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NATIONAL COMMISSION ON LABOUR

(Delhi - 3.5.1968)

Vide NCL Ref. No. DL.VI.141

DELHI ADMINISTRATION

11.30 A.M. to 11.55 A.M.

Record of discussions with the All India Bank Employees' Association represented by:-

1. Mr. Prabhat Kar.
2. Mr. H.L. Parvana.
3. Mr. Rajinder Sayal.
4. Mr. P.L. Sayal.
5. Mr. S.K. Bannerji.
6. Mr. Jagdish Oberai.
7. Mr. K.D. Bhandari.

1. The Association favoured a common labour code and a common pattern of labour judiciary. The judges of industrial courts and tribunals should be nominated by High Courts.
2. The Labour Appellate Tribunal should not be revived.
3. The remedy to the present situation is settlement of disputes through collective bargaining. The system of collective bargaining has been inhibited by labour legislation.
4. It is not possible to eliminate the influence of political parties from trade union movement but party politics should be minimized to the extent possible.
5. Minority unions should represent individual grievances. There have been cases where Government has favoured minority unions affiliated to the INTUC in the matter of reference of disputes to Labour Courts. (A list of such cases together with details will be supplied by the Association.) Tribunal references should be based on some norms and not on expediency.
6. Individual employees should not be allowed to take disputes directly to courts, as in that case the courts will become lawyers' paradise.
7. Election by secret ballot for recognition of unions was favoured. There is also no objection to the alternative method for deciding the representative union according to which employees will disclose their trade union loyalties to a third party.
8. The 'check-off' was not favoured because it results in the weakening of contact of union officials with individual members. However, after a union has been recognised, a 'check-off' system could be introduced.
9. In cases of dismissals and discharges of workers, there should be a provision in Standing Orders about constitution of a panel of arbitrators and reference of such cases to arbitrators. If there is no agreement between the parties about the panel of arbitrators, the arbitrator may be nominated by the judiciary and not by the executive.

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10. In the existing system of domestic enquiries, the aggrieved employee should be allowed to be represented by a union official.

11. The Association was always opposed to unlimited overtime to bank employees but managements are in favour of this system because through overtime they are able to distribute patronage to some employees. It is possible to restrict overtime to a certain period; on normal days it is not necessary. (The Association will furnish a note on its views on overtime working.)

Overtime cannot be abolished now, but it has got to be limited to specific purposes.

12. The most important factor in industrial relations today is recognition of trade unions and conferment of proper status, rights and privileges on them.

13. There should be no craft unions but only composite unions.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 3.5.1968)

11.55 A.M. to 12.15 P.M.

Record of discussions with (a) The All India R.M.S. Assistant Superintendents and Inspectors Association represented by:-

- 1. Mr. Sant Lal.
 - 2. Mr. Pritam Singh Sethi.
- } NCL.Ref.No.DL-VI.132

and (b) The Federation of Railway Porters and Vendors represented by:-

- 1. Mr. Yash Paul Miglani.
 - 2. Mr. Santlal Khemka.
 - 3. Mr. Jaishi Ram.
- } NCL.Ref.No.DL-VI.8

1. The All India RMS Assistant Superintendents and Inspectors Association is a minority union which is recognised but which has not been given any representation in the Joint Consultative Machinery of the Railways. Representation in JCM should be accorded to all recognised unions irrespective of their strength. The Association is not supplied with even the minutes of discussion.

2. There should be distribution of grains at subsidised rates rather than higher dearness allowance for neutralisation of rise in prices.

3. The Federation of Railway Porters and Vendors submitted that over the last fifty years no provisions have been made with regard to Railway Porters and Vendors. The Federation recognises that its members are not directly employed by Railways but legislation has been enacted for contract labour and the port and dock labour though they are also not direct employees. The porters and vendors should be covered by a statute for regulating their conditions of employment, rights and privileges, failing which they should be treated as salaried employees of Railways and should receive rights and benefits available to other railway employees. This matter has been represented to the three-member committee appointed by the Ministry of Labour and Employment to examine the conditions of Railway Porters and Vendors.

4. The Committee, however, is only a Study Group and its recommendations may not carry as much weight as those of the National Commission on Labour.

5. There are three unions, out which only one union, i.e. their union, is functioning. This union is affiliated to INTUC.

6. Compulsory membership of union was favoured. There should be only one union.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 6.5.1968)

NCL.Ref. No. DL-VI.161.

9.30 A.M. to 9.55 A.M.

Record of discussions with Delhi Branch of the INTUC represented by -

1. Mr. O.P. Verma,
President.
2. Mr. P.N. Bhargava,
General Secretary.
3. Mr. Laxmi Narain,
Assistant Secretary.

1. The verified membership of the INTUC in 1966 was 10,000. This excludes another 18,000 in the Railways who are members of the trade union. The membership is distributed over 90 units in Delhi.

2. Verification is on the basis of 3 months' continuous subscription by members during the previous six months.

3. Secret ballot is opposed because voters are likely to be swayed by appeals on temporary issues. Also, non-members are likely to vote, without having to pay trade union dues.

4. The alternative proposal of an independent machinery registering the membership of the workers would not work in the present circumstances. (The organisation will give thought to the proposal for an independent machinery and give its views in writing.)

5. Even if the register is maintained by an independent body, there may be leakages. There could be no independent authority including the judiciary which is supposed to be absolutely impartial. They are satisfied with the present practice and with the impartiality of the Labour Commissioner in verifying membership. More powers may be given to the Registrar to verify the returns of unions.

6. It is not correct to say that the employers like to deal with the AITUC because it abides by its agreements and that the local unions of the INTUC do not obey the Central Organisation. It is also not correct that there is difficulty on the part of INTUC affiliates about implementation.

7. INTUC has built up internal leadership in Delhi, and 95% of the members of the Delhi executive are insiders.

8. Craft unions were opposed because they do not work in the interests of all workers.

9. Contract labour should be abolished altogether. Casual labour is employed for temporary work. Contract labour is being employed on permanent work, without any advantages of permanent labour.

10. • Judicial proceedings involve delay. These should be minimised.

11. There is more victimisation in public sector undertakings than in the private sector because in the former the management combines the powers of the executive and the Government. (The INTUC will supply a statement of facts to corroborate this.)

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NATIONAL COMMISSION ON LABOUR
(Delhi - 6.5.1968)

9.55 A.M. to 10.45 A.M.

Record of discussions with the Delhi Branch of
AITUC represented by -

1. Mr. B.D. Joshi,
President.
2. Mr. Janardan Sharma,
Vice-President.
3. Mr. Y.D. Sharma,
General Secretary.
4. Mr. M. Achutan,
Secretary.

1. The organisation claims 50 unions with a total membership of 30,000. Verified membership is 18,000 distributed over 15 unions; other unions have not furnished returns.

2. Election by secret ballot was preferred for determining the representative union because the present verification system depends on the whims of the machinery for labour administration; it is not difficult to inflate membership and manipulate registers. (The organisation promised to give thought to the alternative suggestion for having an independent authority to settle the question of membership of the unions and furnish a note containing its views in the matter.)

3. The union representative should be allowed to present the worker's case in disciplinary proceedings.

4. The idea of settlement of disciplinary cases by arbitration is good, but it may not work because of probable lack of agreement on the panel of arbitrators. In cases of alleged misconduct, a man is dismissed just for discussing trade union matters. The worker should be paid some sustenance during his suspension and during the pendency of the case. He should also be represented by a union functionary. (The organisation will give thought to the problem of settlement of disciplinary cases through arbitration and send a note containing its views.) Disciplinary rules vary from unit to unit and are uniformly weighted against workers.

5. The Bonus Act should be repealed. (The organisation will give a note on this question.)

6. Linking of wages to productivity was opposed. Such linking has always resulted in workers being thrown out under the pretext of redundancy. Linking of wages above the need-based minimum wage to productivity was agreed to in principle.

7. The tripartite decisions on rationalisation was endorsed.

8. Automation leads to displacement of clerical labour. Introduction of automation in certain fields, such as, in research or defence organisations or in new undertakings such

as oil refineries was not objected to.

9. There is a great shortage of labour courts; experienced conciliation officers should be utilised for running such courts.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 6.5. 1968)

10.45 A.M. to 11.10 A.M.

Record of discussions with the Delhi Branch of the UTUC represented by Mr. Sushu Bhattacharya, the local President.

1. The organisation has 16 unions with a membership of 8,000. The membership is distributed in automobile repairing, engineering, tailoring and shops and commercial establishments.
2. There is no case of political interference leading to 'closed shop' or 'union shop' in Delhi.
3. 'Check off' tends to make trade unions lazy. It should not be accepted.
4. A uniform labour code and a common pattern of judiciary, with judges being appointed by the Chief Justice of the High Court, were favoured.
5. Collective bargaining with a proviso for arbitration should be tried out.
6. The problem of casual and contract labour in a rolling mill at Shahdara is acute; about 50% of total workers numbering 1400 belong to this category. The same position prevails in a sewing machine factory. The matter should be taken up with Delhi Administration.
7. Strikes without due notice should not be declared illegal.
8. Suggestion for settlement of disciplinary cases leading to dismissal and discharges by an agreed panel of arbitrators was endorsed.

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NATIONAL COMMISSION ON LABOUR
(Delhi - 6.5.1968)

11.10 A.M. to 11.35 A.M.

Record of discussions with the Delhi Branch of
Bharatiya Mazdoor Sangh represented by -

1. Mr. V.P. Joshi,
President.
2. Mr. R.K. Bhaskar,
General Secretary.
3. Mr. H.K. Pathak,
Secretary.
4. Mr. J.B. Sharma,
Secretary.

1. There are 43 unions belonging to this organisation with a membership of 45,000 (unverified). These cover textiles, engineering, railways, municipal corporation, shops and commercial establishments, and Government Printing Press and private printing presses.

2. If verification method for recognising a union is to be favoured, the procedure has to be streamlined. If such streamlining is not possible, the system of election by all workers employed in an establishment would be appropriate. Verification of membership by an independent agency for granting recognition was not favoured.

3. It should be made compulsory for every worker to join some union or other.

4. The present machinery for adjudication of disputes is not satisfactory. As soon as a dispute arises, it should be submitted to the labour department of the State which will collect necessary facts through its labour intelligence machinery. On the basis of these facts, and, if necessary, through conciliation processes, the Labour Department officials should try to settle the dispute. If a party is not satisfied, it may go to courts directly. Adjudication machinery should start with High Court, and one appeal should lie to the Supreme Court. The whole process should be similar to that adopted under the Election Law under which objections are filed before the High Court which decides such cases within six months. Thereafter an appeal could be preferred to the Supreme Court on matters of law and facts. (The Organisation will furnish a note on its suggestions in this regard.)

5. There should be a common labour code.

6. Government should have a machinery to find out whether or not strikes and gheraos are politically motivated. There is also a danger that in course of time gheraos like strikes will be accepted as a legitimate trade union weapon and acquire respectability. (A note will be sent on this subject also.)

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NATIONAL COMMISSION ON LABOUR
(Delhi - 6.5.1968)

11.35 A.M. to 11.55 A.M.

Record of discussions with Central Industrial Relations Machinery Officers Association represented by -

- 1. Mr. D. Panda,)
President.)
- 2. Mr. S.B. Singh,) NCL.Ref.No.DL.VI.61.
General Secretary.)
- 3. Mr. O.P. Saxena,)
Working Committee Member.)

and (2) Association of Central Government Labour Officers represented by -

- 1. Mr. N.N. Sharma,)
President.)
- 2. Mr. S.C. Anand,) NCL.Ref.No.DL.VI.39
General Secretary.)
- 3. Mr. A.N. Sharma,)
Hon. Treasurer.)
- 4. Mr. N.C. Sanyal,)
Member, Governing Council.)

Central Industrial Relations Machinery Officers Association.

1. Labour Officers act as conciliators and arbitrators. Labour Enforcement Officers require adequate status for performing their jobs efficiently. This is so particularly when they have to deal with public sector undertakings. The personnel officers of these undertakings enjoy a higher status and they are inclined to go over the heads of Labour Enforcement Officers to superior authorities. Conciliation Officers should be given Class I status.

2. After failure of conciliation proceedings, the Conciliation Officers should be given powers for arbitration.

3. Political influence in trade unions is on the decline; trade union leaders are now emerging from rank and file.

4. Employees need the assistance of outsiders for making and supporting their demands.

5. Verification procedure for granting recognition has been working well and should be continued.

6. Verification procedure under the Code of Discipline is based on cent per cent verification for the purpose of recognition. For other purposes, sample survey covers only 5 to 10 per cent of the workers. Verification even on cent per cent basis does not involve much delay, and can be carried out with the assistance of three to four officers within a specified time limit.

7. Failure of conciliation proceedings is to the extent of only 10 to 15 per cent.

8. Conciliation officers should be allowed to become Presiding Officers of Labour Courts, after gaining experience.

Association of Central Government Labour Officers.

1. Labour Enforcement Officers should be given better status.

2. Recognition of union through secret ballot was preferred.

3. Multiplicity of unions is not a danger to trade unionism. To some extent employers are responsible for the multiplicity of unions.

4. The charter of duties of labour welfare officers in industrial units should be revised. More of personnel duties should be added to their responsibilities. This should be done for Labour Welfare Officers in both public and private sectors. At present their duties are merely welfare-oriented and this comes in the way of effective discharge of even these limited duties.

5. With the implementation of Joint Consultative Machinery system in public undertakings, there will be a reduction of grievances at the shop floor level. On that score also the duties of Personnel Officers will need revision.

6. Government should set up a Personnel Management Service.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 6.5.1968)

11.55 A.M. to 12.10 P.M.

Record of discussions with Federation of Indian Chambers of Commerce and Industry Staff Union represented by -

Mr. K.B. Swami,
General Secretary

NCL.Ref.No. DL-VI.100

and New Delhi Trade Employees' Association represented by -

- 1. Mr. P.S. Varma,
President.
- 2. Mr. K.L. Bahal,
Hon. Secretary.
- 3. Mr. S.K. Bhasin,
Legal Adviser.
- 4. Mr. O.P. Duggal,
Member.

NCL.Ref.No.DL-VI.163

F.I.C.C.I. Staff Union.

- 1. There should be a common labour code.
- 2. The Union's case for being covered under the Industrial Disputes Act is before the Supreme Court. The Supreme Court has already held in Madras Gymkhana case that it is not an industry; same argument will be pressed in the F.I.C.C.I. case also. All labour laws should apply to the organisation.
- 3. In case of wrongful discharges or dismissals, the normal course should be re-instatement.

NEW DELHI TRADE EMPLOYEES' ASSOCIATION.

- 1. There should be a minimum of 12 to 14 festival holidays in a year. At present they get hardly 3 national holidays; the number of holidays also varies from establishment to establishment.
- 2. The adjudication machinery should be more effective, the decisions of Labour Courts should be implemented more expeditiously. Interference by Government should cease.
- 3. Some conciliation proceedings succeed merely because of the unduly long time taken by adjudication.
- 4. Workmen should have a right to go to courts directly without the intervention of Government.
- 5. Certain features of the Bonus Act are against the interests of the workers. The Act is defective in regard to small establishments. The employers deposit the expected amount of bonus into the bank and earn interest on it and delay its payments to workers. Courts do not award interest on such claims. The stipulated return of 8.5 per cent on the capital is on the high side; it should be brought down.

The partners in the establishment claim remuneration and leave virtually nothing to be shared with workers. (They will send a detailed note on the bonus and provident fund).

6. The unions cannot have a hold over the employees in small shops which employ a few workers along with relatives as partners. Therefore, there should be compulsory recognition of unions at the industry level in different regions. This will strengthen the bargaining power of the unions.

7. A detailed note on the subject of provident fund will be furnished.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 6.5.1968)

NCL.Ref.No.R-VI.6.

12.10 P.M. to 12.25 P.M.

Record of discussions with the Irrigation Technical Staff Union, Kotah, represented by -

1. Mr. M. Rankavat,
Executive Member.
2. Mr. M.K. Sanwar,
Office Secretary.

1. (A list of cases of victimisation referred to in reply to Question No.29 will be sent).

2. There are three separate unions of technical staff all belonging to INTUC working in different regions in the Irrigation Department. Two of these unions are favoured by the Central Organisation. This particular union is not favoured because it does not make political contributions to the Central Organisation. It is a case of intra-union rivalry.

3. In a dispute the aggrieved party should be allowed to go to court direct. The reference through Government should be eliminated.

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NATIONAL COMMISSION ON LABOUR
(Delhi - 6.5.1968)

12.25 P.M. to 12.30 P.M.

Record of discussions with Delhi Newspapers
Employees' Federation, New Delhi, represented by -

1. Mr. H.L. Parvana,
President.

2. Mr. Santosh Kumar,
General Secretary.

(They agreed to send a reply to the Questionnaire.)

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NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5. 1968)

9.30 A.M. to 9.55 A.M.

Record of discussions with (1) the Federation of Indian Traders Association and (2) United Chamber of Trade Association represented by -

Federation of Indian Traders' Association.

		<u>NCL.Ref.No.DL-VI.95.</u>
1.	Mr. Deshbandhu Gupta	.. Hon. Secy.
2.	Mr. Jitendra Mohan	.. Member
3.	Mr. R.S. Singal	.. Member
4.	Mr. Dwarka Prashad Goel	.. Member
5.	Mr. Jodh Singh	.. Member
6.	Mr. Manohar Lal	.. Member
7.	Mr. Jaikarlal Duggal	.. Member
<u>United Chamber of Trade Asscn., Delhi.</u>		<u>NCL.Ref.No.DL-VI.99.</u>
	Mr. O.P. Agarwal	.. Secy.

Federation of Indian Traders' Association.

1. Small trading establishments are not industries, and these should be exempted from the application of the Industrial Disputes Act. They constitute a trade, not an industry. The conditions, circumstances and nature of work in these establishments are quite different from those prevailing in industries. Such establishments should not be treated on the same footing as industries. It is true that such establishments are run for earning profit and to that extent they should be subject to a system of industrial law to protect the employees in small establishments. This, however, can best be done under the Shops and Commercial Establishments Act which may be made more comprehensive. There are areas of duplication of the Industrial Disputes Act and the Shops and Commercial Establishments Act. If there is just one Act for small trading establishments which covers the relevant provisions of Industrial Disputes Act, the arrangements can be more satisfactory. Such an Act should be simple and should facilitate the understanding of their obligations by the trades. At present, most of the employers and employees are not even aware of the protection given by law.

2. Provisions regarding dismissal and discharge under the Industrial Disputes Act are cumbersome and such cases in small trading establishments may go to magistrates appointed under the Shops and Commercial Establishments Act.

United Chamber of Trade Association.

1. There are basic differences between small trading establishments and large industrial concerns. In the case of employees in small trading establishments, there should be some regulation about matters, such as, working hours, payment of wages, etc.

2. The employees of small establishments, like pan

shops, are yet not conscious of their rights under the Labour Laws. If they become conscious, there will be chaos.

3. A separate cadre of judges for trying cases relating to small establishments is desirable. In that case, such judges will be able to appreciate the problems of small establishments and will also be able to dispose of cases quickly.

4. Under the Factories Act, units employing less than 20 workers are exempted. A similar provision should be there under the Industrial Disputes Act.

5. There are not many cases of discharge and dismissals at present. Protection is specially needed for the employer against arrogant employees.

6. The existing procedure under the Industrial Disputes Act is very cumbersome, and small establishments are not able to take disciplinary action against employees; thus they are compelled to keep even bad employees.

7. Small establishments are prepared to offer a fair deal to employees, but indiscipline should not be encouraged. The Indian Penal Code does not help in taking action against a dishonest employee.

8. A single bargaining agent would be preferred. Settlement of disputes regarding dismissals and discharges first by conciliation and then by arbitration is favoured. If the parties do not agree on the names of arbitrators, the Labour Department should nominate an arbitrator.

9. Both sides should have the right to appear through advocates.

10. The provisions of the Industrial Disputes Act for dismissals and discharges should not be made applicable to small trading establishments. In such cases the employers should have the right to discharge employees on payment of proper compensation. The employer should also be made to pay gratuity and bonus.

11. There are no Standing Orders in shops and establishments and the employees do not know about their duties but only about their rights. These small establishments are run on the basis of personal relationship.

12. Establishments employing fewer than 20 persons are exempted from the Bonus Act. In spite of this provision in the Bonus Act, the tribunals apply the full bench formula in awarding bonus. The tribunals should implement the Bonus Act and should not apply the full bench formula.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.68)

9.55 A.M. to 10.35 A.M.

NCL.Ref.No.DL-V.100

Record of discussions with the Delhi Factory Owners' Federation represented by -

1. Mr. S.R. Gupta	..	President
2. Mr. B.K. Gupta	..	Vice-President
3. Mr. K.K. Kullar	..	Adviser
4. Mr. J.R. Jindal	..	Member Executive
5. Mr. G.C. Bhandari	..	Labour Law Adviser
6. Mr. C.M. Lal	..	Labour Officer

1. Small establishments should not get complete exemption from industrial law but should get such exemption in certain matters only.
2. The Industrial Disputes Act should not apply to units with fewer than 50 workers.
3. Employers should have the right to dismiss a worker; their only liability should be to pay monetary compensation. If this principle is not accepted, productivity will be affected.
4. In small establishments there is little difference between employers and employees. There is a direct, almost personal, relationship between the two.
5. There is no objection to settlement of the cases of major misconduct by arbitration, either through an agreed panel of arbitrators or arbitrators being nominated by the Labour Commissioner. A small establishment is not adequately equipped to lead evidence.
6. Workers should have no right to be represented by the union officials or by other workers. Similarly, employers also should have no right to be represented by lawyers. Workers today are quite intelligent and can handle their own cases.
7. In comparison with bigger establishments, the problem with small establishments can be serious on account of indiscipline among workers.
8. Many employees leave suddenly without giving notice. (The Federation will supply a list of such cases for the last one year.)
9. There was a case when a union belonging to Bharatiya Mazdoor Sangh occupied the premises of an establishment in spite of the judicial decision against it, and the police did not take action. This was not due to the fact that the Jana Sangh is the ruling party in Delhi Administration but because the police generally tend to keep aloof in labour matters. (The Federation will supply full facts of such cases of disobedience of judicial decisions.)
10. Dismissal is not a big problem quantitatively but in cases of mis-conduct it is difficult to stick to principles of natural justice and to go through the

cumbersome procedure laid down under the Industrial Disputes Act. If a man, dismissed for mis-conduct is taken back, discipline suffers. (The Federation has a membership of 150 and it will give a statement showing in how many cases of dismissals occurred and in how many cases re-instatement took place.)

11. In a small establishment there is no difference between the employer and the employee. In such cases the employers should be allowed to dismiss the workers with payment of compensation. An exemption in this respect from the Industrial Disputes Act should be allowed.

NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.68)

10.35 A.M. to 10.55 A.M.

Record of discussions with the Indian and Eastern Newspaper Society, New Delhi, and Delhi Printers' Association represented by -

A. The Indian and Eastern Newspaper Society, New Delhi.

1. Mr. Yunus Delhvi,
Vice-President.

2. Mr. R.D. Seth,
Secretary.

3. Mr. Santosh Nath,
Member.

NCL.Ref.No. DL-V.37.

B. Delhi Printers' Association, Delhi.

1. Mr. Veda Vrata,
Member Ex. Council.

2. Mr. Vishwa Nath,
Member Ex. Council.

3. Mr. R. Ratan,
Office Secretary.

NCL.Ref.No. DL-V.98.

1. The present position of implementation of the recommendations of the Wage Board for journalists is that a strike in the industry has been averted by giving effect to the major part of the recommendations of the Wage Board. In the meantime, attempts are being made for the parties to hold direct talks and arrive at a national formula for settlement. Some employers have taken their cases to the Supreme Court.

2. The newspaper industry differs in operational processes from other industries. The raw material for this industry is news and not newsprint. This raw material cannot be stored and, therefore, the industry needs more latitude than what has been allowed to it at present under Labour Laws. (The Society handed to the Commission a note on special features of the newspaper industry as part of the record.)

3. There should be relaxation of rules in regard to overtime working in both newspaper and printing industries because of the special nature of working in these industries. The limit of 8 hours working is utopian. Workers are in a position to work more and they are interested in earning more. Therefore, the provisions regarding overtime working should be liberalised. On given occasions, when overtime work is needed, the employees should be allowed to work 10 hours a day instead of 8 hours. Even the Factories Act allows overtime work beyond one shift.

4. Bipartite negotiations have often failed owing to the negative attitude taken by workers and their union. (A list of such cases will be supplied.)

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5. A five-year agreement was arrived at with the employees of the "Statesman". The Company incurred a large financial liability on that account; but the union did not live up to the agreement. There will be much better chance of bipartite agreements working successfully, if outside influence is eliminated from trade unions.
6. Persons who are unconnected with the establishment and are not employees should be considered as outsiders. The Indian Trade Unions Act allows 50 per cent representation to outsiders in the executive of the union. Conditions have since changed and the percentage should now be brought to zero.
7. Owing to historical factors, politicians have dominated the trade union movement. This influence should be reduced gradually. It is, of course, not possible to restrict the right of the workers to take interest in politics, nor is it desirable.
8. The Indian and Eastern Newspaper Society has no knowledge that the root cause of many of the cases of gheraos was non-implementation of awards by employers. The award of the Wage Board for non-journalists has not yet been implemented. The recommendations of the Wage Board for Journalists were not unanimous and as such the employers should not be compelled to implement them.
9. Collective bargaining in place of Wage Boards was favoured. The majority recommendations of a Wage Board cannot be on a par with the majority decision of a Supreme Court Bench. It is not proper to coerce the employers through gheraos into accepting the recommendations of the Wage Board. The whole machinery, such as courts, police, etc. are open for pursuing the matter.
10. The situation will itself demand that the Wage Boards should either be re-cast or abolished. The dice are loaded against the employers in the Wage Boards, as they are constituted today. It is for the Ministry of Labour to make a study of the extent of non-implementation of the recommendations of the Wage Boards.
11. The Indian and Eastern Newspaper Society is in favour of collective bargaining and failing that, adjudication by the Labour judiciary.
12. The Delhi Printers' Association is in favour of collective bargaining, failing which there should be arbitration after allowing some cooling time.

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NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.68)

NCL.Ref.No.DL-VII.39.

10.55 A.M. to 11.10 A.M.

Record of discussions with the Delhi Cloth Mills represented by -

1. Mr. R.N. Kapur,
Works Manager.
2. Mr. Manoharlal
Industrial Relations Officer.
3. Mr. G.C. Bhandari,
Labour Law Officer.
4. Mr. Om Dutt Sharma,
Chief Labour Officer.
5. Mr. M.L. Chaudhry,
Law Officer.
6. Mr. D.R. Thadani,
Law Officer.

1. In the unions of Delhi Cloth Mills, the leadership is completely in the hands of outsiders. There is no clear-cut remedy for this situation unless leadership develops from inside. It is no longer true that the outsiders in trade union movement are the people who took part in the freedom struggle. Persons not working in the Plant should be deemed as outsiders.

2. The union should not be guided by outsiders but it can hire experts to plead their cases. For this the union will need finances, and one way to build up the finances will be to introduce the "check off" system.

3. The criterion for registration of a union should be that it has a membership of 50 workers or 10 per cent of total workers, whichever is higher. It is possible under the Constitution to prevent registration of several unions from the same establishment.

4. There should be no secret ballot for recognition of union but the verification procedure should be improved by the introduction of the "check off" system by employers. The Delhi Cloth Mills has no objection to the alternative suggestion that the workers should be required to disclose their trade union membership to a third party, and on the basis of the register maintained by such party the representative union should be decided.

5. There is no objection to settlement of disciplinary cases by arbitration.

6. Collective agreement with a clause for compulsory arbitration is not agreed to. The present system is preferred.

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NATIONAL COMMISSION ON LABOUR

(Delhi -7.5.68)

11.10 A.M. to 11.25 A.M.

Record of discussions with the Delhi School of Economics and Delhi School of Business Management represented by -

Prof. A. Das Gupta,
Director,
Delhi School of Economics.

1. For generating a spirit of togetherness, a feeling of satisfaction and a sense of partnership, the necessary climate has to be created. This can be done by better methods of communication. Communication should not be just exchange of information. It involves an attitude of mind. What the workers would like to know tomorrow is more important than what they should know today. In the absence of information for tomorrow, the workers try to get enlightened from other sources, and the communication system fails.

2. Labour Laws are badly drafted. This is evident from the fact that the employers have to go to courts many times for different interpretations of clauses of Labour Laws. (Prof. Das Gupta will send a list of such Clauses of Labour Laws that he has in mind.)

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11.25 A.M. to 11.55 A.M.

Record of discussions with the Delhi Municipal Corporation, New Delhi Municipal Committee, Delhi Electric Supply Undertaking, Delhi Transport Undertaking and Water Sewage Undertaking represented by -

1. Mr. K. Kishore,
General Manager,
Delhi Transport Undertaking. NCL.Ref.No.,DL-IX.9
2. Mr. J.N. Singh,
Dy. Commissioner (E).
3. Mr. J.M. Raina,
General Manager,
D.E.S.U. NCL.Ref.No.,DL-IX.4.

1. The Delhi Corporation employs about 36,000 workers. Out of them, about 3,000 are casual. They are employed on a muster roll basis.

2. The proposal to give powers to courts to look into disciplinary cases, as envisaged in the recent Bill passed by the Rajya Sabha, was favoured. The Delhi Electric Supply Undertaking, however, agrees to the suggestion that disciplinary cases should be settled by arbitration.

3. Collective bargaining was favoured; but when questioned further, intervention by a third party was not objected to. There should be only one union for one industry.

4. The Corporation is of the view that all its services should be declared as public utility services.

5. In the Delhi Electric Supply Undertaking, there are at present two recognised unions; one on generation side and the other on distribution side.

6. The reason for frequent failure of electricity is that the actual load is 8 to 10 times the rated load. There is also some inefficiency in the maintenance system.

7. It is difficult to say whether linesmen should be retired at the age of 45. Older linesmen are often better in maintenance service though it is reported that there are more accidents among them.

8. Suitable role should be given to the minority unions and their right to come up and displace the recognised unions should be protected.

9. Out of about 14,000 employees in the Delhi Electric Supply Undertaking, about 3,800 are casual workers. They are mostly engaged in construction jobs. They are entitled to some privileges of regular workers like overtime, medical attention, etc; the question of extending certain other privileges to the casual labour will be considered.

10. The Workers' Education Scheme has made good progress in Delhi Transport Undertaking; at present 9 units are being maintained. This has mostly been achieved by

the Manager establishing a personal dialogue with workers.

11. Previously there were a large number of disputes in Delhi Transport Undertaking but now the cases are coming down. This is because of personal approach to workers. There are 9 unions and a personal dialogue has been maintained by the authorities with all.

12. Drivers have a wheel duty for 8 hours with a spread-over of 12 hours, as allowed under Transport Workers Act. It is difficult to reduce the spread-over because the undertaking is financially very weak and reduction of spread-over will mean increase in staff.

13. There is some leakage of fares in the Delhi Transport Undertaking.

14. There is multiplicity of unions mainly because of formation of craft unions.

15. On the whole, labour situation is peaceful in the Delhi Transport Undertaking.

16. There has been no case of non-implementation of awards by the Corporation but there have been some cases of delays.

17. The Corporation is of the view that there should be a provision for reducing the number of outsiders in trade unions.

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NATIONAL COMMISSION ON LABOUR
(Delhi - 7.5.68)

11.55 A.M. to 12.15 P.M.

Record of discussions with Members of the Metropolitan Council represented by -

1. Mr. V.P. Singh.
2. Mr. Inder Mohan Sehgal
3. Mr. I.K. Trehan

1. The main aim of labour legislation should be increase in production and progress; strikes, hartals and lock-outs should not be encouraged.
2. There should be a national labour code in the country.
3. The adjudication procedure is too lengthy and a time limit should be fixed for disposal of cases.
4. The Labour Courts should be given more powers and should be made responsible for implementation of awards.
5. Conciliation Officers should be given more powers for effective handling of cases.
6. Labour Officers in the Public Sector often create trouble among the workers; they charge-sheet workers, they hold enquiries just to show off.
7. The role of trade unions should be constructive. Trade unions have done good to labour but some of them have exploited labour.
8. The Bonus Act has solved many problems but many problems are still left to be tackled. Some employees have not benefitted from it. Shops are not covered by the Bonus Act or by the Provident Fund Act. Shop employees numbering about 100,000 have been left out under the two Acts. Only establishments employing less than 5 workers should be exempted from the Bonus Act.
9. Recently the Shop Establishment Act has been amended giving more facilities to employees.
10. The Delhi Municipal Corporation has failed to implement awards in many cases.
11. Only recently the Government of India has clarified that all Central Labour Laws are applicable to areas under Delhi Administration.
12. Employees or their unions should be given the right to prosecute employers in criminal courts in cases of non-implementation of awards; lawyers should be allowed to plead labour cases. Litigation is dilatory; appeals against 1960 awards are still pending in the High Court.

NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.1968)

NCL.Ref.No.DL-V.91.

3.00 P.M. to 3.20 P.M.

Record of discussions with the Delhi Hindustani Mercantile Association represented by :

1. Mr. B.P. Maheshwari,
Legal Adviser.
2. Mr. P.C. Pandey,
Labour Officer.
3. Mr. Sardari Lal,
Member Executive Committee.
4. Mr. Shanker Lal Agarwal,
Member Executive Committee.
5. Mr. Hardayal Mal,
Member Executive Committee.
6. Mr. R.K. Tandon,
Assistant Secretary.

1. The organisation represents mainly shopowners and particularly wholesale cloth dealers. The total membership is 1150.
2. Shopowners are not able to get right persons from Employment Exchanges for work connected with maintenance of accounts because they generally maintain accounts in the "Mundi" system which is different from the English system. Their present method of recruitment is to get apprentices and train them. There are some schools also which teach the "Mundi" accountancy system, and sometimes persons from those schools are also taken.
3. Trade unions get finances from outside sources. There is no legal evidence to this effect, at the same time it is not mere hearsay.
4. Outsiders, i.e. persons who are not employees of the concerned industry or establishment, should be eliminated from trade unions. Outsiders should not be on either side and even employers should not be represented by lawyers.
5. The present method of appointment of Judges of Labour Tribunals is weighted against employers, Judges are often appointed by State Labour Ministers, and some of them depend on Ministers for getting extensions. It will be desirable if appointments of judges and their extension are in the hands of the High Courts.

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6. A plethora of labour legislation creates difficulties for employers. The solution is to codify labour legislation.

7. Definition of 'Industry' under the Industrial Disputes Act should be amended to exclude small shops. The Shops and Commercial Establishments Act applying to such shops should be suitably amended to cover provisions regarding social security, settlement of disputes, etc.

Legal Advisor
 Mr. B. G. P. ...
 Labour Officer
 Mr. B. G. P. ...
 Member Executive Committee
 Mr. B. G. P. ...
 Member Executive Committee
 Mr. B. G. P. ...
 Member Executive Committee
 Mr. B. G. P. ...
 Assistant Secretary

The organization represents mainly shopkeepers and particularly wholesale cloth dealers. The total membership is 1500.

Shopkeepers are not able to get right persons from their own ranks for work connected with maintenance of accounts because they generally maintain accounts in the "Kharid" system which is different from the English system. Their present system of recruitment is to get apprentices and trainees. There are some schools also which teach the "Kharid" accounting system and some other institutions prepare lists of these schools and also take.

Trade unions get finances from outside sources. There is no legal evidence to this effect, at the same time it is not a correct statement, i.e., persons who are not employed in the industry or establishment, should be eliminated from these unions. Unions should not be on either side and even employers should not be represented by lawyers.

The present method of appointment of judges of Labour Tribunals is regarded against employers. Judges are often appointed by State Labour Ministers, and some of them spend on business for their extensions. It will be desirable if appointments of judges and their extensions are in the hands of the High Courts.

NATIONAL COMMISSION ON LABOUR

(DELHI - 7.5.1968)

NCL.Ref.No.DL-VIII.10

3.20 P.M. to 3.35 P.M.

Record of discussions with the Industrial Disputes Bureau represented by :

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| 1. Mr. Y.R. Bhasin | - | Director Incharge. |
| 2. Mr. Balraj K. Palli | - | Adviser. |
| 3. Mr. S.K. Bhasin | - | Partner. |

1. The present method of verification of membership is unsatisfactory because workers remain members of unions even though they do not pay their subscriptions. The system of secret ballot for deciding on the largest union is favoured. Recognition of union should be on region-cum-industry basis.

2. Secret ballot system is favoured because^{it} is in line with democratic procedures and is not subject to influence of officers. Only workers who are members of unions should be allowed to vote. Ordinarily, non-members will not create difficulties about settlements negotiated by the representative union with the management, and in any case some risk in this regard has to be taken.

3. Reply to Question 60 stands amended as the organisation is in favour of a sole bargaining agent.

4. Outsiders should be eliminated from trade unions. Workers at present are more conscious of their rights than employers, and they can manage their affairs without the help of outsiders. However, lawyers should be allowed to appear on both sides.

5. On failure of collective bargaining, the dispute should go straight for adjudication. The system of settlement of disputes by arbitration with a clause for it in the collective bargaining itself is not favoured because no competent arbitrators are available at present. If, however, there is an agreed list of arbitrators or an arbitrator is nominated by the Chief Justice of High Court, the system of compulsory arbitration can be preferred.

6. It is not practicable to have a national minimum wage. Even quantitative norms for such a wage have to vary from region to region.

There are differences in minimum wages from industry to industry even at the same centre, such as, Delhi.

NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.1968)

NCL.Ref.No.DL-VII.25.

3.35 P.M. to 3.50 P.M.

Record of discussions with the Shri Mool Chand Kharati Lal Hospital Trust represented by :

1. Mr. Haridatt Shastri Director
2. Mr. Jugal Kishore Office Supdt.

1. Charitable hospitals should be excluded from the purview of the Industrial Disputes Act. Such hospitals do not make any profit.

2. Labour conditions were peaceful in the hospital in the past, but the application of the Industrial Disputes Act has led to indiscipline among the workers.

3. The workers in the hospital are treated well and they should develop the spirit of service and devotion to duty, which are basic to the work in hospitals.

NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.1968)

NCL Ref. No. DL-V.102.

3.50 P.M. 4.10 P.M.

Record of discussions with the New Delhi Traders Association represented by :

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| 1. Mr. Girdhari Lall | | President. |
| 2. Mr. M.M. Agarnali | | Vice-President. |
| 3. Mr. Kuldip Chandra | | Hon. Secretary. |
| 4. Vedavrata | | Member. |
| 5. Mr. L.C. Dhingra | | Office Secretary. |

1. Persons seek employment with small traders as a last resort. It is not that the level of remuneration is low or the job security is less in such establishments. Probably there are limited opportunities for future prospects. However, there are also employees who have continued for as long as 30 years.

2. Small traders should not be burdened with Industrial Disputes Act and other Labour Acts. It is enough to regulate the conditions of employees in this sector under the Shops and Commercial Establishments Act.

3. Outsiders should be excluded from trade unions. The unions should improve their financial position so as to be able to get help of lawyers, if necessary.

4. It is not correct that retail traders are prosperous. Many of them are worse off than their employees.

5. Contract labour cannot be eliminated in tailoring industry. The industry is seasonal in nature and cannot employ tailors on a regular basis on monthly wages. Tailors are paid according to the work done, but there is no guarantee of minimum work. Many tailors work for several establishments at the same time and thus come and go according to their convenience. Tailoring charges have been increased in Delhi only during the last two years.

6. Gutters are employed in the tailoring industry on fixed wages. They are highly skilled workers.

NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.1968)

NCL.Ref.No.DL-V.103.

4.10 P.M. to 4.30 P.M.

Record of discussions with the Federation of Indian
Manufacturers represented by :

1. Mr. M.R. Bhalla,
President.
2. Mr. D.P. Diwan,
Member-Executive.
3. Mr. A. Mueed,
Member, E.C. Federation.
4. Mr. S. Hassija,
Secretary.

1. The Federation has about 400 members employing about 80,000 workers.
2. Collective bargaining is favoured but not compulsory arbitration. On the failure of collective bargaining, parties should be allowed to go directly to court.
3. Conciliation proceedings are also a type of litigation.
4. Some officers of the Labour Department of the Delhi Administration have been siding with workers and pressurising employers. They have even gone to the extent of inciting workers against employers. They have helped workers in wrongfully detaining employers. At times they have secured such detention through courts.
5. Wages above a certain level should be linked to productivity.
6. The number of festival holidays should be fixed on a uniform basis and the objective should be to achieve maximum production.

NATIONAL COMMISSION ON LABOUR

(Delhi - 7.5.1968)

NCL.Ref.No.DL-V.104.

4.30 P.M. to 4.50 P.M.

Record of discussions with the All India Manufacturers' Organisation - Delhi State Board - represented by :

1. Mr. Hem Chand Jain,
General Secretary.
2. Mr. I.D. Gupta,
Labour Adviser.
3. Mr. G.C. Dhingra,
Executive Secretary.

1. The organisation has about 800 members. Total number of workers employed by the members is not known.
2. Labour policy has helped neither the employers nor the employees.
3. The Industrial Disputes Act is too wide in its scope as it does not make any distinction between big and small employers and the latter form 90 per cent of employers. Under this Act, cases 10 to 15 years old can be re-opened whereas Shops and Commercial Establishments Act and Provident Fund Act do not allow cases to be re-opened after six months.
4. Shops and Commercial Establishments should not come under the purview of Industrial Disputes Act.
5. Wages higher than the minimum should be linked to productivity. There is generally no guarantee for minimum work in the case of piece-rated system.
6. The recommendations of Wage Boards should not be forced on employers.
7. Wages should be fixed by bipartite collective agreements.
8. Settlement of disputes regarding discharges and dismissals by arbitrators is not favoured because competent arbitrators are not available.
9. There have been cases in Delhi where strikes have gone on even after conciliation proceedings have been started and the employers have been pressurised by being locked up and by refusal of bail.
10. There has been generally no political influence in the implementation of the labour laws.

NATIONAL COMMISSION ON LABOUR

(Delhi - 8.5.68)

NCL.Ref.No.DL-I.14.

12.00 to 1.00 P.M.

Record of discussions with the Delhi Administration represented by :

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| 1. Mr. A.C. Shubh | ... | Executive C ouncillor. |
| 2. Mr. R.M. Agrawal | ... | Secretary, Labour Deptt. |
| 3. Mr. S.C. Vajpeyi | ... | Labour Commissioner. |
| 4. Mr. M.M. Kher | ... | Asstt. Commissioner,
Labour Deptt. |
| 5. Mr. S.S. Sangagiri | ... | Asstt. Labour Commissioner. |

1. The working of the adjudication machinery is satisfactory. Some difficulties are experienced on account of shortage of courts and consequent delay.
2. Collective bargaining in the naked form is not desirable in the present circumstances, and the existing system should continue.
3. There is scope for political manoeuvring in the present verification procedures for recognition of unions. Secret ballot may also arouse temporary passions. Some administrative difficulties will be encountered in both cases. However, on balance, secret ballot is favoured in spite of its infirmities. Voting in secret ballot should be confined to workers who are members of trade unions.
4. Statutory provision for recognition of unions is favoured, and there should be one bargaining agent.
5. Minority unions should represent grievances of their individual members. The suggestion for giving representation to the minority unions in the council of the recognised unions for purposes of negotiations with management is not feasible.
6. In Delhi State, the practice of 'closed shop' or 'union shop' is non-existent.
7. The authority employing construction workers should ensure enforcement of the Fair Wages Clause because the role of the Labour Department in this matter is indirect and distant. If there are any complaints under the Minimum Wages Act, then these complaints can be handled by the Labour Department. The Labour Department cannot enforce wages under the Fair Wages Clause; they are empowered to implement wages only under the Minimum Wages Act.
8. There used to be delays in the implementation of awards in Delhi State but during the past two years the situation has improved.
9. The cases are referred to Labour Courts by the appropriate Government at the level of the Labour Secretary. He takes orders from higher authorities and generally no partisan element is involved in taking decisions to refer cases to courts. The proposals made by the Labour Secretary are generally agreed to.

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10. (The Labour Commissioner circulated details of cases where allegations have been made by the employers against the Labour Department for siding with workers.)

11. The right of parties to refer cases directly to Labour Courts will increase litigation.. There is, however, no objection to such a procedure if Labour Courts are empowered to reject cases where no prima facie case is made out.

12. There is a need to distinguish petty trading shops from other larger establishments in the application of labour laws. A reasonable criterion for demarcation between the two kinds of establishments will be either annual sales of the order of Rs. 1 lakh or more or employment of 5 or more workers or both. The main provisions of the Industrial Disputes Act should apply to establishments above these limits, but there should be a separate Shop Disputes Act which should apply to all shops including smaller establishments. There may be breaking up of units in order to avoid legal obligations, but that situation cannot be helped.

13. The basic law should be the same in the whole country, and there should be a common pattern of labour judiciary. A panel of names of judges for Labour Courts should be suggested by the Chief Justice of High Court, but the Government should have the discretion to select from the panel.

14. The Labour Appellate Tribunal should be revived.

15. In order to remove delays in disposal of cases, parties should exchange pleadings and should go to courts only at the stage of issue formation.

16. "Labour" should not be transferred to the Central List.

17. There should be an improvement in attitude of public sector undertakings towards labour administration machinery of the State.

18. In the Delhi Corporation there have been many cases of recovery of dues through Collectors where the employer failed to implement the awards. (The Delhi Administration will supply a note on non-implementation of awards by Delhi Corporation.)

19. Courts may be given powers to implement awards. This will mean execution of awards through courts. There should be a minimum penalty for non-implementation of awards, but the unions should not be allowed to take cases of non-implementation direct to courts. There should be no imprisonment for non-implementation of awards but fines may be enhanced and generally fine should be equal to the amount of recovery awarded. Labour Courts may also be vested with powers to attach bank balances and property, as in the case of income-tax, for non-implementation of awards. A surety bond should be taken from employers for ensuring implementation of awards.

20. Fines imposed for violation of Factories Act are too meagre.
