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No. 7(29)/68-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension, Part II
New Delhi



105

Dated the 5th September, 1968.

To

The Chairman and Members of the National
Commission on Labour.

Subject:- Record of discussions of the Commission with
Individuals/Organisations at Bombay and a
note on Commission's visit to the Tata
Consultancy Services (Tata Computer Centre)
Bombay.

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Sir,

I am directed to forward a copy of the Record of
discussions of the Commission at Bombay on the 1st August, 1968
with Shri K.N. Subramanian and the following Organisations:-

- (1) All India Women Conference
- (2) Federation of Association of Stevedores

2. A note on the Commission's visit to the Tata
Consultancy Services (Tata Computer Centre), Bombay, on the
1st August is also enclosed.

Yours faithfully,

(P.D. Gaiha)
DIRECTOR

Copy with

NATIONAL COMMISSION ON LABOUR
INFORMATION DOCUMENTATION
N.C.L.
N.C.L.D.A.

ACC. No. L-146
DATE 1-2-89

NATIONAL COMMISSION ON LABOUR

CAMP : BOMBAY

Date: 1.8.1968

Time 11.30 A.M. to 12 Noon

Record of discussions with Mr. K.N. Subramanian:

1. The L.A.T. should be revived for the reason that if any person or party is compelled to submit himself or itself to any judicial process, then the least that can be done for him is to provide one chance of appeal.
2. Provision for an appeal on facts would involve delay. The best way to avoid delays is to abolish the courts altogether. There can be no court without delay.
3. A tribunal is expected to decide complicated matters involving elaborate questions of economics, finance, the whole future of an industry, the burden to be put on an industry etc., judicially; the judges would know the law, but would lack the other knowledge required for deciding these matters; at least one party or the other would have a grievance on that account. Decisions of the ordinary tribunals cannot be infallible even if High Court Judges are appointed and hence the need for appeal.
4. The Supreme Court can go into facts; but generally it does not go into questions of fact, it does not generally sit as an ordinary appellate court. Unless there is, according to it, grave injustice, it does not consider questions of fact.
5. Many of the labour disputes could be taken away from the tribunal. The necessary conditions should be created for it. But if some residuary matter is left, then an appeal on facts should be necessary.
6. The representative character of a union should be determined by secret ballot. (The detailed reasoning for this preference has been given in a separate note). There can be no representation without authorization. If this logic of authorization is accepted how can the whole group of workers authorise an institution which is to enter into a contract with the employer on their interests except through secret ballot when workers can not be compelled to join a union. (A note on the advisability of the modified method of declaration to a third party will be supplied).
7. Union shop arrangements, if they are to be introduced, can be effective when collective bargaining and a representative union by secret ballot became the rule. Union shop is never introduced under a statute. It is to be bargained for like wages. If a law is made, to that effect, the content of collective bargaining will be whittled down.
8. If unions have freedom to strike one need not apprehend that there will be too many strikes. Workers are not likely to indulge in strikes lightly if they are given this freedom. One has to prepare for collective bargaining; it could be introduced slowly. How to prepare for it is more a political question than

economic. The main difficulty is political one, it cannot solve itself.

9. It is not suggested that politics is or should be foreign to trade union movement. The trade union Congress in Great Britain created the Labour Party because in the early days the T.U.C. found that many of the economic demands, economic interests, welfare interests etc. were such that they could not get satisfaction by bargaining, coercion or even by violence. They wanted the support of law. The need of politicians was thus felt. T.U.C. went first to the Liberal Party. With the help of that Party some trade union leaders got into Parliament. Labour became a dominant party after the First World War when liberals faded out. This entry into politics was useful to labour. Similar developments took place in the U.S.A. though less overtly. The American Unions, however, officially support one party or the other according to the programme the party adopts. Trade unions will have to make use of politics for achieving their aims and objectives.

10. In India events have followed a different course. Political parties have set up the trade unions. The Indian National Congress has gone on record that the country could not get independence without an active support by workers.

11. Upto a point the two movements in India and in foreign countries went on parallel lines. In other countries, trade unions became independent of political parties but they are still tagged on to political parties in India.

12. If trade unions are allowed to develop independently of the political parties it will be possible to do away with political outsiders altogether over a period of 10 years.

13. None should dictate to workers what leadership they should have if workers were not gripped by political parties for their economic interests.

14. Any person who has worked for five years in any field in the status of a worker is an insider. The trouble about outsiders is that even when they enter unions for reasons other than politics, once they are in it, they develop a liking for politics. Reducing the number of outsiders will not do. They should be completely done away with. One cannot reduce their influence if they work behind the scene. But when they find that such work will not help them politically they will wither away.

15. Under Article 19 of the Constitution it would not be possible to bar outsiders completely. But if this is so vital a matter, then the Constitution should be amended.

16. There are certain aspects of a common labour code with which one would agree; but on certain others one cannot. An attempt to cancell all labour laws Central and State and replace them by the Code will fail. It is unnecessary and it may prove to be a waste of time.

17. The Study Group on Labour Legislation has emphasised that definitions vary and that the Code should have uniform definitions. But every Act has a definite objective and towards that objective the draft is directed. Each law protects only such persons as need the protection it seeks to afford. If those who do not need such

protection are included, the law will not be enforced. The objective of the Payment of Wages Act is to ensure that all earned wages are paid; no deductions are made; payments are made in time etc. One can bring in as many employees as need that protection. Officers do not require that protection. The object of the Workmen's Compensation Act is to protect industrial workers from hazards. All persons doing clerical work can be deliberately excluded. Originally the Industrial Disputes Act said "clerical or manual work". Many tribunals threw out the claims of foremen, supervisors etc. Therefore it was thought necessary to bring in some more categories and the word "technical" was introduced. It was never realised that pilots would come in. Therefore, pay limit was introduced. Thus, the context of each Act requires a separate definition. These dangers have to be guarded against in framing the common labour code.

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NATIONAL COMMISSION ON LABOUR

CAMP : BOMBAY

Date: 1.8.1968

Time : 12 Noon to 12.40 P.M.

Record of discussions with the All-India Women's Conference, represented by:-

1. Mrs. Mehraben Jhabwala,
President,
All India Women's Conference.
2. Mrs. Prabha Tulpule,
Hony. Secretary,
Labour Sub-Committee,
All-India Women's Conference.
3. Mrs. Sushila Desai,
Chairman,
Udyogini,
League of Working Women.

The all India Women's Conference has a membership of 78,000 distributed in 70 centres all over India.

2. There are cases of discrimination on the ground of sex. In white-collar professions there is no discrimination at the stage of recruitment; but in selection for higher posts there is discrimination against women with family responsibilities. The limited inquiries undertaken by the Conference have established this. If it is possible a special promotion quota should be reserved for women.
3. Protections given to industrial workers is not there for these in shops and commercial establishments even when there are units/establishments which employed a large female labour force.
4. In mines the ratio of women workers is coming down; same is the position in some other industries.
5. For most women coming from the middle class full time employment may not be possible. If part time opportunities are made available, it would mitigate their hardship.
6. Women do not get part-time jobs because pay or wages, conditions of service etc. are not proportionate (based on time). They are always kept temporary. They are asked to accept worst conditions of service.
7. There should be some facilities provided for training women workers. These are almost non-existent today.
8. It is true that though women workers' ratio has gone down in textile industry or in some employments, it has gone up in certain others like stenographers, secretaries, operatives etc.
9. Certain facilities should be given to women to enable them to be productive. They have to play a double role : wife and mother and worker and they should be facilitated to do this.

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10. Though the number of jobs available is less than the number of workers available, women cannot be considered as coming in the way of men. The selection should be on merit; it is not a man and woman problem.

11. Minimum wages fixed for men and women are different. This is not necessarily because of productivity. There are no scientific methods for proving that and it has been admitted that there are no objective methods of evaluation. In agriculture a man working with a plough gets Rs. 2.50 per day and a woman doing work of sowing is paid Rs. 1.50; this is sought to be justified on the ground that there is a great difference between the two jobs. Both work for 8 hours, both work in the mud, but women are paid less.

12. In construction work and in scavenging women are paid less; though distinction in the case of former may be understandable, in the latter it is not.

13. Women are particularly fit for doing work requiring dexterity of hands - ratios, electronics etc. They are getting preference in these, but there are not adequate training facilities. There is no apprenticeship, no special courses designed for women, nor has the National Apprentice Council taken any note of this problem with specific reference to women.

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NATIONAL COMMISSION ON LABOUR

CAMP : BOMBAY

Date : 1.8.1968.

Time 12.40 P.M. to 1.00 P.M.

Record of discussions with the Federation of Association of Stevedores, represented by:-

1. Mr. S.C. Sheth,
President.
2. Mr. C.K. Vyas,
Secretary.

1. Stevedores engage different categories of workers some of whom are specialised and others are manual workers. Junior and senior workers had to work together in a team. This created some difficulties and these have now been overcome by abolishing the categories.
2. Workers should organise their own unions; they should be trained for the purpose and should not be influenced by outside political leaders.
3. The bargaining agent should have a majority of workers behind it. The reference to the character of a union in the reply is not to be understood as subjective. The character has to be judged in terms of its strength. The majority test would be the correct test.
4. The representative union should be elected by secret ballot. The right to vote should be restricted to members only.
5. The procedure for settlement of differences should be collective bargaining. This has been practised by stevedores. Only major disputes are taken to court. Occasions for recourse to courts are not frequent.
6. The reply to Question 132 is not correct. Reply to Question 137 should be taken as the view of the stevedores.
7. There is no set standard for all the Ports. The minimum differs from port to port. That is why it could be said that even the minimum should be connected with the capacity to pay.
8. A large number of workers come from outside. They go on long leave. There is, therefore, the problem of absenteeism. In the port industry, as far as Bombay is concerned, stevedore labour comes from U.P. In Calcutta it is from Orissa and U.P. Port labour is more local. There are no special problems created by this mixture; i.e. by workers coming from different regions coming in work relations with local workers.
9. There are two unions of stevedore workers, one affiliated to I.N.T.U.C. and the other to H.M.S. HMS is holding a majority. The Association has been bargaining with the HMS Union. The other union has not raised any question about it.

10. The Dock Labour Board has four members, all from H.M.S. The Regional Labour Commissioner ascertains the strength of the Union by verification. Formerly HMS had 3 representatives and INTUC 2. Now HMS has 4 and INTUC 1.

11. Dismissals for misconduct: Under the Dock Labour Board, there is special labour officer to whom all the complaints are made. He makes an inquiry. He has power only to suspend a worker upto 3 days; he cannot dismiss. If he feels that the worker deserves a higher punishment, he refers the matter to the Deputy Chairman, who is a Government nominee. He hears the parties and decides. If the first order is by the Deputy Chairman, an appeal lies to the Chairman. There are very few dismissals. The worker has a right to appeal; but the employer has no right to appeal if there is a finding that there is no misconduct. There has been no strike on the ground of wrongful dismissal of a worker.

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NATIONAL COMMISSION ON LABOUR
CAMP : BOMBAY (1-8-1968)

A note on observation visit to Tata Consultancy Services (Tata Computer Centre), Bombay.

1. The Centre has about 80 employees. The staff includes engineers, mathematicians, economists, accountants, management graduates and computers technologists. Most of them get a handsome salary. According to the management the work done by the computer has had no effect on the existing employment in any of the Tata firms* which are serviced by the computer. The work being done with the aid of computers is mostly that which was not being attempted earlier because of the intricacy of the calculations involved and the inability of human effort to provide solution with innumerable variables.
2. The Computer is meant essentially to aid the managements in arriving at quick and correct decisions. The prime use of the computers is to promote cost effectiveness, improve working efficiency and the quality of managerial decision making in the Tata complex of companies.
3. Rent of Rs.1 lakh per month is paid for the machines. In addition Rs.25 thousands per month are spent on various items. Most of the computers have to be taken on rent because they become out of date after some time, the computer technology is advancing rapidly.
4. If the computers work for about 20 hours a day the cost is about Rs.800 per hour. It was claimed that this computer was 20 per cent faster than the I.B.M. computer. The cost of the I.B.M. computer worked out to Rs.1125 per hour when used for 14 to 20 hours.
5. The computer was installed in December 1967 and has been in operation for the last 10 months. It has helped the/management primarily in inventory control. Large inventories result in higher cost of production. With the aid of computers it has been possible to reduce the inventory by about 10 per cent and it is hoped that it will be possible to reduce them further to the extent of about 50 per cent. Even a reduction of 25 per cent in inventories substantially reduces costs. The computers also help in calculating quickly bonus payable to employees after a decision on the formula for payment of bonus has been taken. Because of the computer service the Tata's concerns can now pay bonus after three days of the decision about the formula regarding payment of bonus.
6. With the assistance of computers it will be possible to reduce manufacturing costs by improved efficiency of decision making. This will improve the competitive position of units which use these expert techniques.

* The Computer Centre accepts work from units outside the Tata Complex also.