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No.7(39)/67-NCL(C)  
Government of India  
National Commission on Labour  
D-27, South Extension Part II,

*[Handwritten initials]*

New Delhi-3. dated the 28th March, 1968.

To

The Chairman & Members of the  
National Commission on Labour

Subject:- Programme of visit of the National Commission on  
Labour to Kerala State.

Sir,

I am directed to forward a copy of the Record of  
discussions of the Commission at Trivandrum in Kerala State on  
the 16th and 17th February, 1968, as approved by the Chairman.

Yours faithfully,

*[Handwritten signature]*  
(P.D. GAIHA)  
DIRECTOR

NATIONAL RESOURCE CENTRE OF LABOUR  
INFORMATION DOCUMENTATION  
V.V. COLLEGE N.L.I.  
NOIDA

ACC. No. L-182  
DATE 2-2-99

NATIONAL COMMISSION ON LABOUR

CAMP - TRIVANDRUM (16-2-1968)

12.00 to 1.00 P.M.

Record of discussions with the Kerala State Trade Union Council of the AITUC, Trivandrum represented by:-

1. Mr. P. Balachandra Menon, M.P., (Vide our Ref.No.K-VI.108)  
General Secretary,  
K.S.T.U.C.,  
Trivandrum.
2. Mr. A. George Chadayammuri,  
Secretary,  
K.S.T.U.C.,  
Trivandrum.
3. Mr. P. Ramalingam, M.L.A.,  
President,  
Kerala State Plantation Federation,  
Trivandrum.
4. Mr. C.K. Viswanathan,  
Secretary,  
K.S.T.U.C. &  
Vice-President,  
Kerala State Chethu Thozhilaly Federation,  
Alleppey.
5. Mr. K.A. Rajan,  
Secretary,  
K.S.T.U.C.,  
Trivandrum.
6. Mr. P.S. Namboodiri, M.L.A.,  
President,  
Tile Workers' Union,  
Puducud.
7. Mr. G. Gopinathan Pillai,  
General Secretary,  
Quilon Taluk Textile Labour Union,  
Quilon.
8. Mr. P.S. Prabha,  
General Secretary,  
Mukhathala Kasuvandi Thozhilaly Council,  
Mukhathala.
9. Mr. K.K. Sukhalal,  
General Secretary,  
Sherthally Taluk Chethu Thozhilaly Council,  
Sherthally.
10. Mr. K.S. Damodharan,  
General Secretary,  
Sherthally Coir Factory Workers' Union,  
Sherthally.

11. Mr. K.C. Mohanan,  
Secretary,  
Kerala Kasuvandi Theozhilaly Central Council,  
Kilikolur,  
Quilon-4.
12. Mr. R. Balakrishna Pillai,  
General Secretary,  
Titanium Workers' Union,  
Trivandrum.
13. Mr. K.A. Paul,  
General Secretary,  
Head Load Workers' Union,  
Trichur.
14. Mr. T.K. Karunakaran,  
Vice-President,  
Kerala State Municipal Workers' Federation.
15. Mr. Gangadhara Marar,  
Pierce Leslie Estate Workers' Union,  
Ernholi.
16. Mr. R.P. Parameswaran Nair,  
Vijayamohini Watch & Ward and Staff Unions,  
Thirumala.
17. Mr. P.K. Bhaskaran,  
Office Secretary,  
K.S.T.U.C.,  
Trivandrum.

1. A common labour code and a common pattern of judiciary for settling labour matters will be welcome.
2. In the choice of members of labour judiciary the Chief Justice of the High Court should send a panel to the Government from which alone the Government should choose the names for appointment.
3. There should be no appeals on the awards of a tribunal. When industrial matters are taken to the High Court these should be heard by persons who have some background of industrial relations.
4. Labour Appellate Tribunal should not be revived. As far as possible justice should be quick. Parties should feel that it is expeditious.
5. Collective bargaining, with all its implications, will be preferable to all other arrangements by which disputes are settled. Industrial Tribunals have introduced a litigious attitude among parties and has adversely affected the building up of trade unions.
6. Industrial Relations Committees have been functioning in Kerala for some time, (since the days of Sir C.P. Ramaswamy Iyer). Each Committee has on it an equal number of employers'

and workers' representatives and works with the good offices of the Labour Commissioner or his representative. If certain points are not settled in this Committee, parties are free to take recourse to collective bargaining, in its traditional form. In some cases it is possible that parties may take recourse to direct action. There are 26 Industrial Relations Committees in the State. (A note on the working of these Committees will be supplied).

7. Labour Commissioner or his representative who is the Chairman of the Committee is not expected to give his decision in cases of disagreement.

8. All the Industrial Relations Committees work as Standing Committees.

9. In the case of voluntary arbitration, the procedure is more or less the same as in the Industrial Relations Committees but the Labour Commissioner or a Judge is accepted as an arbitrator.

10. Casual labour continues to be employed in the State on a large scale on works which are of a permanent nature. So is the case of contract labour. In the case of the latter though the contractors change, workers in many cases remain the same. In this process workers lose the benefits of the Industrial Disputes Act. (Details of such cases will be given by the Labour Secretary).

11. Toddy tapping is another occupation in which contract labour is engaged on a large scale. Because of good organisations, workers have been able to get the benefit of labour legislation in spite of their engagement being on a contract basis. Such type of contract labour may not be harmful.

12. Secret ballot is the best arrangement for ascertaining the representative character of a union. All workers should vote in such ballot and workers' verdict should be made binding on them for a fixed period. All workers should have the right to vote, because any decision taken by the union, or any agreement entered into by it with the employer, will be binding on all of them.

13. Once the collective bargaining agent is so selected the agent should invite other unions to join the working committee which is declared as the collective bargaining agent. The unions which are willing to come should be given representation on a pro-rata basis. If some minority unions choose to stand out even after such an offer is made, they should have the right only to represent individual grievances.

14. There should be industry-wise, plant-wise or region-wise unions according to the tradition established in the area/industry. In Kerala, for instance, industry-wise unions are operating well in toddy tapping, tile manufacturing and transport. Plantations are organised on a region-wise basis. There are units like FACT which could have a plant-wise union.

15. There should be no craft unions.
16. Influence of outsiders should be minimised. One way of doing this would be to reduce the percentage which is currently fixed for outsiders to hold offices in a trade union. The process of elimination of outsiders, which should be the goal, should be gradual.
17. It is possible to have a common trade union platform though individual workers may have different political sympathies. In fact such a common labour platform is the only way out if trade union unity is to be the goal.
18. Unions can affiliate to any federation but there should be one industry union for one industry.
19. Re-instatement of discharged workers should be permissible if the court is satisfied that re-instatement should be ordered. Such re-instatement does not disrupt discipline at the place of work. On the other hand, if a worker who is ordered to be reinstated is refused employment there is likely to be demoralisation among the workers.
20. Dismissals are invariably the result of victimization and if such leadership is thrown out, it will weaken trade union movement.
21. Standing orders should be more exhaustive. They should contain provisions for domestic enquiry.
22. In all domestic enquiries a worker should be represented by his union representative. This should be his right.
23. Need-based minimum should be attempted in organised employments.
24. In determining wages in any industry the profits of that industry should be taken into consideration. For this reason it would not be appropriate to compare wages of agricultural labour with the wages of industrial workers. In Kerala, however, agricultural labour in many areas gets a somewhat better wage than industrial labour.
25. In the case of agricultural labour payments in many areas are made in kind. Therefore they do not suffer the same hardship as industrial workers in the event of price rise.
26. Persons like farmers who are themselves the producers are affected differently by price increases.
27. The implementation of minimum wages in rural areas should be handled by the Panchayats.
28. Dearness allowance as at present paid has no relation to dearness. The allowance is less than what the price level should make workers eligible. Invariably the prices rise first and wages follow. In the process worker is always the loser.
29. Wages beyond a minimum should be related to productivity.

NATIONAL COMMISSION ON LABOUR

CAMP : TRIVANDRUM (16-2-1968)

3.00 P.M. to 3.45 P.M.

Record of discussions with H.M.S. (Kerala State) represented by:-

Mr. J.F. Kuriyan,  
Secretary.

(vide our Ref. No. NCL-K-VI-133)

1. There should be uniformity in labour legislation and a common pattern for labour judiciary. The appointments to labour judiciary should not be left to the executive. The Chief Justice should nominate the personnel of Labour Courts/Tribunals.
2. Collective bargaining with all its implications should be encouraged.
3. The Labour Appellate Tribunal should be revived. Appeals on facts should be made to this Tribunal but appeals on points of law should go to Supreme Court.
4. The Industrial Committees in Kerala have settled a number of problems in plantations but on the whole the experiment need not be considered a success.
5. If disputes are not settled in the Industrial Relations Committee they are taken to Industrial Tribunals. This is perhaps the reason why success in the Industrial Relations Committees has not be complete. Also the Industrial Relations Committee works well only if the union is strong.
6. Casual labour gets victimised when it starts getting organised. If casual labour is to be continued for work of casual nature such victimisation requires to be checked. A possible solution would be to give the representative union in establishments where casual labour is engaged for casual work, a 'close shop' contract. This will result in the distribution of job only through the representative union and avoid hardship to casual labour.
7. Representative character of a union should be determined by secret ballot in which all workers should participate. Giving representation by checking membership will not do because the claims made by unions always add up to more than strength of labour in an industrial unit.
8. There is also the danger of manipulation of membership if membership check is relied upon for granting representative status. Even if the possible objections like delay and partiality are removed, membership check will not provide an adequate guide for the representative character of a union.
9. The arrangement suggested for obviating delays and making verification more impartial will not be practical.
10. Recognition should be plant-wise. There should be no craft unions.
11. The works committee should be nominated by unions. The procedure suggested is different from the suggestion for a secret ballot because the works committee is required to settle matters within the limited frame work which is set for it by the recognised union.

12. Inside leadership in a union should be encouraged by bringing down the statutory limit of permissible number of outsiders in the executive of a union. A properly discharged worker is an outsider, but a victimized and a worker who voluntarily leaves job for union work should be considered as an insider.

13. It is possible to have a unified labour movement with common goals and a common method of reaching goals.

14. Strikes on political grounds should be stopped.

15. Trade unions should confine themselves merely to the economic interest of workers. This means that political strikes should not be permitted. A strike which has nothing to do with the immediate demands of workers should be banned.

16. When a worker is dismissed and the dismissal is considered to be improper by a competent authority, the worker should <sup>have</sup> the option of securing re-instatement or accept penal compensation. The emphasis, however, should be on re-instatement.

17. Works committees do not function properly. Workers are either opposed to or do not take any interest in the working of the works committees because some employers are trying to use them as competitors for unions. Besides works committees do not solve major problems.

18. Many a times workers are dismissed because of their strained relations with immediate superiors outside the factory premises. Management normally does not come in contact with the workers and is not aware of victimization on this account which certainly will be unjustified.

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National Commission on Labour

CAMP : TRIVANDRUM (17-2-1968)

9.30 A.M. to 10.15 A.M.

Record of discussions with I.N.T.U.C.(Kerala Branch) Ernakulam,  
represented by :

1. Mr. C.M. Stephen, (vide our Ref.No.NCL.K.VI.112)  
President.
2. Mr. G.S. Dhara Singh,  
Gen. Secretary.
3. Mr. K. Karunakaran, M.L.A.,  
Vice-President.
4. Mr. S. Varadarajan Nair,  
Vice-President.
5. Mr. M. Sreedharan Pillay,  
Joint Secretary.
6. Mr. S.F. Britto,  
Executive Member.
7. Mr. R. Kuppuswamy, President,  
South Indian Plantation Workers' Union,  
Munnar, High Range, Kerala.
8. Mr. R. Narayanan Nair,  
Joint Secretary, Kerala State  
Transport Workers' Union.
9. Mr. R. Gangadharan Nair,  
General Secretary,  
Trivandrum Distt. INTUC.
10. Mr. A. Venkitachalam,  
Treasurer,  
Trivandrum Distt. INTUC.

The working of the employment exchanges requires to be improved. These should be utilised more and more by the employers in the private sector and by the Central Public Sector Undertakings.

2. The working hours for women should be relaxed, particularly in the case of women working in the fisheries.
3. There should be no legislation regarding compulsory recognition of unions. The experience in Kerala shows that the employer can work in a multi-union situation.
4. In Kerala all unions face the management as a group. In this arrangement no union makes unreasonable demands on management and management is also not able to play one union against another.
5. It is possible that outside the bargaining room unions may fight between themselves but when it comes to defending the interests of workers against the management, they make a common cause. If a union tries to argue even remotely the management's case or it wants to stand out, it gets isolated.

6. The fight outside is more on political issues and when matters are discussed across the table, political philosophy does not become an integral part of such discussion. Every worker has his own political philosophy and he should be allowed to have it as a matter of privilege. In Kerala if a worker has to choose between immediate monetary demands and certain political concessions, he will prefer the latter. This is the reason why there has been very little scope in the State for trade union movement independent of politics.
7. The experiments which are at present in progress in some of the public sector undertakings for independent union need to be watched; but even in such cases, there is a possibility that political considerations will operate from behind the scene.
8. A united front for workers is desirable but at present it does not appear to be feasible.
9. For purposes of determining the representative character of a union secret ballot is not in the best interest of the workers. If there is a secret ballot, the trade union will be completely at the mercy of non-members. During elections through secret ballot non-members vote for certain rights but they do not recognise the obligations which flow from those rights. Secret ballot, if it is confined to union members, is a proposition which requires to be considered. However, in secret ballot it is always some temporary issues plus false promises which upset the balance or which turn the scales in favour of unions making tall claims. This requires to be avoided.
10. Unions do have election for choosing office-bearers but it is an open election. There is also a guarantee that if a particular set of office-bearers do not work in the interest of the rank and file, there can be a vote of no confidence against them and they can be removed.
11. The INTUC is the strongest union in Kerala. It is claimed by AITUC that there is a tie between the INTUC and AITUC for this place. Other federations do not have much of a following including the UTUC.
12. In the matter of maintenance of discipline, both secret ballot and the checking of membership register have the same disadvantages. The only solution appears to be that more and more workers should be persuaded to join the unions. A person who is not willing to be organised should not be allowed certain privileges which organisation alone has been able to secure.
13. In many cases it is really a union with requisite organisation and vitality which stays in the field.
14. There should be a common labour code and a common pattern of labour judiciary and the appointments to this judiciary should be made by the High Court.
15. Labour Appellate Tribunal need not be revived.
16. The composition of tribunals requires to be altered. Instead of one-member tribunals as at present there could be two or three persons hearing industrial disputes. This will avoid bad awards.
17. The State Arbitration Board which has an independent person at its head with a judicial background has been working well. By and large

if the calibre of the industrial tribunal is high enough, it should be possible to get awards which are not likely to be up-set in higher courts.

18. The doctrine of hire and fire is not in the best interest of the industry. It permits a picture to be built up in workers' minds that even where a wrong has been done to a worker through his dismissal, re-instatement would not be permissible. This feeling in the workers' mind should be removed. Penal compensation may not help in such cases.

19. Even though heavy compensation is a rule in Kerala in cases where victimisation is proved, there have been cases where workers are victimised and this has affected the strength of unions.

20. The tribunal should have a right to question facts of domestic enquiries. This will in due course inject respect even in the domestic inquiries.

21. There can be no reciprocity in the matter of termination of service by the employer when worker is not willing to accept a similar constraint (i.e. he can leave the employer at will). Some privileges accrue to a worker because of his continued service with an employer. These may be denied to him if he leaves abruptly. This itself is a sufficient safeguard against a worker leaving his employer.

22. In an industry where minimum wage fixed is different in different States and where the wage so fixed is advantageous to the employer, it is possible that labour will migrate. As far as possible, this should be avoided by standardisation of wages in such industries.

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NATIONAL COMMISSION ON LABOUR

CAMP : TRIVANDRUM ( 17-2-1968)

10.15 A.M. to 11.00 A.M.

Record of discussions with UTUC (Kerala Branch),  
Trivandrum, represented by:-

1. Mr. T.K. Divakaran, (vide our Ref.No. NCL-DL-VI,  
Minister, Public Works, 99)  
Govt. of Kerala, (Central U.T.U.C. reply)  
President,  
Kerala UTUC.
2. Mr. K. Pankajakshan,  
U.T.U.C.
3. Mr. K.C. Vamadevan, M.L.A.,  
Member, Executive, UTUC.

A common labour code and a common pattern of judiciary may be established to deal with labour matters. The Labour Minister should have the power to appoint Industrial Tribunals. Persons appointed to industrial tribunals should have broad social sympathies. They should follow the policy pursued by the State. Lawyers with experience, personnel managers and officers of the conciliation machinery may be appointed to industrial tribunals. Such appointments should not be restricted only to members of judiciary.

2. Labour Appellate Tribunal should be revived. This will to some extent reduce the number of writ petitions.
3. We have not yet reached the stage where collective bargaining can succeed. Strike should be the last weapon. Similar obligations about lock-out should be placed on the employer also.
4. Compulsory adjudication should be the last resort. There should, however, be a time limit for the various stages involved in compulsory adjudication.
5. There should be no statutory compulsion for recognising only one union. Multiplicity is not something which either employers or workers should shun.
6. If there has to be only one bargaining agent, secret ballot should be resorted to in order to determine the representative character of the union. There is a danger that resort to the other procedures will result in cooked-up registers.
7. There was a case in a cashew nut factory in Kerala where because of verification of membership register the management had almost bought up a union. (Details of this case will be supplied by the Labour Commissioner).

8. There should be a check-off. This should be restricted to one year only and the representative character of a union should be determined every year.
9. There should be security of employment. Re-instatement should, therefore, be the rule. The safeguards against a worker leaving an employer abruptly are already provided in the present arrangements of gratuity and the loss in the employer's contribution of the provident fund etc.
10. There should be a guaranteed minimum wage. Wages above this level may be linked with productivity. There are factors in the economy which operate against both the employer and employee wanting to improve productivity. This fact should not be ignored in linking wages to productivity. Wages may be linked more with production than with productivity.
11. There is no objection to outsiders being allowed to hold offices in a union. However, their percentage should be progressively reduced.
12. The practice by which the employer takes recourse to casual labour merely to deny privileges to a worker should not be allowed to continue. There is casual employment even in Government (A statement on casual labour will be supplied).
13. Normally, the management should have some extra complement of workers. This should be determined by taking into account absenteeism, leave reserve, etc. Beyond that there should not be any additional surplus labour force with the management. There should be a periodical refixation of permanent labour in different categories.
14. Works Committees should be revitalised. They should be given more powers.
15. Wages should be so fixed that the need-based minimum wage should be the accepted goal. In reaching that goal imbalances should not be allowed to develop between wages of agricultural labour and labour in sectors of organised industry. A start should be made towards reaching the need-based minimum and there should be an appropriate phasing in reaching the goal. The capacity of an industry to pay as also the per capita national income should be a relevant factor in deciding the need-based minimum.
16. There should be a law for gratuity.
17. Labour should continue to be in the concurrent list.
18. Tribunal award should be declared in the open court. It should apply as from the date of the declaration.

19. All conciliators should report to Government direct without going through the Labour Commissioner. This process becomes redundant if the parties are permitted to go to court direct in case of failure of conciliation.

20. Mutuality in penal provisions should be the rule.

21. Claims for minimum wages should be filed by individuals according to the present arrangements, but individuals find it difficult to do so. The Inspectorate, therefore, should take up such cases.

22. The exemptions in the Bonus Act should go. There should be no qualifying period provided in the Workmen's Compensation Act. The 'set off' and 'set on' provisions in the Bonus Act should be reduced to two years and there should be no presumption about the correctness of accounts as accepted in the Bonus Act.

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NATIONAL COMMISSION ON LABOUR

CAMP-TRIVANDRUM ( 17-2-1968)

11.00 A.M. to 11.30 A.M.

Record of discussions with H.M.S. (Kerala Branch),  
Kozhikode, represented by:-

1. Mr. P.K. Sankaran Kutty (Vide our Ref.No.NCL-K-VI.106)

The demands regarding leave with pay beyond what has been provided for in the statute are not referred by the Government for adjudication. This practice will hinder the progress towards social justice.

2. Dependents of employees are given preference for employment only in plantations managed by non-Indians. Indian planters do not follow this practice.

3. There is a danger that the employment of women will go down if the present trend of recruitment continues.

4. Contract labour is on the increase in many industries in Kerala State. (Date supporting the statement will be sent to the Commission).

5. Over the last few years employers have been organising themselves effectively. On the other hand, workers' organisations are becoming weaker.

6. There is discrimination in recruitment on the basis of caste. (A supporting statement will be supplied by the union.)

7. Collective bargaining should be encouraged. Union prefers arbitration to adjudication.

8. The pattern for recognising a union should be developed on Bombay lines but with some adjustments. There should be a demarcation of rights as between the representative union and a union which is recognised but not representative. The representative union should be allowed to continue with that status only for a specified time. There should be a secret ballot for determining the representative character of a union. Mere verification of registers will not be proper.

9. The linking of wages with productivity should be only when a living wage is ensured to the worker.

10. Industrial Relations Committees have worked well. In the last year, however, they have not been functioning. The Committees have not been regularly convened also. They should not be abolished.

11. The workers who are engaged in the cooperative sector of industry do not enjoy any rights. In the early stages of the development of this sector, ignoring the interests of labour may have had some justification but now that the cooperative sector is expanding fast, workers should be allowed to enjoy the usual benefits of labour laws.

NATIONAL COMMISSION ON LABOUR

CAMP:TRIVANDRUM (17-2-1966)

11.30 A.M. to 12.15 P.M.

Record of discussions with the United Planters' Association of Southern India and the Association of Planters of Kerala represented by:

1. Mr. C.H.S. London, ( vide our Ref. No. NCL-MD-V-71)  
President, UPASI.
2. Mr. M.M. Varghese,  
Member, Executive Committee.
3. Mr. O.C. Mathew,  
Secretary, APK (Association of  
Planters of Kerala).

There is a clear distinction between a living wage and the basic minimum. To this extent, the reply of the organisation to Question No. 140 stands amended.

2. The welfare content of the Plantations Labour Act is excessive. In terms of specific instances, medical facilities, educational facilities and housing facilities are far above the reach of average citizens. Medical facilities required of the plantation industry are better than those available to the rest of population even at district headquarters. What has been done voluntarily by planters is not taken into account by Government while inspecting the working of the Plantation Labour Act, 1951. Housing programme of plantations has progressed satisfactorily. This may not be with all members of the UPASI but in the Kerala unit, housing is better. This point has been established by the planters in the Housing Advisory Board meeting held last month.
3. The settlement of a dispute should come about only after free negotiations. The presence of an independent Chairman of a Wage Board is not conducive to such free negotiations. If in such negotiations no success is possible, recourse to adjudication should be had.
4. The Labour Welfare Officers provided for in the statute appear to be redundant since the content of welfare in the Plantation is already provided for in the statute.
5. Wages beyond the bare minimum may be linked with productivity.
6. The representative character of a union should be determined by secret ballot. If secret ballot can work in electing a Government, it should work equally well in electing a representative union. This procedure becomes important because it avoids dangers of dual membership.
7. Minority unions should have the right only to process individual grievances.
8. The arrangements for payments by results in tea and rubber plantations have been working satisfactorily.
9. Workers do not take interest in union affairs. Office bearers of a union are also not democratically elected.
10. There should be unitwise bargaining and for every unit there should be a bargaining agent.

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11. The Plantations Corporation ( A Public Sector Corporation) in Kerala is working fairly satisfactorily. The employers had no special comment on the attitude of Government in general to labour.

12. The Industrial Relations Committee has been working fairly well in plantations. This is because both the parties are fairly strong. Negotiations have succeeded in many major cases; even so, adjudication may be necessary.

13. Voluntary arbitration need not be a part of the scheme for improving industrial relations. If parties so feel, they can enter into agreement for voluntary arbitration even without a formal inclusion of this clause in the industrial relations arrangements.

14. There should be an appeal on the award of an arbitrator.

15. Protecting real wages should not be unduly emphasised. Wage should be revised at regular intervals and the practice of granting dearness allowance should be discontinued. The main Governmental operations should be very much on the price front. It is not correct to assume that if prices fall, dearness allowance will automatically come down. The experience has been that DA goes up with rise in prices but does not come down when prices fall. The arrangement for separate dearness allowance affects particularly the export industries because the price for their product is determined by the demand in foreign market.

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NATIONAL COMMISSION ON LABOUR

CAMP:TRIVANDRUM (17.2.1968)

12.15 P.M. to 1.15 P.M.

Record of discussions with other employers represented by:-

1. Mr. T.V. Padmanabha Kurup, ( Vide our Ref.No. )  
P.A. to the Managing Director, ( NCL-K.VIII.23 )  
Western India Plywoods Ltd.
2. Mr. K.V. Abdulraheman, (Vide our Ref.No. )  
President, (NCL-K.V.59 )  
The Malabar Tile Manufacturers'  
Association,  
Feroke.
3. Mr. A. Balakrishna Menon,  
Secretary,  
The Malabar Tile Manufacturers' Association, -do-  
Feroke.
4. Mr. P. Sethuram,  
Secretary,  
West Coast Employers'  
Federation.
5. Mr. V.G. Bhaskaran Nair,  
Member,  
West Coast Employers'  
Federation.
6. Mr. B.S. Krishnan,  
Law Officer, ( Vide our Ref. No. )  
Travancore Oil Millers, ( NCL-K.V.73 )  
Association, Alleppey.
7. Mr. C.K. Chandrasekharan Nair,  
Hony. Secretary,  
Travancore Oil Millers Association, -do-  
Alleppey.

Covered by the  
Memorandum of the  
Employers' Federation  
of India.

It is possible to deal with unions which have workers as their leaders. It is only when outsiders come on the scene that labour becomes difficult to deal with. There was an agreement with workers that they will not demand wage revision for 5 years. However, because of outside influence the wage issue was re-opened and there was a strike. Agreements once entered into should not be opened to such frequent review. ( The dearness paid was 2 to 3 paise for every 10 points rise.)

2. The Industrial Relations Committee does not meet frequently. In the tile industry it had not met since the Committee was constituted. The success of the Committee is not uniform everywhere. In the coir industry in the Alleppey area the Industrial Relations Committee is working well. The arrangement failed in the tile industry because some small manufacturers have not implemented the agreements reached in the Committee and this brought the arrangements into disrepute.

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3. Multiplicity of unions is a problem. All unions do not see the points at dispute in the same manner, though on some points they make a common front.
4. There should be one bargaining agent to be elected by secret ballot of workers. This is because if all workers exercise a vote, they will not raise the problem of representation later. If some are denied the right to vote, they can always have a grievance on this count. Minority unions can take up individual grievances. They should be allowed to exist so that in a future ballot they can put up a fight.
5. A common labour code and a common pattern of labour judiciary to which the appointments will be made by the High Court and not by the Labour Department would be welcome. The Labour Appellate Tribunal should be revived. There should be an appeal to it or an appellate bench of the High Court on facts.
6. The officers of the Labour Department are not allowed to operate without interference from the top. This high level interference reduces the effectiveness of officers. Such interference should be avoided.
7. The conciliation should end with the Labour Commissioner. Ministers should not be allowed to operate as conciliators. If they do so, there is an element of coercion on the employers and they are compelled to capitulate. It no longer remains conciliation.
8. The Industrial Relations Committees would work better if unions are denied frequent access to the Ministers direct. In a way, this easy access to Ministers makes the unions ignore Industrial Relations Committees. They do not even attend meetings of these committees.
9. Cases where re-instatement has been ordered by a Tribunal on charges which involved gross misconduct are rare. In other cases where orders of re-instatement have been made, discipline is not affected. been
10. If because of a technical defect the order of dismissal in a domestic enquiry is to be set aside the worker should be allowed to be discharged on payment of compensation.
11. There are cases, however, where it has not been possible to establish the employer's claim because the employer has no right to summon witnesses. In a case where a driver was charge-sheeted for driving a vehicle under the influence of drink, it was not possible to establish the point because vital evidence could not be recorded from a doctor who treated the driver after the accident. The doctor could not be summoned to the place where the domestic inquiry was conducted.
12. Standing Orders should contain detailed procedure for conducting a domestic inquiry. There are not many cases of dismissals and there are not many orders of re-instatement either after a worker has been dismissed.

13. In the cashew industry minimum wages were fixed by Government. Only one employer was paying according to the schedules so fixed. After numerous complaints from workers about non-implementation and on re-examination of the points raised by the employers, the minimum wage was revised downwards after six months. This means that the employer who had paid the minimum wage as fixed earlier had to suffer. In a competitive industry like the cashew nut processing, this can be a great disadvantage. Such unfair practices on behalf of Government should be discouraged.  
( A note on the subject will be supplied by Shri Bhaskaran Nair)

14. In fixing wages, industry-cum-region approach should be strictly followed. (The representative of the tile industry, Mr. K.V. Abdul Rehman, will send a statement on this.)

15. All strikes and lock-outs should be prohibited. Illegal strikes and lock-outs should be penalised.

16. There should be a linking of wages with productivity.

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NATIONAL COMMISSION ON LABOUR

(Camp: Trivandrum (17-2-1968))

3.00 P.M. to 4.00 P.M.

Record of discussions with Central and State  
Public Sector Undertakings and Employing Departments of  
Kerala State represented by

1. Mr. D. Appukuttan Nair, (vide our Ref.No.  
S.E. In-charge, NCL-K-I.15)  
Public Health Engg. Deptt.
2. Mrs. K. Gouri Amma, -do-  
Dy. Director of Panchayats
3. Mr. T.P. Joseph, -do-  
Chief Engineer, P.W.D.
4. Mr. V. Venkita Narayanan, -do-  
Director of Industries & Commerce.
5. Mr. A. Abubaker, -do-  
Dy. Director,  
National Employment Service.
6. Mr. T.K.S. Monie, -do-  
Deputy Director,  
Directorate of Training.
7. Mr. K. Swaminathan, -do-  
Supdt. of Govt. Press,  
Trivandrum.
8. Mr. R. Ravi Varma, -do-  
Administrative Officer,  
Directorate of Fisheries.
9. Mr. V. Balagangadharan, -do-  
Director of Municipalities, Kerala.
10. Mr. K.B. Unnithan, (vide our Ref.No. NCL-K-III-26)  
Secy., Coir Board.
11. Mr. O.S. Yusuf, ( " " " " NCL-K-III-38)  
Personnel Manager,  
Cochin Refineries Ltd.
12. Mr. A.K.S. Nair, ( " " " " NCL-K-III-8)  
Personnel Officer,  
Hindustan Insecticides.
13. Mr. K. Chandrasekharan Nair ( " " " " NCL-K-IV-45)  
Personnel Officer,  
K.S.E. Board.
14. Mr. P.G. Ramachandran, ( " " " " NCL-K-III-72)  
Personnel Manager,  
Fertilisers & Chemicals  
(Travancore) Ltd.

15. Mr. K. Damodaran, (vide our Ref.No. NCL-K-III-58)  
Administrative Officer,  
Central Tuber Crops Research  
Institute,  
Trivandrum-10.
16. Mr. K. Balakrishna Panicker, (vide our Ref.No. NCL-K-IV-41)  
Chief Labour & Personnel Officer,  
Kerala Road Transport Corpn.

1. No special difficulties were experienced by any of these units about maintaining happy industrial relations. Most of the units have more than one recognised union and it is possible to maintain good relations in the midst of a multiplicity of unions.

2. In some sections of public employment there was a practice of employing a person for less than 90 days at a stretch to deny workers the privileges of permanency. This practice has now been discontinued.

3. The Electricity Board does not have a large complement of casual workers. Only 15 per cent of its labour is casual. There is no provision for giving facilities to contract labour. If there are complaints from such labour, these are investigated but on their own the officers in the Engineering Department do not make enquiries about the observance of the fair wage clause for workers. (The Chief Engineer will undertake an enquiry and report on the observance of Fair Wage Clause in about 4 weeks.)

4. There is in many undertakings a direct contact with employees. The channels of communication are always open.

5. The minimum wages should be guaranteed to coir workers. At present, a wage has been fixed and even though it is a low wage, the implementation of these minimum wage provisions is defective. There is no supervision from Government side at all. (Labour Commissioner, Kerala, explained that soon after the minimum wage notification for the coir industry was issued, inspectors started taking action for its proper implementation. About 50 prosecutions were launched. As a result, several small units were closed and workers were thrown out. Later, workers started signing registers showing receipt for full payment. It, therefore, became difficult to ascertain as to what was being actually paid to the workers.)

6. The total number of workers engaged in coir industry is very large. Nearly 200,000 workers are affected by such low wages. Even those engaged in the industry do not enjoy a better wage.

7. There should be one strong representative union for an industry. In the coir industry, however, because of the scattered nature of employment, it is very difficult to organise workers, particularly those on the spinning side.

8. Opinion was divided on secret ballot; some wanting secret ballot to be restricted to union members and others to all workers in industries. Some felt that there should be no secret ballot at all.
9. The situation where any seven workers can form a union is not conducive to unity in trade union movement. The minority union should have the right to represent individual grievances.
10. The election of a representative union by any method may not solve all problems of industrial relations. It is possible that some key men in industries who are in a minority can disrupt production. In such cases, all arrangements for election of representative union can be set at nought.
11. Change in the political leadership in a State also results in setting up of individual unions.
12. The incidence of dismissals in public sector undertakings is not large. State Transport, for instance, with about 10,000 employees had only 10 or 12 cases of dismissals in a year. Only 2 out of these cases went to court in appeal against departmental enquiries.
13. There should be one labour code and a common pattern of labour judiciary, appointments to which should be made by the High Court.
14. One man tribunal creates difficulties but if there is a tribunal consisting of 2 or more members, chances of parties wanting to go in appeal will be minimised. In the present stage, some appeals should be provided. Majority favoured the revival of LAT.
15. The new Bill which seeks to empower the tribunal with powers to re-open the departmental enquiries will affect industrial discipline. The present arrangements by which tribunals can only question the legality of the proceedings is appropriate for guarding against victimisation.
16. Public Sector employees have many special privileges. There is surplus labour in the public sector which cannot be touched. In many cases public sector is expected to be more lenient towards the employees than the private sector. All these have resulted in the inefficient operation of the public sector. Cochin Refinery which has started with a proper manning pattern has been able to avoid pressures for over-staffing. It has, therefore, become a place which is visited by many public sector managers.
17. One of the points which is mentioned by experts in works studies is that there is lack of efficient men for manning public sector undertakings. It is important to study the problem in its depth if the efficiency of public sector is to be improved.
18. In Kerala because of the political nature of the

trade union movement, the public sector undertakings have to spend a considerable time in convincing the union representatives about the propriety of any action they take for improving efficiency or for that matter for the day-to-day running of the plant. Such interference is also a cause for low efficiency.

10. The election of a representative union by any method may not solve all problems of industrial relations. It is possible that some key men in industries who are in a minority can disrupt production. In such cases, all arrangements for election of representative union can be set at naught.

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18. In Kerala because of the political nature of the

NATIONAL COMMISSION ON LABOUR

(Camp: Trivandrum (17-2-1968))

4.00 P.M. to 4.15 P.M.

Record of discussions with:-

Prof. V.R. Pillai,  
Professor of Economics,  
University of Kerala, and  
Chairman, Minimum Wages  
Advisory Board:

(vide our Ref.No.N.C.L.  
K.X.34)

The present arrangement for the settlement of industrial disputes through mutual negotiations in the first instance and then recourse to adjudication in important cases if the discussions are not fruitful should continue.

2. There should be greater emphasis on collective bargaining. It should be a normal method for settlement of disputes and reference to tribunal should be an exception. It is true that as a result of the existence of an industrial tribunal chances of settlement in the earlier stages of handling of a dispute are remote but this is a process of education and parties will eventually learn to accept collective bargaining as the most appropriate method. Till such time, the present adjudication/system may have to continue.

3. Works Committees have not functioned well. This is mainly because there is an opposition to them from unions. It is possible to revive works committees by reaching an understanding with the unions and by demarcating their functions vis-a-vis those of works committees. If a union feels that in a unit works committees should have more powers or less it should be possible to adjust their scope by agreement between the parties.

4. The living wage as envisaged in Article 43 of the Constitution, is a goal. It is not the minimum wage.

5. Minimum wage in agriculture in Kerala is somewhat better than similar wages elsewhere. Prof. Pillai will supply a note on the position of agricultural labour in the light of the farm management studies which have been undertaken by him over a period of years.

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NATIONAL COMMISSION ON LABOUR

(Camp: Trivandrum (17-2-1968))

4.15 P.M. to 5:30 P.M.

Record of discussions with the Labour Minister and other officers of the State Government represented by

1. Mr. Mathai Manjooran, Minister of Labour. (Vide our Ref No. NCL-K-I-15)
2. Mr. C.K. Kochukoshy, IAS, Secy., Health & Labour. -do-
3. Mr.S. Nagarajan, IAS, Dy. Secy., Health & Labour. -do-
4. Mr. N. Kochukrishnan, Labour Commissioner. -do-
5. Mr. N.H. Bava, Dy. Labour Commissioner. -do-
6. Mr. Gopalankutty Vaidyar, Chief Inspector of Plantations. -do-
7. Mr. Mathew, Regional Inspector of Factories
8. Mr. Bhaskaran, Inspector of Factories.

There should be a common labour code. The simplification as proposed in the labour code should not be such as would create difficulties for administration.

2. The pattern of Labour judiciary may be uniform. Appointments to such judiciary should be made by respective Governments. The High Courts need not be brought in. The view that the High Courts need not be consulted for such appointments is based on the fact that persons nurtured in judicial traditions may not necessarily be the proper persons for appreciating points arising in labour disputes.

3. The interpretation of labour law should be left to be developed by persons who have social conscience. With all due respect to the judiciary, it can be said that the considerations on the basis of which labour disputes should be settled are often ignored by High Courts.

4. Labour Appellate Tribunals should not be revived.

5. Domestic enquiries have not given satisfaction to workers. Industrial tribunals should re-assess evidences given in domestic enquiries. There are not many cases of

dismissals, the question of getting evidences re-assessed by industrial tribunals may not be frequent.

6. Re-instatement is not subversive of discipline as is commonly alleged. It is possible that workers themselves will correct the attitude of a dismissed worker who is re-instated. Greater harm is possible to a man who moves about in society as a dismissed worker; a victimised worker may be made a hero also.

7. There should be one union for one industry. Where a union claims 51 per cent membership, this union automatically becomes the representative union. In case no union enjoys this status, there should be a secret ballot of all employees. Ballot should be held once in two years.

8. Minority unions should be given the right to represent individual grievances.

9. Industrial Relations Committees in Kerala have not worked as satisfactorily as it has been claimed. This is because independent unions are a major force in the trade union movement in Kerala. The arrangement by which labour representatives on the industrial relations committees are required to be nominated by All India federations is not conducive to an effective functioning of these Committees.

10. In some industries like Plantations, however, Industrial Relations Committees may have worked well. In others, the labour representatives on the Industrial Relations Committees are not true representatives of workers. IRC cannot deliver goods. In case there is a strike in industries other than plantations, the IRC finds it difficult to settle the matter. In short, it could be said that though the IRC can be a good instrument for administration of policy, there is a danger that vested interests on the IRC will spoil its functioning. (A note will be supplied by the Labour Department on how these Committees are constituted and how the Committees work. Data will also be supplied about the number of such Committees, frequency of meetings and the extent of implementation of the decisions reached in the Committees. This data will cover the period of last 5 years, year by year.)

11. Outsiders will be necessary in the trade union movement for some time to come. If it is a union of insiders only, there is a danger of union leaders being susceptible to management influences.

12. Political strikes in Kerala are not many in number. The existence of a multi-union situation helps in preventing political strikes. An arrangement by which either the president or the general secretary of a union can be an outsider appears to be acceptable though not much harm will be done if both the president and the general secretary are outsiders. Outsiders are also necessary because it is not possible for factory employees to take a view of the broader perspective in which the problems in a plant have to be viewed. It is also difficult

for an employee who is a leader to take a view of the future because of the immediate environment in which he is expected to work. Outsiders should be permissible in a union till such time as parties get accustomed to collective bargaining in a real sense.

13. Collective bargaining should be given a trial in an atmosphere where adjudication cannot be abrogated. Collective bargaining with advance agreement for arbitration will be adequate.

14. An arrangement by which Government does not come into the picture for a short time after failure of collective bargaining may be tried out. An important point is that the period which is so provided should be used by the parties in good faith for the settlement of points at issue.

15. The present legalistic approach by all parties in Industrial Relations requires to be abandoned. The arrangement for the composition of tribunals suggested earlier will help in getting away from the legalistic approach.

16. The need-based wage formula of the 15th Indian Labour Conference should be given a trial. However, this will be possible only in well-organised industries. In others this may not be practicable for a long time. Consideration of the wage levels in other sectors is relevant.

17. The points about workers in coir industry mentioned by the Coir Board Representative may not be all valid. At the same time, the fact that workers engaged in coir industry are poorly paid cannot be denied. This is because certain arrangements which can be made by the Coir Board which has been clothed with an authority by the centre are not given effect to by the Coir Board itself. The State Government has no authority in this matter. As a result of the Coir Board taking over, the number of small units in coir industry has increased. This makes the task of the State Government in supervising the working condition of coir industry difficult. It happens in many cases that workers are prepared to sign receipts for payments higher than they actually receive. This makes the task of the inspectorate more difficult. The Industrial Relations Committee in the Coir Industry has also become ineffective as a result of such practice.

18. Implementation is defective in all industries. In Plantations, though the non-Indian planters have provided better working conditions and have observed the spirit of the Plantation Labour Act, many Indian planters have not fulfilled their obligations in spite of repeated warnings.

19. The inspectorate is satisfied that about 50 per cent of the obligations cast on planters for industrial housing have been fulfilled. Regarding the quality of housing provided there can be some genuine dissatisfaction among trade unions. However, improvements in this regard

have to be phased over a period of time. The Chief Inspector of Plantations will supply a statement about the number of prosecutions launched for non-implementation of the Plantation Act.

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