. Retired judges may be appointed, but they should have a fixed tenure.

2. It would be difficult to enforce collective bargaining with all its consequences in this country.

3. There should be no strikes. Strike should include all forms of work interruptions, such as, 'go slow', 'stay-in', 'work to rule', etc. Registration of unions, which give a call for illegal strike, should be cancelled.

4. In disciplinary cases, there should be no right of appeal on merits. If such appeal is permitted, it will create indiscipline among workers and will introduce a measure of demoralisation among officers. A strike was declared illegal under the I.T. Act. Loyal workers were harassed. To expedite the settlement of dispute, the matter was referred to arbitration. Interim Award went against the workers as the demands were found to be frivolous. Even so, the arbitrator suggested that workers should be re-instated. As a result of this re-instatement, there is indiscipline all round and an atmosphere of work-stoppages still prevails. For wrongful dismissal, the remedy should be compensation and not re-instatement. (This was the majority view.)

5. Persons holding departmental enquiries are not necessarily lawyers. There will be some loop-holes in the procedure adopted always. If on this basis re-instatements are ordered on appeal, it has a bad effect on discipline.

6. The principle of 'hire and fire' is a remedy for introducing discipline in the establishment. In cases where victimisation is established, though it may be possible to meet victimisation by heavy compensation, there can be also an order of re-instatement. (This, however, was a

minority view.)

7. Persons in charge of the affairs of a union should all be insiders. An insider is one who is on the muster-roll of the undertaking; he need not be an actual worker.
8. Political influence should be eliminated from trade union movement. Same should be the case with employers' organisations as well. However, the principle of mutuality should not be carried too far. Workers' organisations are known to have certain political leanings; that is not the case with organisations of employers.
9. A union should be granted recognition if it has more than 30% membership in a unit. If there are two unions satisfying this qualification, Registrar of Trade Unions should decide which of the two or more unions should be recognised by the employer as the representative union.
10. The Industrial Disputes Act has been amended in Rajasthan; the amended Act includes some provisions of the B.I.R. type for recognition of unions. These should serve the purpose.
11. There should be no secret ballot. This will introduce complications of the same type as are possible in general elections.
12. The minority unions should not exist generally but if they do, their rights should be restricted to negotiating individual complaints.
13. The working of the conciliation machinery is not satisfactory. It is important that a conciliation officer should have a legal background. Persons who have an administrative approach in this matter, do not make good conciliation officers. Since they belong to the Labour Department, conciliation officers consider it to be their duty to put their weight on the side of labour. This requires to be avoided.
14. The present conciliation procedure seems to be mechanical. There is no attempt to get at the root of the problem. It is known to the parties that conciliation is a mere formality which they have to go through in order to clear the way for the next stage i.e. getting the dispute referred to adjudication.
15. The nomenclature of the Labour Ministry/Department also requires to be changed. It should be not the Labour Ministry/Department, but Industrial Relations Ministry/Department. It would be more appropriate if Industry and Labour portfolios are held by the same person. It would be equally appropriate to have the two Departments under the same Secretary.
16. The complaint regarding non-payment of overtime according to the law is justified. In some establishments payment was being made for overtime at a rate lower than that prescribed under the Act upto 1965. But, this position has now been remedied. Short payment of overtime upto 1965 was as a result of agreement with the union. The complaint that records of overtime are not properly kept, is not justified.

17. There should be no direct reference of disputes to industrial tribunal. Government should be given time to consider the matter and see if it could persuade parties to reach a settlement.

(The Chamber will give a note about its suggestions for making the Employment Exchanges more effective.)

18. The normal procedure for promotion should be on the basis of the seniority-cum-merit principle. There should be no incremental scale in a particular occupation. This results in dissatisfaction among the junior workers doing the same work but getting less remuneration. Promotions should be within the same occupation. Between different occupations, it is difficult to effect promotions because of technical considerations.

19. In the carpet and bidi industry, children are in employment even now. If the carpet industry requires the use of children at young age, it should be possible for employers to work out a scheme in consultation with Government to see that education of these children does not suffer and at the same time, their traditional craft is attended to.

20. The rate of accidents has increased because employees do not take adequate precautions for safety though these precautions are insisted upon by employers. There is an element of rashness in workers which causes accidents.

21. Industrial unrest has increased in recent years mainly because of multiplicity of unions. Despite the Bonus Act, disputes relating to bonus have been on the increase.

22. Employers in Rajasthan have been following the awards. Non-implementation is on the side of workers.

(A statement giving cases of non-implementation by workers will be sent.)

23. Textile industry in Rajasthan is distributed in many areas. It is, therefore, difficult for employers to organise on-the-job training for workers in this industry.

24. Tribunals who give awards should be empowered to implement them. They should be given powers to try cases of non-implementation.

25. Non-implementation can, at times, be a matter of interpretation. Employers may in some cases feel that on the basis of their interpretation, an award is implemented but workers can take a different view.

26. If powers of prosecution are made cognizable at the instance of the employees, there will be frivolous use of these powers. This should not be permitted.

27. Labour legislation in India is not productivity oriented. The recent amendment of the Industrial Disputes Act which requires giving a notice of change in cases where measures for efficiency are to be introduced is an

instance on the point.

28. Labour legislation takes care of safeguards to workers but in the process the productivity is ignored.

29. Increase in absenteeism is due to doctors of the Employees State Insurance Corporation issuing false certificates. Many employees go on leave at the same time (harvest time or at the time of cultivation of their farms) and this creates problems for the management.

30. There is a multiplicity of forms and laws which small industry cannot cope with. Simplification is necessary in such matters.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur -14.11.1967)

RAJA STHAN

11.30 A.M. to 12.15 P.M.

Record of discussions with Central Public Sector Undertakings:

A. Sambhar Salts Ltd., represented by:-

1. Mr. S.P. Bose,
General Manager.
2. Mr. R.P. Sikka, (Vide our Ref.No.NCL.R.III-46)
Labour Officer.
3. Mr. R.C. Goel,
Personnel Officer.

There is one union in the establishment; the union is organised and run by insiders. There have been no strikes.

2. The status of the labour officers should be changed and it should be commensurate with his responsibility. Works committee has functioned well in the unit. There is no clash between the union and the works committee. At times, union officials are members of the workers' side of the works committees. Union, therefore, does not feel that the works committee is its rival. The works committee has been given responsible functions of production, settling complaints about payment of wages, recommending promotions, etc.

3. The managers in the public sector should be given adequate orientation in understanding human relationship. Wherever possible, they should have previous experience of handling labour-management relations.

4. Many cases have been settled in conciliation in the establishment. 20 out of 25 cases were so settled. The other cases could not be settled because the man on the spot did not have powers to settle them. It would be advisable if such powers had been delegated. The appointment of labour director on the Board of Directors is useful.

5. By and large, the undertaking finds its employees both responsible and responsive.

B. Instrumentation Ltd., Kota, represented by:-

Mr. M.M. Sharma, (Vide our Ref.No.NCL.R.III.19)
Chief Administrative and Personnel Officer.

Labour laws are not practicable. There is inadequate supply of skilled labour and at the same time, there are restrictions on working overtime. These restrictions defeat the object of improving production.

2. There is no authority prescribed for declaring

the strike illegal under the Industrial Disputes Act.

3. Wage fixation should be on a region-cum-industry basis.

4. When a person retires, he gets only provident fund. Such lump sum payment is likely to be squandered away. Apart from provident fund, pension should also be allowed. A part of the provident fund should be converted into pension.

5. The definitions under the I.D. Act are ambiguous; its drafting has left many loop-holes:

(Mr. Sharma will supply a note on his complaints about lacunae in labour legislation.)

6. In the administration of labour laws also, there are difficulties. In the cement factory, quarries are administered by the Centre whereas the factory is under the State machinery. One set of demands relating to quarries will have to be sent to the industrial machinery of the Centre and the same set of demands for factory workers will go to the State Industrial Disputes Machinery. There have been conflicts in the awards of the respective authorities and this creates difficulties in implementation.

7. Under the Bonus Act, workers are entitled to a certain quantum of bonus. The minimum bonus is 4%. Between this minimum and the one to which workers are entitled, it is possible for the employer to contract workers out for a bonus at a rate less than permissible under the Act.

NATIONAL COMMISSION ON LABOUR
(Camp: Jainur - 14.11. 1967)

RAJASTHAN

12.15 P.M. to 1.00 P.M.

Record of discussions with Heads of Departments and State Public Sector Undertakings, represented by:-

(1) Rajasthan State Electricity Board. (Vide our Ref. No.NCL.R.IV-24)

(i) Mr. S.L. Khurana,
Chairman.

(ii) Mr. T.V. Ramnan,
Secretary.

(iii) Mr. K.K. Bhatnagar,
Director of Administration.

(iv) Mr. N.J. Misra,
Personnel Officer,

(v) Mr. Prithvi Singh,
Chief Engineer.

(2) Commissioner, State Enterprises. (Vide our Ref. No.NCL.R.IV.28)

(i) Mr. B. Hooja,
Commissioner, State Enterprises.

(ii) Mr. Ramakant,
Deputy Commissioner, State Enterprises
Department and General Superintendent,
Sodium Sulphate Plant.

(iii) Mr. V.S. Sud, Chief Executive Officer,
Ganganagar Sugar Mills Ltd.

(iv) Mr. K.M. Rastogi,
Secretary, Ganganagar Sugar Mills Ltd.

(3) Director, Local Bodies (Vide our Ref.No.NCL.R.IV.30)

Mr. H.S. Baxi,
Director of Local Bodies.

(4) Rajasthan State Road Transport Corporation (Vide

(i) Mr. Sher Singh,
Chairman. our Ref.No.NCL.R.IV.29)

(ii) Mr. A.N. Bhargava,
Labour Officer.

(5) Public Works Department (Vide our Ref.No.NCL.R.IV-27)

(i) Mr. K.V. Sarin.

(ii) Mr. M.C. Sharma

(iii) Mr. B.I. Harsh

(6) Rajasthan Canal Project

Mr. Hari Singh Chowdhary

(7) Irrigation & Power Department

Mr. Khem Chand,
Secretary.

(8) Other Departments

- (i) Mr. Vishnu Dutt Sharma,
Home Commissioner, Rajasthan.
- (ii) Mr. M.L. Mathur,
General Manager,
Rajasthan Salt Sources.

In the Rajasthan State Electricity Board, the age of retirement for the employees is 55. There are certain categories in the Electricity undertaking where it would be appropriate to retire workers at a younger age. This suggestion is not because at an older age there are more accidents but because of considerations of health of the employees. Line men and high tension operators and workers in steam generation, etc. fall in the category of those who could be retired at a lower age.

2. Fifty percent of labour in the electricity undertaking is casual. After a certain time, workers are made permanent. At the same time, casual labour is not denied benefits which are available to permanent labour. For instance, after six months of employment, certain rights are given to casual labour, particularly medical facilities, educational concessions, paid holiday, T.A. and D.A. and school allowance, etc. After an employee has put in one year of service, additional benefits permissible for permanent workers are given to them. These are casual leave, uniforms and accommodation, etc. After 240 days of continuous service, workers are entitled to become members of the Board's Provident Fund.

3. There are two unions in the electricity establishment, one belonging to the INTUC and the other to the AITUC. INTUC is a recognised union, but AITUC is not. The demand of the AITUC for recognition is under consideration of the Board. Between the two unions and the management, there are no special difficulties. When the question of the appointment of the trustees to the provident fund came up, the INTUC union, which is a recognised union, insisted on its rights to make a nomination. The AITUC union demanded an election. Management would have preferred election for this office.

4. Administrators do not find it difficult to adjust themselves to the responsibilities in public sector undertakings. Even in other areas, they have to deal with a fair cross-section of the public, including labour. This conditions administrator employer in the public sector to understand the problems of labour. There is in the State Electricity Board and its various branches a regular meeting with unions officials and individual workers. No difficulty is experienced on this account.

5. In State Electricity Board, there was a threat of strike in June, 1966. This did not materialise. In September-October, 1966, after the Supreme Court Judgment, the Board decided to give bonus to its workers on its own. After the date of bonus payment was announced (a date in December, 1966), workers demanded that the bonus should be paid before Pawali.

This demand was made only four days before Dewali and workers struck work on the Dewali day. The strike was declared illegal and could not continue beyond five days. The General Secretary of the union went on hunger strike in Jodhpur to press this demand. It was more a case of thwarting the progress being made by a rival union at some other centre in Rajasthan. The hunger strike was also called off on the intervention of an officer of the Board.

6. In the Roadways, there are two unions. The majority is reported to be with the AITUC. It has yet to be verified by the State Agency.

7. Because of inter-union bickerings, the Corporation accorded recognition to both the unions. This has avoided industrial disturbance.

8. Election by secret ballot is preferred by the State Road Transport Corporation. (The sugar Mills under State ownership do not want secret ballot. There are three unions in the mills. The procedure for recognition according to the mill manager should be by verification of membership by Labour Department. The Irrigation Department also held the same view.)

9. The State Transport Corporation has on its staff persons who are mostly transferred from Government. This has resulted in certain re-transfers. Merely because an officer is an official of trade union, he is not transferred. The allegation that it is the only trade union officials who are transferred is untrue. (List of persons transferred and their position, if any, in the trade union as known to State Transport Corporation will be supplied.)

10. There is no union in the sodium sulphate plant. Workers approach the employers direct and disputes are settled. Labour-management relations have created no problem so far. (A reply to the questionnaire will be sent by representative of sodium sulphate plant.)

11. The Chief Engineer, P.W.D., will institute an enquiry to understand whether the contract labour is paid according to the fair wage clause.

12. The position with regard to the technical staff in the Irrigation Department was explained by the Labour Commissioner. (He promised to give a note on the subject. On studying the note, if the Commission finds that the project employees are covered by the Industrial Disputes Act, they will be called to present their case before the Commission.)

NATIONAL COMMISSION ON LABOUR

(Camp: Jainur - 14.11.1967)

RAJASTHAN

3.00 P.M. to 3.30 P.M.

Record of discussions with Professor M.V. Mathur, Vice-Chancellor of Rajasthan University and Professor S.N. Dhyani: (Vide our Ref.No.NCL.R.X-14)

Vice-Chancellor: The method, which would avoid acrimony in the choice of a representative union, should be preferred.

2. Collective bargaining to be successful requires to be built up through a process of evolution. The present arrangement with some suitable modification to avoid delays would serve the purpose.

3. In a developing economy, it is necessary that trade unions should have assistance of outsiders. But, in allowing this, there should be an adequate emphasis on programmes of workers' education which will help development of internal leadership in the unions. Professor Mathur's experience about the plantation and textile industries supported this view of the role of outsiders in trade unions. Persons who have both political and trade union interests can serve workers equally efficiently.

4. On the common pattern of labour judiciary and a pattern for appointments of personnel to this judiciary, Professor Mathur would give further thought.

5. The present arrangement of tripartite discussions on labour matters requires to be enlarged. It would be appropriate to bring persons who have taken interest in labour problems but who are unattached in making the composition of the present tripartite bodies more broad-based.

6. Research institutions should be encouraged to take up work of labour problems. This should be within the activities of the universities and no special research institutions for labour should be set up. All information, statistical or otherwise, which will help the development of such institutions should be made available to the institutions by Government. Within Government a considerable amount of coordination will be necessary in bringing together data which have a bearing on labour problems.

7. Professor Dhyani: There should be a secret ballot for electing the union which is to be the representative of workers. All workers in the establishment should form the electorate. In the initial stages, there will be some acrimony but this will ultimately settle down to a more desirable process.

8. Ahmedabad pattern was not favoured because it had been developed under special circumstances and it cannot be multiplied elsewhere. Experience in developed countries also was against giving an arrangement like that under the EIR Act a further trial in this country.

9. Collective bargaining with all its consequences was now necessary since adjudication has not succeeded; it has created bitterness both among employers and workers and within workers' groups.

10. In Japan and Philippines, compulsory adjudication has given place to collective bargaining.

(Professor Dhyani will supply a note on the modifications necessary in the existing method of compulsory adjudication in India which will give greater satisfaction to parties. This was without prejudice to his contention that he did not favour compulsory adjudication at all.)

11. Prof. Dhyani's reference to theocratic unions in his written reply was directed to the Bhartiya Mazdoor Sangh.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaimur - 14.11.1967)

RAJASTHAN

3.30 P.M.

Record of discussions with State Labour Minister, Mr. Brij Sunder Sharma, and Rajasthan Labour Department represented by:-

1. Mr. I.S. Mehta,
Labour Secretary.
2. Mr. N.K. Joshi, (Vide our Ref.No.NCL.R.I.3)
Labour Commissioner.
3. Mr. T.C. Jain,
Joint Labour Commissioner.
4. Mr. H.R. Pabwal,
Chief Inspector of Factories & Boilers.

A common labour code and a common pattern of labour judiciary would be welcome. A panel of names should be sent by the High Court and the choice should be with the Government.

2. There should be no appeal against the decision of labour tribunal. The Rajasthan Government would like to promote to senior posts persons who are working as labour judges in a junior capacity. This will provide labour tribunals with the necessary labour background. The initial appointment of labour judges, however, should be in consultation with the High Court.

3. Outsiders are not necessarily bad. The general line of reply about other questions on outsiders was the same as that mentioned in the INTUC Memorandum.

4. There should not be complete reliance on collective bargaining at this stage.

5. The choice of a representative union should be by verification of membership and not by secret ballot. In the verification of membership, there is no partiality nor is there any partiality in referring matters to adjudication. (A statement will be supplied to the Commission about the requests for adjudication by the four central federations of workers and the actual references to adjudication again according to unions with different federations.)

6. An additional argument for opposing election was the manner in which the works committees were functioning at present. This has not given satisfaction to either.

7. Minority unions can exist for the settlement of individual disputes. In general matters, the representative union should have the final say.

8. There should be no union shop. It is through the process of experience and education that it will be possible for workers to go to the right union. In the process there

may be, at a later date, a unification of the trade union movement.

9. The State Government would not suggest any modifications in the need-based minimum wage of the 15th Indian Labour Conference. Beyond this need-based minimum, there can be a link between wages and productivity. A stage has been reached where the need-based minimum could be provided.

10. It is true that without agitation demands of employees in the public sector are not looked into. Government is seized of this matter and there are at present certain steps being evolved about how the whole matter could be set right.

11. The position with regard to the State Transport Employees was that since most of these employees belonged to State Government initially and had gone over to the Corporation, an option was given to them as to whether to continue with the Corporation and be subject to the Corporation Standing Orders or to return to Government. There is thus no discrimination against the Corporation employees in giving them this option.

12. Persons, who were alleged to have been transferred to different places in the State Transport Undertaking for trade union reasons, have actually not been so transferred. In many cases, the reason for the transfer is that there were some disciplinary proceedings against these workers. To examine all these cases expeditiously, a special officer has now been appointed by the State Government.

13. The allegations of the employees of the Khadi Commission are also under examination. It is true, however, that because of the special status which the Khadi Commission enjoys, it has been seeking exemption from the application of the labour laws. However, 10 to 15 cases coming from the employees of the Khadi Commission have been referred to adjudication.

14. The records of Vijay Nagar Mills were brought to the payment of wage authority. It was not possible from these records (because they were moth-eaten) to ascertain the exact dates from which the claims of workers were due. Officials of the Labour Department have on their own and on the basis of whatever records were available fixed certain dates from which payments are due. These dates have been challenged by the employer and he has been asked to produce more authenticated records. The matter is, at present, under examination by the Payment of Wages Authority. At the same time, the proprietor has been prosecuted for breaches committed earlier.

15. For mica mines, a special officer is being appointed by the Government to investigate into the complaints and to execute the decrees against the employer. The Inspectorate should be given the powers to realise workers' dues on the same basis as the provisions made under the Central Maternity Benefit Act.

16. In regard to contract labour, the principal employer is liable for ensuring payment to the workers under the Workmen's Compensation Act. In Rajasthan, 'fair wages clause' is introduced in all the contracts given by the Government. Implementation of the clause is not adequately supervised. This will be looked into by the Labour Commissioner and the steps evolved will be communicated to the Commission.

17. In principle, unions should be allowed to take the

employers to court direct in case of non-implementation of awards. Employers should also have the same right in case of defaulting unions.

18. The court making an award should be given the power of execution.

19. The implementation of the Act should be the responsibility of the States alone. Labour relations in the comprehensive sense of the term should be a State subject. At the same time, the States should be given adequate financial assistance by the Centre for implementation.

20. Employer should be prosecuted for non-payment of earned wages and failure to deposit with authorities regularly the contributions towards Employees Provident Fund and Employees State Insurance.

Labour Commissioner (Personal views).

21. The verification method followed in Rajasthan for ascertaining the representative character of a union is basically appropriate. It depends on examining whether in the period of six months, a minimum of three months' subscription is paid in order to make a worker entitled for membership which is counted for union recognition. The Registrar invited the parties concerned to raise objections in case of common membership or wrong membership and verification proceeds on the basis of examining these objections. At the time of verification, the other party is permitted to be present. Against the decisions so reached by the Registrar, there is an appeal. This ensures the requisite fairness in the election of a representative union.

22. With regard to outsiders, the Commissioner read out the following portions from his written statement:-

"The outsiders undoubtedly have their influence on trade unions, upto the time they have been able to secure material benefits or gains to the workmen. The popularity of an outsider, therefore, is related to the degree of benefit, he can secure for the workmen, he represents. Such popularity and consequently the influence diminishes or decreases when the outsider is unable to secure material gains to the workmen, when he represents in the trade union field.

An outsider is a person, who is not actually employed in any industry or trade and who is himself not a worker. Although he works in the trade union field and also for the cause of the working-class, but the influence which he casts on the working-class is chiefly based upon the philosophy and programme to which he is dedicated as a member of the political faction, of which he is the active worker. An outsider himself may not be an undesirable person, but the political clothing, which he wears and the propaganda he carries in the trade union field, dictated by the political party

of which he is a member, drifts the working class from the unsophisticated healthy trade union movement."

23. Without outsiders, the labour movement would have weakened.

24. The Standing Orders of the Road Transport Corporation contain a proviso that the period of enquiry should be one month. This will be from the date from which the actual enquiry starts. But a long time is taken for preparing chargesheet and completing other preliminaries before the case is actually brought up for hearing. This causes considerable dissatisfaction among workers.

25. Public Sector requires to be a joint venture. Fair amount of public investment is there in such undertakings. It should not be merely the responsibility of one Manager but there should be a Board of technocrats, administrators and people who have knowledge of labour relations, industrial management and financial matters.

26. The Labour Ministers Conference recently took a decision about the need for training the Managers of the public sector and also about the need to ensure continuity. This recommendation of the Labour Ministers Conference has not been accepted by the Rajasthan Government. Orientation of persons in charge of public sector undertakings would help.

27. Works Committees have not been successful in the public sector because subordinates are sent on behalf of the management to represent its interests. Many times, the decisions taken by the subordinates are not acceptable to the top management.

28. The human relations, part of the industrial relations should be under the charge of a senior man. There should be an experienced Personnel Adviser with a very high status and, in case decisions are taken by the Personnel Adviser, they should be respected by the top managers. In such a situation, the top manager need not necessarily be a man with a sound training in human relations.

NATIONAL COMMISSION ON LABOUR

(Camp: Jaipur)

Observation visits to factories in Rajasthan on 15-11-1967

The Aditya Mills, Kishangarh was, perhaps, one of the few pieces in the private sector units in the mofussil area of Rajasthan. The unit is a spinning mill which was set up in 1963 in substitution of a composite mill in the same area which had gone in liquidation. The Unit, therefore, started with an advantage in the sense that experienced labour force employed in the mill which had gone in liquidation was available for employment.

2. The unit provides employment to about 750 workers out of which roughly 25% happened to be badlis. The management's argument about such a large number of badli workers is that in the rural areas like Kishangarh, absenteeism is rather heavy. The workers, while not contesting this suggestion, did not like the practice followed by management of not allowing badlis to put in more than the required number of days for claiming permanency. This, however, does not appear to be a serious problem.

3. We were told that the unit is a box-type unit which is now common in textile. Since it was a new unit and the employer had advanced notice of our visit, it was specially made up for the occasion, the result was the usual dust and fluff that one finds in a spinning unit was not there at all. The complaint from the workers' side was that the washing places are not properly maintained. When the Manager pointed out that this was partly their own fault since the pilferage in the washing places provided by the mill was heavy, the union leaders did not contest the statement.

4. The usual points were made about the need to rationalise. This appeared rather odd from a unit which has been recently set up and which, on management's own admission, has latest machinery. It should have been possible for the management to look ahead and not employ more labour than was absolutely necessary. Possibly on either side, the redundancy problem does not appear to be serious. There has so far been the usual adjustments between both sides.

5. Wage rates differ from section to section. The average wage appears to be in the neighbourhood of Rs.90/- after the usual reductions are made. In some sections, piece-rates are common, but without fall-back wages. This has introduced a measure of dissatisfaction among workers. The workers interviewed did not make any special complaints about the approach of the management to labour problems. They are finding it difficult because of higher prices to make both ends meet. But this, they recognise, is a problem for all. If there is dissatisfaction, it is more on account of economic difficulties. At the same time, the employment situation seems to be not unhappy. Many workers interviewed stated that in their family, earning members have been more than one - in some cases even upto 3. The family size also appeared to be moderate. The Establishment has set up a Works Committee which meets regularly. Workers thought that the Committee could work more effectively if it had been given wider authority. In many cases, the Works Committee's recommend

ations are not implemented by the management, though these are unanimous. On being asked why this happens and also why the management representatives agree to certain propositions which cannot be implemented by the mill, the manager stated that it is only in cases where the Works Committee go beyond its authority that decisions are not implemented. He agreed that in such cases, it should be his responsibility to meet the Works Committee and explain the matter to its members.

6. The environments of the mill are being well maintained. The management have a plan to provide some housing in the neighbourhood. Being a mofussil area, housing has not been much of a problem even according to labour representatives.

7. Apart from the usual complaints about (1) working of the F.S.I. Scheme, (2) non-payment of over-time and maintenance of improper records for awarding payment of over-time (3) delays in getting compensation (4) delays in Labour Department and (5) maintaining trainees as trainees for a long time and not giving them regular appointment, an interesting suggestion was made. Since Labour Welfare Officer had to look after the welfare of workers, he should be appointed in consultation with a representative union.

II

In Ajmer, we visited the Toshniwal Industries which manufacture precision instruments for use in scientific work either in laboratories or in the field. Some of the instruments are so delicate that even congestion in the place where they are manufactured, affects their accuracy. In an area which is known for its deserts and dust, the natural question was why such a unit was located in a place where dust could be a nuisance. Dr. Toshniwal who himself is a Scientist and has a research degree, stated that the types of instruments which he manufactures, though susceptible to dust are even susceptible to humid atmosphere. In fact, these too are compensating factors. He located the unit in this place because this was the place where he himself grew up and this was also a place where labour was not very expensive.

2. It was interesting to see the factory. A fair number of ladies were working on the calibration of instruments manufactured and also putting various parts of the instruments together. Most of these ladies have not reached even the School final but according to Dr. Toshniwal they have been giving work of a high quality, after a period of training ranging from 4 to 6 months. Their training is continuous in the sense that even after the formal part of training they pick up the work on the job and become useful for more complicated operations.

3. There is no union in the unit. The employer wants no outside interference in his small factory which engages about 200 workers. Some of the general unions in Ajmer complained of this attitude of the employer.

4. Workers, though skilled, did not appear to be conscious of organising themselves. On one of the occasions they had been shown by the management the consequence of trying to organise, viz., victimisation. The unit is new and though the employer has been complaining of inadequate profits and is thus taking shelter under

the period of exemption prescribed under the Bonus Act, the general impression one got was that the unit must have been making fair profits, even in the earlier stages. Dr. Toshniwal mentioned that during this year, a somewhat difficult year for industries, he will be almost doubling his production in value with only marginal increase in the workers he employs. This indicates that the unit has a vitality to grow and to show good results. The workers interviewed mentioned that they get fairly good increments as their work improves. That possibly explains why there is no special dissatisfaction in spite of the management's attitude towards organisation of workers in general. The Officer of the Labour Department who accompanied us explained that complaints were received for non-payment of bonus, through individual workers. Though the employer makes a gesture from time to time of paying bonus, this is not the result of a discussion under the auspices of Labour Commissioner's office. The employer believes that the Commissioner is always one of the units having teething trouble.

The unit was well maintained in every respect. According to Government officials, it has provided relief to middle-class families in and around Ajmer in which women seek employment. The earning of the female is of value in these days of high prices.

III

Mr. Kalyan Singh, Secretary, Ajmer Motor Mazdoor Union, Engineering and Metal Works Union and P.W.D. Mazdoor Union, met us. His complaints were (i) the dissatisfaction shown to the Industrial Truce Resolution by the Public Sector employers; arbitration awards after a matter was referred to voluntary arbitration are not respected even by the Public Works Department; (ii) the delays in the Labour Department are quite common. Even in cases where an arbitrator has given an award, because of the delay in the formal publication of the award, the workers do not get relief in time. Non-payment of wages is a common complaint on the workers' side. Many cases sent to the Labour Department on this account do not get settled expeditiously. This causes avoidable hardship to the employees; (iii) Mr. Singh felt particularly sore over a dispute in Toshniwal Industries about the implementation of the interim award of the Engineering Wage Board. Government referred the case to adjudication. In the meanwhile, Dr. Toshniwal entered into an agreement with his workers direct without allowing the union leaders to participate in the deliberations. The Union has been seeking from the employer a copy of the agreement which the employer is refusing to give. This argument of Mr. Singh makes his complaint somewhat hollow because if the case has gone to adjudication, possibly the adjudicator will record his recommendations by placing the agreement between the parties and this will be public property. Also, if an agreement has been reached between the employer and his workers, whose allegiance is claimed by the union, to the workers, union members could have given the outline of the agreement. Such a report would not be difficult because most of the workers in Toshniwal Industries are educated. This also does not appear to have

happened.

2. Motor Transport workers have to put in long duty hours. They are not provided with a rest-room or uniform or leave with wages and so on. Added to these, the Rajasthan State Roadways has been exempted from the provisions of the Motor Transport Act by the State Government.

IV

The secretary of the Mica Mine-Owners' Association, Bhilwara, discussed with us the allegations made by trade unions and Government officers about non-payment of wages. This complaint had also been voiced by the Education Minister in his personal capacity.

2. The Secretary stated that the Mica industry has been passing through considerable difficulties as they do not get any hearing from Government, either the Central or State. The result has been that many association members find it easier to close their operations and utilise their talent elsewhere.

3. The employment in industry has been reduced to 50% over the last 5 years. At present, it engages about 4,000 workers. The total arrears of payment, as shown to us, by the officer of the Central Government who was in charge of examining these claims, have been of the order of a lakh and 80 thousands rupees. Though therefore the complaint that workers are not being paid 9-10 months on end, may not be justified, it is possible that wage claims may be remaining pending for 2-3 months.

4. Some mines are being worked on cooperative basis. Because of the special privileges the cooperatives enjoy, there have been no difficulties of the type of non-payment of wages in these units.

5. The present recession has added to their difficulties. The employment is likely to go down further. A copy each of the letters which the Rajasthan Industries and Mining Association, Bhilwara, had sent to the Department of Commerce and Industry and to Government of Rajasthan, explaining the difficulties experienced by the Industry, has been brought on records.
