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Handbook of

TRIPARTITE DECISIONS

Papers relating to
★ Delhi and Nainital Sessions of the Indian Labour
Conference ★ Standing Labour Committee
★ Industrial Committees ★ Decisions
★ Agreements

AITUC PUBLICATION

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TRIPARTITE DECISIONS

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1. wage policy during 2nd plan

One of the main conclusions of the 15th Indian Labour Conference (New Delhi, July 1957) was on "Wage Policy during the Second Five Year Plan." Certain norms on minimum human needs of the industrial worker were laid down by the conference as a guide for all wage-fixing authorities. These norms have now become the basis for computation of minimum wages, as the nationally-accepted principles for wage-fixation. The Conference also recommended constitution of Wage Boards for fixing fair wages in different industries. The text of the Conference's recommendations on "Wage Policy" is as under:

1. While accepting that minimum wage was 'need-based' and should ensure the minimum human needs of the industrial worker, the following norms were accepted as a guide for all wage-fixing authorities including minimum wage committees, wage boards, adjudicators, etc. :

(i) In calculating the minimum wage the standard working class family should be taken to comprise three consumption units for one earner, the earnings of women, children and adolescents being disregarded.

(ii) Minimum food requirements should be calculated on

the basis of a net intake of calories as recommended by Dr. Akroyd for an average Indian adult of moderate activity.

(iii) Clothing requirements should be estimated on the basis of a per capita consumption of 18 yards per annum, which would give for the average worker's family of four, a total of 72 yards.

(iv) In respect of housing, the rent corresponding to the minimum area provided for under Government's industrial Housing Scheme should be taken into consideration in fixing the minimum wage.

(v) Fuel, lighting and other miscellaneous items of expenditure should constitute 20% of the total minimum wage.

2. Wherever the minimum wage fixed was below the norms recommended above, it would be incumbent on the authorities concerned to justify the circumstances which prevented them from adherence to the aforesaid norms.

3. As regards fair wages, the Wage Board should go into the details in the respect of each industry on the basis of the recommendations contained in the Report of the Committee on Fair Wages. These recommendations should be made applicable to employees in the public sector also.

4. The appropriate machinery for wage-fixation would be tripartite wage boards similar to the one already appointed for the cotton textile industry.¹ Setting up of Wage Boards were suggested by workers' representatives for the following sectors of employment:

- | | |
|---------------------------|--|
| (a) Jute | (h) Cement |
| (b) Plantations | (i) Railways |
| (c) Mines other than coal | (j) Posts and Telegraphs |
| (d) Engineering | (k) Civilians employed in defence establishments covered by the Industrial Disputes Act, 1947, and |
| (e) Iron & Steel | (l) Ports and Docks. |
| (f) Chemicals | |
| (g) Sugar | |

¹ The Central Wage Board for Cotton Textile Industry was constituted on March 30, 1957.

The employers' representatives were of the view that this should be left to the discretion of Government.²

5. The Government Study Group on wages might usefully assemble available material on the following subjects for the information of all concerned:

(i) Work-load and job evaluation.

(ii) Rationalisation of management in industries including those in the public sector.

(iii) Working conditions, and

(iv) A detailed study of the relative share of workers, capital, management and the public exchequer in the factory product.

² Following the recommendations of the 15th Indian Labour Conference, the Government of India constituted wage boards only for two industries, i.e., sugar (December 26, 1957) and cement (April 2, 1958).

On December 12, 1958, Shri Abid Ali, Deputy Minister of Labour, Government of India, stated in Parliament that the Government did not propose "to appoint any more wage boards at present". The Government "would like to watch the results of the wage boards already appointed for certain industries and would consider only thereafter whether any further boards should be appointed." (*Hindustan Times*, December 12, 1958).

2. delhi agreement on rationalisation

The Indian Labour Conference at its fifteenth session held in New Delhi (July 1957) formulated certain safeguards which should govern all schemes for rationalisation. Styled "Model Agreement to Guide Employers in regard to Rationalisation", the following is the text of the tripartite agreement.

1. It was emphasised and agreed that Government might make arrangements to ensure that measures of rationalisation which did not serve the real economic interest in the present conditions of the country might be avoided. This principle and what follows would be applicable even in the case of units which had already taken steps to introduce rationalisation but had not completed the process. The following conditions were accepted as *sine qua non* in any scheme of rationalisation:

(i) There should be no retrenchment or loss of earnings of the existing employees, i.e., the existing complement should be maintained, barring cases of natural separation or wastage.

(ii) There should be an equitable sharing of benefit of rationalisation as between the community, the employer and the workers.

(iii) There should be a proper assessment of workloads by experts, mutually agreed upon and also suitable improvements in the working conditions.

2. For purposes of carrying out a scheme of rationalisation, the following working arrangement might be entered into by the union or unions and the employer concerned:

(i) The company may seek to make such changes in machinery, lay-out and organisation as it deems necessary for efficient operation of machinery and rational use of labour and material without prejudice to the provisions of any law, for the time being in force and subject to the provisions of the working arrangement.

(ii) Before any such change is effected, the company shall give reasonable notice, ranging from three weeks to three months, to the union(s), of its intention to effect the change. The notice shall contain full information regarding the nature of the proposed change, approximate date of such change, proposed duties for workers concerned and their job assignment and the expected earnings. Where, however, an appropriate procedure for notice of change exists under the current legislation, the same should be observed in preference to the above.

(iii) The employer shall also furnish information regarding the change and the reduction in the number of jobs and also the effect of the change on the number of jobs in other departments affected by the same change.

(iv) The employer and employees shall meet and discuss the proposal, as soon as possible, after the notice referred to in para (2) above has been given and the former shall furnish all information necessary for a complete understanding of the proposed change and shall explain the contemplated change to the union(s).

(v) The union(s) shall, within a week after the discussion with the employer, present its views or proposals to the employer. In the case of an agreement between the parties, the employer may introduce the change on the due date in accordance with the agreement.

(vi) The union(s) shall be given adequate opportunity to study the new change so as to enable it to gauge the workloads and the earnings of the employees engaged in the new operation.

(vii) If there are differences between the parties on any matter covered by this working arrangement, the matters in dispute shall be referred for arbitration or adjudication.

3. Nainital agreements

The tripartite agreements arrived at the 16th Indian Labour Conference held at Nainital on May 19 and 20, 1958 signify an important landmark in the evolution of national agreements on vital aspects of industrial relations. The AITUC in its publication, Sixteenth Tripartite, brought before the trade union movement the main documents relating to the Nainital Conference. The main body of the agreements on major issues is however reprinted in this publication, constituting as it does the most important tripartite agreements of 1958.

1: ACTION TAKEN ON THE DECISIONS OF THE 15TH SESSION OF THE INDIAN LABOUR CONFERENCE

The statement of action taken on the decisions of the previous Session was noted.¹

2: INDUSTRIAL RELATIONS

(i) *Suspension of Adjudication*: The consensus of opinion was that the time was not appropriate for the suspension of

¹ Details of the action taken on the decisions of the 15th Indian Labour Conference are printed in *Sixteenth Tripartite* (AITUC Publication) pp. 40-42.

adjudication for the settlement of industrial disputes though adjudication would be the last resort in the process.

(ii) *Works Committees*: The present position should be more fully examined.

(iii) *Grievance Procedure*: The guiding principles for a grievance procedure drafted by the Sub-Committee of the Indian Labour Conference (15th Session) were approved. The Sub-Committee should be requested to draft a simple and flexible grievance procedure in accordance with these principles.

(iv) *Steps to make the work of evaluation and implementation more effective*: The proposals made in the memorandum on item 6 and the procedure outlined in the supplementary memorandum on the subject were approved.

(v) *Steps to be taken to mitigate the evils of trade union rivalry*: This was discussed separately in a meeting of representatives of the different Central Organizations of workers and a Code of Conduct was adopted at this meeting.

(vi) *Registration of Trade Unions*:

(a) A trade union should prescribe a minimum membership fee of as. 4 a month and the Registrar of trade unions or his nominee should be given the power to inspect the books of the union.

(b) Delay in the registration of trade unions should be avoided.

(c) If out of the 7 signatories to an application for registration, one or two got discharged during the pendency of the application and if the signatories were entitled to apply for registration at the time of the application, registration should not be refused on the ground that they had since ceased to be workers.

(vii) *Recognition of trade unions and verification of memberships*: It was agreed that certain conventions should be evolved for the voluntary recognition of trade unions by employers. The criteria agreed to for such recognition were as follows:-

(a) Where there were more than one union, a union claiming recognition should have been functioning for at least one year after registration.

Where there was only one union, this condition would not apply.

(b) The membership of the union should cover at least 15% of the workers in the establishment concerned. Membership

would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.

(c) A union might claim to be recognised as a representative union for an industry in a local area if it had a membership of at least 25% of the workers of that industry in that area.

(d) When a union has been recognized, there should be no change in its position for a period of two years.

(e) Where there were several unions in an industry or establishment, the one with the largest membership should be recognized.

(f) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment had a membership of 50 per cent or more of the workers of that establishment, it should have the right to deal with matters of purely local interest, such as, for instance, the handling of grievances pertaining to its own members. All other workers who were not members of that union might either operate through the representative Union for the industry or seek redress directly.

(g) As regards the procedure for verification of the strengths of unions, the suggestions contained in paragraph 16 of the memorandum on Industrial Relations¹ were approved. It was further agreed that the verification procedure for the determination of the representative character of a union should be made more adequate. Where the results of verification by the departmental machinery were not accepted by the parties, a committee composed of the representatives of all central trade union organizations should go into the question and resolve the dispute. For this purpose, the central trade union organizations, which could act as a standing machinery, would provide the necessary panels of persons for different localities. If this machinery failed, the question should be left to the decision of an agreed independent agency or a tribunal. The State Governments also should evolve similar procedures concerning industries within their sphere.

(h) In the case of trade union federations which were not affiliated to any of the four central organizations of labour, the question of recognition would have to be dealt with separately.

(i) Only unions which observed the Code of Discipline

¹See Appendix.

would be entitled to recognition and the procedure for recognition should form a part of the Code of Discipline.

(viii) *Union-shop and Check-off*: The proposals for the introduction of union-shop and check-off were rejected. It was, however, agreed that a recognized union should be entitled to collect membership fees every month within the premises of the undertaking.

3: WORKING OF THE EMPLOYEES' STATE INSURANCE SCHEME

(i) *Share of the State Governments towards the cost of medical benefits on extension of medical care to the families of insured persons*: The State Government's share, on extension of medical care to the families, should be 1/8th of the total expenditure during the Second Five Year Plan period. The position should be reviewed sufficiently in advance of the expiry of this period. No revision should be effective unless mutually agreed upon.

(ii) *System of medical care*: The State Government concerned might adopt any system (service, panel or mixed) which they considered most feasible, keeping in view the conditions in a particular area and in consultation with the workers' organisations.

(iii) *Capitation fee to be paid to panel doctors*: It would be desirable for the Employees' State Insurance Corporation to approach the medical profession through the State Government concerned and not directly.

(iv) *Arrangements for confinement of maternity cases*: A sum of Rs. 30 per confinement case should be paid to the wives of insured persons, on extension of medical care to the families.

(v) *Improvements in cash benefit*: Further improvements in the quantum of cash benefits might not be made till such time as the Scheme was extended to the present coverable population in the country and families included within its scope. Some improvement in the rate of maternity cash benefit was, however, necessary under the Employees' State Insurance Act as under some State Maternity Acts the rates were higher. Persons suffering from T.B. might also be given special consideration in this respect.

(vi) *Waiting period*: The question of revision of the waiting period should be examined, keeping in view the comparable provisions in the English law.

(vii) *Covering families of insured persons*: The families of insured persons should be covered for medical care and treatment. Hospitalisation should also be provided for them as soon as possible.

(viii) *Raising employers' contribution*: To enable the proposals mentioned above being implemented, the employers' contribution should be raised to 4% as already provided for in the law.

(ix) *Integration of Administration*: The administration of the Employees' State Insurance Scheme and of the Employees' Provident Funds Scheme should be integrated.

(x) *Raising of Provident Fund Contribution*: Contributions to the Provident Fund should be increased from 6¼% to 8-1|3%

(xi) *Pension*: The proposal to convert the Provident Fund Scheme into an Old-age and/or Survivorship Pension (for widows and children) Scheme should be further examined provided that this could be worked within the limit of 16-2/3% of wages recovered by way of contributions from employers and workers covered by the Employees' Provident Funds Act.

(xii) *Extension of the Scheme to establishments having 20 employees or more*: The present employment limit of fifty persons or more prescribed under sub-section (3) of section 1 of the Employees' Provident Funds Act, 1952 should be reduced to twenty persons or more. Employees in commercial establishments should also be covered.

Note 1: With regard to (vii) above, the representatives of the workers' organizations urged that separate hospitals should be provided for insured persons and the employers' representatives were of the view that medical care and treatment should be extended to the families of insured persons only after the Employees' State Insurance Scheme had been extended to insurable persons in all coverable areas.

Note 2: The employers' representatives reserved their position with regard to items (viii) to (xii) above as they felt the need for consulting their constituents before making any commitment in this regard. They agreed to forward their comments and suggestions on these items by the end of June, 1958. It was agreed that, if possible, the employers' representatives would be consulted before further action was taken on these matters.

4: AMENDMENTS TO THE INDUSTRIAL DISPUTES ACT, 1947

(i) *Appointment of District Judges on Tribunals*:

(a) The proposed amendment to Section 7A(3) of the Industrial Disputes Act, 1947 to enable the appointment of ser-

ving or retired District Judges as Presiding Officers of Industrial Tribunals was approved.

(b) The employers' representatives agreed to the appointment of District Judges on Tribunals on the understanding that the whole position would be reviewed after a period of two years.

(c) It was also desired that an assurance should be taken from District Judges appointed to Tribunals that they would not practise before the same Tribunal after retirement from it.

(d) While amending the Act for this purpose, note should be taken of the provisions in the U.P. Industrial Relations Act in this regard.

(ii) *Exemption of hospital staff*: Regarding the suggestion of the West Bengal Government that the staff of hospitals etc. should be excluded from the purview of the Industrial Disputes Act, the consensus of opinion was that a convention should be established whereby the staff would not go on strike provided that an effective machinery for the speedy redress of their grievances was set up by the employer.

(iii) *Proposal from the Indian National Mine Workers' Federation*: The amendment to sub-section (3) of Section 24 of the Industrial Disputes Act, 1947 proposed by the Indian National Mine Workers' Federation was discussed and it was agreed that the suggestions made might be examined by Government.

5: SUBSIDIZED INDUSTRIAL HOUSING SCHEME

The employers' representatives undertook to push on with the construction of houses for their workers on a voluntary basis. With a view to encouraging the employers to discharge their responsibility towards their workers in respect of housing, the following measures were recommended:-

(a) the present quantum of loan to employers under the scheme be raised from 37½% to 50%, the quantum of the subsidy, viz., 25%, remaining unchanged;

(b) the rules for the allotment of tenements should be left to the employer to be finalized in consultation with the workers of his establishment, subject to certain broad principles being laid down by Government; and

(c) the matter of giving some income-tax relief to employers who built houses for their workers should be examined by Government in greater detail.

(ii) If State Governments found that industrial housing was

not making progress for want of developed building land, they should spend as much of their allocation under the Subsidized Industrial Housing Scheme as was needed for the acquisition and development of land. This land could be utilized by them or sold at a no-profit no-loss basis to employers for the purpose of putting up houses for their workers.

Note: It was explained that the proposals for raising the quantum of loan assistance and granting income-tax relief were only suggestions which had been approved by the Labour Ministers' Conference and that they had yet to be considered by the Government of India.

6: EVALUATION AND IMPLEMENTATION OF LABOUR ENACTMENTS, AWARDS, SETTLEMENTS, AGREEMENTS, ETC.

The proposals contained in the memorandum on the subject and the procedure outlined in the supplementary memorandum were approved.

7: NOTES FOR INFORMATION ON PRODUCTIVITY, WORKERS' EDUCATION, ETC.

The Conference took note of the information given in the Notes on these subjects.

8: CLOSURE OF UNITS AND UNEMPLOYMENT

(i) *Plantations*: Suitable steps should be taken by the Central and the State Governments after examining the recommendations of the Plantations Inquiry Commission, the Industrial Committee on Plantations and in consultation with the Tea Board.

(ii) *Cotton Textile*:

(a) There were a dozen and more units which had been closed for a number of years. These were beyond the economic possibility of reopening. Where the Government was convinced on expert advice that these old units could not be run, the granting of licences for new units of equivalent capacity should be considered in the same place if parties were willing to seek such licences;

(b) For the other closed mills or for units which had given notice of closure, an Expert Committee should be appointed to examine each individual unit and make recommendations for suitable remedial action to restore normal working:

(c) The present difficulties were confined to coarse and

medium count mills. Steps might be taken to make available, if possible, long staple cotton to these mills as a special relief measure to enable them to produce finer cloth;

(d) When adequate additional securities were available, scheduled banks including the State Bank of India should be requested to reduce the margin required by them for the advance of working capital. This recommendation should be only of a temporary character till the heavy stocks with the Unit were disposed of;

(e) Rehabilitation and modernisation through the National Industrial Development Corporation might be expedited. In all cases of modernisation, however, the recommendations of the 15th Session of the Indian Labour Conference on rationalization should be kept in mind.

(f) For such units where the working was found uneconomic, the grant of licence for the necessary balancing equipment either in spindles or in looms or in preparatory equipment might be favourably considered by Government after examination of the unit concerned;

(g) In Kanpur and Indore where the situation was more difficult, special Expert Committees might be appointed to enquire into the existing conditions of units located there and to suggest remedial action;

(h) Any steps that might be taken to remedy the situation in cotton textile industry should also take into account the position of the handloom industry and of exclusive spinning units;

(i) Liberal exports of yarn, particularly on the basis of O.G.L., might be considered to help the spinning units in the country.

(iii) *Jute:*

(a) In the case of jute textiles outside West Bengal, the transfer of the working of looms from one unit to the other should be effected only after the prior permission was accorded for such transfer by the Government concerned.

(b) The Conference took note of the diversification of jute products which was already taking place and recommended that efforts in this direction should be further intensified.

(c) Possibilities of further action should be explored at a meeting of the Industrial Committee on Jute to be convened in Calcutta at an early date.

(iv) *Engineering:* The Conference drew the attention of the Government to the acute shortage of steel and imported raw

materials for all industries—big, small and medium—and urged that unless immediate steps were taken by Government in this regard, a large number of full or partial closures would take place in this important sector of the national economy.

(v) *General:*

(a) The Standing Orders might be so amended that no shift working should be closed without two months' notice and that no total closure should take place without three months' notice to the workers as well as to the Government. However, in the case of units of the Engineering industry, the period could be reduced in individual cases, if the State Government concerned was satisfied that because of the circumstances of any particular unit, a shorter period of notice, not less than the existing statutory period of one month, was adequate.

(b) Lacunae in the present provision for the lay-off compensation whereby labour could be denied compensation by working nominally for some days in a week after 45 days' lay-off to avoid payment of compensation should be immediately remedied. In the meantime, such practices should not be resorted to.

(c) Liquidation proceedings took an unconscionably long time. Where Government was convinced on competent advice that a mill, company or a unit could not be worked unless ownership was changed, some measures—legal, if necessary—might be devised for an early completion of the liquidation proceedings or the sale or transfer or open auction of such property even before liquidation so that the new party would restart working of such units. In the interim, the Government should, as far as possible, work the mill as a measure of unemployment relief with such conditions as agreed to between Government as an employer and the workers concerned. In such cases, steps should be taken to overcome the difficulties caused by the normal financial procedures of Government.

(d) The Government of India should consider favourably any request coming from the State Governments for enquiries under the Industries (Development and Regulation) Act and in conducting such enquiries should associate the concerned State Governments if it so desired.

4. inter-union code of conduct

On May 21, 1958, immediately after the 16th Indian Labour Conference, representatives of the four central trade union organisations attended a meeting convened by Union Labour Minister, Shri G. L. Nanda. The meeting discussed inter-union relations and agreed on a Code of Conduct, which is published below.

We, the representatives of four Central Labour Organisations, namely, INTUC, AITUC, HMS and UTUC, agree to observe the following basic principles for maintaining harmonious inter-union relations:

- 1) Every employee in an industry or unit shall have the freedom and right to join a union of his choice. No coercion shall be exercised in this matter.
- 2) There shall be no dual membership of unions. (In the case of Representative Unions, this principle needs further examination.)
- 3) There shall be unreserved acceptance of, and respect for, democratic functioning of trade unions.
- 4) There shall be regular and democratic elections of executive-bodies and office-bearers of trade unions.

- 5) Ignorance and/or backwardness of workers shall not be exploited by any organisation. No organisation shall make excessive or extravagant demands.
- 6) Casteism, communalism and provincialism shall be eschewed by all unions.
- 7) There shall be no violence, coercion, intimidation, or personal vilification in inter-union dealings.
- 8) All Central Labour Organisations shall combat the formation or continuance of Company Unions.

2. It was generally felt that machinery consisting of representatives of the four Central Labour Organisations, with an independent Chairman, might be set up for implementing the Code of Conduct. For the time being, Shri Nanda, the Union Labour Minister, might invite the parties, from time to time, for further developing and amplifying the Code.

5. code of discipline

The 15th Indian Labour Conference held in New Delhi in June 1957 formulated certain general principles in order to ensure discipline in industry. While considering the subject of discipline in industry, it was accepted that the dignity and status of the worker should be recognised in order to ensure harmonious relations and better production. The Conference appointed a tripartite sub-committee to formulate a Code for discipline in industry. The draft Code drawn up by the sub-committee was discussed in the 16th Session of the Standing Labour Committee. The AITUC and the HMS sought for clarification on certain points and these were considered in a special meeting of the sub-committee on March 14, 1958. These points, mainly relating to the applicability of the Code to the undertakings in the State Sector and the position of unrecognised unions, were finally clarified by the Union Labour Minister at the 16th Indian Labour Conference. The Code adopted at Nainital also included a provision making it obligatory on the employers to recognise trade unions in accordance with the criteria laid down by the 16th Indian Labour Conference. The Code, which according to the Ministry of Labour came into force from June 1, 1958, is published below.

1. TO MAINTAIN DISCIPLINE IN INDUSTRY (both in public and private sectors)

There has to be (i) a just recognition by employers and

workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) a proper and willing discharge by either party of its obligations consequent on such recognition.

The Central and State Governments, on their part, will arrange to examine and set right any shortcomings in the machinery they constitute for the administration of labour laws.

TO ENSURE BETTER DISCIPLINE IN INDUSTRY

II. *Management and Union(s) Agree*

(i) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level;

(ii) that the existing machinery for settlement of disputes should be utilised with the utmost expedience;

(iii) that there should be no strike or lockout without notice;

(iv) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration;

(v) that neither party will have recourse to (a) coercion, (b) intimidation, (c) victimisation or (d) go-slow;

(vi) that they will avoid (a) litigation, (b) sit-down and stay in strikes and (c) lock-outs;

(vii) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into;

(viii) that they will establish, upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement;

(ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure; and

(x) that they will educate the management personnel and workers regarding their obligations to each other.

III. *Management Agree*

(i) not to increase work-loads unless agreed upon or settled otherwise;

(ii) not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enroll or continue as union members, (b) discrimination, restraint or coercion against any employee because of recognised activity of trade unions and (c) victimisation of any employee and abuse of authority in any form;

(iii) to take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders;

(iv) to display in conspicuous places in the undertaking the provisions of this Code in the local language(s);

(v) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure;

(vi) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline; and

(vii) to recognise the union in accordance with the criteria (*Annexure I*) evolved at the 16th session of the Indian Labour Conference held in May, 1958.

IV. *Union(s) Agree*

(i) not to engage in any form of physical duress;

(ii) not to permit demonstrations which are not peaceful and not to permit rowdyism in demonstration;

(iii) that their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law, agreement or practice;

(iv) to discourage unfair labour practices such as (a) negligence of duty, (b) careless operation, (c) damage to property, (d) interference with or disturbance to normal work and (e) insubordination;

(v) to take prompt action to implement awards, agreements, settlements and decisions;

(vi) to display in conspicuous places in the union offices, the provisions of this Code in the local language(s); and

(vii) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

ANNEXURE I

CRITERIA FOR RECOGNITION OF UNIONS

1. Where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration.

Where there is only one union, this condition would not apply.

2. The membership of the union should cover at least 15% of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.

3. A union may claim to be recognised as a representative union for an industry in a local area if it has a membership of at least 25% of the workers of that industry in that area.

4. When a union has been recognised, there should be no change in its position for a period of two years.

5. Where there are several unions in an industry or establishment, the one with the largest membership should be recognised.

6. A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment has a membership of 50 per cent or more of the workers of that establishment it should have the right to deal with matters of purely local interest such as, for instance, the handling of grievances pertaining to its own members. All other workers who are not members of that union might either operate through the representative Union for the industry or seek redress directly.

7. In the case of trade union federations which are not affiliated to any of the four central organisations of labour, the question of recognition would have to be dealt with separately.

8. Only unions which observed the Code of Discipline would be entitled to recognition.

6. verification of trade union membership

It was agreed at the Nainital Conference that the procedure for verification of the strength of unions and to determine the representative character of a union should be made more adequate. "Where the results of verification by the departmental machinery were not accepted by the parties, a committee composed of the representatives of all central trade union organisations should go into the question and resolve the dispute. For this purpose, the central trade union organisations, which could act as a standing machinery, would provide the necessary panels of persons for different localities. If this machinery failed, the question should be left to the decision of an agreed independent agency or a tribunal. The State Governments also should evolve similar procedures concerning industries within their sphere."

The following revised procedure for verification of trade union membership was therefore drawn up and the process of verification undertaken for the year ending March 31, 1958 would be done in this manner.

1. The existing procedure¹ of requesting the four all-India organisations (viz. AITUC, INTUC, HMS and UTUC to furnish particulars of their claimed membership on or before the 15th of August every year will remain unchanged. The unions affiliated

to these organisations are required to furnish the annual return to the Registrars on or before 31st July every year.

2. A copy of the claims of membership submitted to the Chief Labour Commissioner (CLC) by each of the all-India organisations will be made available to the other organisations. The four organisations will be given a fortnight's time to raise objections, if any, in writing with regard to the claims furnished by other organisations. Any objections received in this connection after the prescribed time-limit, i.e., 15 days, will not be taken into consideration. The Chief Labour Commissioner will get these objections examined through the field officers of his machinery during the course of verification and they will be asked to make specific enquiries in respect of these objections.

3. In the meanwhile, scrutiny will be made by the Chief Labour Commissioner of the claims furnished by the organisations to ensure that the claimed lists are furnished in the prescribed form, giving details in respect of registration and affiliation number. The total membership and the grouping of the trade unions in the various sub-heads will also be examined. The claimed lists along with the objections, as referred to above, will be sent to the various Regional Labour Commissioners (RLC) for verification, who will complete the verification work within a period of eight weeks.

4. The verified lists, when received by the CLC's office from the RLC's will then be furnished to the four all-India organisations. They will be again given a fortnight's time to raise objections in writing, if any, in respect of verification results of the unions affiliated to their own organisation, as well as to other organisations. Any objections received after the prescribed date will not be taken into consideration.

5. The objections received will be placed before a committee composed of one representative each of the four central TU organisations. This Committee will be presided over by the Chief Labour Commissioner or his representative. All objections raised will be taken into consideration by the Committee and efforts will be made to resolve the disputes. In case any further investigation is considered necessary by this Committee, the Regional Labour Commissioners or their representatives will be asked to conduct spot enquiries in the presence of the representatives of the four all-India organisations who would form a panel in various localities for this purpose. Such panels will be set up in each State. Ordinarily a month's time should

suffice for the RLCs to submit their report in consultation with the panels.

6. After consolidating the reports referred to above, the Committee composed of the representatives of the four all-India organisations will again meet by the end of February to examine the reports received and to resolve the disputes with the help of information received. Such of the disputes which this committee fails to resolve will be reported along with the necessary particulars to the Minister of Labour & Employment. If considered necessary, steps to refer these disputes to an independent agency will be taken by the Ministry of Labour & Employment.

7. The CLC's office will compile and consolidate the verified figures leaving those under dispute as referred in para 6 above and the verified information industry-wise/State-wise/Organisation-wise would be furnished to the Ministry of Labour and Employment.

7. standing labour committee—17th session

The 17th Session of the Standing Labour Committee met in Bombay on October 28 and 29, 1958. The main conclusions and recommendations of the Committee are published below.

1: STATEMENT SHOWING ACTION TAKEN ON THE CONCLUSIONS OF THE 16TH SESSION OF THE STANDING LABOUR COMMITTEE ¹

The statement was noted.

2: EVALUATION AND IMPLEMENTATION OF LABOUR ENACTMENTS, AWARDS, AGREEMENTS, SETTLEMENTS, ETC.

(i) The Workers' and Employers' Organisations should

¹ The decisions of the 16th Session are given in the AITUC publication, **Questions of Wage Policy and Work.**

The Labour Ministry's statement on action taken on these decisions mainly dealt with the enforcement of the Code of Discipline and the working of the Evaluation and Implementation Committee. The statement also described the steps taken by the Labour Ministry in the matter of implementing the other decisions, viz., extension of Provident Fund benefits, safety in mines, wage census, compilation of consumer price index numbers, crediting of profit-sharing bonus to provident fund, implementation of labour laws in iron ore and manganese mines, etc.

evolve, as early as possible, machinery for screening cases where-in recourse to law courts is contemplated.

(ii) Workers' and Employers' Organisations should advise their constituents to report only specific and genuine cases of non-implementation of awards, etc. to the Evaluation & Implementation Division of the Ministry of Labour & Employment.

(iii) State Governments which have not yet set up Implementation Committees at State and local levels should do so as early as possible. An officer should also be designated by them, if not already done, to look after the work relating to implementation.

(iv) The Implementation Committees in the States should be fully representative of all the parties concerned.

(v) An analysis of the cases of appeals made after the abolition of Appellate Tribunal, to High Courts and the Supreme Court against industrial awards should be undertaken by the Centre as well as the State Governments in their respective spheres.

3: WORKERS' PARTICIPATION IN MANAGEMENT

Units which volunteered to set up joint management councils but have not yet done so should set up these without any further delay. Such of those units which are not able to do so because of certain genuine difficulties may be taken out of the list of 50 units selected originally and substituted by other units. This process of substitution should be completed within the next six weeks. The list is not exhaustive and other units may be included where parties concerned are willing to start Joint Management Councils.

4: LEGISLATION TO REGULATE WORKING CONDITIONS OF MOTOR TRANSPORT WORKERS

As no agreement could be reached in respect of hours of work, spread-over and payment for over-time work, it was decided that the matter should be examined further and a decision taken by the Central Government.

5: AMENDMENT OF THE INDUSTRIAL DISPUTES ACT

The proposed amendments to the Act should be examined by a Sub-Committee consisting of representatives of the Central

Government, the State Governments of Bombay, Madras, Bihar, Uttar Pradesh, West Bengal and Madhya Pradesh and one representative each of the All-India Organisation of Industrial Employers, the Employers' Federation of India, the All-India Manufacturers' Organisation, the Indian National Trade Union Congress, the All-India Trade Union Congress, the Hind Mazdoor Sabha and the United Trade Union Congress. The first meeting of the Sub-Committee would be held on the *6th December, 1958*² at New Delhi. Fresh amendments, if any, may be communicated to the Central Government by the *20th November, 1958*.

6: SUPERANNUATION AGE FOR INDUSTRIAL WORKERS

It was felt that the question of age of superannuation was closely related to that of retirement benefits. The matter should, therefore, be considered along with proposals relating to an integrated social security scheme.

7: REQUEST MADE BY VARIOUS ORGANISATIONS FOR INTERVENTION BY THE CENTRE, OR THE PERSONAL INTERVENTION OF THE MINISTER FOR LABOUR AND EMPLOYMENT TO RESOLVE CERTAIN DISPUTES WHEN THOSE REQUESTS ARE PRECEDED BY THREATS OF STRIKES OR OTHER DIRECT ACTION

Before a request is made for such intervention the parties concerned should ensure that the Code of Discipline has not been infringed.

8: STUDY OF MAJOR STRIKES BY OBSERVERS FROM THE POINT OF CODE OF DISCIPLINE

(i) The proposal to depute an observer or a team of observers to study major strikes from the point of Code of Discipline was approved.

(ii) The question whether the team should be official, non-official or mixed should be determined by Govt. on the merits of each case.

² The sub-committee to consider amendments to the Industrial Disputes Act did not meet on December 6, 1958. The meeting was postponed to January 1959.

(iii) While selecting representatives in the case of mixed teams, the organisations concerned should be informally consulted.

(iv) It was decided that there should be an enquiry into the Kerala plantation strike from the point of view of the Code of Discipline.

(v) Similar studies might also be undertaken, wherever necessary in other cases involving infringement of the Code of Discipline even if there are no strikes.

9: REVIEW OF THE WORKING OF THE EMPLOYEES' STATE INSURANCE SCHEME

(i) The extension of the Scheme to the present coverable population should be completed by the end of the Second Five Year Plan.

(ii) A Committee would be appointed to review the working of the Scheme.

(iii) Periodical reports showing the progress of the Scheme should be made available to the employers' and workers' organisations.

10: GRANT OF EXEMPTION UNDER SECTION 16(1) OF THE EMPLOYEES' PROVIDENT FUNDS ACT TO FACTORIES RE-STARTING UNDER NEW OWNERSHIP AFTER CLOSURE

Workers' representatives felt that the amendment proposed in the Memorandum was likely to lead to abuses. They would reconsider the proposal and communicate their final views to the Central Government.

8. steering group on wages

A "Steering Group on Wages" was constituted by the Ministry of Labour and Employment, as per the recommendation of the Standing Labour Committee, 16th Session (New Delhi, 1957). The Steering Group, which is a tripartite body, is expected to formulate issues and to devise measures for the systematic collection of data relating to wages, prices, cost of living, etc. We publish below a 'Progress Report' placed before the Standing Labour Committee, 17th Session, by the Ministry of Labour and Employment.

The idea, of constituting a Steering Group to give concentrated attention to the question of wages and related issues was placed before the Standing Labour Committee in October 1957 by the Minister for Labour and Employment. The Committee welcomed the suggestion and in November 1957, Government re-constituted the official Study Group on Wages by including representatives of employers' and workers' organisations and also an independent economist. Owing to limitations of size, representation to State Governments was restricted to only three State Governments. The Steering Group as thus formed is envisaged as a continuing machinery which would function as a

technical group and make its recommendations from time to time for consideration in the Indian Labour Conference.

The Steering Group has met thrice so far. Two broad aspects of the Group's work have emerged out of the discussions at these meetings viz., (i) locating gaps in existing wage data and making suggestions for filling in those gaps and (ii) resolving various technical problems connected with wage policy. The Minister for Labour & Employment who presided over the first meeting of the Group emphasised that on facts there should be no disagreement between employers and workers. In the first meeting itself, the question of national minimum wage was raised as also inter-state disparities in the fixing of wages for identical occupations. It would not be possible to discuss any such issue without having all the relevant data not only on wages, but also on prices, production and so on. Collection of relevant facts and figures thus becomes one of the immediate tasks of the Group, as was highlighted by the Chairman when he stressed the need for a wage map of the country. Machinery for collection of such data has to be organised on a permanent footing since the map will have to be periodically revised in accordance with changing data. As was pointed out by Labour Minister in the last meeting of the Group, what is ultimately visualised is a series of wage maps for consecutive periods which, read together, would give a moving picture of the changing wage pattern.

The Group's main concern at present is with regard to the avenues of detailed information on wages. The Wage Census, the filed enquiry for which was launched in July this year, will no doubt provide enough material for a comprehensive wage map, but it will take a couple of years for the final results to be available. In the meantime, it is of the utmost importance that we pool and utilise all available information in our attempts at a correct appraisal of facts and figures. The Steering Group, therefore, considered a suggestion for chalking out a provisional wage map, placing reliance on the material available in the awards of the Industrial Courts and Tribunals, reports of Working Parties and Enquiry Committees and similar other official publications. In this connection, the Steering Group has made certain recommendations for speeding up collection and publication of primary data and for their uniform presentation by different agencies. These recommendations are being pursued.

The object of compiling a provisional wage map is twofold: (a) to provide a correct perspective of the wage structure

in the different industrial centres in the country and (b) to furnish data on one of the important segments of national income for general economic analysis. It has been decided that, to begin with, an attempt should be made to draw up experimental wage maps for one or two industrial centres. In the meantime, the State Governments are being kept informed of the Steering Group's discussions and are being requested to initiate work on the Wage Map wherever possible.

The Steering Group has also been concerning itself with various technical problems connected with wage policy. In its second meeting, the Group discussed technical papers on Replacement Costs and Distribution of Factory Product and suggested further lines along which the studies could be pursued. It has since been decided to entrust the Research Programme on Replacement Costs in Indian Industry to the National Council of Applied Economic Research. The programme would cover the Cement, Jute, Sugar and Heavy Chemicals industries. When completed, the Study Report would recommend the most appropriate methods of financing Replacement and Modernisation needs in case of (a) export industries and (b) other industries. The Report would also indicate a methodology for similar Studies elsewhere.

The question of labour costs in relation to the cost of production is very often raised in discussions regarding: (a) our export capacity (which has assumed special significance because of our foreign exchange difficulties), (b) surplus required in industry for financing further development and (c) the cost of manufactured articles to the consumer etc. It was felt that a close and detailed study of the subject should be undertaken. In this connection, the Steering Group has appointed a Subcommittee to analyse the whole problem in its proper perspective and particularly to define the controversial term 'wage costs' so that the Steering Group could decide the lines along which further studies should be undertaken.

9. evaluation and implementation

A tripartite Central Evaluation and Implementation Committee was set up by the Ministry of Labour and Employment, which held its first meeting in Delhi on September 20, 1958. The constitution of an Evaluation Machinery at Central and State levels emerged out of discussions in the 16th Session of the Standing Labour Committee (New Delhi, 1957) and later tripartite meetings. We publish below an official memorandum on "Evaluation and Implementation of Labour Enactments, Awards, Agreements, Settlements, etc." as well as the main conclusions of the first meeting of the Central Evaluation and Implementation Committee.

MEMORANDUM

The question of evaluating the implementation of labour laws, awards, agreements, settlements, etc., was considered by the Standing Labour Committee at its 16th Session held in October, 1957. In pursuance of the recommendations of this Committee, Government of India have set up an Evaluation and Implementation Division to assess the extent of non-implementation of labour laws, awards, etc., and to evaluate the results achieved by such measures. A Central Implementation and Evaluation Committee comprising 4 representatives each of the central

organisations of employers and workers has also been set up. The first meeting of this Committee was held on the 20th September 1958.

IMPLEMENTATION MACHINERY

2. The State Governments were also requested to set up similar machinery. According to the information received so far, the Governments of Punjab, Rajasthan, Uttar Pradesh, Delhi and West Bengal have already set up official Cells and tripartite Implementation Committees. The Government of Kerala have also decided to set up a Cell and a Committee. The Government of Bihar have constituted a Cell and are taking steps to set up a Tripartite Standing Committee of five members representing employers and employees with the State Labour Secretary as Chairman. The Government of Mysore are entrusting the implementation work to a sub-committee of the State Labour Advisory Committee. Similarly, the Government of Madhya Pradesh propose to make the State Labour Advisory Committee, when set up, responsible for all cases of non-implementation. The Government of Bombay are of the view that as the number of cases of non-implementation in Bombay is not large, a separate committee is not necessary at present. They have, however, designated one of their officers to look into the cases of non-implementation. Other State Governments are still considering the proposal.

EXTENT OF THE PROBLEM

3. With a view to assessing the extent of non-implementation of awards, etc., the Evaluation and Implementation (E & I) Division issued circular letters, in January, 1958, to all State Governments and to all-India Organisations of employers and workers requesting them to furnish, in specified questionnaires, information regarding cases of non-implementation or partial, delayed or defective implementation of labour enactments, awards, etc. Members of Parliament were also requested to offer their suggestions in this connection and to bring to the notice of the Evaluation and Implementation Division any case of non-implementation or infringement of labour laws, awards, etc. In response, 763 cases of non-implementation or partial, delayed or defective implementation of labour enactments, awards, etc., were reported to the E & I Division upto the end of August,

1958. Besides, 203 suggestions for carrying out amendments of labour enactments were received in the Division. Of the 763 cases of non-implementation, 334 related to labour enactments while the remaining 429 were in respect of awards, agreements and settlements. An analysis of these complaints is given below:-

(i) *Awards*: In all, 389 cases of non-implementation of awards were reported. Of these, no action could be taken in 196 cases as they were either pending in courts, or the mills were closed or the awards were invalidated by the Labour Appellate Tribunal, etc. Of the remaining 193 cases, the E & I Division has secured implementation or settlement in 45 cases and 33 are under investigation of Central Government; 115 cases are within the jurisdiction of State Governments and they are taking appropriate action to secure implementation where possible (of these legal action is already being taken against employers in 42 cases).

(ii) *Agreements and settlements*: The total number of cases of non-implementation of agreements/settlements reported was 40. Of these, 5 are pending in courts; 3 have been invalidated by Labour Appellate Tribunal's decisions; 3 were settled as a result of action taken by the E & I Division; in 21 cases which are under the jurisdiction of State Governments, appropriate steps to ensure compliance are being taken by them; 7 cases are under investigation of the Central Government while in one case the organisation concerned was asked to furnish details.

(iii) *Labour enactments*: A majority of the 334 complaints regarding non-implementation of the provisions of various labour enactments related to the Industrial Disputes Act, Employees' Provident Funds Act, Minimum Wages Act, Plantations Labour Act, Mines Act and Factories Act. As a result of action taken by the E & I Division, implementation was effected in 83 cases. In 99 cases action could not be taken as the complaints were of a general nature and details were lacking, 49 cases are under investigation in consultation with the authorities concerned, while 85 cases have been referred to State Governments for necessary action.

4. One of the important functions of the Evaluation and Implementation Division is to ensure the observance of the Code of Discipline in Industry. By the end of August 1958, 38 cases of infringement of the Code were taken up with the parties concerned. On the basis of information available it is revealed that responsibility for infringement of the Code in all these cases is

shared equally by workers and employers. Infringements of the Code by workers generally take the following forms: agitation and satyagraha at factory gates causing interference of work, rowdiness, provocative speeches, abusive language against managements, violence, assault on management officials, strike without notice, etc. On the part of employers, the infringements stem from stubborn attitude and non-cooperation with workers in settlement of disputes, non-implementation of awards and enactments, coercion, unfair labour practices, and sometime end in lock-out without notice, etc. As a result of the action taken by the E & I Division, 4 cases of breach of the Code have already been settled satisfactorily while others are under various stages of examination in consultation with the parties/authorities concerned.

5. As for the evaluation work of the Division the officer incharge of the Division evaluated, in terms of the Code of Discipline, the recent strike at Jamshedpur. A similar evaluation was done in respect of the ports and docks strike. A team was also constituted to examine the working of the Multi-Purpose Institute set up under the Coal Mines Labour Welfare Fund Scheme, and its report is expected shortly. The working of the Employees' State Insurance Scheme is also proposed to be evaluated shortly, as well as the strike in the Premier Automobiles and the one-day strike in Bombay City.

6. A major difficulty in the implementation of a large number of awards, etc., has been the tendency of employers to go to High Courts or the Supreme Court. While in some cases there may be genuine difficulties or doubts in the implementation and a recourse to higher courts may be inevitable, in many others this procedure seems to have been adopted mainly for delaying implementation. This tendency on the part of employers has naturally created a sense of distrust and frustration among workers and is often a fruitful source of labour disputes. The Standing Labour Committee at its 16th Session held in October, 1957 recommended that the tendency to have recourse to law courts on unsubstantial grounds should be discouraged and that the Organisations themselves should devise some sort of machinery to screen cases in which recourse to courts was contemplated by their members. Precise information on the action taken by the Organisations in this regard is not available. They have been asked to inform the E & I Division of the action taken.

It is desirable that action be initiated in this regard by the Organisations concerned if it has not already been done.

7. Another difficulty experienced by the E & I Division in taking necessary remedial action in cases of non-implementation is that not only complete details of each case and specific instances of non-implementation are not furnished by the parties concerned but in many cases the complaints are without foundation or deliberately give a one-sided version. In some cases the matter had been considered long ago and the parties informed, of the final decision yet they are referred to the E & I Division as fresh cases without any reference to their previous history. All this results in avoidable waste of time at various stages. It is, therefore, very necessary that parties concerned must invariably furnish complete details of each case with specific items of non-implementation and should take care that only genuine complaints are referred to Government.

* * *

CONCLUSIONS OF THE CENTRAL IMPLEMENTATION & EVALUATION COMMITTEE

I: ACTION TAKEN ON THE CONCLUSIONS OF THE 16TH SESSION OF THE STANDING LABOUR COMMITTEE HELD IN OCTOBER, 1957 REGARDING EVALUATION AND IMPLEMENTATION OF LABOUR LAWS, AWARDS ETC.

The information contained in the memorandum on this item was noted. It was agreed that the suggestion made by the workers' representatives that the State Evaluation and Implementation Committees should be as representative as the Central Committee would be forwarded to State Governments for their consideration and adoption.

2: CASES OF NON-IMPLEMENTATION OR PARTIAL, DELAYED OR DEFECTIVE IMPLEMENTATION OF

- (i) AWARDS, AGREEMENTS, SETTLEMENTS AND
- (ii) LABOUR ENACTMENTS RECEIVED FROM STATE GOVERNMENTS, EMPLOYERS' AND WORKERS' ORGANISATIONS AND ACTION TAKEN THEREON.

(i) It was clarified that complaints of non-implementation of labour laws, etc., relating to the central sphere should be referred to the Central E & I Division and those falling in state sphere to the State Governments concerned. In either case re-

ferences to the Implementation Machinery at the Centre or in the States should be made only after the existing machinery under the Union Labour Ministry or the State Labour Departments has been fully utilized.

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

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

3: NON-IMPLEMENTATION OF AWARDS, AGREEMENTS ETC., DUE TO APPEALS TO HIGH COURTS/SUPREME COURT

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

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

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

(iii) It was agreed to consider the question of associating neutral auditors as assessors with the industrial tribunals so as to provide them with expert advice on accounting matters.

(iv) It was decided that an analysis of the cases of successful appeals against industrial awards may be made to determine

the extent of the advantage secured, both in terms of money and as a vindication of principles.

4: IMPLEMENTATION OF THE CODE OF DISCIPLINE IN INDUSTRY:

(i) It was clarified that as the Code was formally ratified at the sixteenth session of the Indian Labour Conference held at Nainital in May, 1958, it should be deemed to have come into effect from June 1, 1958. It would, therefore, not be correct to apply the sanctions of the Code to cases of infringements that occurred prior to the date.

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

(iii) It was decided that an on-the-spot study under the Code of Discipline by a tripartite body comprising nominees of the members of the Central Implementation and Evaluation Committee of the Calcutta tram workers' strike should be conducted. It was suggested that the Government of West Bengal should be consulted in the matter immediately.

(iv) It was decided that in addition to its present functions the Implementation Machinery both at the Centre and in the States should organise itself to take preventive action, before a major strike takes place.

5: EVALUATION OF LABOUR ENACTMENTS, AWARDS, AGREEMENTS, DISPUTES, ETC.

The programme for evaluation drawn up in the memorandum on this item was accepted with the addition that the evaluation of Factories Act may also be included in the programme.

6: A REVIEW OF SOME TYPICAL CASES OF NON-IMPLEMENTATION

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

10. grievance procedure

The Sub-committee of the Indian Labour Conference on Workers' Participation in Management and Discipline in Industry, at its meeting held in Delhi on September 19, 1958 adopted a Model Grievance Procedure. The text of the agreed model procedure is given below, along with recommendations for constitution of Grievance Committees.

GUIDING PRINCIPLES FOR A GRIEVANCE PROCEDURE

Existing labour legislation does not provide for a well-defined and adequate procedure for redressal of day-to-day grievances in industrial units. Clause 51 of the Model Standing Orders in Schedule I of the Industrial Employment (Standing Orders) Central Rules 1946 specifies that "All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or the other person specified in this behalf with the right of appeal to the employers".

In some industrial units, however, detailed grievance procedures have been worked out by mutual agreement. In the absence of a satisfactory grievance procedure, day-to-day grievances are allowed to pile up with the result that the accumulated discontent culminates sometime or the other in cases of indiscipline, strikes, etc. In what follows, therefore, an attempt has been made to draw up Guiding Principles for a Grievance Procedure. It is realised that it may not be possible to apply all these principles in respect of each and every industrial unit. However, all units should endeavour to conform, as much as possible, to these principles.

Complaints affecting one or more individual workers in respect of their wage payments, over-time leave, transfer, promotion, seniority, work assignment, working conditions and interpretation of service agreement, dismissals and discharges would constitute grievances.* Where the points at dispute are of general applicability or of considerable magnitude, they will fall outside the scope of this procedure.

A Grievance Procedure should take note of the following principles:-

(1) CONFORMITY WITH EXISTING LEGISLATION:

A Grievance Procedure forms part of the integrated scheme intended to promote satisfactory relations between employers and workers. This procedure should be designed to supplement the existing statutory provisions and it may, where practicable, make use of such machinery as is already provided by legislation.

The Grievance machinery can be availed of on the receipt by the worker of the order causing a grievance. The operation of the order, however, need not be held up till the grievance machinery is completely exhausted. Wherever possible, attempts should be made to complete the grievance procedure between the time the Order is passed and when it is acted upon.

2. NEED TO MAKE THE MACHINERY SIMPLE AND EXPEDITIOUS.

(a) As far as possible grievances should be settled at the lowest level.

* In the case of Defence undertakings, however, a special provision may have to be made.

(b) No matter should ordinarily be taken up at more than two levels, i.e., normally there should be only one appeal.

(c) Different types of grievances may be referred to appropriate authorities.

(d) A grievance must be redressed as expeditiously as possible and towards this end, the employer, in consultation with the workers, should decide upon the time limit required for settling a grievance.

3: DESIGNATION OF AUTHORITIES:

The workmen must know the authorities to be approached and it should, therefore, be incumbent on the management to designate the authorities to be contacted at various levels.

It may be useful to classify grievances as those arising from personal relationship and others arising out of conditions of employment. In the former case, a grievance should be taken up, in the first instance, with the authority in the line management immediately above the officer against whom the complaint is made. Thereafter, the matter may go to the Grievance Committee comprising representatives of management and workers. The size and composition of the Committee shall be decided at the unit level.

Other grievances should be taken up, in the first instance with the authority designated by the management. Thereafter, a reference may be made to the Grievance Committee.

Where the matter goes to the Grievance Committee in the first instance, an appeal shall lie with the top management:

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CONSTITUTION OF GRIEVANCE COMMITTEE

(1) IN THE CASE WHERE THE UNION IS RECOGNISED

Two representatives of management plus a Union representative and the Union departmental representative of the Department in which the workmen concerned work.

(2) IN THE CASE WHERE THE UNION IS NOT RECOGNIZED
OR THERE IS NO UNION BUT THERE IS A
WORKS COMMITTEE

Two representatives of management plus the representative of the Department of the workman concerned on the Works Committee plus either the Secretary or Vice-President of the Works Committee (this is in case the Secretary of the Works Committee is also the workman's departmental representative).

It is suggested that in the case of the Management, their representatives should be the Departmental Head plus the official who dealt with the matter at the first stage, or the personnel officer should act as an adviser.

The size of the 'Grievance Committee' should be limited to a maximum of four to six; otherwise it becomes unwieldy.

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MODEL GRIEVANCE PROCEDURE

A. GRIEVANCE MACHINERY

A Grievance Machinery will be required to be set up in each undertaking to administer the Grievance Procedure. The minimum requirements of such a machinery would be as follows, except where an established procedure is already working to the mutual satisfaction of either party. Even in the latter case, every effort shall be made to bring the procedure in conformity with the Guiding Principles.

For the purpose of constituting a fresh Grievance Machinery, workers in each department (and where a department is too small, in a group of departments) and each shift, shall elect, from amongst themselves and for a period of not less than one year at a time, departmental representatives and forward the list of persons so elected to the management. Where the union (s) in the undertaking are in a position to submit an agreed list of names, recourse to election may not be necessary. Similar is the case where Works Committees are functioning satisfactorily, since the Works Committee member of a particular constituency shall act as the departmental representative. Correspondingly, the management shall designate the persons for each department who shall be approached at the first stage and the departmental heads for handling grievances at the second stage. Two or three of the departmental representatives of workers

and two or three departmental heads nominated by the management shall constitute the Grievance Committee, the composition of which is indicated on pages 40-41. In the case of appeals against discharges or dismissals, the management shall designate the authority to whom appeals could be made.

B. GRIEVANCE PROCEDURE

While adaptations have to be made to meet special circumstances such as those obtaining in the Defence Undertakings, Railways, Plantations and also small undertakings employing few workmen the procedure normally envisaged in the handling of grievances should be as follows:-

(1) An aggrieved employee shall first present his grievance verbally in person to the officer designated by management for this purpose. An answer shall be given within 48 hours of the presentation of complaint.

(2) If the worker is not satisfied with the decision of this officer or fails to receive an answer within the stipulated period, he shall, either in person or accompanied by his departmental representative, present his grievances to the Head of the Department designated by the Management for the purpose of handling grievances. (For this purpose, a fixed time shall be specified during which on any working day, an aggrieved worker could meet the departmental head for presentation of grievances). The Departmental Head shall give his answer within 3 days of the presentation of grievance. If action cannot be taken within that period, the reason for delay should be recorded.

(3) If the decision of the Departmental Head is unsatisfactory, the aggrieved worker may request the forwarding of his grievance to the 'Grievance Committee' which shall make its recommendations to the Manager within 7 days of the Worker's request. If the recommendations cannot be made within this time-limit, the reason for such delay should be recorded. Unanimous recommendations of the Grievance Committee shall be implemented by the management. In the event of a difference of opinion among the members of the Grievance Committee, the views of the members along with the relevant papers shall be placed before the Manager for final decision. In either case, the final decision of the management shall be communicated to the workman concerned by the personnel Officer within 3 days from the receipt of the Grievance Committee's recommendations.

(4) Where the workman is not satisfied with the final decision of Management, he shall have the right to appeal to Management for a revision. In making this appeal, the worker's representative, if he so desires, shall have the right to take a union official along with him to facilitate discussions with Management. Management shall communicate their decision within a week of the workman's revision petition.

(5) If no agreement is still possible, the union and the management shall refer the grievance to voluntary arbitration.

(6) Where a worker has taken up a Grievance for redressal under this procedure, the formal Conciliation Machinery shall not intervene till all steps in the procedure are exhausted. A Grievance shall be presumed to assume the form of a dispute only when the final decision of the top management in respect of the Grievance is turned down by the worker.

(7) If a grievance arises out of an order given by management, the said order shall be complied with before the workman concerned invokes the procedure laid down for redressal of grievance. If, however, there is a time lag between the issue of order and its compliance, the grievance procedure may immediately be invoked but the order nevertheless must be complied within the due date, even if all the steps in the grievance procedure have not been exhausted. It may however be advisable for the management to await the findings of Grievance procedure machinery.

(8) Worker's representatives on the Grievance Committee shall have the right of access to any document connected with the inquiry maintained in the department and which may be necessary to understand the merit or otherwise of the workers' grievances. The management's representatives shall have the right, however, to refuse to show any document or give any information which they consider to be of a confidential nature. Such confidential document(s) shall not be used against the workmen in the course of the grievance proceedings.

(9) There shall be a time-limit within which an appeal shall be taken from one step to the other. For this purpose, the aggrieved worker shall, within 72 hours of the receipt of the decision at one stage (or if no decision is received, on the expiry of the stipulated period), file his appeal with the authority at the next higher stage, should he feel inclined to appeal.

(10) In calculating the various time intervals under the above clauses, holidays shall not be reckoned.

(11) Management shall provide the necessary clerical and other assistance for the smooth functioning of the grievance machinery.

(12) If it is necessary for any worker to leave the department during working hours on call from the Labour/Personnel Officer or any other officer of the established grievance machinery, previous permission of his superior shall necessarily be obtained. Subject to this condition, the worker shall not suffer any loss in wages for the work-time lost in this manner.

(13) If, however, there be any complaint against any individual member of the staff, who is nominated by the management to handle grievances at the lowest level, the workman may take up his grievance at the next higher stage i.e., at the level of Departmental Head.

(14) In the case of any grievance arising out of discharge or dismissal of a workman, the above-mentioned procedure shall not apply. Instead, a discharged or dismissed workman shall have the right to appeal either to the dismissing authority or to a senior authority who shall be specified by the management, within a week from the date of dismissal or discharge. At the time the appeal is heard, the workman may, if he so desires, be accompanied by either an official of the recognised union or a fellow worker, as the case may be.

11. workers' participation in management

On January 31 and February 1, 1958, a Seminar on Labour Management Co-operation was held in Delhi, in which representatives of the government, employers' and employees' organisations took part. We publish below the conclusions of the Seminar and the progress of the "experiment", detailed in an official memorandum circulated to the participants in the Standing Labour Committee, 17th session.

MEMORANDUM

It was in the 15th Session of the Indian Labour Conference held in July, 1957 that it was decided to initiate the experiment on Workers' Participation in Management in 50 selected units. These units were to offer themselves voluntarily for the proposed experiment. By the time the Seminar was organised in January this year, about 30 units actually volunteered. In the Memorandum on the subject placed before the last session of the Indian Labour Conference, it was mentioned that subsequent to the Seminar, progress was disheartening. From the information received since then, it would appear that Joint

Management Councils have been constituted only in about a third of the units which volunteered to try the scheme.

Even allowing for a certain inevitable time-lag for the proper planning and launching of an important scheme of this kind in the different units, the halting progress is very much disappointing and calls for immediate solution by the combined efforts of all those who are interested in the success of the scheme. It cannot be that the units are still groping in the dark as to what is expected of them. The nature of the scheme and even the details thereof were settled in the Seminar by mutual consent. The recent agreement concluded between the Hindustan Machine Tools Private Ltd. and the Hindustan Machine Tools Workers' Association takes us a step further and could very well serve as a model to all the other units who have volunteered to set up Joint Councils.

It will be recalled that the Indian Labour Conference was anxious that as far as possible, there should be no intervention by Government in the matter of setting up Joint Councils. The limitations of Government action in this regard were again made clear in the Memorandum placed before the last session of the Conference. Government is an interested party in maintaining industrial peace in the country, in the promotion of which "Worker Participation in Management" is universally acknowledged to be an important element. As such, Government initiated the scheme and gave it a push forward by calling together in a Seminar, representatives of employers and workers from selected units. The agreed decisions of the Seminar were also publicised widely. More recently, the Minister wrote to the Presidents of the different All India Organisations of Employers re-affirming Government's interest in the scheme, and expressing his concern at its slow progress. It now becomes the responsibility of the Central Organisations of employers and workers to see that the units which have voluntarily come forward, carry out the experiment in the spirit of the understanding reached at the Seminar. Government could always help to resolve any difficulties that may crop up. In this, it can draw upon the valuable experience of the advisers, a panel of whose names is being maintained. But, the initiative in bringing the difficulties to the notice of Government has to be taken by the parties concerned.

It may be mentioned that where the scheme is being tried earnestly, encouraging results are already visible. In one instance, it was reported that all dissident elements among the

workers had merged with the dominant union in order to make the scheme a success. In another instance, rival unions had come to an understanding for the purpose of securing representation on the Joint Councils. These are good portents for industrial harmony. Against this background, it is for the Study Group to discuss the whole question, spot out difficulties in implementing the scheme on a wider scale and suggest speedy measures for overcoming them and popularising worker participation in the interests of industrial harmony.

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CONCLUSIONS OF THE SEMINAR ON LABOUR MANAGEMENT CO-OPERATION HELD AT NEW DELHI ON THE 31ST JANUARY AND 1ST FEB. '58

The seminar considered the various problems concerning the Constitution, functions and administration of Joint Councils and its conclusions/recommendations on the various items were as under:

I. SIZE OF THE JOINT COUNCIL

(1) The Joint Councils to be effective and manageable should consist of equal number of representatives of management and employees, not exceeding twelve in all. In the case of smaller undertakings, however, the membership should not be less than six.

(2) The quorum should be four, two on each side.

(3) Decisions should be taken unanimously.

II. REPRESENTATION TO DIFFERENT DEPARTMENTS, ETC.

(1) As one of the essential criteria for the formation of Joint Councils is that the undertakings should have a well-established and strong trade union functioning, the rule should be:

(a) where there is a representative union registered under a statute, that representative union should nominate the employees' representatives on the Council;

(b) Where there is no law for the registration of unions as representative unions, but there is only one union well established, that union should nominate the employees' representatives on the Council;

(c) Where there are more than one well-established and

effective unions, the Joint Councils should be formed when the unions among themselves agree as to the manner in which representation should be given to the employees.

(2) There should be no bar to the members of the Supervisory and technical staff being nominated as employees' representatives on the Council.

(3) Employees' representatives should be employees themselves; but, if Association of employees so feels, it can appoint non-employee members to the extent of not more than 25% of its quota. If the employers have no objection, the number of non-employee members may be raised to 2.

(4) The Joint Council should be set up at the unit level, where there are a number of departments in an undertaking, having separate identity of their own, the Joint Council may set up subsidiary Departmental Joint Committees to deal with the problems at the departmental level and also to secure proper and effective functioning of the Joint Council itself. Where there are a number of units under the same management in the same area having separate Joint Councils of their own, a Central Joint Council might also be established for the group of undertakings.

(5) The Ministry of Labour might request the Ministry of Finance to agree to the formation of Joint Councils in the Life Insurance Corporation of India; for this purpose, a Zone may be treated as a unit.

(6) The Ministry of Labour might request the Ministry of Communications to include not only the Posts and Telegraphs Workshops (as recommended by the Sub-Committee on Worker Participation in Management and Discipline in Industry), but also other units functioning under the P & T Department.

III. OFFICE BEARERS OF THE JOINT COUNCIL

(1) The question of procedure for appointing a chairman and vice-chairman should be left to the Council itself.

(2) In case the Joint Council fails to come to an agreement on the above, the offices of Chairmanship and Vice-chairmanship should be made rotating. Again, if for one term the Chairman is selected from the employers' side, the Vice-Chairman should be from the employees' side and vice-versa.

(3) The term of office of a Chairman and a Vice-Chairman shall be one year and that of the Council shall be two years.

(4) There may be two Joint Secretaries, one from the em-

ployees' side and the other from the employers' side, both having equal status. They may be elected by the members of the Council from among themselves.

(5) The employers should provide such secretariat and other assistance as may be necessary for the smooth and efficient functioning of the Joint Councils. If the employees' representatives agree, the Labour Welfare Office of the Unit may be associated with the Joint Council for purposes of secretariat work, e.g., circulation of minutes, notes, etc.

IV. CONSTITUTION OF SUB-COMMITTEE

(1) It is desirable to appoint Sub-Committees.

(2) For welfare activities, etc., a Standing Sub-Committee may be appointed.

(3) For other specific points, Ad-hoc Sub-Committees may be formed.

(4) These Sub-Committees shall submit their reports to the Joint Council.

(5) There should be a parity of employer-employee representation on the Standing Sub-Committees. On the Ad-hoc Sub-Committees, however, parity need not be insisted upon.

(6) The Sub-Committees might also include in their membership, persons other than members of the Joint Council.

(7) The Sub-Committees shall be working under the general supervision and guidance of the Joint Council. Reports made by the Sub-Committees will be considered by the Joint Council which will take the ultimate decision.

(8) The agenda for the Joint Council meetings should be prepared and circulated in good time, so as to give sufficient publicity to it amongst the employees and invite points for discussion from them. The preparation of the agenda should be the primary responsibility of the Chairman who might make such arrangements as may be necessary for this purpose.

V. SCHEDULE FOR THE MEETINGS OF THE JOINT COUNCIL

The periodicity of the meetings of the Council is essentially a matter to be decided by agreement by the Council itself. The Council should, however, meet at least once a month.

VI. MINIMUM QUALIFICATIONS PERTAINING TO EDUCATION, *etc.*

No qualifications should be laid down for membership of the Council. The parties are expected to nominate persons who have sufficient knowledge and understanding and who are in a position to deliver the goods.

VII. LIAISON BETWEEN THE JOINT COUNCILS AND THE MINISTRY OF LABOUR & EMPLOYMENT

The Government of India should make a definite arrangement for liaison between the Joint Councils and the Ministry of Labour and Employment by designating a separate cell for the purpose and give it all facility. Adequate arrangements should also be made to associate State Governments, with the working of the Joint Councils in their respective areas.

VIII. GUIDANCE FROM PANEL OF EXPERTS

Having regard to the fact that the experiment is initiated at a few places in the initial stage, and All-India panel be appointed composed of persons (a) who are nominated by organisations of employers and employees, (b) whom the organisations consider suitable for guiding Joint Councils, (c) who are willing to undertake this responsibility. The advice of the experts shall not be binding on the Joint Councils.

IX. TRAINING PROGRAMMES IN UNITS EXPERIMENTING WITH WORKER PARTICIPATION IN MANAGEMENT

The representatives of both management and workers on the Joint Councils should continuously keep in mind their Joint responsibilities and rights. Towards this end, it should be necessary to ensure that they acquire the requisite attitude and background. Education of a general nature, especially in the issues relating to the satisfactory working of an enterprise must be imparted. A programme for such education should be carried on through different agencies. The representatives of management should be persuaded to actively participate in professional management associations. The Trade Unions may undertake the education of the workers. The workers' education scheme which is to be launched shortly by the Government of India must de-

vote special attention to this aspect of labour-management relations. The Joint Councils at the unit level should also consider the possibility of organising the Joint education of all the members of the council.

X. DISSEMINATION OF INFORMATION TO WORKERS

The Joint Council should have the right to receive information on the various subjects outlined under Clause 6 of the Model Agreement. All arrangements should be made for documentation and dissemination of information to members of the Joint Councils as early as practicable. The Technical details in this connection should be worked out. On certain specific matters, information should be given every quarter. The right to receive information also includes the right of discussion. The undertaking having a Joint Council shall also establish a library and a reading room.

XI. INFORMAL MEETINGS

All efforts should be made to increase informal contacts between the members of the Joint Council and top officials of both sides, namely, management and the trade union.

The Seminar also discussed other related issues. The conclusions thereon were as follows:

A. *Joint Councils and Works Committees*

(1) Since Joint Councils are working at the policy level, they can function separately without encroaching upon the functions of the Works Committees.

(2) Where Works Committees are already working in units where Joint Councils are to be set up, the Works Committees shall continue.

B. *Responsibilities of the Council*

(1) The Joint Council shall exercise supervisory, advisory and administrative functions on matters concerning safety, welfare, etc. as have been indicated in the Model Agreement; though the ultimate responsibility shall rest with the management.

(2) The unanimous decisions of the Council shall be implemented without any delay. If they are not implemented in time, reasons should be given for the delay.

12. industrial and occupational health

A regional conference on Industrial and Occupational Health was convened in Calcutta from November 24 to December 5, 1958, under the auspices of the World Health Organisation and the International Labour Organisation. Representatives of Governments, employers' and workers' organisations from all countries of the South-East Asian region took part in the Calcutta meeting. The conclusions of the conference are as under:

1. Experience during the Conference confirmed that, because of similarities in economic, industrial and social structure, countries in South-East Asia had many occupational health problems in common. This fact emphasized the value of regular contacts between persons concerned with occupational health in the Region.

2. In the realistic planning of occupational health services in S.E. Asia the way in which these services had developed had to be kept in mind. Even at the present time they varied from the provision of simple medical care to the worker and his family to the occupational health service concentrating on the prevention of occupational diseases and accidents. For the future

development of occupational health services the closest collaboration between these services and community health services would be necessary in order to enable occupational health services gradually to concentrate on their specific tasks.

3. No progress could be expected in the development of occupational health services without the understanding and cooperation of both employers and workers. The Conference recommended that this understanding should be fostered at the earliest stage of development.

4. The Conference brought together representatives of many disciplines concerned with occupational health who all agreed on the vital importance of a team approach in dealing with occupational health problems. It was concluded that without the undertaking teamwork was absolutely essential. To promote the collaboration of the occupational health service with all the outside agencies concerned, it was recommended that a central coordinating authority should be established.

5. It was concluded that occupational health services were clearly the responsibility of the employer, and that therefore within the undertaking they should be organized and paid for by him; on the other hand, the provision of community health services covering workers and their families in this Region was usually a governmental responsibility.

6. Until community health services were fully developed, however, the Conference agreed that occupational health services in South-East Asian countries should provide a certain measure of preventive and curative service, the extent of which must be determined by local needs and resources. Such curative services should cover diseases of non-occupational as well as of occupational origin.

7. In order to determine the form of organization of occupational health services, committees consisting of representatives of employers' and employees' organisations, government and the medical profession, at national, provincial and local level should be established.

8. The Conference concluded that in the establishment of occupational health services it was not possible to exclude either legislation or persuasion nor was it possible to rely on one or other of them as the only method. Occupational health services in undertakings should be developed on a statutory basis.

9. The Conference emphasized the need for developing institutes of occupational health in all countries of the Region to provide service, research, training and technical information.

10. The value of professional associations in the field of occupational health was also stressed.

11. Physicians should be trained in the technological aspects, and engineers in the health aspects of industrial processes. Such training if held jointly would enhance future team work.

12. Training of physicians in occupational health in South-East Asia was necessary. This should be given at three levels, to the medical undergradute, the physician already working in industry, and the physician aiming to specialise in the subject.

13. Though the ultimate goal was to have fully trained registered nurses trained in industrial nursing, it was recognised that such personnel were not available in the region at present. For the time being, therefore, it was necessary to train a number of auxiliary personnel to do some of the work usually entrusted to nurses.

14. A suitable number of persons trained in first-aid should be available in every undertaking. Regular courses in first-aid should be given by the industrial physician.

15. Student engineers, students of various trades, factory inspectors, management and supervisors, social welfare officers and workers should be given some orientation towards occupational health.

16. The Conference stressed the need for health education of both management and workers as one of the main elements in the development of an occupational health programme.

17. In order to follow up the conclusions of the Conference, it was suggested that the following special steps should be taken:

(a) *At the government level*—to convene a meeting of all agencies concerned to discuss the final report and the possibility of implementing its conclusions.

(b) *At participants level*—to disseminate the experience and knowledge gained during the Conference and to make known the contents of the final report wherever and whenever appropriate.

(c) *At both levels*—to keep contact with other countries in the Region on progress made in occupational health.

(d) *At the international level*—within budgetary limitations to assist countries in the Region in developing programmes of occupational health by the provision of technical information and advice, the granting of fellowships, and the promotion of occupational health institutes.

13. industrial committee on jute

The first meeting of the tripartite Industrial Committee on Jute was held in Calcutta on August 1 and 2, 1958. The conclusions of the meeting, as circulated by the Ministry of Labour, are printed below.

The Committee arrived at the following conclusions on the different items of the agenda:-

1. CLOSURE OF JUTE MILLS

The Committee reviewed the existing position and felt that the problem of closure was not as serious as in certain other industries in that it did not involve loss of production or employment to any appreciable extent.¹ In most cases of closure, employment and production were transferred to other units.

¹ This statement was contested by the AITUC representatives on the Committee. They were of the view that the large number of closures which occurred in the jute industry did result in appreciable loss of employment.

2. RATIONALIZATION IN THE JUTE INDUSTRY

(i) It was agreed that the policy laid down in the First and Second Five Year Plans that rationalization should not involve any involuntary loss of employment to existing personnel should be strictly adhered to.

(ii) In all cases of transfer resulting from modernization, rationalization or closure, 6 weeks' notice would be given to the workers concerned. The State Government would also be notified 8 weeks in advance so that appropriate arrangements could be made for the reabsorption of displaced workers through a proper distribution of loom hours, etc.

(iii) A comprehensive list of the existing *Badli* workers in the different jute mills should be prepared and furnished to the State Government as early as possible. For the present, the list should be frozen as on 2-8-1958. There should be no further fresh recruitment until the *Badli* workers on this list had been suitably absorbed. This situation will, however, be reviewed at an appropriate time.

(iv) Medical examination for ascertaining the suitability of workers or their superannuation should not be associated with transfers resulting from modernization, rationalization or closure. These should proceed in the normal course independent of any such circumstances.

(v) The existing *Ad hoc* Committee on Rationalization set up by the West Bengal Government would be converted into a special Committee. This Committee would be primarily responsible for watching the implementation of these agreements and the policy on rationalization as enunciated in the Second Five Year Plan and endorsed by the Indian Labour Conference at its 15th Session (New Delhi, July, 1957). The Committee could also consider the additional measures necessary for this purpose. The Committee would be assisted in its work by a special officer to be appointed by the Government of West Bengal.

(vi) The conclusions at (i), (ii), (iii) and (iv) above would be equally applicable to all the States concerned and arrangements similar to those outlined at (v) above might be made wherever considered necessary.

3. REDUCTION OF THE EMPLOYMENT OF WOMEN WORKERS IN THE JUTE INDUSTRY

(i) The West Bengal Government should immediately set

up machinery for conducting an enquiry into the causes of reduction in the number of women workers employed in the jute industry and suggesting measures for safeguarding the employment interests of such women workers.

(ii) Meanwhile there should not be any reduction in the strength of women workers employed at present in the jute industry.

4. APPOINTMENT OF A WAGE BOARD IN THE JUTE INDUSTRY

(i) It was generally agreed that a Wage Board would be the most appropriate machinery for reviewing the question of wages in the jute industry, and the question of setting up such a Board might be considered at an appropriate time.

(ii) A special Committee consisting of Central and State Government officials should, however, be set up immediately by the Government of West Bengal to collect all relevant data having a bearing on the determination of wages with particular reference to (a) cost of living (b) the capacity of the industry to pay and (c) the importance of the jute industry as an earner of foreign exchange. A questionnaire for the collection of these data would be drawn up by the Government of West Bengal in consultation with the Central Government within the next fortnight. The Committee would complete the work within a period of three months and thereafter its findings would be placed before a tripartite body.

(iii) For this purpose employers' and workers' organizations agreed to supply immediately to the West Bengal Government and the Government of India all relevant information and data that were readily available with them.

(iv) As regards dearness allowance and other amenities like housing, medical and welfare facilities, it was agreed that these should be considered by employers and workers in a friendly atmosphere with a view to coming to agreed solutions.

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CONDITIONS FOR BONA FIDE CLOSURES

The Special Committee on Rationalisation in the Jute Industry, composed of employers, workers and government representatives, arrived at the following agreement on September 30, 1958, on the question of bona fide closures:

1. In accordance with the policy laid down in the First and Second Five Year Plans and the guiding principles as

evolved by the 15th Indian Labour Conference that rationalisation should not involve any involuntary retrenchment, rationalisation in the jute industry should be effected through natural wastage.

2. A jute mill before closing down shall give six weeks' notice to the workers concerned. The State Government shall also be notified eight weeks in advance so that appropriate arrangements can be made for reabsorption of displaced workers through proper distribution of loom hours, etc.

3. In the event of closure of a jute mill and transfer of workers to other mills, the employers and the employees will adhere to the following principles:

(a) Guarantee of continuity of service for all permanent workmen.

(b) Quarters at the disposal of the mills for the workmen and their families, if available, at the prevailing rent.

(c) Failing (b), and in the event of the new place of employment being more than three miles by road from the mill closing down, Rs. 5 per month for one year or Rs. 50 as a lump sum shall be paid to tide over any difficulty about house accommodation. The distance for the purpose shall be counted between the mill gates.

(d) Free transport for the workmen, their families and personal belongings.

(e) Full payment on the day of shifting which shall be treated as a normal working day.

(f) Loan from the Provident Fund account to those workmen who apply for it so far as it is permissible under the Provident Fund Rules.

4. In the event of any workmen being unwilling to accept alternative employment in a new mill involving loss of earnings, he shall be paid retrenchment compensation and other dues.

5. In the event of closures, *budlis* who have qualified for compensation under the provisions of the Industrial Disputes Act, shall receive compensation or alternative employment as above.

6. Nothing in the above shall operate to the prejudice of the rights of either party under the law.

14. tripartite meeting of 'coalmining interests'

The Government of India convened a tripartite meeting of 'coalmining interests' at Calcutta on August 3, 1958. The most important agreement arrived at in the tripartite meeting was to extend the period of operation of the Coal Award up to May 25, 1959. The conclusions reached at the meeting, as circulated by the Ministry of Labour and Employment, are published below.

The suggestion made by the Labour Minister for the formation of a tripartite Standing Committee to deal with the general problems concerning the workers in the coal industry was accepted unanimously. The Standing Committee which will be constituted by the Government of India shortly, will discuss labour matters with a view to arrive at agreed settlements. Wherever agreement cannot be reached between the parties, they may have recourse to arbitration or seek adjudication.

2. The following conclusions were reached in regard to the various items on the agenda:

(1) QUESTION OF EXTENSION OF THE PERIOD OF OPERATION OF THE COAL AWARD BEYOND AUGUST 1958.

It was decided to extend the period of operation of the Coal Award upto the 25th May, 1959.

(2) QUESTION OF THE PAYMENT OF ARREARS OF ENHANCED DEARNESS ALLOWANCE DUE TO WORKERS SINCE THE 1ST JANUARY 1958, CONSEQUENT ON THE RISE IN THE ALL INDIA CONSUMER PRICE INDEX NUMBERS (GENERAL), IN ONE LUMP SUM.

The increased dearness allowance payable to the workers on the basis of the cost of living index figures for the second half of 1957, will be paid to the workers during the period 1st April, 1958 to 30th September, 1958 instead of from 1st January, 1958 to 30th June, 1958. The same procedure will be applied in regard to future payments of enhanced dearness allowance, if due. The arrears for the period from 1st April, 1958 to the date of actual commencement of payment will be paid in lump sum before the 15th August, 1958.

(3) QUESTION OF EXTENSION OF THE BENEFITS OF THE ASSAM COAL MINES BONUS SCHEME TO EMPLOYEES OF THE HEAD OFFICE, ETC., BELONGING TO THE ASSAM RAILWAYS & TRADING COMPANY, LTD.

As the matter relates to an individual management, it would be taken up for settlement by the Chief Labour Commissioner.

(4) (i) MATTERS ARISING OUT OF THE COAL AWARD—
INTRODUCTION OF GRADES AND TIME SCALES OF
PAY FOR ALL CATEGORIES OF WORKMEN.

This will be referred to the Standing Committee.

(ii) PRESCRIPTION OF UNIFORMS AND FOOTWEAR FOR WORKERS

As directed by the All India Industrial Tribunal (Colliery Disputes), the Chief Inspector of Mines had convened a meeting of the employers and workmen on the 25th April, 1958, at which an agreement was reached about the quality of boots to be supplied to the workers. As for the cloth for uniforms, the Chief Inspector of Mines recommended the use of 'militia' cloth for the purpose. But the workers' representatives complained

that they were not shown sample of the cloth which was recommended by the C.I.M. As orders have already been placed by some employers, the workers would be supplied with one uniform made of that cloth. With regard to the second set of uniforms, they would be supplied after the sample of cloth is shown to the representative of workers.

(5) MATTERS INCIDENTAL TO THE AWARD : REVISION OF THE RATES OF SICK KHORAKI AND MATERNITY BENEFITS.

The item relating to the revision of sick khoraki will be referred to the Standing Committee.

With regard to the rate of maternity benefit, Government will take steps to amend the Mines Maternity Benefit Act so as to bring it in line with the law relating to the Factories. In the meantime, the employers will pay the enhanced rate of benefit which the Ministry of Labour might suggest.

(6) MATTERS NOT COVERED BY THE COAL AWARD:

(a) *Categorisation of doctors, senior overmen, teachers, etc.*

The workers may raise industrial disputes over this issue in respect of individual collieries and they will be dealt with by the Conciliation Machinery.

With regard to the categorisation of the workers in beehive Coke Oven Plants, the unions would make specific proposals for the consideration of employers. If necessary, this item may be placed before the Standing Committee.

(b) *Revision of the rates of commission payable to workmen like miners, trammers, loading sirdars, who have not been benefited by the Award.*

There are two categories of sirdars, viz., (i) those who also work along with their men and (ii) those who do *not* work. In regard to category (i) there is no complaint as they are paid as per the Award. In regard to category (ii), their case is not suitable for discussion at this meeting. The question of abolition of the Sirdary system along with the contract system in coal mines will be dealt with separately by the Government.

(c) *Revision of the rates for loading soft and hard coke.*

The workers may raise industrial disputes wherever necessary and the Conciliation Machinery will deal with them.

- (d) *Revival of the practice of 150% dearness allowance over lead and lift wages which had been discontinued.*

There was no scope for settlement on this issue.

- (e) *Grant of 150% dearness allowance to workers irrespective of their basic earnings.*

If there is any difference of opinion in the interpretation of the provisions of the Award, it is open to the workers to request the Government to refer such cases to a Labour Court or Tribunal under section 36A of the Industrial Disputes Act.

(7) IMPROVEMENTS IN THE AWARD :

- (a) *Grant of a percentage of flat rate increment in the salaries of neutralised workers (including machine loaders and O.P. Miners especially in the larger collieries) who have not derived any benefit from the Award.*

- (b) *Grant of a percentage increment for the piece-rated trammers.*

These items were not considered as suitable for discussion at this meeting.

3. In the course of discussion, the employers' representatives requested that cases on non-implementation of the Coal Award might be referred also to the organisations of colliery owners and to the collieries concerned by the Evaluation and Implementation Division of the Ministry of Labour and Employment while addressing to the All-India organisation of employers.

15. industrial committee on mines other than coal

The Industrial Committee on Mines other than Coal met in New Delhi on April 17 and 18, 1958.

The Committee considered Draft Metalliferous Mines Regulations and approved the Government's proposals with certain amendments.

Among the important features of the Regulation may be mentioned the provision for minimum technical qualifications and experience for appointment to the posts of manager, engineer, foreman, blaster, mate, and others; the proviso to maintain proper plans and sections; technical provisions regarding transport of men and material, mine workings, ventilations and blasting; and provisions for precautionary measures against danger from dust, fire, gas and water.

The new regulations are intended to overcome the drawbacks in the Indian Metalliferous Mines Regulations framed in 1926 when the metalliferous mining industry was still in its infancy.

The Committee approved the draft legislation for constitu-

ting the Manganese Mines Labour Welfare Fund. It was decided that to begin with, a welfare levy of Rs. 2 per ton might be imposed on all exports of ores with more than 40% manganese content and that no State should be exempted from the scope of the proposed legislation. The exemption of the low grade ores should not also exclude the workers employed in such mines from the benefits to be provided by the proposed welfare fund.

On the question of extending the Minimum Wages Act to employments in mines not already covered, it was agreed that the Act should be extended to all mines. It was not considered necessary to have any phasing. The extension of the Act should not, however, adversely affect the existing rights of the workers in any way.

16. industrial committee on plantations

The 8th Session of the Industrial Committee on Plantations was convened in Shillong on January 21, 1958 by the Ministry of Labour and Employment. We publish below the main conclusions of the Committee. Notes have been appended to cover also the meetings of the sub-committees of the Industrial Committee which met subsequently.

I: STATEMENT OF ACTION TAKEN ON THE CONCLUSIONS REACHED AT THE PREVIOUS SESSION OF THE COMMITTEE ¹

Noted.

II: PROPOSED I.L.O. CONVENTION AND RECOMMENDATION ON CONDITIONS OF EMPLOYMENT OF PLANTATION WORKERS

The Committee endorsed the amendments to the definition of the term "Plantation" given in the texts of the proposed Con-

¹ The Seventh Session of the Industrial Committee on Plantations was held in New Delhi on August 31 and September 1, 1955, in which questions like bonus for plantation workers, implementation of the Plantation Labour Act, 1957, Provident Fund, leave with wages to women workers attending sick children, promotion of persons in lower grades, revision of wages and standing orders were taken up for discussion.

vention and Recommendation suggested by the Government of India.²

III. AMENDMENT OF THE PLANTATIONS LABOUR ACT, 1951

It was agreed that fragmentation of estates into small units in order to evade the obligations under the Plantations Labour Act which was said to exist in certain places was an undesirable practice both from the point of view of labour welfare and the interests of the industry and that it should be discouraged. Suitable steps should be considered for the prevention of such fragmentation. Care should, however, be taken to ensure that no new burdens were imposed on small units already in existence.

Other amendments to the Act proposed³ were generally agreed to. The question of the basis for the calculation of wages during the period of leave should, however, be examined further.⁴

IV: EXTENSION OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951 TO PLANTATIONS

There was general agreement that though closures due to neglect and mis-management may not be widespread, all possible steps should be taken to ensure that a high level of efficiency is maintained in the Industry and closures due to deterioration of assets and management are minimised. The State Governments

² The Subject was considered at the 40th Session of the International Labour Conference, held in Geneva in June 1957. It was decided to place it again on the agenda for a second discussion. The amendment suggested by the Government of India proposes that the scope of the term 'plantations' should be left to the national authorities concerned to define.

³ The other amendments relate (1) to the definition of the term 'plantation' which will make the Act applicable to clerical, medical and such other categories of workers employed in plantations; (2) to make available the medical facilities to the families of the workers; and (3) to empower the State Governments to exempt employers from Section 19 in suitable cases without prior reference to the Central Government.

⁴ The proposed amendment states: "The wages during the leave period may be paid (i) to the workers other than those paid on piece-rates—at the flat rate of minimum daily wage; and (ii) to workers paid on piece-rates—at the rate of average daily wage calculated over the preceding one month as in the Factories Act, 1948."

It is also the intention of the proposed amendment that workers should be given the leave due to them or wages in lieu thereof on termination of their service. At present there is no specific provision to this effect.

might after consultation with the Central Government, take necessary remedial measures for this purpose.

V: WAGE BOARDS FOR THE PLANTATION INDUSTRY

(i) It was agreed that a Wage Board would be the most suitable machinery for the determination of the wage structure in the industry. In view, however, of the existing agreements on wages in certain States, the question as to when and in what manner a Wage Board should be set up for the plantation industry should be examined by a Sub-Committee⁵ to be set up for this purpose.

(ii) The Committee also recommended that, as the previous bonus agreement for the plantation industry in North East India did not cover the payment of bonus from the year 1957, onwards, a Sub-Committee should be set up to consider the question of payment of bonus⁶ by the tea gardens in Assam, West Bengal and Tripura.

VI: RATIFICATION OF THE CODE OF DISCIPLINE IN INDUSTRY BY ORGANISATIONS OF EMPLOYERS AND EMPLOYEES IN THE PLANTATIONS

(i) It was agreed that the Code of Discipline already adopted by the Indian Labour Conference and the Standing Labour Committee was basically suitable. A Sub-Committee should, however, be appointed to consider whether supplementary provisions might be added to the Code to suit the special circumstances of the plantations industry.

(ii) The Committee recognised that inter-union rivalry was often an important cause of labour unrest and recommended the drawing up of an agreed Code of Conduct which the Unions should observe in their relations with one another. While this was primarily a matter to be arranged by the trade union orga-

⁵ The sub-committee met on April 23, 1958 at New Delhi. The workers' representatives were in favour of a Wage Board for the Plantation industry. However, the representatives of the employers and State Governments did not think it appropriate to disturb the existing wage agreements. The question therefore remained undecided.

⁶ The Bonus Sub-Committee met on November 11 and December 2, 1958. The labour representatives unanimously pressed for a minimum guaranteed bonus for all workers irrespective of profit but the planters asked for more time to give their considered opinion.

isations between themselves, the Central Government might, if necessary, convene a conference of these organisations to consider the question.

VII: DISCHARGE AND EVICTION OF TEA GARDEN WORKERS IN
WEST BENGAL FOLLOWING DISMISSAL OF THE HEAD OF
THE FAMILY

The Committee was of the view that there should be no discharge or eviction of other members of the family consequent on the dismissal of the head of the family. In cases of practical difficulty, the matter should be dealt with locally and settled through mutual adjustment.

VIII: HOUSING FOR PLANTATION WORKERS

It was agreed that while there should be no relaxation of the existing statutory obligations in respect of provision of houses for workers, the question of providing loans on easier terms for building houses should be studied by the Sub-Committee to be appointed for examining the feasibility of setting up a Wage Board for the plantation industry. In view of the scarcity of steel, cement and other building materials, suitable local building materials could be used freely. The State Housing Advisory Boards should prescribe necessary specifications for this purpose.

INSTRUCTIONS FOR VERIFICATION OF TRADE UNION MEMBERSHIP

*[Issued by the Chief Labour Commissioner (Central),
Ministry of Labour & Employment, Government of
India to the Regional Officers]*

1. The Regional Labour Commissioners should, in the first instance, distribute the work among different officers. They will separate the lists as and when those are received from the Chief Labour Commissioner's Office, according to the allocation for different Regional Officers (i.e. either Conciliation Officers or Labour Inspectors). In case there are more than one officer in a State all the lists of claimed membership pertaining to the State should be sent to the Officer who is nearest to the headquarters of the Registrar of Trade Unions.

2. The Regional Officer should be instructed to visit personally, or depute a member of the staff suitable for the purpose, to study the records in the Registrar's office for verifying the information supplied by the Trade Union Organisations. The necessary extracts from the information supplied by the Trade Union Organisations should be carried over into the verification proforma in respect of each union. The records of the Registrar should be examined for finding out whether the union is registered, whether registration is existing and whether the affiliation has been stated, correctly. The reasons for cancellation of registration should be noted wherever it has been cancelled. In the remarks Column of the proforma, the year for which latest information is available may be specified. If the annual return has not been submitted for the current year, action taken by the Registrar in this regard may be ascertained and stated. When information, even as per latest annual return, is not complete further action taken by the Registrar in the matter may be noted. The difference between the claimed and verified membership should be fully explained. If there is any further information to be furnished a slip may be added against the relevant entry.

Information thus collected should be perused by the Regional

Labour Commissioner to satisfy himself that it is substantially correct.

3. He may select a few unions out of the registered ones, particularly those having wide variation between the figures claimed and the figures available with the Registrars. Information in regard to these unions may be forwarded to the concerned officer of the Industrial Relations Machinery for verification from union records and random examination of members of the union. There should be complete impartiality in the selection of unions. Five per cent of unions of principal organisations may be visited for inspection of accounts.

In the case of unions in whose case spot verification has been decided upon, points of disparity between the claimed membership and membership according to Registrar's records and any other discrepancies or shortcomings in the information may be prepared and kept handy to facilitate ready scrutiny.

4. A programme for the spot checking of membership should be fixed sufficiently in advance. Intimation of the date of inspection should be sent to the Union concerned so as to reach the Union a week before the date of inspection. The Union should be requested that a responsible office-bearer of the Union might make it convenient to be present at the time of verification so that if there are any points which require clarification, it should be easy to obtain explanation. The Union should also be requested to make available the necessary records and registers including account books, Bank pass books etc., for the perusal of the checking officer. A second chance may be given to such of the unions as have not been able to respond to the first communication. If a union fails to afford facilities even on a second request a statement in that regard will be made in the proforma and no further attempts need be made for verification.

Copies of the first notice of inspection sent to the Union should be endorsed to the President, Secretary and Treasurer of the Union at their personal addresses also. The first intimation may be despatched by ordinary post under certificate of posting where hand delivery may not be easily possible. The second and last intimation should be sent by Registered Post to the Union office only and not to individual office-bearers.

5. The checking officer should ensure that at least the following records are inspected:

- (i) The registration certificate and the latest annual return submitted to the Registrar of Trade Unions.
- (ii) Membership register with subscriptions collected.
- (ii) Receipt books with the counterfoil numbers.
- (iv) Cash and Account books.

- (v) Affiliation papers, contribution payable to the Central organisation, amount paid and due on this account.
- (vi) Contribution written off on account of the preceding year and the amount in arrears at the beginning and end of the year.
- (vii) Bank Books.
- (viii) Details about any paid officers in the union.

6. The strength of workers in the industrial unit or units concerned to be obtained from the employers for finding out the proportion of the claimed membership to the total strength. A 10% check of the membership may be done wherever feasible. Every tenth name on the register may be scrutinized as to the genuineness of his membership and payment of current subscription, compared with the counterfoils.

7. Of the members who have paid the current subscription, a few names on a percentage basis, subject to feasibility ranging from 1 to 5% as the case may be, should be selected for personal investigation, as to their bona fide membership at the place of work.

8. The membership of union in the months immediately preceding the month of March should be compared with the membership in the earlier months, to find out whether the membership has been temporarily augmented.

9. The discount or premium allowed on the basis of inspection of union office and examination of members should be clearly recorded.

10. Precise information regarding the industry to which a Union belongs should always be reported by the Inspecting Officers.

11. All the Central Organisations should be treated equally and impartially in the matter of verification.

Sd/- N. M. PATNAIK.
CHIEF LABOUR COMMISSIONER (C)