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DR. BHEEM CHANDRAN
DGM, DELHI

No. 7(53)/67-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension, Part II
New Delhi

...
Dated the 26th September, 1968.

To

The Chairman and Members of the
National Commission on Labour.

Subject:- Record of discussions of the National
Commission on Labour at Bhubaneswar,
Orissa.

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Sir,

I am directed to forward a copy of the Record
of discussion of the Commission at Bhubaneswar, Orissa
State on 2nd and 3rd August, 1968, as approved by the
Chairman.

P.D. Gaiha
Yours faithfully,

P.D. Gaiha
(P.D. Gaiha)
Director

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date : 2.8.1968

Time 2.30 P.M. - 3.25 P.M.

Record of discussion with I.N.T.U.C. (Orissa Branch), Keonjhar and Hindustan Steel Worker's Association, Rourkela represented by:-

1. Mr. Kanti Mehta,
Working President,
(Orissa Branch), I.N.T.U.C.
2. Mr. S. Das Gupta,
Vice President,
(Orissa Branch), I.N.T.U.C.
3. Mr. U.N. Prasad, Vice President,
(Orissa Branch), I.N.T.U.C.
4. Mr. Binoy Kumar Mahanti,
General Secretary,
(Orissa Branch), I.N.T.U.C.
5. Mr. J.R. Dash,
Secretary, (Orissa Branch),
I.N.T.U.C.
6. Mr. P.K. Kunar,
Assistant Secretary,
Barbil Worker's Union,
(Orissa Branch, I.N.T.U.C.)
7. Mr. Chandra Mohan Sinha,
Executive Member,
I.N.M.W.F.
8. Mr. S.L. Passey,
(Orissa Branch)
I.N.T.U.C.
9. Mr. N.N. Mohanty, (Orissa Branch), I.N.T.U.C.
10. Mr. C.D. Parida, -do-
11. Mr. K.C. Das, -do-
12. Mr. P.R. Mazumdar -do-
13. Mr. N.K. Mukherjee -do-
14. Mr. F.M. Satpathy -do-
15. Mr. U. Dixit -do-

(Vide N.C.L. Ref. No. OR-VI-187 and OR-VI-202.)

1. There is a system of slave labour in Orissa Coal Mines which is a relic of the 2nd World War. Labour for

Organisation (Gorakhpur Labour Organisation). Miners are recruited at Gorakhpur and despatched to coal field areas. They are kept in camps where they are given food and some pocket allowance. The balance of their wages is disbursed to them at the time of their repatriation or leaving the service.

2. These workers are not treated on a par with other workers. They are victimised when they become active union members. Victimisation takes the form of a transfer to other mines or sometimes to other States also. Such transfers are quite common.

3. They are considered to be employees of the Coal Field Recruitment Organisation and not of any single employer. Though standing orders apply to them in name, no benefits are granted.

4. Out of 4 lakhs employees in the coal field nearly 22 thousand are employed through the C.R.O.

5. Gorakhpur Labour Organisation was established by the Government of India during war time when there was a shortage of labour in mines. Subsequently the Government decided to abolish the organisation but at the instance of employers who were prepared to bear all the cost of the Organisation it is continuing till today.

6. This organisation is a part of National Employment Service and the Government of U.P. administers it.

7. There is no grievance as such against the Gorakhpur Labour Organisation or Gorakhpur labour and the manner of recruitment but their employment conditions are a cause of concern. This labour is not paid wages like other workers.

8. All trade unions in U.P. irrespective of their colour and the political parties in U.P. support the continuance of this Organisation but union leaders in all other States are opposed to it, with the result that it has now become a political issue.

(Mine Workers Federation which is affiliated to I.N.T.U.C. will send a separate memorandum which inter-alia will deal with this problem also.)

9. Verification of union registers should be done by an independent agency to avoid political interference. I.N.T.U.C. was a recognised union in Rourkela Steel Plant in 1964 but was derecognised in 1967 without proper verification by the State Labour Department. It was explained that the procedure for derecognition of a union is that the union challenging recognition of other union represents to the Implementation and Evaluation Committee which is a tripartite body. The I & E Committee directs the verification officer to conduct verification of membership of the challenged

and challenger unions. In this particular case, the verification officer started his verification without any directive from the I & E Committee.

10. The rival unions viz. I.N.T.U.C. and H.M.S. were required to produce their records of membership. The I.N.T.U.C. submitted their records for verification which were returned after 8 months. When they were submitted again the Department refused to accept them on the ground that they were submitted a day too late and as such could not be taken for consideration.

11. At the time of actual verification also, contrary to the procedure, no chance was given to I.N.T.U.C. to represent their case. As a result, H.M.S. which had only a membership of four thousand which was 15% of the total workers was given recognition though I.N.T.U.C. which had a membership of 17 thousand workers was denied the same.

12. H.M.S. had contravened the Code of Discipline and this also was condoned.

13. Elections for determining representative union can be made free from political interference but they have other drawbacks.

14. The contract labour is widely prevalent in Orissa. Bombay Industrial Relations Act provided sufficient protection to contract labour as it is covered under the definition of employee. But under the Industrial Disputes Act, the definition of employee does not cover contract labour. Contract labour is mainly concentrated in mines.

15. The Labour Laws are defective as the penalty clauses are very mild. Employers feel that cost of prosecution and penalties is cheaper than payment to workers. The wages of workers in IISCO mines are as low as 30 to 35 rupees per month.

16. Redressal of grievances of the workers by constitutional method takes a long time. An award of 1947 was stated to have been implemented in 1965. It is understandable if workers take to other methods.

17. The Bill regarding abolition and regulation of contract labour is not adequate to deal with the problems of contract labour. The principal responsibility for contract labour should be of the principal employer. (INTUC agreed to submit a note on this subject)

18. All work is done in English in the domestic inquiries. Even a charge-sheet to the worker is given in English. The worker has to spend Rs.5/- to Rs.10/- to reply to the charge-sheet in English. Employers want that there should be no outsider in the unions but without the help of the outsider the worker is unable to give his reply properly as he does not know English. The language in the domestic inquiries should be local language which the worker understands. The laws should

also be in local language.

19. The I.N.T.U.C. did not favour secret ballot as a matter of policy, though in Orissa verification has operated against the interest of the I.N.T.U.C. Union.

Contd..5/-

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date: 2.8.1968

Time: 3.25 P.M. - 3:40 P.M.

Record of discussion with A.I.T.U.C. (Utkal Branch)
represented by:-

1. Mr. Ram Chandra Ram,
President,
Orissa State Committee,
A.I.T.U.C.
2. Mr. A.C. Mohanty,
Vice President,
Orissa State Committee,
A.I.T.U.C.
3. Mr. A. K. Ray,
Office-Secretary,
Orissa State Committee,
A.I.T.U.C.

(Vide N.C.L. Ref. No. OR-VI-201)

1. The total membership of A.I.T.U.C. in Orissa is about 15 thousand. There is a recognised union in the press industry, in a part of the Electricity Board and in mining.
2. Mining industry still engages contract workers in large numbers. The employers retrench those workers who have worked for a long time and employ new workers.
3. In mining industry the Wage Board award was not implemented. The workers went on strike to press for implementation of the award but the attitude of the Labour Department was biased in favour of employers. The officers of the Labour Department were sent to break the strike and the question whether the Wage Board recommendation should or should not be implemented was referred to a tribunal. Even in public sector undertakings like Electricity Board the Wage Board recommendations are not implemented. The employers have taken recourse to Supreme Court against tribunal award of 1964.
4. The agreements reached at tripartite conference are violated. Since the employers have resources they can drag the case for years and go upto Supreme Court, while the trade unions have no such resources.
5. The Wage Board award has not been implemented in Orissa Textile Mills also.

6. The Conciliation Officer should be given enough powers to compel the parties to appear before him and to come to an agreement. Employers generally do not care for the Labour Commissioner or Labour Department. Public Sector undertakings are more at default.
7. Officers of the Electricity Board who are from Administrative Service think it below their dignity to come before Conciliation Officers for conciliation with their employees.
8. Non-implementation of awards/agreements should be made a cognizable offence at the instance of trade unions.
9. Government ignores weaker unions and does not refer their cases to tribunal. Therefore powers should be given to trade unions to take their cases to courts directly.
10. The A.I.T.U.C. generally endorses the criticism against the C.R.O. labour as voiced by the I.N.T.U.C.

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Contd..7/-

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date: 2.8.1968

Time: 3.40 P.M. - 4.35 P.M.

Record of discussion with Hind Mazdoor Sabha (Utkal Branch) and its Constituent Unions (Orissa Medical Worker's Union, Orissa Local Body Employees Federation and Orissa Government Press Employees Union) represented by:-

1. Mr. Rajkishore Samantrai,
President, Hind Mazdoor Sabha,
(Utkal Branch)
2. Mr. Biswanath Pandit,
President, Orissa Medical Workers Union.
3. Mr. Krushna Chandra Patra,
General Secretary,
Hind Mazdoor Sabha,
(Utkal Branch).
4. Mr. Nishamani Khuntia,
President, Paradeep Port Workers Union,
Member of the Executive of H.M.S.
5. Mr. Jagadish Nag,
General Secretary,
Rourkela Mazdoor Sabha,
6. Mr. Akulananda Behera,
Member,
State Executive, Hind Mazdoor Sabha,
7. Mr. Sadasiba Misra,
Orissa Government Press Employees Union.
8. Mr. Aroon Kr. Patro,
Orissa Government Press Employees Union.
9. Mr. Anil Kumar Ghose,
Hind Mazdoor Sabha,
10. Mr. Jogendra Naik,
Orissa Local Bodies Employees Union.

(Vide N.C.L. Ref. No. OR-VI-195; OR-VI-175 and OR-VI-200)

1. There is a high incidence of T.B. in Textile and Cement Industries. An inquiry should be conducted to find out the causes of this.

2. Public Sector employers do not strictly observe labour laws. In the Orissa Govt. Press which employs

about 2300 workers, union workers are harassed and victimised. When a dispute was raised, the management stated that the Press is not an industry and the dispute cannot be referred to an Industrial Tribunal. (HMS agreed to give a statement regarding unfair labour practices and violation of Code of Discipline by the Public Sector Undertakings)

3. In another instance, a civil surgeon transferred an employee malafide. The case was referred to the Industrial Tribunal who held that civil surgeon had transferred the employee with ulterior motives. Even after this stricture, no action was taken against the civil surgeon, but he was promoted. Medical personnel should be covered under the Industrial Disputes Act.

(With reference to their statement on page 3 of the printed memorandum, H.M.S. promised to give a statement giving concrete instances of such cases.)

4. All the demands put forth by workers are not referred to adjudication. Out of a number of demands, Government picks up a few minor demands and refers them to the tribunal. Major demands are ignored and no effective protest is possible. (The HMS agreed to give a statement on this point.)

5. Section 10 of the Industrial Disputes Act should be amended and parties should be allowed to go to court direct. It has been the experience of HMS that Government favours unions having an ideology similar to that of the party in power.

6. The HMS union has been given representative character at Rourkela Steel Plant only after due verification and not as a favour from the Government. It is absolutely baseless to say that HMS was recognised by irregular verification as alleged by INTUC. HMS has a membership of 13 thousand in Rourkela Steel Plant and not 4 thousand as alleged by INTUC. On the other hand INTUC which claims to have a membership of 17 thousand have hardly 1700 members.

7. The I & E Committee meets regularly but INTUC union did not complain to the Committee against the recognition of HMS as a representative union. Instead they filed an application before the Munsiff which was dismissed. They then appealed to District Judge where also they failed and now they have gone to the High Court.

8. In 1964 the INTUC was accorded recognition without verification of membership. No favour has been shown to HMS by according recognition as the records were open for checking.

9. Secret ballot is favoured in preference to verification because secret ballot is a more democratic process and can reflect the real wishes of the workers.

10. In Orissa, Kendu leaves are collected by Adivasi and Harijan workers for use in bidi making. In 7 out of 13 districts of Orissa, all such work is done by Adivasi and by Harijans. The State's annual income through Kendu leaves is over Rs. 2 crores.
11. Though it is a nationalised industry the Government appoints agents and defines the area and place of each agent. The workers working in a particular area can sell their leaves only to the agent of that area and to none else.
12. The pluckers are not recognised as workers by the Government. The wages of the workers are very low (1 paise for 50 leaves). The work goes on for about 3 months in a year.
13. The agents make huge profits out of this business. They have tremendous political influence also. It is, in fact, the most exploited labour in Orissa. No bonus is paid to them.
14. When the agents are approached, they say that the Government is the employer. The Government in turn says that revenue goes to the State and no bonus can be paid. Although Labour Department has recommended that a minimum wage should be prescribed, the Government has not agreed to it. The wage rate of the workers should be increased to ameliorate the conditions of workers to some extent.
15. The Coal Field Recruitment Organisation should be abolished.
16. There should be a time limit to "lay-off" beyond which the compensation should be higher. At present the employers lay-off their workers for several months at a stretch, and without paying compensation beyond the prescribed period.
17. Trade unions should be represented on the Joint Board of employers and employees for promotion. In the matter of recruitment also the trade unions should have a representation for testing the suitability of the recruits but 'closed shop' is not favoured at this stage. This right should be given to representative unions.
18. Minority unions can have some functions to perform and they should not cease to exist. Their disappearance may lead to patronage of the majority union and this patronage may result in the union losing its popularity.
19. "Closure" should be properly defined. A case was quoted where Kalinga Tubes Ltd. declared a 'closure' in their factory because workers had been agitating for higher bonus. The matter went upto the Supreme Court. The Supreme Court ordered that the workers should be given higher bonus. Immediately after this the Management entered into an agreement with another union and re-opened the factory.

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date: 2.8.1968

Time 4.35 P.M. - 4.45 P.M.

Record of discussion with Rourkela Mazdoor Sabha
(H.M.S.) represented by:-

1. Mr. Rajkishore Samantrai,
President, Hind Mazdoor Sabha,
(Utkal Branch).
2. Mr. Biswanath Pandit,
President, Orissa Medical Workers Union.
3. Mr. Krushna Chandra Patra,
General Secretary,
Hind Mazdoor Sabha,
(Utkal Branch).
4. Mr. Nishamani Khuntia,
President, Paradeep Port Workers Union.
5. Mr. Jagadish Nag,
General Secretary,
Rourkela Mazdoor Sabha.
6. Mr. Akulananda Behera,
Member,
State Executive Hind Mazdoor Sabha.
7. Mr. Sadasiba Misra,
Orissa Government Press Employees Union.
8. Mr. Aroon Kr. Patro,
Orissa Government Press Employees Union.
9. Mr. Anil Kumar Ghose,
Hind Mazdoor Sabha.
10. Mr. Jogendra Naik,
Orissa Local Bodies Employees Union.

(Vide NCL Ref. No. OR-VI-120)

1. The attitude of Rourkela Steel Plant Management towards workers is not satisfactory. Discharges and dismissals take place frequently. The whole outlook of the Management of Public Sector Undertakings should change.

2. In certain cases the Management had gone up to Supreme Court against the award of industrial tribunal

on question of reinstatement. The Public Sector Undertakings should not indulge in such practices and should accept the awards of industrial tribunals. There should be a limit on the number of appeals for both the parties.

3. The Public Sector Undertakings should make profits but not at the cost of workers. The cost structure of Bhilai, Durgapur and Rourkela Steel Plants should be investigated.

4. The Public Sector Steel Plants may be carrying more labour than is needed. But these plants are expanding and will expand further in future; the surplus labour can be adjusted against these expansions.

5. As a representative union in the Rourkela Steel Plant, the Rourkela Mazdoor Sabha favoured collective bargaining to be tried.

6. . . It is true to some extent that the expectations of workers of the public sector undertakings were rather high.

7. The attitude of the top management of public sector undertakings towards its workers is not reasonable. They do not like to come before the conciliation officer. It cannot be said that the attitude of the private employers is better in this respect than the public sector employers.

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NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date : 2.8.1968

Time : 4.45 P.M. - 5.00 P.M.

Record of discussion with representatives of Talcher Thermal Scheme Employees' Union represented by:-

1. Mr. Srinibas Misra,
President,
Talcher Thermal Scheme Employees' Union.
2. Mr. Dwarika Mohan Misra,
General Secretary,
Talcher Thermal Scheme Employees' Union.

(Vide N.C.L. Ref. No. OR-VI-185.)

1. This union was formed in 1964 and is the only union in Talcher Thermal Scheme. It has a membership of 1300 out of a total of 1800 employees and is not affiliated to any Central Organisation. At one time they belonged to AITUC.
2. In matters of promotion merit-cum-fitness should be the first criterion and seniority should be taken into consideration as a supplement to merit-cum-fitness. Where merit is not decisive seniority should count.
3. For non-observance of statutory provisions, union should have powers to prosecute the management.
4. Before passing any legislation the Government should consult the Bar Associations, trade unions and employers' organisations. In order to ensure that this procedure does not cause delay, a time limit should be prescribed for consultation.
5. The Registrar of Trade Unions should be empowered under the Trade Unions' Act to decide, in case of dispute, as to who should be the office bearers and members of the executive committee of the union.
6. The union would prefer recognition by secret ballot and not by verification.
7. The relations of the union with the management are not bad. The management of Talcher Thermal Scheme has the minimum patriotism required for the efficient management of a public sector undertaking.
8. The unions should have direct access to the courts without a reference to the Labour Department.

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Contd..13/-

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date : 2.8.1968

Time 5.00 P.M. to 5.15 P.M.

Record of discussion with representatives of Orissa State Electricity Board Work-charged employees' Union represented by:-

1. Mr. Akhilmohan Patnaik,
President,
Orissa State Electricity Board
Workcharged Employees Union.
2. Mr. Prafulla Kumar Mohanty,
Vice President,
Orissa State Electricity Board
Workcharged Employees Union.
3. Mr. Nabakishor Dutta,
General Secretary,
Orissa State Electricity Board
Workcharged Employees Union.

(Vide NCL Ref. No. OR-VI-196)

1. The union was established in 1962 and has a membership of 9800 out of a total of 15 thousand employees. It is not affiliated to any Central Organisation.
2. There are about 6 to 7 thousand casual workers in addition to 15 thousand regular employees in the Orissa State Electricity Board. Some element of casual labour is unavoidable - but the proportion is very high in Orissa State Electricity Board. Casual labour was not necessary except in construction department.
3. Casual labour is denied the advantages which are available to regular employees. They, however, get medical aid. The wages of casual labour are lower than those of the regular employees. It is paid once in 10 days although expected to be paid daily. No dearness allowance is paid to casual labour.
4. The daily wage of a casual labour is Rs. 2/- whereas a permanent unskilled worker gets Rs. 95/- per month inclusive of D.A. The basic wage of a permanent unskilled worker is Rs. 45/- per month.
5. Relations between workers and management in public sector undertakings are not as good as they should be. The management is callous towards labour legislation and the agreements are not honoured. (The union agreed to give a list of agreements that have not been honoured by the management.)
6. Outsiders are necessary to nourish the trade unions. As workers get enlightened outsiders will automatically be eliminated.

7. The General Secretary who was himself a lineman was asked his opinion about the nature of duties of a lineman and whether a lineman should be made to retire at the age of 45 as has been pointed out by certain employers. He agreed that the job of lineman was strenuous and retirement at a comparatively early age was desirable.

8. About 75% of the casual labour was employed to work as domestic servants of the officers who recruit them. They are promoted quickly not on the basis of merit but due to their relationship with the officers. The promotion of inexperienced persons ignoring the claims of experienced work-charged employees results in higher rate of accidents.

9. There is a lot of corruption in the appointment of casual labour for the field work. Sometimes, Executive Engineers, S.D.Os. and Overseers fill up fictitious names in Muster Rolls and draw the money.

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NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date : 2.8.1968

Time : 5.15 P.M. - 5.30 P.M.

Record of discussion with Orissa Krushak Samaj, Bhubaneswar represented by:-

1. Mr. M.C. Rautaroy,
Asstt. State Organiser,
Orissa Krushak Samaj,
Bhubaneswar.
2. Mr. K.C. Lenka, Member, Orissa Krushak Samaj.
3. Mr. P.K. Singh, -do-
4. Mr. P. Khandaitray -do-

(Vide NCL Ref. No. OR-X-55)

The Samaj has 362 life members. Out of these, about 100 members have small holdings and they work for other farmers also. It is a farmers' organisation whose members are neither employers nor employees but landholders-cum-cultivators. (They agreed to give a memorandum after giving thought to the Questionnaire.)

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NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date : 3.8.68

Time: 9.30 A.M. - 10.00 A.M.

Record of discussion with Mr. P.N. Krishna Pillai, Indian Aluminium Company Limited, Calcutta-16. (vide NCL Ref. No. WB.X-21).

1. There should be one representative union with which the management should deal in labour matters. This should be the majority union.
2. For determining the representative character of a union, election by secret ballot was preferred to verification of membership.
3. There may be some difficulties in adopting secret ballot as the method for determining the representative union like arousing of caste or communal passions, making extravagant promises, etc. but all democratic processes have such difficulties in the beginning and these settle down after sometime. Verification is an undemocratic method.
4. Any agreement between labour and management affects all the workers in the establishment. Therefore, the right to vote should be given to all the workers and should not be restricted only to union members. The workers must have a chance to choose their representatives.
5. The suggestion about an independent agency maintaining registers to determine affiliation of workers after the expiry of probation period and to decide the representative union was not favoured.
6. The motivation for workers to join a union will not diminish by allowing all workers to vote. On the contrary it will increase with the expansion of activities of the union.
7. Minority unions should also be allowed to exist. They can do other work like attending to grievances, keeping a watch on the interest of workers and contest for recognition after two years. They should, however, not be allowed to deal with individual cases as individual cases become disputes of the workers. However there should be no rigid attitude on this point.
8. Usually the attempt should be to resolve disputes by collective bargaining but the approach should be cautious. The availability of adjudication machinery hampers collective bargaining. A free give and take attitude is not there.
9. Adjudication should be allowed to continue in a limited sphere like public utility and essential services. Even here the stress should be on collective bargaining; recourse to adjudication should be an exception.

10. Public utilities are being indiscriminately extended by State Govts., this should not happen.
11. The minority union should not be present at collective bargaining because majority union may not like to come to an agreement before the minority union due to the fear of misrepresentation outside.
12. It is true that workers' loyalties shift but loyalties will get entrenched and solidified if collective bargaining is introduced.
13. At present free industrial collective bargaining is not allowed to be introduced for fear of stoppages of work, but stoppages of work are there even now when the adjudication machinery is in existence.
14. It is possible to enter into agreement with unions of different political persuasions. The Indian Aluminium Company has A.I.T.U.C., I.N.T.U.C., and other unions in their plants located at different places.
15. Voluntary arbitration will form^a part of collective bargaining. The method of resolving disputes should be by negotiations followed by voluntary arbitration.
16. A common Labour Code with uniform definitions of worker, employer, etc. may create some practical difficulties as a worker in manufacturing processes is different from a person who has to look after an elephant or who has to climb a tree. The two workers should be treated differently as the work hazards are different.
17. The present bill which is before the Parliament about disciplinary proceedings in domestic enquiries was not opposed. The court should have powers not only to review the judgement passed on the basis of facts but investigate the facts also.
18. Re-instatement does not necessarily affect discipline. Under Taft Hartley Act, persons are re-instated and paid back wages with 6% interest by the National Labour Relations Board.
19. The present dissatisfaction among workers was stated to be mainly due to -
 - (i) employers not according institutional recognition to unions,
 - (ii) day-to-day process of joint consultation not functioning properly, and
 - (iii) human dignity of a worker not being honoured.
20. Automation could be introduced if unions are approached in the right way.
21. Many local lawyers are entering the trade unions because resort to legal proceedings is quite frequent.

22. If there are a number of trade unions in an establishment, none of which has an absolute majority, collective bargaining will become difficult. But it will be an exceptional case only. In such a case collective bargaining will have to be done with all the unions. The sole bargaining agent should have the backing of more than 50 percent of the workers.

23. The Personnel Manager is a part of management. The entire management and not only the Personnel Manager has to be of good calibre to deal with the unions.

24. The Indian Aluminium Company has 6 units throughout the country. 5 units have only one union each, while the sixth one has two unions. It is not accidental but due to the good attitude of the management. All these unions have been recognised. Although the Top leaders of some of the unions belong to different Central Trade unions, the unions are not affiliated to any central organisation.

25. Collective bargaining helps development of internal leadership. Outsiders take the executive committee personnel also with them for negotiations with the employers. Internal leadership is thus gradually developed.

End.

NATIONAL COMMISSION ON LABOUR

Camp : Bhubaneswar)

Orissa State

Date : 3.8.1968

Time 10.00 A.M. - 10.40 A. M.

Record of discussion with Orissa Mill Owners' Association, Cuttack and Orient Paper Mills Limited, represented by:-

1. Mr. Bansi Dhar Mohanti,
President,
Orissa Mill Owners' Association,
Cuttack.
2. Mr. Purshotam Sunderdas,
Secretary,
Orissa Mill Owners' Association,
Cuttack.
3. Mr. B.L.N. Swami,
Office Secretary,
Orissa Mill Owners' Association,
Cuttack.
4. Mr. D.N. Rath,
Personnel Officer,
Orient Paper Mills Limited,
Brajaraaja Nagar, Distt. Sambalpur

(Vide N.C.L. Ref. No. OR-V-113 and OR-VII-44).

1. The Association has 200 rice Mills as its members. The maximum number of persons employed by each rice mill is 60 to 70. Most of the members of the Association own some land but are not paddy growers. The mills work for about 100 to 200 days in a year. The workers mostly belong to scheduled tribes.
2. 80% of the labourers are casual workers and the remaining 20% are regular employees. The mills do not pay any dearness allowance to their casual labourers.
3. The Adivasis have not changed their habits and are not very keen on earning more money.
4. There is a high percentage of labour turn-over. Every year, new groups of workers join the mills.
5. The minimum wage of a worker fixed by the Government is Rs. 1/- per day but the wages actually paid by the mills range from Rs. 1.75 to Rs. 2.50 per day including dearness allowance.
6. The outside workers are provided with quarters, fuel and rice at subsidised rates.
7. The proportion of women amongst the workers is high but the wages for similar type of work are the same for men and women.

8. In some factories workers have formed unions and at some others multiple unions exist.
9. The future of rice mills in this State is not certain as the Food Corporation of India is contemplating of starting co-operative mills in the areas, although the present mill owners have offered to modernise their mills and form into co-operatives.
10. The State Government has no say in the matter as the Food Corporation of India which is under Central Government has its own plans about rice mills in this area.
11. On reconsideration of the written reply the association favoured the verification method for choosing a representative union.
12. The minority unions may be allowed to function and deal with individual grievances, but major policy matters affecting working conditions should be dealt with by majority unions only.

Orient Paper Mills Limited (Vide NCL Ref. No. OR-VII-44)

13. The Mill has a total of 3,000 workers. There is one union in the mill for the last 10 years. It is not affiliated to any central organisation.
14. Previously there was a union which was affiliated to A.I.T.U.C. Then another union came to power and was affiliated to I.N.T.U.C. In 1956 another union affiliated to H.M.S. came in followed by an I.N.T.U.C. union. Although the leaders were the same, affiliations changed several times.
15. The present union is not affiliated to any central organisation. It has dissociated itself from the I.N.T.U.C.
16. This change is not due to shifting politics in the State. The relations between the management and the union are good.
17. There are no outsiders in the union except the President. There is also a dismissed employee of the mill in the executive committee. He has now taken trade unionism as a career. Industrial relations are good although a case about wages is pending in the Supreme Court.
18. Nearly 30 to 40% workers of the mill have been provided with houses and the rest are local people.
19. At present the conditions are not ripe for collective bargaining but collective bargaining should be the ultimate goal.
20. Adjudication may continue but arbitration was not favoured.

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date: 3.8.68

Time: 10.40 A.M. -11.10 A.M.

Record of discussion with Indian Aluminium Company Limited, Hirakud, represented by :-

1. Mr. V.S. Sachdev,
Works Manager,
Indian Aluminium Company Limited,
Hirakud.
2. Mr. S. Misra,
Personnel Superintendent,
Indian Aluminium Company Limited,
Hirakud.
3. Mr. P.N. Krishna Pillai,
Industrial Relations Adviser,
Indian Aluminium Company Limited.

(vide NCL Ref. No. OR-VII-41)

1. The unrest among workers and resort to agitational methods is mainly due to failure of other methods for redressal of grievances. In the settlement of disputes collective bargaining should be the first step and other methods should be adopted only on failure to reach settlement.
2. Collective bargaining has been successful in Indian Aluminium Company Ltd., there has been no resort to adjudication even in a single case during the last 10 years.
3. There is only one union in the Company whose President belongs to Communist Party but the union itself is not affiliated to any central organisation. The workers have ignored his attempts to affiliate the union to A.I.T.U.C. Multiplicity of unions crops up only when the management starts meddling in the affairs of unions.
4. During the last 9 years there have been only 18 dismissals in the Company. Three of these cases were taken to Court by the Union. In one of these re-instatement was ordered by the Court. But re-instatement did not create any problem. Indiscipline can take place after re-instatement only when the management's behaviour is different towards re-instated employee as against other employees.
5. The time is not yet ripe to introduce collective bargaining. The first step in settlement of disputes however should be collective bargaining. This should include settlement through a mutually agreed arbitration. The arbitrator should be chosen from an agreed panel.

6. Resort to adjudication was not favoured. A case was quoted in which the management wanted to introduce changes in the working conditions. The union resisted it and the management offered arbitration by the President of some other union in the local area. The union agreed to this and the dispute was settled amicably.

7. For determining representative character of a union election by secret ballot was favoured.

8. As a clarification to their contradictory answers to question Nos. 57 and 61, it was stated that verification method for determining the representative character of a union was not suitable.

9. The role of minority unions should be to deal with individual cases. But matters regarding service conditions and of general interest of workers should be dealt with only by the representative union. A fresh election can be conducted after every two years to decide the majority union.

10. In domestic enquiries proper procedures should be followed and reference to third party to enquire into and deal with cases of indiscipline should not be favoured. Since the management is familiar with the facts it can decide whether the misconduct was committed or not. The power to conduct an enquiry cannot be entrusted to a third party.

11. As a clarification of reply to question Nos. 88 and 89 there can be no demarcation/can be adopted. Collective bargaining can have a wide scope.

12. Sometimes the employers are not prepared to pay workers their due. In such cases if no accord is reached in collective bargaining, there should be provision for some alternative method to settle the dispute.

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NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date: 3.8.1968

Time 11.10 A.M. - 11.25 A.M.

Record of discussion with Bolani Ores Ltd., Bolani, Keonjhar, represented by :-

Mr. D.P. Rath.

(vide NCL Ref. No. OR - VII-42)

1. The establishment employs about 3,000 workers, out of which 1,500 are departmental, 800 Gorakhpur workers and 700 contract labour.
2. Award of the Wage Board should be implemented by all the units. If some units default to implement the award Government should boycott such units and should not place orders with them.
3. In mining Industry, a stage has not yet come when the insiders can look after the affairs of the union by themselves. Outsiders are, therefore, necessary for some time to come.
4. The Company has about 800 workers employed through the Coal-Field Recruitment Organisation. This organisation acts as an Employment Exchange. The workers are recruited and sent to the Coal-fields in Bihar, Orissa and West Bengal. They work there for 11 months and are paid for 12 months. After 11 months they are discharged and sent back. If they like they can come back as fresh recruits. But during the 11 months they are not liable to transfer from one mine to another. They also get provident fund. There is, however, no objection to absorb them permanently. But the current practice is to discharge them after 11 months. There is only one union functioning at Bolani Ores Ltd., which is affiliated to INTUC. Gorakhpur labour does not generally join unions. It is hardworking and does various jobs which local labour considers it below its dignity to do. The Gorakhpur Labour Organisation is managed by the Government of U.P. They appoint Labour Officers to look after labour. They are paid wages at par with other workers.
5. The establishment also employs a large contingent of contract labour. A fair-wage clause is inserted in the Contract and the management sees that it is enforced. The reason given for employing workers through contractor was that the contractor exercises a strict supervision over workers and gets work done properly. The employer for such workers is the contractor and not the Company. The trade union has often demanded abolition of contract labour in the Company. They have been told to wait till the Bill pending before the Parliament is passed.

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar) .

Orissa State

Date: 3.8.68

Time 11.25 A.M. - 11.40 A.M.

Record of discussion with port of Paradeep represented
by:-

1. Mr. N. Choudhary,
Secretary,
Paradeep Port Trust.
2. Mr. S.K. Das,
Labour Officer,
Paradeep Port Trust.

(Vide NCL Ref. No. OR-III-25.)

1. The Port Trust of Paradeep employs 1350 workers. It works only one shift of eight hours but recently a second shift has also been introduced.
2. There are two unions in the Port Trust. One of them is affiliated to AITUC and the other to HMS. The union affiliated to HMS has been recognised; recognition was given after verification of membership by the Chief Labour Commissioner.
3. Verification of membership as a method of determining the representative character of a union was favoured over secret ballot method.
4. No outsiders should be allowed in the trade unions. All the top leaders in the trade union functioning at Paradeep, President and General Secretary are outsiders but members of the executive are insiders.
5. Though workers are not as educated as the officers of the Port Trust, they are intelligent enough to run their union.
6. The code of discipline has not yet been adopted in the Port Trust.
7. Powers of recognition should vest with the management.
8. As a clarification of their reply to question No. 58 the test of good conduct cannot be applied for according recognition. The union having the maximum number of workers as members should be accorded recognition.
9. As a clarification of their reply to question No. 60 there should be only one bargaining union but minority unions should also be allowed to exist.

NATIONAL COMMISSION ON LABOUR

Bhubaneswar
Orissa State

Date: 3.8.68.

Time: 11.40 A.M.-12.50 P.M.

Record of discussion with State Government Departments and Public Sector Undertakings represented by:-

1. Mr. Sreepal Jee,
Managing Director,
The Orissa Forest Corporation Ltd.,
Ranaganj.
2. Mr. S.C. Pandhi,
Divl. Manager,
The Orissa Forest Corporation Ltd.,
Ranaganj.
3. Mr. J.M. Panda,
General Manager,
Orissa Road Transport Company.
4. Mr. U.N. Misra, Superintendent,
Orissa Government Press,
Cuttack.
5. Mr. S.P. Mishra,
Manager,
Text Book Press,
Bhubaneswar.
6. Mr. P.C.S. Patro,
Secretary,
The Orissa Agro and Small Industries,
Corporation.
7. Mr. V.V. Anantakrishnan,
Chairman,
Orissa State Electricity Board.
8. Mr. D. Mahapatra,
Finance Member,
Orissa State Electricity Board.
9. Mr. T.C. Mahapatro,
Chief Engineer,
Orissa State Electricity Board.
10. Mr. B.K. Kar,
Secretary,
Orissa State Electricity Board.
11. Mr. S.R. Dash,
Labour Welfare Officer,
Orissa State Electricity Board.
12. Mr. B.C. Tripathy,
Secretary,
Department of Agriculture.
13. Mr. U.N. Mohanty.

14. Mr. C.B. Jain,
Secretary,
Department of Works & Transport.
15. Mr. N. Chand,
Director, State Transport Service.
16. Mr. B.R. Patel,
Secretary, Department of Industry.
17. Mr. K. Srinivasan,
Managing Director,
Orissa Mining Corporation.
18. Mr. S.N. Das Mohapatra,
Project Administrator,
Hira Cement Works,
Cement Nagar,
Sambalpur.
19. Mr. A.R. Rao,
Managing Director,
Orissa Construction Corporation.
20. Mr. M.P. Modi,
Secretary,
Industrial Development Corporation.

(Vide NCL Ref.No.OR-X-56; OR-IV-60; OR-IV-68;
OR-IV-69; OR-IV-70; OR-IV-71; OR-IV-72; OR-IV-73;
OR-IV-76.)

1. A common labour code defining terms such as employer, employee etc. was favoured and so was a common pattern of labour judiciary. On the question of appointment of judges on labour tribunals the opinion was divided, some departments favoured that the judges should be appointed by the High Court while others felt that Government should select judges from a panel of names given by the High Court.

2. Revival of Labour Appellate Tribunal was not favoured.

3. Over the question of resolving disputes by collective bargaining again the opinion was divided. Some favoured that collective bargaining should be introduced with a provision of voluntary arbitration which is a part of collective bargaining, while the others held that collective bargaining will be injurious to the development of the economy. They did not favour arbitration also and wanted the present method of adjudication to continue. The more popular view was in favour of status quo.

4. The representative of the Orissa Mining Corporation stated that recruitment of workers through Gorakhpur Labour Organisation is done, the Gorakhpur labour is hard working and disciplined while the local labour has no liking for hard work.

5. The Gorakhpur labour is paid on piece-rates. The minimum wage prescribed is Rs.4.50 but on an average a worker is able to earn Rs.9/- to Rs.10/- per day, while a regular local employee earns Rs.4.50 to Rs.5.00 per day. The practice of engaging the workers for 11 months and sending them back there-after is not good as the labour loses the benefit of continuity of service, though working year after year but with a different employer.

7. The system of payment of wages on piece-rate is being gradually introduced in case of local labour also.
8. It is true that Committee after Committee has recommended abolition of Gorakhpur Labour Organisation, but the Gorakhpur workers themselves are keen to work in mines and come back again. If the object is to produce iron and steel at cheap rate, Gorakhpur Labour Organisation should be allowed to continue.
9. The Orissa State Electricity Board has experienced some difficulty of indiscipline among workers due to reinstatements ordered by tribunals. The right to conduct an enquiry in matters of indiscipline should vest with the management.
10. Amendment of the Standing Orders to include a provision of a panel of arbitrators to enquire into the cases of indiscipline was favoured by some and opposed by others. The opposition was more prominent.
11. The Orissa State Electricity Board employs a large number of casual workers (about 3,000 to 4,000 out of a total number of 15,000 workers). These workers do not get any medical benefit and other facilities.
12. The unions have been alleging corruption in appointment of casual labour at the level of executive engineer, SDO and Overseer but they have not been able to bring forth any specific case which could be investigated by the management. (On a suggestion from Chairman the representative of Orissa State Electricity Board agreed to conduct a confidential enquiry into this matter and send a reply to the Commission).
13. The State Public Works Department employs a large number of workers through contractors. A fair wage clause is introduced in the contract.
14. Fair wage for this purpose means the prevailing rate of wage in the area where construction is going on. The Field Officers such as Executive Engineers, SDOs etc. look to it that fair wages are paid to workers. But there is no separate machinery to implement this clause.
15. Minimum wages for specific categories of workers have not been defined. In fact, the workers do not know what minimum wage has been fixed for their respective categories.
16. On the question of determining the representative character of a union the opinion was divided. Some felt that verification method was suitable while the majority was in favour of secret ballot, with the right of voting to all workers.
17. The recognition should be for a fixed period. If during that period workers ceased to have confidence in the recognised union, there should be some machinery to verify it. Those who favoured verification expressed apprehension about the feasibility of conducting elections in a large number of factory units.
18. Representatives of the Department of Industries and

NATIONAL COMMISSION ON LABOUR
(Camp: Bhubaneswar)

Orissa State

Date: 3.8.68

Time: 12.50 P.M.-12.55 P.M.

Record of discussion with Mr. S. Misra, Vice-Chancellor,
Utkal University, Bhubaneswar.

Agricultural labour in Orissa forms about 26% of the total work force. About 99% of them are illiterate and remain unemployed on an average for 120 days in a year. Their wages are low. In 1960 a survey was conducted by the Vice Chancellor and a report was written in two volumes. (A copy of the report was submitted to the Commission). It was one of the findings of the survey that daily wages of agricultural labour varied from 25 Paise to Rs.2/-. In busy season, however, the workers get higher wages. Cultivation with the help of hired labour becomes uneconomic on all farms below 15 acres. One of the measures suggested for improving the conditions of agricultural labour was the education of workers. Education and training would help them to become more efficient and enable them to organise in a better way.

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NATIONAL COMMISSION ON LABOUR
(Camp: Bhubaneswar)

Orissa State.

Date: 3.8.68

Time : 12.55 P.M. - 1.00 P.M.

Record of discussion with:

1. Mr. B.R. Rao,
Presiding Officer,
Additional Industrial Tribunal,
Bhubaneswar.
2. Mr. I.C. Misra,
Ex-Presiding Officer,
Industrial Tribunal,
Bhubaneswar.
3. Mr. B.S. Patnaik,
Ex-Presiding Officer,
Industrial Tribunal,
Bhubaneswar.
(Vide NCL Ref. No. OR-X-52).

1. Conciliation Officer should be empowered to make a reference of industrial disputes to the Labour Courts and it should not be necessary that the Government alone should make reference to industrial courts.
2. Appointment of labour judges can be made from among the Conciliation Officers also, provided they are Law Graduates and have experience of 3 years of practice of law. Judicial qualification should be essential.
3. Quite a large number of cases of dismissal are brought before the industrial courts. Reinstatements take place in more than 50% of cases. Public Sector Undertakings commit many irregularities in conducting enquiries.
4. There is no denying the fact that there is a time-lag in settling dismissal cases. This is mainly because the parties ask for more and more time. It is generally the management who ask for more time. Written statements are not filed for long periods.
5. There are two Industrial Tribunals in Orissa. A few industrial lawyers in Orissa are engaged in the practice of labour laws. They generally have sufficient work throughout the year.
6. A panel of lawyers should be provided to the unions to plead their cases as the trade unions are not financially strong. Mr. Misra stated that there should be a standing Council of lawyers who should be paid by the Government for pleading cases on behalf of the workers while Mr. Patnaik favoured the cost of litigation to be borne by the industry.

NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)

Orissa State

Date: 3.8.68

Time: 3.25 P.M. - 3.45 P.M.

Record of discussion with Mr. S.B. Nanda, Advocate, Cuttack. (Vide NCL Ref.No.OR-X-58)

1. The Works Committees are not functioning successfully. Workers and management both have 10 members each as their representatives on the Committee. The employers' representatives are bound to support the views of the management whether right or wrong. On the workers' side there may be unanimity or difference of opinion. The result is that in case of voting either the votes are equally divided or the majority is on the side of management. It was, therefore, suggested that decisions should be arrived at by secret voting.

2. Another reason for failure of the Works Committees is that the scope of the Works Committees is not properly defined in the Act and there is some mis-conception about it. The Works Committees look after only the welfare matters. Their functions should be defined and the grievances arising out of day-to-day work should be included within the scope of the Works Committees.

3. In case of failure of conciliation proceedings the conciliation Officer should be empowered to make a direct reference to adjudication except in certain cases. This will avoid delays.

4. In reply to question No.72 it was stated that a strong and reasonable union is a boon to the industry. It must, however, be said that a strong union may not necessarily be reasonable.

5. In reply to question No.74 in the memorandum submitted to Commission it was suggested that necessary provisions in the Indian Trade Unions Act should be made to empower the Registrar of Trade Unions to decide the question of recognition. What was meant was that if the management did not recognise the Union, then the Registrar acting as a tribunal should decide the issue of recognition.

6. Due emphasis should be laid on research on industrial matters. There should be a team which should conduct research regarding fitness of a particular worker in a ~~xxxxxxxxxxxxxxxx~~ particular occupation, his designation, election of the union office bearers, etc. The research should be technical as well as psychological. In case of a strike the team should study the psychology of the strike and suggest suitable remedies.

7. The trade unions should educate their workers on their duties and rights. Such education is necessary for employers also.

8. In reply to question No.69(c) it was stated that the students' movement affects industrial relations also. An example was quoted where students of a local college threatened the proprietor of a flour mill at Cuttack of dire consequences if he failed to settle the dispute with

9. Workers have a weaker bargaining power. They are not able to pay fees of lawyers. Therefore, except in case of major mis-conduct the cost of litigation should be borne by the industry.

10. Under section 36 of I.D. Act no lawyer is allowed to be present in the proceedings. Both sides should be allowed to engage lawyers if the tribunal permits.

11. If references to labour tribunals are to be made by labour department then it must be manned by officers who have sound knowledge of labour and industrial laws.

12. In the present context collective bargaining is too much to expect.

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NATIONAL COMMISSION ON LABOUR
(Camp: Bhubaneswar)
Orissa State

Dated: 3.8.68

Time: 3.45 P.M. - 4.00 P.M.

Record of discussion with all Orissa Motor Transport Employees' Federation, Bhubaneswar, represented by:-

1. Mr. Akhil Mohan Patnaik,
Working President.
2. Mr. Profulla Keeman Mohanty,
General Secretary.
3. Mr. Lalit Mohan Mohanty,
Unit Secretary.
4. Mr. Harihar Chaudhuri,
Unit Secretary.
5. Mr. Jagdeb Roy,
Unit Secretary.

(Vide NCL Ref.No. OR-VI-203)

(An additional memorandum was submitted to the Commission before the discussions started).

1. Workers should be associated with the Recruitment Committees of the management. When it was pointed out that it may not be acceptable to employers, it was suggested that the new workers should become members of trade union after joining the employment.
2. As the cost of living had gone very high rates in the schedule of compensation in the Workmen's Compensation Act should be revised.
3. What has been stated in reply to question No.30 in the memorandum submitted to commission, was intended to convey that the workers should be educated. It is immaterial whether the Government or the employer or the employees arrange this. The best course would be that the Government arranges it, next best would be the employers, otherwise the employees,
4. To save the unions' expenditure incurred in collecting the monthly subscriptions from their members, the employers should deduct it from the wages of their workers and hand over the same to the union.

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NATIONAL COMMISSION ON LABOUR

(Camp : Bhubaneswar)
Orissa State

Date: 3.8.68

Time : 4.00 P.M. - 5.10 P.M.

Record of discussion with the State Labour Minister and State Labour Department represented by:

1. Mr. Rajballav Misra,
Minister of Labour.
2. Mr. S.K. Bose,
Addl. Chief Secretary.
3. Mr. G.N. Das, I.A.S.,
Secretary,
Department of Labour.
4. Mr. U.N. Sahu, I.A.S.,
Labour Commissioner.
5. Mr. N. Mahanti, I.A.S.,
Director of Employment.
6. Dr. C.M. Misra,
Director,
Bureau of Statistics & Economics.
7. Mr. N. Pati,
Deputy Labour Commissioner,
8. Mr. B.K. Patnaik,
Chief Inspector of Factories,
9. Mr. A.V. Subramanyan,
Regional Director,
E.S.I. Scheme.
10. Mr. J.M. Pandya,
Regional Provident Fund Commissioner.

(Vide NCL Ref. No. OR-I-18 and OR-X-59)

1. A common labour code dealing with the essential points of labour laws was favoured. A common pattern of judiciary was also favoured. Appointment of judges to labour courts should be by High Court. There should be no objection to appointment of retired judges.
2. Labour Appellate Tribunal should not be revived.
3. The stage for introducing collective bargaining in the strict industrial sense has not yet arrived.
4. The representative character of a union should be determined by verification of membership and not by secret ballot, because the workers can be swayed by extravagant promises. If necessary, the verification

5. The representative union should be the sole bargaining agent. The minority union can take up individual cases.
6. In disciplinary matters tribunal should have powers to go into the questions of facts. That will not affect the discipline at the plant. There would be no objection to try the other method where all cases of major misconduct may be entrusted to arbitrator selected from a mutually agreed panel of arbitrators or failing that from a panel of arbitrators given by the relevant judicial authority.
7. Labour should not be taken out of the concurrent List and put in the Union List. On the contrary transfer of labour subject to State List was preferred.
8. Section 10 of Industrial Disputes Act regarding reference of a dispute to industrial tribunal may be amended to make it compulsory for State Government, to refer major disputes. A 'major dispute' should be defined. Minor cases should be left to the discretion of State Governments.
9. It is true that in certain cases the State Government does not take action against employers who do not implement the Wage Board Awards. This is because such employers have really no capacity to bear the additional burden. An example was quoted where a daily Newspaper had to close down because it could not bear the additional financial burden consequent on the Wage Board Award.
10. A detailed note regarding de-recognition of INTUC Union and the recognition of HMS Union at Rourkela Steel Plants was given to the Commission. It was pointed out that the allegation that the Labour Minister had a casting vote is not correct. In 1966 there was election to the Works Committees and HMS won all the 10 seats. The Labour Commissioner did not know whether the verification of the membership was done by the Chief Labour Commissioner recently and that it was found that INTUC had 17,000 members.
11. The Coal-field Recruitment Organisation at Gorakhpur should be abolished. It is continuing because the Gorakhpur labourers are innocent persons. The persons recruiting them do not tell them their wage rates. They come because of the pressure of unemployment. Local workers have also represented that when surplus labour is available locally, outside labour should not be brought from a distant place. It may not be correct to say that Gorakhpur labour is very efficient but it is docile.
12. In case of Central Public Sector Undertakings the State Government consults the Central Government before making a reference. The present practice is to allow one month for the reply. State Government will initiate action thereafter.
13. There are cases of non-implementation of awards in the mining industry, but the industry has its own problems. If implementation is insisted upon it is feared that some mines will have to close down. Recently there was an award which the mines were genuinely finding it difficult to implement.

14. In fixing wages, the Wage Board should take into account the capacity to pay and if there is an increase in wages there should be an organisation which should come forward to help the mines.

15. Functioning of Wage Boards is satisfactory. Almost 90% of the benefits have been implemented.

16. The complaint of the unions that the State Government picks up only two or three minor demands out of a large number of their demands for reference is not justified. The Government refers major demands to adjudication. (It was agreed to give a statement showing reference asked for and references made by the Government during the last few years.)

17. The recognition of trade union at the plant level was favoured. The unions discouraged recognition at the plant level. They want region-wise recognition because they find it easier to organise workers at regional level.

18. There is nothing to complain about inter-departmental cooperation in Labour matters. The Law Department gives strictly neutral legal advice to all departments including Labour Department.

19. To discourage multiplicity of unions, the Indian Trade Unions Act should be amended. For registration of a union minimum number of 21 members or 10% of the total workers should be fixed. If Commission considers 10% to be too high then some other percentage may be fixed.

20. 100% neutralisation for rise in the cost of living need not be given even to the lowest paid worker. Rise in the cost of living is essentially a phenomenon of the developmental economy and every body must share such burden. There is a large percentage of population which is below the minimum wage level.

21. It is the employers' responsibility to provide housing facilities to their workers and not of the Government. The Government is not able to provide houses even to all its own employees. The State Government gives some industrial housing loan etc. to the industrialists under a stipulation that they should build tenements for their workers. Response is unsatisfactory.

22. There should be some recommendation from the Commission regarding provision of employment to people. The Companies Act should be amended to keep aside a certain percentage of profits for expansion of industry to create more employment opportunities.

23. Need based minimum wage should be fixed on a region-wise basis.

24. The State Government is considering to fix the minimum wage for Kadu leaf pluckers. A Committee has been set up to go into this question and a decision will be taken soon.