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GOVERNMENT OF INDIA  
MINISTRY OF WORKS, HOUSING AND SUPPLY  
DEPARTMENT OF WORKS AND HOUSING

REPLY TO THE  
QUESTIONNAIRE OF  
NATIONAL COMMISSION ON LABOUR

GENERAL SECTION  
DEPARTMENT OF WORKS AND HOUSING  
1967

NATIONAL COMMISSION ON LABOUR

Questionnaire

I. Recruitment and Induction

Recruitment

1. (a) How is labour recruited at present in industrial establishments? Is recruitment effected through (i) jobbers, (ii) contractors, (iii) advertisements, (iv) introduction by existing employees, (v) employment exchanges or (vi) any other method?
- (b) How far are the present recruitment arrangements satisfactory for different types of employees and different levels of skill?
- (a) The recruitment is done exclusively through the employment exchanges.
- (b) Generally satisfactory in city areas.
2. In what categories of employment is labour in short supply? What steps should be taken to minimise the effects/such /of shortages?
- Skilled labour for specialised equipments like earthmoving machinery etc. are difficult to recruit readily.
3. Does lack of mobility affect supplies in different categories of labour? If so, what remedial measures would you suggest?
- Yes. Naturally, labour is mostly confined to industrially developed centres and belts. Different and higher wages in unpopular areas.
4. To what extent is industrial labour migratory in character? What problems does such labour pose in recruitment and retention?
- Most reluctant to migrate. Frequent retrenchment at one centre and simultaneous recruitment at another cost quite a lot of time and energy.

So far as the Departmental Workers are concerned quite a sizeable number come from ad-joining rural and urban areas. This is the pattern all over the country both in the public and the private sectors. This system in itself reflect high incidence of absenteeism and regular long leave during those periods of the year when harvesting takes place.

5. How do the existing statutory provisions in regard to employment of women affect recruitment of women labour? Consistent with international conventions on conditions of work for women, what modifications would be necessary in the existing provisions for promoting employment of women?

In our Departmental Undertakings the amount of women labour is inconsiderable. The Contractors' Establishment, however, employ quite a large number of women labour. Under the contractual agreement between the Central P.W.D. and its Contractors such women labour are entitled to maternity benefit and maternity leave as provided in the agreement. The disparity in the wage rates between men and women still persist though the difference is now marginal. This perhaps is justified on the grounds of difference in output as the women labour are largely engaged in un-skilled operations.

6. What are the advantages and disadvantages of recruitment of casual labour? If employment of casual labour is a disadvantage, what steps should be taken to decasualise such labour?

Advantages: Economy for the employer; Expediency for the labourer; Occasional employment is better than forced idleness; Gives flexibility for the employer for trial.

Disadvantages: Liable to abuse by the employer. Due to uncertainty the labour does not attain any desired degree of skill and is liable to degenerate to unskilled jack-of-all trades. Perpetual discontent

among the labourers. Labour is treated in a very casual manner and is at the mercy of either the middlemen or the lower supervisory level.

7. In view of the present unemployment situation, what place should be given to the absorption of 'physically handicapped in recruitment policy? Should there be a statutory provision for reserving a portion of the vacancies to physically handicapped persons?

Yes, to the extent feasible.

8. In establishments within your knowledge, is there any discrimination in the matter of recruitment on grounds of caste, community, region, language, etc.? Under what circumstances is such discrimination justified?

No such discrimination is practiced in our Departments since they follow the Government of India rules applicable for other types of Government employees.

#### Induction.

9. Are the existing programmes for 'on-the-job' training of workers adequate? What are the directions in which improvement should be sought?

In Central P.W.D. 'on-the-job' training is almost inherent in the system. The un-skilled and the semi-skilled group in their own way attain skill while working with artisans like masons, carpenters, blacksmiths, plumbers, painters, fitters, mechanics, wiremen, electricians etc. The provision of high promotion quota in the respective recruitment rules will indicate that it is expected that sufficient number of skilled hands would be available from the un-skilled and semi-skilled workers already working in the organisation. In the olden days certain craftsmen used to learn the skill and aptitude of their fathers and forefathers. In the present day context of social and economic life such hereditary skills and professions are vanishing gradually.

Similar is the condition in our Government of India Presses. Person in the lowest rung gradually acquires skill from 'on-the-job' training and goes on the ladder of promotion. The application of the Central Apprentices Act in the above two Establishments will open up avenues for training of artisans which will be indirectly beneficial to our Departments. Any improvement on this side will, however, affect the direct recruitment quota for skilled and highly-skilled labour and will come in violent conflict with the various training schemes for skilled and highly-skilled jobs.

10. What steps should be taken to encourage an employee to avail of the facilities outside the place of work for improving his skill? Is there any system of granting study leave to the employees in your establishment? If yes, please give details.

It should be made obligatory, however, to encourage such practices even if there is no ultimate prospect of the skill obtained within the present establishment.

11. (a) What should be the outline of a rational promotion policy? What place would you assign in this policy to seniority, merit and trade test?
- (b) Should recruitment to positions at higher levels be made from among the existing employees only? If so, upto what level?

(a) More emphasis should be given on trade tests although such a step should certainly be unpopular with the workers. The policy of selection by seniority and so-called merit is not conducive to efficiency.

(b) Except in specialised items, direct recruitment to categories higher than semi-skilled status should be restricted to a nominal percentage only. The system of basic tradesmen should be encouraged.

## II. CONDITIONS OF WORK

### Working Conditions.

12. (a) Conditions of work in factories, mines and plantations, etc. are presently regulated by the Factories Act, 1948, the Plantations Labour Act 1951 and the Mines Act, 1952 etc. The main provisions of such acts inter alia relate to (i) safety and welfare, (ii) hours of work, rest interval, weekly off, etc., (iii) employment of young persons and women, (iv) annual leave with wages, (v) occupational diseases and (vi) overtime payment. What changes are necessary in these provisions? How should the implementation of these acts be improved? (See also Q.19).
- (b) What other steps are needed to ensure proper working conditions?
- (a) All our Printing Presses are covered under the Factories Act 1948. There are few Establishments in the Central P.W.D. where also this Act applies. We have not encountered any difficulties so far in the working or implementation of the provisions of this Act.
- (b) Our view is that if the provisions of the Factories Act are implemented properly the working condition in our Factories can be quite satisfactory. The only aspect that we want to highlight here is that while opening new Factories, proper thought should be given on working conditions at the planning stage itself so that when the production starts the requirements lost sight of may not upset the original planning. Advance thinking in lighting, ventilation and congenial atmosphere which have profound bearing on productivity and well-being of the workers should gradually be introduced in the public sector undertakings to serve as model.
13. In the matter of national and festival holidays, what is the extent of difference in the total number of holidays from region to region? Is this difference justified? If not, is it possible to bring about uniformity in the total number of holidays in different regions?

13. The total number of holidays is uniform for all departmental workers of the C.P.W.D. and the P.&S. Department.

14. What changes are necessary in the existing arrangements for regulating conditions of work in employments other than in factories, mines and plantations?

The employment other than in Factories is a vast field and the Commission has rightly concentrated their attention in this important aspect. Obviously, the working condition cannot be as ideal as in Factories at a construction site. In this context this Ministry is concerned with the construction works that is carried out by Central P.W.D. through employment of Contractors. This Ministry have already prepared a separate paper on the subject which is being submitted before the Commission. It is felt that the existing measures, already undertaken, if implemented properly will go a long way to achieve a satisfactory working condition for the construction labour in industry.

15. What, in you knowledge, is the extent of prevalence of employment of child labour? In what industries/activities is employment of child labour relatively high? Are you satisfied with the existing statutory provisions about employment of child labour and their implementation?

Employment of child labour is resorted to some extent in construction of buildings through Contractors etc. According to the contract agreement in Central P.W.D. in Clause 19(A) it has been provided that no labourer below the age of 14 years shall be employed on the work. This is sufficient safeguard and if implemented properly will ensure due compliance. As regards departmental employees, there is no child labour .

16. How have the existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors worked? In what directions are improvements necessary? (See also Q.209).

16. The existing arrangements and regulations on the condition of work of labour employed by Contractors is working well. In this connection the special paper prepared on the subject by this Ministry and submitted before the Commission may be referred.

17. What are the statutory benefits/provisions, in the implementation of which trade unions and employers' organisations can jointly play a useful role? How should such arrangements be made effective at the plant level? Should there be any standing arrangements for this purpose?

In this field the present works committees are contributing a lot. In our Establishments the regular bipartite discussion between the management and union also contribute satisfactory implementation of statutory benefits and provisions. According to this Ministry the existing arrangement is adequate at the plant and unit level.

#### Safety and Health.

18. Is the existing rate of accidents high in establishments within your knowledge? What have been the main causes of such accidents?

The accident rate in our Presses is negligible. The accident rate in the Central P.W.D. Establishment amongst the departmental labour is low. Accidents amongst the labour employed by the Contractors is somewhat common. The recent incorporation of the Central P.W.D. Safety Code in the contract document and its proper implementation is expected to reduce the accident rate.

19. What steps should be taken to establish training programmes with special emphasis on safety for the benefit of new entrants to industrial establishments? Are any refresher courses necessary for those who are already in employment? How should such courses be organised?

This Ministry have no comments to offer.

20. Safety standards in some industries have been evolved by bipartite agreements. How have these agreements worked in practice? How can this bipartite approach be extended to other industries? How should the agreed arrangements be made effective at the plant level?

This Ministry have no comments to offer.

21. In view of the anticipated growth of new industries like machine building, chemicals, fertilisers, petro-chemicals, etc., requiring stricter safety standards, what steps should be taken to arouse safety consciousness among workers and employers?

This Ministry have no comments to offer.

22. Against the background of expanding industry and advancing technology involving a faster tempo of production, how should provisions concerning industrial safety (Appendix I) in the Factories Act, 1948, the Mines Act, 1952 etc., be amended?

This Ministry have no comments to offer.

23. (a) What are the difficulties experienced in procuring safety equipment for installation in industrial establishments?
- (b) Is the supply of safety equipment to workers for their personal use adequate? Is there any reluctance on the part of workers to use such equipment? If so, what measures would you suggest to overcome this reluctance?

(a) This Ministry have no comments to offer.

(b) This Ministry have no comments to offer.

24. What should be the elements of an 'Industrial Health Service' for introduction in India? How should the introduction of such a service be phased?

This Ministry have no comments to offer.

25. As a corollary to replies to the above, do the provisions for workmen's compensation require to be amended? If so, in what manner?

25. The implementation authorities of the Workmen's Compensation Act should be strengthened. In the case of workers employed by the Contractors sometime the address and whereabouts of the legal heir of the workmen are not available. This handicap can be removed by changing the existing accident report form and also by insisting maintenance of proper registers by the Contractors with such details as the local and permanent address of all the workers engaged on a particular site of work. In the case of permanent partial disablement after payment of requisite compensation as provided under the Act, medical authorities often prescribe light duties. Sometime the employers take the view that in view of the payment of compensation for the permanent loss in earning capacity it would perhaps not be proper to pay full remuneration to such employees when they are offered employment or light duty. Although technically proper such approach is often called as inhuman. The Act itself may be suitably modified to meet this contingency. Quicker disposal of compensation cases in the Commissioner's Court will go a long way to bring satisfaction to the workmen. Another aspect which has often been raised is how the period of absence should be treated in case an injured workmen remain in hospital or under treatment for a long time. The Act provides that the benefit of temporary disablement is admissible to a workmen upto 5 years. Payment of compensation apart the Act is silent as to how the period of absence should be treated. It appears that it has been left to the goodwill of the employers. It has been the experience that when such treatment continues for a longer period and when normal leave etc. are exhausted, the workman may find difficulty to resume his employment even when he is declared medically fit to do so. It appears incongruous that while the employers' liability to pay compensation for temporary disablement continues upto 5 years there is no corresponding provision to ensure the worker's re-employment on being declared fit anytime before that period.

### III. TRADE UNIONS AND EMPLOYERS ORGANISATIONS

#### Federations of Employers' and Workers' Organisations

26. What are the factors which have influenced the development and organisational pattern of trade unions/employers' organisations since Independence?

We have no comments to offer.

27. What has been the effect of legislative provisions on the growth of trade unions/employers' organisations? (See also Q.58).

The spate of labour legislations since independence have guaranteed a number of facilities to the working class. To achieve these facilities ensured by legislation and also to enlarge the same the fresh growth of Trade Unions received impetus. The organised strength of the Trade Unions in some of the organised industries has been so irresistible that the Employers' Organisations had also got themselves strengthened. The Trade Union Act with simple stipulation that any seven number of persons can form a Trade Union for registration has also given rise to the growth of Trade Unions.

28. Do you think that the modus operandi of trade unions/employers' organisations have changed during the last decade? If so, what are the characteristics of this change?

The Trade Unions in our country are mostly associated with the existing political parties. Any new political party or faction of a political party therefore, is bound to have Trade Unions in their control. Of late, it has been seen that the militant Trade Unionism is gaining ground. The number of cases where violence was resorted to, will indicate this trend. Very recently the extraordinary phenomena of Gherao is very much in the air, and it has been advocated in many quarters that Gherao is a legitimate Trade Union weapon. Another aspect of change is that the leadership of the Trade Unions

have very little control over the rank and file. When anything goes wrong, the leadership simply do whatever the rank and file desire them to do irrespective of the merit of the case. True leadership should be able to say "no" to illegitimate or impossible demand but that leadership is conspicuous by its absence. In fact, there is no screening of demand by the Trade Union leadership. They thrive on constant agitation as if peaceful atmosphere in a Trade Union is a sign of its death or in-effectiveness. This is a dangerous trend.

29. Do you think that the attitudes of trade unions and employers' organisations towards (a) each other and (b) Government have undergone any change during the last decade? If so, state the direction of this change.

An idea has more or less been established that bilateral negotiation and settlement is the best. There is no hesitation these days, on the part of the employers or their organisations to sit across the table and deal with the Trade Unions or the workers with unending patience. This is a healthy sign. The attitude towards Government has been made very complex with the installation of Non-Congress Governments in many States. There is a feeling amongst the employers organisations that the Government is pro-labour. Likewise the Trade Unions whenever a decision is unfavourable to them feel that the Government is pro-employer. This is perhaps an indication that the Government is following the middle path and deciding matters on merit based on national interest and not taking into consideration the interest of either group only.

30. The traditional role of trade unions/employers' organisations has been to secure protection to advance the interests of their members. In view of the national objectives of establishing a socialist society and achieving planned economic development: (a) What should be the changes in the nature and scope of activities of the trade unions/employers' organisations? (b) What are the changes needed in their organisational pattern and

attitudes? (c) What are the fields of activity in which they have an independent role to play? (d) In what others should they function in cooperation (i) between themselves and (ii) jointly with Government? (See also Q.75).

The main question is the question of attitude towards national interest and planned economic development of the country. This attitude is very difficult to develop in the present day strained circumstances. The need to see things beyond one's own self interest or the interest of group is great but difficult to cultivate. In the present day complexities of life due to low wages and high prices it is difficult to develop such an attitude. But if we are to achieve real progress this attitude has to be developed by any means. Once the basic needs of the workers are met and the entrepreneur get a fair return of their investment perhaps a climate can be created to enthuse all concerned towards national objectives. In the present day acute conditions of scarcity and high prices philosophy of national planning and national interest do not appeal to the common man much.

31. How have trade unions/employers' organisations helped in the evolution of a better society? How do they represent their views and discuss their affairs with Government and other public authorities and agencies? Does this system of communication need improvement? If so, in what direction? (See also Q. 124 & 227).

The present state of affairs is a very strained one. The existing channel of communications between the Trade Unions and employers' organisations at various levels have not had much impact in improving the relation. To win over the confidence of the workers the system of communication should be intensified and gradually the employers should be able to place the cards on the table. At present there is lot of misgiving about the profits earned by the business establishments or its capacity to pay. Once this misgiving is removed even existing channel of communications will bear fruit.

32. How can trade unions/employers' organisations contribute towards maintaining a high level of employment? Or is this solely the concern of Government?

In our country with such high rate of unemployment under-employment and population growth only sustained national efforts can achieve a high level of employment.

33. Bipartite consultations being one of the effective means of reducing the areas of conflict between employers and their employees, what steps should trade unions/employers' organisation take for promoting such consultations?

Bipartite consultation is the best method, the climate should be created for more and more of bipartite consultation to remove conflicts between the employers and their employees. The success of bipartite negotiations often is mis-understood by Trade Unions with a feeling that the success of bipartite negotiations may ultimately affect the effectiveness of the Trade Union itself. Employers' Organisations on the other hand always welcome it. Bipartite negotiations can be with Trade Unions direct provided they are in a mood for discussion and negotiation.

34. What are the existing arrangements for communication between the central organisations of employers and workers and their constituents? How should these arrangements be improved?

We have no comments to offer.

35. Are there occasions when central organisations of employers and workers refuse to affiliate employing units/unions at the plant level? If so, on what grounds?

We have no comments to offer.

36. To what extent are the obligations undertaken by the organisations of employers and workers at the national level implemented by their constituents? Are there any effective sanctions for non-compliance with these obligations? How far have they been used in recent years? How could these sanctions be made more effective?

The obligations undertaken such as those in the case of Code of Discipline are violated too frequently. We are not aware of any effective sanction from the Central Organisations. When there is acute Inter-Union rivalry the possibility of any effective sanction by the Central Trade Union Organisations is also very remote. Such sanctions may alienate workers to other Trade Unions already in the field. In the context of multiple Central Trade Union Organisations it is impracticable to assume that such sanctions will be exercised, and even if it is exercised it will be implemented.

37. Do difficulties arise in reconciling the actions of the unions/employers at the plant level with national policies evolved jointly by trade unions/employers' organisations? Could you cite instances of such difficulties? How are such difficulties resolved?

As already stated certain action at plant or unit level, such as hunger strike, sit down strike, slow down etc. are contrary to obligations undertaken at national level. But they are violated very often.

38. What should be the responsibility of all-India organisations of employers and workers towards (i) promoting the interest of their constituents in all matters affecting industrial relations, (ii) implementation of laws, voluntary agreements, etc. (iii) training of management personnel, (iv) providing guidance to constituent units, (v) settling of industrial disputes in constituent units and (vi) improving the efficiency of industry? (See also Q.166) How should they be equipped for discharging these responsibilities?

A lot can be done if the workers and employers organisations work in this spirit. Once the agitational approach is abandoned constructive activities such as those enumerated in the question may effectively be undertaken which will serve the interest of both the workers and employers. Above all,

it will serve the interest of the Nation. The training schemes run by Trade Union Organisations in the Institutes and Universities in other countries should be an eye opener to Indian Trade Union Organisations who can participate in such activities. The workers' education scheme is serving a limited purpose.

Trade Unions—Constitution and Finance

39. How are trade unions constituted at the plant level? What are the different forms of constitution? Are there any common objectives mentioned under the rules of different trade unions? What are these common objectives?

We have no comments to offer.

40. How are the officers who man the trade unions appointed? How many of them are paid?

To our knowledge the officers of the Trade Unions are elected by the General Body annually and often the principal office bearers, when they are outsiders, get some allowance.

41. How does a trade union get new members? Are all membership applications accepted? If not, by what criteria are applicants accepted or rejected? In what ways do unions compete for membership?

The new membership is initially filled from new recruits. When there are more than one Union in a particular unit the Executive Committee members who are distributed all over the sections undertake the job of making new membership. We are not aware of any rejection of the application for membership in the midst of such competition for membership amongst the rival Trade Unions. The competition for membership takes various forms. Sometime it is through some individual cases being settled at the instance of a particular Union and sometime it is on the display of strength of a particular Union in a demonstration strike or similar movements.

42. What steps do trade unions take to encourage members to interest themselves in the conduct of unions' affairs? How effective are such steps?

We have no comments to offer.

43. How are the activities of a trade union conducted? How is the policy decided? Who is responsible for implementing the policy once it is decided? To what extent does the rank and file influence the formulation of the policy?

As already explained the main activities of the Trade Unions is concentrated in small groups and the rank and file contribute very little in the formulation of the policy of the Union. But once an agitation is started and ugly and unpleasant things start happening the leadership is swayed by the rank and file.

44. What in your opinion is the extent of prevalence of the system of 'closed shop' or 'union shop'? State its merits and demerits in Indian conditions.

No comments except that the present tendency is to do away with trade unions and achieve objectives by the so-called 'gherao' system.

45. Do trade unions have enough income to fulfill their role in promoting members' interest? If not, what steps should unions take for augmenting their resources? Is any statutory provision needed for enlarging trade union finances?

No comments except that the present tendency is to do away with trade unions and achieve objectives by the so-called 'gherao' system.

46. What reasons, if any, are there against increasing members' subscription so as to provide an adequate income for trade unions?

No comments except that the present tendency is to do away with trade unions and achieve objectives by the so-called 'gherao' system.

47. Is the introduction of 'check off' system advisable in Indian conditions? If it is, should the privilege of the system be given to recognised unions only or to all registered unions?

47. No comments except that the present tendency is to do away with trade unions and achieve objectives by the so-called 'gherao' system.

48. In what ways do trade unions help members/dependents of members in their personal difficulties like unemployment, sickness, and personal injuries? How are dependents helped in case of member's death?

No comments except that the present tendency is to do away with trade unions and achieve objectives by the so-called 'gherao' system.

Trade Union - Leadership and Multiplicity.

49. What has been the impact of political parties on the pattern of trade union development in India?

The Central Trade Union Organisations are associated with the existing political parties in India. The trend has been that formation of any new political party would necessarily mean that the same will have a labour wing and consequently Trade Unions affiliated to that wing.

50. Reference is often made to the influence of outsiders in trade unions. Please define the term 'outsider' and state what the influence of outsiders has been on trade unions.

At the present stage it is perhaps inevitable that outsiders will dominate trade unions. There is no denying the fact that outsiders are more effective in collective bargaining. Internal leadership, unless it is scrupulously honest, has proved to be a failure. The present-day employer is not yet sufficiently enlightened not to take advantage of internal leadership of the trade unions.

51. How should internal leadership in a Union be built up and strengthened?

At the present stage it is perhaps inevitable that outsiders will dominate trade unions. There is no denying the fact that outsiders are more effective in collective bargaining. Internal leadership, unless it is

scrupulously honest, has proved to be a failure. The present-day employer is not yet sufficiently enlightened not to take advantage of internal leadership of the trade unions.

52. Does the existing legislation encourage multiplicity of trade unions? If so, what are the remedial measures?

Yes it does partially. The existing Trade Union Act is outmoded. Whatever may be the considerations in 1926, it is time now to give a fresh look to the Trade Union Act. The minimum number of persons forming a Trade Union should be raised substantially. Apart from receiving the constitution and audited accounts of the Unions annually or receiving intimation of the amendment of the constitution and election of office bearers, the Registrars can be endowed with more powers to go into the details of elections whenever there is a dispute and his decision should be binding on the parties. One of the reasons of multiplicity of Trade Unions is the factional quarrel in a Trade Union, mostly arising out of elections. Under the existing law any dissatisfied group, may be of seven number of members can form another Union. Another way to eliminate multiplicity is perhaps to make legal provisions for the recognition of Trade Unions instead of relying on the criteria under the voluntary Code of Discipline. A representative and recognised Union will command better respect discouraging growth of mushroom unions. Intervention of Registrar in the matter of election disputes of Unions will also discourage dissatisfied factions forming separate Trade Unions.

53. How far has the Inter-union Code of Conduct (Appendix II) adopted by the four central labour organisations in 1953 been effective in regulating inter-union relations and avoiding inter-union rivalries? How could the Code be made more effective?

We have no comments to offer.

#### Trade Union Recognition.

54. What are the advantages and disadvantages of a union registration? Are there any aspects in which the powers of the Registrar of Trade Unions could be altered or enlarged with advantage?

When the tendency is to have a number of Trade Unions in the Units and Industries and whenever there is slight difference of opinion between the factions and groups and as a result of such differences new Unions are set up, the system of registration at least serves as a check whatever may be its worth. In the industrial disputes Act the right to raise a industrial dispute has been given to a registered Trade Union. That the system of registration of trade unions as its inherent value is apparent from the system of registration which is sought to be introduced now in the United Kingdom after so many years of functioning of Trade Unions. At present the functions and powers of the registrar are very limited. The registrar should be empowered to intervene effectively in union disputes connected with election of office bearers. It has been observed in practice that one of the reasons of bad industrial relation in the country is that in any dispute in the election of office bearers of the unions solution can only be had from the Court of Law which is a long drawn process. While the present thinking is to bring all these aspects from the judiciary to the executive a serious thought may be given to empower the Registrar to be more effective.

55. Has there been a change in the attitude of employers towards trade unions, particularly in the matter of recognition of unions? If yes, what have been the contributory factors?

In the Government Departmental Undertakings, the employers have accepted the existence of a Trade Union not only as a necessity but as a part of life. The recognition of a representative Union is a welcome feature in any Government Undertaking. It has been observed that in the midst of multiplicity of unions, often working at cross purposes, dealing with a representative body in all matters of common interest facilitates efficient industrial management. In recent years the facilities offered to the recognised unions either voluntarily or by regulations have also encouraged an attitude of discussion across the table not only to deal with workers' grievances but as a media of communication between the management and the workers.

56. Has the Code of Discipline in Industry (Appendix III) contributed towards securing recognition for trade unions?

At present the recognition of unions is entirely guided by the provisions of the Code of Discipline. It may, however, be stated that the Code, being a voluntary instrument, its impact has not been felt very much. The Code perhaps would have worked well if there would have been one T.U.C. as in U.K. In the midst of several central bodies each trying to enlarge its sphere of influence by any method, the question of sanctions which has been embodied in the Code to erring units or members cannot be expected. In Government Departmental Undertakings it is all the more difficult to see the Code successful as concessions to Government employees having financial implication can neither be negotiated across the table and even if it is negotiated it cannot be unilaterally implemented by a solitary departmental head or the head of an isolated Ministry.

57. Do the existing provisions under the Code of Discipline in regard to recognition of unions provide a satisfactory arrangement in this regard? Specifically, are the provisions regarding (i) the procedure for verification, (ii) the procedure for grant and withdrawal of recognition, (iii) the period of recognition and (iv) the rights of the recognised unions (Appendix IV) satisfactory? If not, what improvements would you suggest in them? (See also Q.111).

In dealing with the recognition of unions in the Government departmental undertakings the provisions of the Code are found to be too complicated. Although in one or two cases the procedure of verification and the procedure for grant and withdrawal of recognition on the basis of verification have been followed without any clamour from any quarter, efficacy of all these provisions in the long run are yet to be seen. The rights of recognised unions as provided in the Code and those assured in Government orders from time to time are found to be adequate in Government Departmental Undertakings. It is felt that recognition of Unions and the rights of such Unions be better dealt with under specific Government Rules as it used to be in the past than under the provisions

of the Code of Discipline. This is being suggested because the peculiar terms of employment of workers in a Government Organisation and the absence of any employer, as such, make it very difficult to equate the Departmental heads of the Government Undertakings with that of a private employer in the industry.

58. Would you suggest giving effect to the provisions of the Indian Trade Unions Amendment Act, 1947 in the matter of recognition of unions? Or, should provisions similar to the Bombay Industrial Relations Act, 1946 or similar Acts elsewhere in India for recognition of unions (Appendix V) be written into the Indian Trade Unions Act, 1926? Are there any other suggestions in this regard? (See also Q.27)

Recognition of Unions in the present context under some statute perhaps is more desirable. Often this becomes an issue and creates problems in the field of industrial relation. Before such a situation arises it is better to offer recognition even voluntarily. Only thing that a statute can ensure is whom to recognise amongst so many in the field and this is very significant in the background of inter Union rivalry. The state Acts mentioned have not solved these problems satisfactorily. In the Government undertakings recognition has never been a problem. Collective bargaining on the issue of recognition of unions should be prohibited.

59. What are the advantages of industrywise unions? What will be the difficulties in their recognition? How should the subjects to be dealt with by unions at the plant level and by the industry union be demarcated? (See also Q.86)

Industrywise Union in a vast country like ours with regional disparity of development is not a practicable solution. It has also no relevance to Government departmental units. The place more or less has already been taken by the federations of Unions of all India character in the Ministry of Defence, Government of India Presses, etc. Even where Federations and Unions in the all India and Unit level have been recognised as in the C.C.P.&.S. there is practically no demarcation of subjects on which they should deal with

respectively. It is somewhat a loose federation with complete autonomy for the units. A demarcation perhaps is desirable to bring discipline in the units on major matters like strikes. This demarcation can best be ensured in the terms of recognition in the statute, if any, concerning recognition of Unions. Such a measure will surely put a stop to sectional or partial strikes or lightning strikes on local and sometime frivolous issues.

60. What are the advantages and disadvantages of naming a union as the sole bargaining agent in an industrial unit?

We do not think, we have reached a stage where free bargaining can be encouraged. Even in advanced countries it is not that free as we imagine. Such a situation will often take us away from national objectives in the name of local and sectional interest. It is unthinkable in Government Departmental Undertakings.

61. For determining the representative character of a trade union for purposes of grant of recognition, should the method of election by secret ballot be adopted? If so, explain the details of the method and the administrative arrangements necessary for the purpose.  
(See also Q. 86)

We have observed that this is always the demand of the strong Unions. It is much better to face it squarely instead of doubtful methods, not fool-proof and always open to challenge and criticism. It is always better to determine the real representative Union and deal with it and such a method will perhaps act as a deterrent on the growth of mushroom Unions. This may be provided in the regulation, if any, that may be found necessary for recognition of Unions. The existing system of verification of Unions have not satisfied many. The system of ballot is likely to eliminate another evil i.e. multiple membership or one worker becoming member of several unions at a time and frequent change of affiliations. This is neither good for the worker nor for the Union.

62. If a union is elected as the sole bargaining agent in an establishment, what should be the rights and responsibilities of other unions in the establishment?

The rights should follow the same pattern of recognised and un-recognised Unions.

63. Considering that categorywise unions, particularly of technicians, are assuming greater importance how should their rights and obligations be defined in relation to (a) the employer and (b) unions of other categories of employees?

Category-wise unions should be discouraged. Such unions promote continuous disputes on flimsy grounds thereby creating perpetual hindrance to efficient working of the industrial establishment as a whole.

64. What facilities should an employer extend at the work-place for the activities of unions?

The existing facilities ensured by the Code and Government regulations are adequate. In case of single union in a unit perhaps it can be enlarged a little by mutual consent and subject to good relation but the multiplicity of unions is a handicap in this respect.

65. What has been the attitude of the Government as employer towards trade unions?

Government Departments have largely accepted the trade unions as a natural corollary of industrial life. Their existence and recognition are taken as a matter of course. Apart from sporadic exceptions there is no serious rift between industrial workers and Government. It is, however, possible that the industrial staff engaged directly by government departments are more vociferous. This, however, does not prove that the relation between industrial staff and government are necessarily worse than between non-industrial staff and government.

#### IV. INDUSTRIAL RELATIONS

##### Introductory.

36. What should be the criteria for determining the effectiveness or otherwise of Government's industrial relations policy? In terms of these criteria, give your assessment of the working of the policy since Independence, with special reference to the legislative and other arrangements for prevention and settlement of industrial disputes.

The effectiveness of any industrial relation policy should manifest itself in industrial harmony, productivity, general well-being of the workers and the community at large and above all any enthusiasm and sense of participation in the great national effort to improve the economic condition of the country. In recent years such intricate questions like sharing the profit and fair return to investment have also come into limelight. In terms of the above common criteria the picture seems to be dismal. A number of legislations have been brought in during the last two decades protecting the interest of the workers. The Organisational pattern and the strength of Trade Unions have improved. The employer's organisations have regrouped themselves and are more organised now than ever before. The Government have a plan for planned growth to achieve a better future for the nation. In spite of all these we are missing the essential phenomena that all these efforts should have generated. While the workers and their unions are conscious about their rights the same enthusiasm is lacking in the spheres of discipline, orderliness and productivity. Too much emphasis has been given on the settlement of disputes when they arise or come to the surface by conciliation, adjudication, arbitration and the like. Similar attention has not been given on the more important aspect that is the aspect of prevention of disputes. No serious attempt has been made to analyse the pattern, frequency and the volume of disputes that arise day in and day out in the shop floor of factory or in the units of our establishments. In spite of

Rules and Regulations and legislative provisions like employment standing orders, the gulf between the rules and the observance of the rule is very wide. The appointment of labour officers who are in fact looking to the welfare and personnel problems and the disputes and grievances at the unit or plant level is almost a half-hearted attempt to face this problem. Some more serious thinking should be made in this direction and if necessary the existing machinery should be strengthened to give more and more emphasis on the prevention of the disputes than palliatives viz. its settlement when it comes to the surface. This is more true and significant in a Government Departmental Undertaking where the scope of settlement of disputes in conciliation, adjudication or arbitration is not only impracticable but remote. All said and done, the success of industrial relation policy, however, perfect it may be, cannot be achieved unless the national picture of development and growth is a tangible one. Best of policy followed will bear no fruit if the present dangerous deterioration of the purchasing power of wages is not checked and the national growth is progressively improved.

67. Are the patterns of industrial conflict changing since Independence? In particular, how have the social, economic and political factors affected the intensity of industrial conflict?

Excepting during the periods of national emergencies the pattern of industrial conflict is gradually deteriorating. Bipartite negotiations and settlement which is the best way has given place to endless conciliation, adjudication and arbitration and the workers, the unions and their counterpart, the managements are engaged in litigation. Healthy industrial relation cannot be expected by resort to litigation. The fabric of discipline has almost broken down. Unknown situations like illegal strike, strike without notice, slow down process, sit down strike, work to rule and hunger strike have shattered industrial harmony. The new phenomena of Gherao, intimidation and use of force and violence to get a dispute settled is the extreme form which we are witnessing today.

Population growth, colossal un-employment and underemployment, educated unemployed, the vanishing social values have given impetus to the general unrest and frustration. The economic growth is nowhere to be seen rather we are told that we are now in the midst of a recession. The multiple political parties with divergent views and ideologies have also played their part in creating utter confusion. As already stated the political parties in India cannot function without a Trade Union Wing. Whether there is a dispute or conflict in a Factory or Unit the workers, who belong to a particular Trade Union group or affiliated to a political party, will have to take part in agitation whenever such a political party decide to launch an agitation. The energy exhausted does not serve any purpose of the workers. The present day conflict and disharmony amongst the industrial workers may also be partly due to high prices and movement for raising of wages, fair distribution of profits and better service conditions, but the bulk of it are due to social economic and political factors.

68. Is it possible to pick out some significant factors in units within your knowledge which in recent years have helped in improving industrial relations at the plant level? Will these factors continue to be of significance in future?

The industrial relation in C.P.W.D. has been very cordial for the last several years. Although the evil of multiplicity of unions is there but by a process of effective communication in meetings at the level of Division, Circle and Chief Engineer's Offices and also at the level of the Ministry it has been possible to assess all major grievances in time before they take the form of a dispute. In addition to the assessment of these grievances a number of timely and far reaching reforms made in the <sup>Work-charged</sup> Establishment of the C.P.W.D. have also brought overall satisfaction. The picture in our Government of India Presses, however, is little different. In some of the Units there is constant conflict and intervention from the Ministry had to be made. The C.P.W.D. pattern

of communication and action which has been effective, will continue to be significant. The Government of India Press workers, however, and their Unions who are functioning in factories have a little more bargaining power being engaged in production process. A little different pattern, therefore may be necessary for the Press workers and the Ministry are already seized with the problem.

69. What have been the causes of industrial unrest since Independence? Have there been any special circumstances which have contributed to industrial unrest? How could their effect be minimised in future?

So far as our Department Undertakings are concerned there were no major industrial unrest excepting the general strike of Central Government employees in 1960. Local unrest on local issues sometime manifest itself in stoppages of work for a short period but they are not much of significance. In the wake of implementation of recommendations of the report of Categorisation Committee for Press Workers, there were demonstrations, hunger-strike etc. The whole subject, however, is under constant and watchful review of the Ministry and it is hoped that even such shortlived unrests would be minimised in future. As a major employing Ministry this Ministry take special interest and attention on labour matters and the experience gained over years has equipped the Ministry to tackle the problem as and when they arise.

70. What has been the impact of inter-union rivalry on industrial relations?

The effect of inter-union rivalry is already well known. This is inevitable as all the Central Trade Union Organisations are affiliated with the major political parties. The immediate impact of this rivalry is constant change of membership and size of the Union in an Undertaking and splitting of existing unions.

71. What improvements are necessary in the present arrangements for prevention of industrial disputes? What would be the role of mediation service in the prevention of disputes?

The first effective step for prevention of industrial disputes and grievances is to provide clear rules and regulations concerning conditions of service and conditions of work. The second requirement is to provide the benefits ensured in the rules and regulations in time. Whenever there is disparity between the rules and its implementation the local labour officers or personnel officers should immediately intervene, remove misunderstanding and bring relief to the aggrieved party. There should be effective communication all along the line in the plant or unit level, and the attitude to sit across the table and sort out differences and ambiguity in rules, if any. These can either be achieved through the existing works committees or a system of joint monthly meetings at various levels. Bilateral communication should be encouraged and strengthened. There should not be any hesitation even by the topmost man in charge to intervene when the lower formations fail. This is with regard to local grievances and disputes which is the bulk and which if not tackled in time and effectively give rise to major disputes and conflicts. There is no room for mediation service or for that matter even conciliation, adjudication or arbitration, particularly in Government Departmental Undertakings. There are often bigger issues which the local management, Departmental heads of units or even heads of the Ministry cannot settle, which concerns financial involvement of greater magnitude. The only remedy in such cases is to take advantage of the Joint National Councils that have been set up recently. In Government Departments even in this sphere there is no scope of mediation by the normal machinery of the Ministry of Labour and Employment. The implementation and evaluation division of the Ministry/<sup>PF</sup>Labour and Employment cannot contribute much in the

Government Departmental Undertakings due to structural speciality and the inability on the part of a particular Department to commit themselves on any matters where expenditure is involved.

72. What is the role of fact-finding enquiries in improving industrial relations?

Fact finding enquiries of an undertaking, exposed to serious labour unrest over long periods, is a good device. Such enquiries often dispassionately indicate the deficiencies of both the parties but the scope of these enquiries in a Government Departmental Undertakings is very limited.

73. How is the state of industrial relations in a unit affected by the existence of trade unions? What difference, if any, exists in the climate of industrial relations where the relevant trade union organisation is (a) strong, (b) weak, and (c) non-existent?

An industrial undertaking where Trade Union is nonexistent is almost unknown now. Undertakings have Trade Unions both strong and weak. Weak Trade Unions often indulge in patronage, individual benefits and group cases and thus create more dissension than unity. From all points of view a strong Trade Union is not only desirable but is more effective.

74. What has been the contribution of factors like (a) recognition of union, (see also Q.54 to 65), (b) arrangements for dealing with individual and collective grievances, and (c) strengthening bipartite consultative arrangements, in promoting industrial harmony?

We have no comments to offer.

75. In maintaining and promoting harmonious employer-employee relationship, what should be the respective obligations of (i) Central organisations of employers and workers, (ii) local management, (iii) local union and (iv) the Government - Central or State? (See also Q.30).

We have no comments to offer.

76. What role have labour/personnel officers played in preventing disputes and maintaining harmonious employer-employee relationship? How far have they been effective? Suggest measures to improve their effective-ness.

They are playing an important role and have also been effective. One of the reasons why the process of prevention of disputes in the unit and plant level is not so effective at present is due to the inadequate understanding of the role of labour/personnel officers. This inadequate understanding should be removed both from the mind of management and Labour Officers to ensure the welfare and general wellbeing of the workers. Human approach to worker's problems from the date of his entry to the date of his retirement is an important task assigned to the labour officers. Sympathetic appreciation, anticipation and quick relief to workers' complaints and grievances is the keynote of his success. The labour officers should be brought in direct touch with all the aspects of grievances and disputes of workers. They did play their part but if the understanding about their actual role and functions based on the needs of the workers and the management is clarified, they will be more effective and be an important instrument for prevention of disputes. To be effective a labour or personnel officer should be concerned in all aspects of a worker's wellbeing till the disposal of his claims of pension or terminal benefits. Similarly he should understand the management view point and should interpret the same in his own way to the workers to create better understanding between the two. In all the levels and channels of communications between the labour and management the labour and personnel officer should invariably be associated. Their duties and functions as already laid down should not only recapitulate some high sounding principles like wellbeing of workers in general terms but at every stage and in every matter the labour officer's intervention should be effective, contributory and satisfying to both the groups. Grievances should be minimised to their utmost, and delay should be reduced.

77. What should be the arrangements for proper communication between workers and management at the plant level?

In Government Departmental Undertakings the existing channel of communication of works committees or the system of joint monthly meetings at various levels are considered to be adequate. The Joint Councils recently set up will also open up additional forums.

78. To whom do managements delegate their authority in dealing with employees? To what extent do managements include specialists for dealing with personnel matters?

In Government Departments delegations of authority and field of specialised agency in this regard are already well defined. In Departmental Undertakings such advance thinking like works study job evaluation etc. have been taken note of.

79. To what extent are the standing orders subject to agreement between employees and managements? In how many cases are they drawn up by management alone?

The Industrial Employment (Standing Orders) Act is not applicable in all Government Departmental Undertakings.

80. To what extent do the Employment Standing Orders Act, 1946 and the Model Standing Orders formulated under that Act serve the purpose for which the Act was framed?

We have no comments to offer.

81. What are the disciplinary rules imposed by managements? Do the procedures prescribed under the Model Standing Orders in dealing with disciplinary cases require modification, and if so, on what lines?

We have no comments to offer.

82. Has the Model Grievance Procedure (Appendix VI) evolved under the Code of Discipline served its purpose? If not, is there need for statutory provision for the formulation of an effective grievance procedure? What should be the main elements of such a provision? How would it affect existing bipartite arrangements?

The model grievance procedure is already before us. From our own experience we have evolved our own procedure in various Departmental Undertakings.

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We are improving the procedure as and when necessary. As already stated being a big employing Ministry the whole question of labour matters is constantly under review and examination.

83. What is the attitude of trade unions and employers' organisations to the introduction, either by voluntary agreement or statutorily, of a system of grievance arbitration? Would such a system help in improving labour-management relations?

We have no comments to offer.

84. What are the existing facilities for training management and trade union personnel in industrial relations? To what extent are they used?

It has been increasingly felt that the management personnel also require an orientation training on man-management or labour management relations. The existing system of workers' education Scheme is already looking after the training of Union personnel. The Central Trade Union Organisations can also think of training of Union personnel as it has been done in other countries.

#### Collective Bargaining.

85. What is the extent of prevalence of the system of collective bargaining in this country? How far has it succeeded? What has been the effect of legislation on the growth of collective bargaining? (See also Q. 193)

There is no scope of collective bargaining in Government Departmental Undertakings. The present condition of national economy will also not permit us to indulge in free collective bargaining.

86. If collective bargaining has to be encouraged at the industry level, how should the representative character of the bargaining agent for workers be determined? (See also Q. 59 and 61).

We have no comments to offer.

87. Do you agree with the statement that (a) collective bargaining has its uses when unions have sufficiently built up their strength and even for strengthening unions and (b) adjudication system provides an arrangement by which satisfaction can be given to parties without open industrial conflict as also for protecting the weaker party?

We have no comments to offer.

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88. What should be the role of (a) collective bargaining and (b) adjudication as methods for safeguarding industrial peace in the years to come?

As collective bargaining is not feasible, similarly adjudication in Government establishments is also incongruous. It is doubtful whether adjudication or Government intervention in industrial disputes at all foster industrial peace. The employers in the private sector will perhaps say more on the subject.

89. In disputes arising over a charter of demands, is it feasible to separate areas of difference between the employer and the union into those where collective bargaining could exclusively operate and others which could be left to adjudication?

We have no comments to offer.

90. What should be the limits of collective bargaining under conditions imposed by planned development? (See also Q. 193).

It is precisely on the grounds of our backward economy and the planned development that free collective bargaining cannot be permitted for some years to come. At present level of employment, the surplus labour, and also developing stage of economy free collective bargaining will <sup>be</sup> ~~be~~ <sup>between</sup> unequal parties hence it will be ethically unjust.

#### Joint Consultation

91. Do trade unions, through collective bargaining and joint consultation, provide an effective form of democracy within the enterprise?

The spirit of joint consultation and its increasing tempo during the last several years have definitely introduced a new element in industrial management even in Government Departmental Undertakings.

92. The Industrial Disputes Act, 1947, provides for the setting up of works committees "to promote measures for securing and preserving amity and good relations between the employer and the workmen". Have they been functioning satisfactorily wherever they have been set up? If not, what factors have militated against their setting up and proper functioning?

The Works Committees wherever set up are functioning satisfactorily.

93. To meet the criticism that works committees have been languishing for want of definition of their specific function, an illustrative list of functions (Appendix VII) of works committees was evolved by the Indian Labour Conference. Assuming that there can be a clash of functions between the trade union and works committee, can this list be the basis for demarcation/definition of works committees' functions?

One objection to the enlargement of functions of the Works Committees is interference with the area of Trade Union functions. At least that is the view of some Trade Unions. Works Committees in any case should not be turned into bargaining countries for the workers and the Unions. The Trade Unions at local level thrive on local disputes and grievances. If such disputes and grievances are brought within the purview of Works Committees and the same Committee is effective in settling those disputes then the local Trade Unions will have a feeling that they have very little to do or show to the workers. So long the Trade Unions in our country do not enlarge their functions they will continue to lean towards local disputes and grievances and would not like any other machinery to handle them. Even within this limitation the functions of Works Committees may be voluntarily enlarged with the consent of both the parties. The structure of Works Committees fortunately reflect a representative cross section of workers both in the Unions and those who are not members of any union. In a way this is a more effective and democratic body for Joint Consultation. But the Trade Unions perhaps will never like this idea and would continue to press limiting the functions of the Works Committees. In Government Departmental Undertakings with mutual consent the illustrative list may be enlarged for better effectiveness of Works Committees.

94. Suggest measures for improving the utility of the Works Committees with particular reference to their composition and functions.

We have no comments to offer.

95. Have joint management councils and emergency production committees been successful in achieving the objective of better industrial relations and increasing production/productivity? Have they created a climate of mutual trust between employers and employees? (See Appendix VIII for functions of Joint Management Councils).

During the emergency periods the emergency production committees showed some zeal. The Joint Management Councils cannot function in a Government Departmental Undertakings. In the atmosphere of multiplicity of Unions and inter-union rivalry between employers and employees, it is a distant goal. By sustained and gradual efforts the concepts like Joint Management Councils and Emergency Production Committee should be propagated and not thrust upon the parties.

96. What effects do profit-sharing and copartnership schemes have on relations between management and employees?

We have no comments to offer.

97. (a) Is it feasible to introduce a scheme of workers' participation in management by making the workers shareholders?
- (b) If it is considered feasible, what steps should be taken to facilitate the introduction of such a Scheme?
- (c) Does such shareholding give adequate voice to workers in running of the establishment?
- (d) Are there any other methods by which workers can participate in management?
- (a) We have no comments to offer.
- (b) We have no comments to offer.
- (c) We have no comments to offer.
- (d) We have no comments to offer.

#### Conciliation

98. To what extent has the conciliation machinery given satisfaction to parties to a dispute?

In our departmental undertakings we never felt the impact of this machinery in the Central sphere. The conciliation officer functions under the Industrial Disputes Act and seldom they had to intervene. Whenever they

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intervened they have furnished failure reports. By a mistaken approach an idea has gained ground amongst workers that for anything they can approach the Conciliation Officer. Mostly they lean towards workers' view point to have cheap popularity of a multitude. That is why workers often are tempted to use it as a tool to harass managements irrespective of the merit of the case. In Government Departmental Undertakings the screening of disputes by conciliation officers is superfluous.

99. Statistics of settlement of industrial disputes show that conciliation machinery has played a pivotal role in maintaining industrial peace. At the same time, many major disputes may not be amenable to settlement through conciliation machinery. Do you agree with this assessment of the functioning and utility of the machinery?

In the Central sphere this statistics perhaps exclude the Central Govt. Departmental Undertakings. We have seldom seen them in action for industrial peace. In minor disputes it is the bilateral negotiations at the plant and unit level which plays the pivotal part. In major disputes it is rightly stated that they are not amenable to conciliation at that ineffective level.

100. What changes in the organisation and staffing of the machinery and powers of conciliation officers would you advocate? Please indicate the specific changes/improvements which will make for a more expeditious and effective disposal of conciliation work?

This machinery is not effective in Central Departmental Undertakings hence improvement of this machinery for other spheres can only be commented upon by the Ministry of Labour. In a Govt. Departmental Undertaking, Conciliation Officer asking the parties to agree to anything is meaningless as the Govt. officer concerned representing the management cannot commit the employer on anything having financial implication.

101. Should conciliators be named arbitrators in disputes handled by their colleagues?

Conciliators should never be arbitrators. In this sensitive field of clash of interest arbitrators should be persons of very high standing commanding respect and admiration of both the parties.

Adjudication:

102. What are the criteria for assessing the suitability or otherwise of the present system of adjudication? Do you think the system has played an important role in maintaining industrial peace? Should the system be retained?

Like conciliation, adjudication is also not workable in Govt. Departmental Undertakings. In Govt. there is no employer, as such, hence the question of implementation of adjudicators award by the employer does not arise.

103. We have no comments to offer.

104. Are the existing arrangements for reference of disputes to adjudication satisfactory? If not, how can the arrangements be improved?

The existing provisions of reference of disputes to adjudication should exclude Govt. Departmental Undertakings on the strength that a parallel system of Joint Consultative Machinery and Arbitration is existing in this sphere.

105. We have no comments to offer.

106. There is a section of opinion that the existing procedures and practices involving different stages like conciliation, ~~adjudication~~, etc., in settlement of disputes take unduly long time. What measures would you advocate for expeditious settlement of disputes?

Through Joint Consultative Machinery and Arbitration in Central Govt. Departmental Undertakings. By effective system of communication in the plant and unit level and by effective personnel administration.

107. We have no comments to offer.

108. We have no comments to offer.

109. We have no comments to offer.

Code of Discipline

110. Has the Code of Discipline served its purpose?

The Code excepting the provisions relating to recognition of Unions and rights of recognised Unions have not much significance in Govt. Departmental Undertakings.

111. Which provisions, if any, of the Code of Discipline should be given a legal shape? (See also Q. 57)

The aspect of recognition of Unions and rights and obligations of recognised union may be dealt with in a suitable and separate legislation.

Voluntary Arbitration.

112. What is the role of voluntary arbitration in the achievement of good industrial relations? In what way can the Central Organisation of employers and workers promote voluntary arbitration? Should a provision for voluntary arbitration be incorporated in all collective agreement

Whatever may be the efficacy the scope of voluntary arbitration like conciliation and adjudication at the unit or plant level is almost non-existent in Government Departmental Undertakings. The scope of arbitration has already been embodied in the Joint Consultative Machinery scheme introduced by the Ministry of Home Affairs.

113. We have no comments to offer.

114. We have no comments to offer.

(a) We have no comments to offer.

(b) We have no comments to offer.

(c) We have no comments to offer.

115. We have no comments to offer.

116. We have no comments to offer.

Strikes and Lockouts.

117. Do you consider that the existing restrictions on workers' right to strike and the employers' right to declare a lockout need to be modified in any way? If so, please indicate these modifications together with reasons in support of these modifications.

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The existing restrictions on workers right to strike and the employers right to declare a lockout is already inadequate. At least the present restrictions should continue. Any suggestion for additional restrictions is likely to be viewed as undemocratic attitude. Restrictions based on mutual trust, healthy conventions etc. would be preferable. The workers and employers will then take recourse to these extreme steps in really extreme circumstances. Before these extreme steps are taken there are a number of processes and channels which can be availed of by the parties concerned to reach a settlement. Without exhausting them any decision to such extreme steps will bring about avoidable chaos.

118. Do union rules provide for a procedure to be gone through before giving a call for strike? If so, to what extent is this procedure observed in practice?

The model strike clause have been adopted by many Unions and they go through the process of ballot etc. to determine the support for or against any proposal of strike. We do not know, of any instance where the ballot has gone against the proposal of strike. The only virtue in this system is that it allows some breathing time for negotiations towards a settlement.

119. If a strike is called/lockout is declared, is prior notice always given to the other party? In what cases, if any, no such notice is given?

Under the existing rules, notice for strike is obligatory only in case of establishments which are declared as public utility services. Under the Code of Discipline, however, the managements and the Unions agree not to resort to strike or lockout without notice.

120. In how many cases within your knowledge have workers been able to secure wages for the strike period when the strike is declared legal? Are there cases where strike pay is given when the strike is illegal?

In the Government departmental undertakings there is a clear provisions as to how strike periods are to be treated.

121. In what ways do trade unions seek to prevent victimisation of their members? To what extent do they succeed?

The Unions now a days are very sensitive about cases of victimisation real or unreal. They bring all such cases to the notice of the authorities concerned for intervention. In real cases they often succeed in getting relief but when, asking workers not to undertake Union work or activities during working hours is often termed as victimisation or normal transfer of personnel from one area to another, when the particular worker happens to be a Union official, is called as victimization, it is taking the subject too far.

122. Are there instances of workers going on strike without sanction of the union?

There is no means of knowing such a situation. But even if there is no prior sanction the Unions often do not dis-own such strikes or else they will loose the following. This is mostly in relation to Sectional strike which the Unions often find embarrassing to sponsor.

123. In what way in practice do trade unions and managements keep in touch with each other during a strike in order to facilitate a settlement? What is the role of Government machinery in such cases? Should Government intervene in cases where a strike is (i) legal, (ii) illegal?

In Government establishments where virtually there is no employer the conflicting parties do not follow any hard line. Even during strikes there is no rupture of mutual relation between the workers and the officials and free consultation continue to arrive at a settlement. There is no tendency here to stand on prestige. In Government Departmental Undertakings there is very little that the industrial relation machinery can do in such situations. In national interest Government should invariably intervene in all illegal and uncalled for strikes.

#### General.

124. What has been the role of tripartite committees like the Indian Labour Conference, Standing Labour Committee, Industrial Committees, etc. in evolving through mutual discussions and agreements acceptable arrangements in the various fields of labour relations? (See also Q. 31).

These tripartite forum have functioned well during the last two decades.

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Their impact on the Central Workers' and employers' organisations have already been fruitful to a great extent. This system should be continued and strengthened.

125. Are you in favour of Central Government being made responsible for industrial relations in public sector undertakings under the control of the Central Government?

We are very much in favour that the public sector undertakings in the corporate sector wherever they may be situated, in the matter of industrial relation, the appropriate machinery of the Central Government should deal with them and not the state machinery. This is necessary for similarity of thinking, uniformity of action and above all for the overall national interest.

126. How should public utilities be defined in the context of a planned economy? Should there be any special provisions for avoiding work stoppages in public utilities?

The public utility be defined more explicitly. Any work stoppage in Government Departmental Undertakings, particularly the service departments is likely to disrupt the interest of the community at large.

127. What steps should be taken to minimise industrial conflicts in (a) the public sector, (b) the cooperative sector?

That part of public sector which is the corporate sector should be brought under the purview of the appropriate machinery of the Central Government. The public sector which is run as departmental undertakings of the Government, an enlightened personnel policy in the plant and unit level, good method of communication and participation in Joint Consultative Machinery will reduce industrial conflict considerably. The rest which cannot be resolved can be thrown open to arbitration within the framework of the scheme and subject to national interest.

128. For the purpose of labour-management relations, is there a case for treating the public/cooperative sector differently from the private sector?

As already explained, that part of public sector which are run as departmental undertakings of the Government should be treated differently from the rest. The corporate sector as well, should be treated somewhat differently than the private sector. There cannot be any question of discrimination as the conditions prevailing and objectives are different.

129. We have no comments to offer.

V. WAGES

Introductory

130. How does the current availability of unskilled labour affect the level of wages?

We have no comments to offer.

131. What has been the relationship between wages in agriculture and other unorganised sectors and wages in industry?

We have no comments to offer.

132. Should wages in agriculture and unorganised industries be allowed to influence wages in industry?

We have no comments to offer.

133. To what extent is the existing level of wages a result of the traditional mode of wage settlement, collective bargaining, awards, etc.?

Wages in Central Government departmental undertakings are determined by Central Pay Commissions. Two such Commissions have been set up since independence mostly due to agitation by the Central Government employees and for the need of rationalisation of pay structure. The progressive high cost of living and continued high prices also warranted wage revisions, merger of dearness allowance with pay and a number of fringe benefits like children's educational allowance, leave travel concession etc. to lessen the burden of life in the lower income groups.

Minimum Wages.

134. As set forth in the report of the Committee on Fair Wages. "The minimum wage must provide not merely for the bare sustenance of life, but for the preservation of the health and efficiency of the worker. For this purpose, the minimum wage must also provide for some measure of education, medical requirements and amenities". Should this concept of minimum wage be modified in any way?

There seems to be no need to have any change in the concept rather there is scope for enlargement of the concept including therein the general well being of the workers.

135. The 15th Session of the Indian Labour Conference accepted certain norms (Appendix IX) in regard to the size of the worker's family and minimum requirements of the family relating to food, clothing, housing and other items of expenditure. Attempts made by some wage fixing authorities to quantify this minimum wage have brought out the difficulties in implementing the formula. In what respects do the standards require reconsideration?

It is essentially an economic and political issue. The resources and paying capacity remaining static no progress is possible.

136. If it is not feasible to provide the minimum wage referred to above to the working class, is it possible to suggest a phased programme for implementing the need-based minimum as recommended by the Indian Labour Conference?

We have no comments to offer.

137. The Committee on Fair Wages made its recommendations about minimum wage against the background of conditions in the industrial sector. Do these ideas require modification if they are to be relevant to non-industrial workers who predominate in the economy?

We have no comments to offer.

138. If the idea of fixing a National Minimum Wage is to be accepted taking into account the replies to questions 134 to 137 above, how is it to be worked out in practice?

We have no comments to offer.

139. As between different regions in the country it is not only that prices of consumption goods vary, but the content of the minimum needs themselves can be different. How are these variations to be provided for in arriving at the National Minimum?

These variations are fast disappearing due to various factors. A national minimum arrived at by taking into consideration all aspects will eventually hold good for the whole country. We should not further encourage regional disparities by suggesting different wage rates except where it is likely to disrupt local economy.

140. Would you favour any change in the definition of 'minimum', 'fair' and 'living' wage given by the Committee on Fair Wages? What is your opinion could have been the concept of 'living wage' referred to in the Constitution? (Appendix X)

We may keep some fair concept in view or else discussion and decision on these subjects are more or less academic in the present context. Within the

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resources the living wages have to be ensured. We should gradually try to supplement it by increasing its content to cater to all reasonable needs of the workers.

Dearness Allowance.

141. Considering the need for protecting real wage, how should one provide for revision of wages/wage rates for changes in price level? Should this be by revision of the wage itself or by a provision of a separate component to absorb price changes?

Wages cannot and should not be changed too frequently. Even if the price rise is erratic, steep or progressively rising a separate component as cost of living allowance should cater to such a phenomena. The present system in Central Government has not yet given a satisfactory answer which is evident from the opposition to the present D.A. formula.

142. In view of the prevalence of several methods to provide or the payment of a separate allowance to meet changes in cost of living, is it feasible to apply any one system on a uniform basis? Which system would be most appropriate?

No system will be foolproof and satisfying in view of the continued rise in prices for the last several years. The heavy erosion of wages and income must be stopped by effective price control and equitable distribution of scarce commodities.

143. If a system in which dearness allowance adjusted to changes in cost of living is favoured:-  
(a) Which index number viz., (i) All India, (ii) regional, or (iii) local should be preferred? (b) What should be the frequency at which revision should be made - monthly/quarterly/half-yearly, etc.? (c) What should be the extent of change in the index which should warrant such revision in dearness allowance - each point/slab of 5 points/slab of 10 points, etc? Give reasons.

We have no comments to offer.

144. In determining the quantum of dearness allowance, what should the principles governing the rate of neutralisation of price rise?

We have no comments to offer.

145. Considering that payment of a cost of living allowance is meant to ensure that real wage of employees is not eroded by price increases, should the capacity to pay of an industry/unit be a relevant consideration in fixing the rate of dearness allowance?

We have no comments to offer.

146. In areas/activities where part of the wage is in kind, what adjustments should be made in fixing the quantum of dearness allowance?

We have no comments to offer.

Fringe Benefits.

147. How should fringe benefits be defined? What should be their scope and content? To what extent do such benefits affect production costs?

The definition of fringe benefits is a baffling one. The most comprehensive may include all expenditure by the employers on labour other than the basic wages and perhaps inclusive of dearness allowance. The restricted one may include those benefits which the workers can convert into cash or satisfying essential need. In the Government Departmental Undertakings and for that matter in the public and private sector in general, the steep rise in prices and constant rise in the cost of living has created a great problem. It is now a general concern as to how to check gradual fall in real wages. From the present agitation on 100% neutralisation in the formula of dearness allowance it is evident that the formula followed so far has neither met the requirement nor has satisfied the workers. In the present economic condition excepting in some monopolistic sector, it will perhaps not be possible either by the Government, as an employer, or the employer elsewhere to satisfy people's demand by payment of dearness allowance. This situation indirectly has brought the question of fringe benefits as an important subject. By greater doses of fringe benefits the difficulties of the workers may be minimised thus keeping them satisfied with the existing quantum of dearness allowance. The two Pay Commissions in the Central Government have already introduced a number of such concessions such as children's educational allowance, subsidised canteens, subsidised consumer's stores, leave travel concession, advances during festivals, leave and holidays etc. The other direction where similar concessions may be enlarged are cheap mode of transport for both way journey to the place of work, extension of leave travel concession for rest and recreation in healthy places, provision of cheap holidays homes in Hill Stations and similar other measures.

148. How far can the fringe benefits be a substitute for higher money earnings?

Fringe benefits bring in employee satisfaction for better output and willing participation than marginal increase in money earning.

Wage Differentials.

149. Do the existing wage differentials in the plants within your knowledge appropriately reflect the considerations mentioned in the report of the Committee on Fair Wages, viz., degree of skill, strain of work, length of work, training requirement, responsibility undertaken, mental and physical strain, disagreeableness of the task, hazards of work and fatigue?

We have no comments to offer.

150. What has been the effect of the existing systems of dearness allowance on wage differentials? What steps would you suggest to rationalise present arrangements?

We have no comments to offer.

Methods of Wage Fixation.

151. As between different methods of wage fixation obtaining at present, namely, statutory wage fixation, wage fixation through collective bargaining, fixation through wage boards, and wage fixation resulting from adjudication, etc., which method or methods would be more suitable for adoption in future? If one or the other arrangement is needed for different sectors, indicate sector-wise the arrangement needed.

We have no comments to offer.

152. In collective bargaining for wage fixation, should the principal emphasis be laid on national agreements? If so, what adjustments should be made to meet local needs?

We have no comments to offer.

153. Tripartite wage boards came in vogue because it was felt that an arrangement by which parties themselves can have a hand in shaping the wage structure in an industry could be more enduring than the one where an award is handed down by a third party. Has this expectation been fulfilled?

We have no comments to offer.

154. (a) In what respects should the operation of wage boards be modified to improve their working?  
(b) Should wage board recommendations have legal sanction?

We have no comments to offer.

Wage Policy.

155. (a) How could the criteria of fairness to labour, development of industry capital formation, return to entrepreneur, etc., be taken into account in wage fixation?  
(b) It is said that in the balance between fair wages to workers, fair profits to entrepreneurs and fair returns to treasury, the consumers are often left behind. How far is this criticism valid? How best can the situation be remedied?

(a) These considerations have to be taken into account as it has been done even in advanced countries.

(b) The consumers particularly middle and lower middle class are the worst hit persons in the vicious race for more wages more profits, more return and more taxes.

156. In the context of planned development, the question of taking an integrated view of policy in regard to wages, incomes and prices is often emphasised. What should be the objective and scope of such a policy? Indicate the guidelines for such a policy in the light of the perspective for the growth of the economy. Changes in the existing institutional arrangements for implementation of such a policy may also be indicated.

Perhaps we have not reached the stage to enforce a prices and incomes policy. It requires a high sense of discipline.

157. We have no comments to offer.

158. Is there a need for sectoral balance in wage structure between the public and private sectors? If there is, how should it be achieved.

Imbalance of wage structure in public and private sectors manifest itself in various directions. Very often one point out to the other in pressing one's view point in advancing wage rates. Apart from the problem of flight of personnel perhaps a considerable size of disputes can be reduced if some balance could be struck between the wage structures in these two vital sectors.

Mode of Wage Payment.

159. We have no comments to offer.

160. To what extent is the method of paying unskilled workers on time scale of pay common? Would you favour its extension?

In Government the time scale is prevalent even amongst unskilled workers, excepting those engaged on seasonal and casual operations.

161. We have no comments to offer.

General.

162. How far can the administration of the Minimum Wages Act, 1948 be considered to be satisfactory? Outline in detail the difficulties experienced in its implementation. Offer suggestions against each difficulty on how best it could be overcome. (See also Q. 210).

This Ministry have already submitted a paper covering this subject.

163. We have no comments to offer.

164. We have no comments to offer.

VI. INCENTIVE SCHEMES AND PRODUCTIVITY

165. What steps should be taken to introduce a system of payment by results in industries/activities where this system would be appropriate?

In Government Departmental Undertakings engaged in productive operations various incentive schemes have been introduced. Incentive scheme is already in operation in the Government of India Presses covering certain categories of employees and certain operations. Incentive scheme in a service department cannot be made workable.

166. (a) (b) (c) (d) We have no comments to offer.

(e) Efforts should be made to reduce time-rated categories to the minimum. This will ensure that all employees have an equal chance to increase their earnings with increase in productivity.

(e) Our experience in the piece rated categories is not very satisfactory. The tendency seems to be more towards time rated categories.

- (f) We have no comments to offer.

- (g) We agree with this view point.

(h) We have no comments to offer.

(i) We agree with this view point.

(j) We agree with this view point.

167. What should be the respective roles of labour, management and Government in raising productivity?

Productivity can be achieved by joint efforts of all the parties concerned. The labour should be responsive and should get fair return on additional productivity.

168. We have no comments to offer.

169. Have increases in productivity matched with wage increases in the years since Independence? Please give supporting statistics.

It has often been said that in some of the organised sectors the present trend of unsatisfactory industrial relation is due to the fact that the workers were not given the share of increased productivity. Perhaps this opinion is valid to a certain extent.

170. We have no comments to offer.

171. What place would you assign to suggestion schemes and institution of awards for outstanding work to improve productivity?

This scheme is in operation in a number of undertakings and the result is good.

172. What are the factors contributing to labour turnover and absenteeism? How do they affect improvement in productivity? (See also Q. 183).

The Labour turnover is not taken seriously nor its incidence very high in Government Departmental Undertakings.

173. What is the place of the motivation of worker for improving his standard of living in the successful working of incentive schemes?

We have no comments to offer.

174. What is the effect of (a) 'go-slow', (b) 'work to rule' and (c) unions 'ban on overtime' on creating a climate for improving productivity?

All these actions hamper creation of a climate for improved productivity. The incidence however in Government Departmental Undertakings is almost negligible.

175. We have no comments to offer.
176. (a)   
(b) We have no comments to offer.  
(c)
177. We have no comments to offer.

VII. SOCIAL SECURITY

178. (a) What effect do the social security schemes have on stability of employment and on industrial relations?
- (b) Have some of the benefits, based as they are on a qualifying period for entitlement, led to larger labour turnover? If so, what should be the remedial measures?

(a) Social security in various forms reflect the concern for instability in employment and on industrial relation. In recent years a number of measures have been taken for the Government employees. Apart from Provident Fund, Pension and Gratuity, family pension has been introduced. Apart from employees' State Insurance scheme covering industrial employees the Central Government Health Scheme is gradually expanding its activities outside Delhi. In addition to Bombay they contemplate spreading to other big cities of the country where large number of Central Government employees are working.

(b) We have no comments to offer.

179. We have no comments to offer.
180. We have no comments to offer.
181. We have no comments to offer.
182. Should the provision for exemption from the ESI scheme be tightened? How should this be achieved?

Government Departmental Undertakings having similar or better provisions should be totally exempted from E.S.I. Schemes, year-wise exemption is causing unnecessary harrassment.

183. We have no comments to offer.
184. We have no comments to offer.
185. We have no comments to offer.

186. Should the Employees' Provident Fund Scheme be continued as at present or should steps be taken to convert it into either a pension scheme or a provident fund-cum-pension scheme?.....

The Government Departmental Undertakings having similar or better schemes should be totally exempted from the employees provident fund scheme. Instead of year-wise exemption given at present, total exemption be given and the provision of inspection charges inspite of exemption, should be removed.

187 to 190. We have no comments to offer.

191. Would you suggest any changes in the existing provisions relating to lay-off and retrenchment provided to employees against the hazards of job insecurity resulting from temporary employment and other fluctuations?

The existing provisions seem adequate to us.

192. We have no comments to offer.

#### VIII- LABOUR LEGISLATION.

193. To what extent should labour-management relations in a planned economy be governed by legislation/collective bargaining? (See also Q. 85 and 90)

As already explained we are not yet at a stage to stabilise labour management relations by free collective bargaining. Collective bargaining between two unequal parties and in a developing economy during the plan periods would work against national interest. Till we reach that stage the labour-management relations will have to be governed largely by legislative and voluntary action.

194. What have been the factors that have affected the proper and effective implementation of the various labour laws? (Appendix XII). Have these laws achieved the purpose/objectives for which they were enacted? If not, what factors have hindered the achievement of these objectives? (See also Q. 12).

Implementation of labour laws in Government Departmental Undertakings is satisfactory.

195. How have the existing legislation and other provisions helped to implement the Directive Principles of State Policy on labour matters as embodied in the Constitution?

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(a) Satisfactorily.

(b) We have no comments to offer.

(c) We have no comments to offer.

196. Are the present constitutional arrangements under which labour is a concurrent subject satisfactory, particularly from the point of view of the administration of labour laws? Are any modifications by way of centralisation/decentralisation of certain activities and functions necessary?

The public sector undertakings in the corporate sector wherever they may be situated should come under the jurisdiction of the Central Government.

197. We have no comments to offer.

198. We have no comments to offer.

199. Has there been too much legislation in the field of labour? If so, what are the aspects in regard to which there is over-legislation?

Study perhaps is called for to remove overlapping and identical provisions in some of the legislations. It may be considered whether the existing legislations can be rationalised on broad lines such as factory legislation wage legislation and social security legislation.

200. We have no comments to offer.

201. Since 1958 the general emphasis in labour policy has been on voluntary approach in preference to legislation. This has resulted in fashioning tripartite instruments like the code of discipline, industrial truce resolution, etc. Has this policy been successful? Should it be continued?

These are useful bodies. The tripartite instruments are good institutions and such efforts should continue.

202. Please comment on the suitability of (i) labour legislation so far enacted and (ii) voluntary arrangements so far built up.

The legislative and voluntary arrangements have perhaps supplemented each other, hence they may co-exist and build up a healthy tradition.

203. What is the extent of enforcement of labour legislation in public sector? Are exemptions from the applicability of certain provisions of labour laws more common in the public sector? What is the rationale for claiming such exemptions?

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The enforcement of labour legislations is satisfactory in Departmental and public sector undertakings. The reason why exemptions have been sought from the operation of certain provisions of the existing labour legislations are very logical. In most cases similar suitable provisions exist under Government rule. In the corporate public sector exemptions are seldome asked for.

204. Are there instances of political or other rights which are normally available to an individual being denied to employees in the public sector and their dependants? How are such denials justified?

Employees in the Departmental public sector are guided by Government servants Conduct Rules. The right of association and formation Trade Union and the right to strike have never been denied. But as Government servants it is often said that they are second class citizens. There are points both in favour and against this remark.

IX. RURAL AND UNORGANISED LABOUR

205. We have no comments to offer.

206. We have no comments to offer.

207. (a) |  
(b) |  
(c) | We have no comments to offer.  
(d) |  
(e) |  
(f) |  
(g) |

208. (a) |  
(b) | We have no comments to offer.

209. What steps should be taken towards progressive reduction of contract labour? How should contract labour be brought effectively within the scope of state action? (See also Q. 16)

A detail paper on the subject has been submitted before the

Commission.

210. We have no comments to offer.

211. We have no comments to offer.

X. LABOUR RESEARCH AND INFORMATION

212 to 222. We have no comments to offer.

223. How should labour research be promoted in universities and research organisations?

More and more research work should be diverted in the Universities.

224. We have no comments to offer.

225. We have no comments to offer.

226. Are the existing arrangements for publicising the research activities of the various agencies adequate? What has been the role of the press in such publicity? What improvements, if any, would you suggest?

A Labour Code consisting of all Labour Legislations with loose leaf service to cover future amendments should be undertaken by the Ministry of Labour and Employment. At present this is done by private publishing concerns in a very unsatisfactory manner.

227 to 230. We have no comments to offer.

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