

K-523

Punjab

NATIONAL COMMISSION ON LABOUR

Reply No. PB-VI.10 - Points for Elucidation

The Punjab State Committee have in their Memorandum stated "as per A.I.T.U.C. reply" in reply to all the major questions. In other words, on all the major questions they endorse the views of A.I.T.U.C., which are still awaited. As such, the points mentioned below are limited to the questions which have been replied by the Punjab Unit.

1. Q.No.12 : Safety and Welfare:

a) In view of multiplicity of Unions do you think it would be feasible to make the trade union workers Safety Inspectors?

Working Hours:

b) How would you guarantee that some Unions will not misuse this privilege?

Overtime payment:

c) How are the provisions relating to overtime payment violated? Do the workers themselves agree to work on normal rates or the Factory Inspectors are ineffective in getting the workers their due?

d) Does this mean that all unions are ineffective?

e) Could you elaborate your statement 'in small factories the conditions of 15th Century England are being perpetuated?'

Employment of young persons and workers:

f) How often have you approached the Factory Inspectorate for redress? Did he fail because he was overworked?

2. Q.No.16 : What special measures would you suggest to protect child or women labour? Are existing legal provisions inadequate? Should you not suggest better implementation?

3. Q.No.25 : What is your assessment of the working of the Workmen's Compensation Act?

4. Q.Nos.33 & 71 : Who should be responsible for conducting the elections?

5. Q.No. 37 : Were such violations reported to the Government authorities? Have unions stepped up their protest action?

6. Q.Nos.41 & 70. : What are the special reasons in Punjab for the generally non-existence of inter-union competition? How can this be utilised for building strong unions?

7. Q.No. 51 : Please explain the implications of your reply?

8. Q.No. 64 : Should these facilities be extended to all unions irrespective of size and strength, recognised or un-recognised?

9. Q.No. 76 : Are you not damning the whole Cadre of Labour Officers? Would it be right to do so?
Your complaint too is left-handed.
10. Q.No.77 : You mean to say that the Joint Committee should also handle recruitment and promotion?
11. Q.No.84 : Have your affiliated Unions made any efforts to make use of the Scheme?
12. Q.No.86 : Will this not work against the growth of strong Unions?
13. Q.No.92 : Have you not overdrawn the picture? Could you cite instances of such use?
14. Q.No.104 : Will it not over-burden the machinery?
15. Q.No.106 : Is your suggestion administratively feasible?
16. Q.No.117 : Do you advocate the unrestrained right of employees to strike and the similar provision for employers to declare lock-outs?
17. Q.No. 141-144 : Will not the neutralisation to the extent suggested by you lead to an increase in the cost of production, which may aggravate the price rise?
18. Q.No.178 : a) Have these irregularities been brought to the notice of the Government?
b) What measures will you suggest to remedy the situation?
19. Q.No.185 : Donot you think that by making some contribution the workers will be in a better position to claim the benefits as a matter of right?
20. Q.Nos. 205 to 210: Because of small industry and agriculture developing together in Punjab, agricultural labour is comparatively better off. The provision of irrigation facilities has perhaps added to this comparative prosperity. Minimum wage in agriculture can, therefore, be only in name in a State like Punjab. Do you agree with this analysis?

Punjab State Committee
All India Trade Union Congress.

1940-Sector 22B
Chandigarh
30th August, 1967.

To,

Shri B.N. Datar,
Member - Secretary,
National Commission on Labour,
D- 27, South Extension II,
New Delhi -16.

Sub:- Reply to the Questionnaire.

Dear Sir,

Punjab is the State of Small scale industry. Statistics are really in poor state. Hence in our reply, we have not been able to secure many statistics.

On all major questions we have written 'as per AITUC reply' meaning that we endorse the views on this issue expressed by AITUC in its reply to the Questionnaire.

We have confined our selves to the actual conditions of work prevailing in the small ~~scale~~ industries. This is actually ~~all~~ 16th - 17th Century England being repeated all over again. The greedy unscrupulous methods of primitive accumulation, over work, sweated labour, rule of the jungle in industrial relations, is the sad picture which emerges out of the total review. This is the age old path of the ruins of cottage industries, manufacture process, exploitation of child and women labour. The conditions existing in the industries are really bad in this 20th year of our Independence.

No heavy Industry has been built in Punjab. Even light industry with big units is non-existent. The biggest Mill in Punjab is Phagwara employing 3000 workmen and at the bottom are thousands of small, tiny units employing 5-10 workers.

The trade unions exist in Big and medium units employing 300 or more workers. In the remaining sector, the Unions are very weak. The unorganised workers are exploited to the maximum, 12 hours day, no holidays with pay, no overtime payment, in the horrible places called workshops, the Punjab workers suffer and suffers. In Ludhiana 5000 workers are suffering from T.B. (who are on the Roll of the Municipal clinic) that is the picture all over.

Punjabi workers of 40 loses his robust health and vitality is already a toothless, spectacled old man.

It is correct in organised industry bonus gratuity, DA, leave with wages provident Fund, ESI have given some relief to the workers. But the same was secured after long struggles.

Yours faithfully,

Madan Lal Didi
(Madan Lal Didi)
General Secretary

RECRUITMENT AND INDUCTION.

1. (a) Broadly two recruitment policies are followed in the State i.e. in Public Sector ii) In private Sector.

i) Recruitment in Public Sector:- In public Sector concerns regular/permanent/new posts are normally advertised and after regular interviews and different certificates of good character including police verification, the appointments are made. The posts for daily rated employees are not advertised in the press but it is intimated on the notice boards that so many daily rated workers with specifications and categories given are required. The industrial workmen and supervisors bring in the new men. They are selected after interviews.

All the posts below the supervisory level are filled up by interval promotions according to seniority cum skill cum basic classes certificates basis.

The posts of supervisory level are purely selective and management fills the same on its pleasures and many a time the existing rules are violated.

Employment exchanges upto now have not been used for recruitment, though recently managements have issued instructions to the prospective recruits to get themselves registered in the employment exchanges.

b) Recruitment in Private Sector:-

a) Big factories and small establishments - In big factories the supervisory staff especially jobbers recruit staff of their own choice. In small factories owner himself, jobber recruit new hands. But many a time the workmen himself is acting as a jobber. He recruits persons with the help of other workers. In hosiery industry tailors, flat machineman and other small hosiery machine workers bring their own machine and are given preference over others. For loading, unloading, packing and transportation casual labour on contract basis is employed. In many factories, the main employer appoints contractors for moulding or any other section and the contractor employs the workmen. But in most of the cases regular workmen of the employer are shown as contractor to deprive the workers of their due rights under different Acts.

In Faridabad the employers Association hires the workmen and supplies it for specified periods to its different members. Thus one workman employed by the Association works in four or five factories in a year for short periods. Many a time an employer gets registered a number of establishments and recruits labour for one of the factory and goes on shuffling and reshuffling the labour in the different establishments owned by him.

- b) The arrangements are highly dissatisfactory for the following reasons:-

- i) While recruiting new persons skill, experience efficiency, merits are not given the top most consideration. The new recruits near ~~are~~ relationship with the jobber and employer becomes a determining factor. That ~~an~~ employment exchange ^{Act} should be amended thus that private employers will be recruiting new hands through employment exchange only.
- ii) The new workmen are not given employment letters and the same should be made compulsory.
- iii) Recruitment should be done on the Union-shop basis and trade union should be asked to bring in new labour.
- iv) Level of skill should be determined on the basis of experience i.e. length of service on a particular job. The service should be considered on the industrial basis and not on the length of service in a particular factory.
- v) Contract system of labour should be totally abolished. It deprives the workers of bonus, D.A., gratuity etc. etc.

vi) No recruitment should be done through Employment Association which supplies labour for short periods to its members. Through this system workers lose their service benefits. They are never made permanent and they lose bonus, DA and other legal facilities.

vii) The practice of getting police verification of the new recruits leads to political victimisation especially of trade union workers.

Q.No.2

There is no shortage of supply of labour in any category of employment. A few years ago there was short supply in Engineering industry.

Q.No.3

No such problem exists in Punjab. The mobility of Punjab workers is quite sufficient to overcome any temporary short supply of labour in a particular category.

Q.No.4

30% to 40% labour employed in industries of Punjab belong to U.P., Himachal Pradesh and Nepal. This labour has many problems especially labour from U.P.

- i) They are given starvation wages.
- ii) Housing conditions are terrible. Many a time as many as twenty workmen live in a single room leading to disease, dirt and social evils eduction to drug prostitution etc.
- iii) These workers are separated from their families for long periods and the provisions about leave in the Factories Act are insufficient. One month's paid leave in a year which can be accumulated for three years is the minimum required.
- iv) There is no provision for their education.

Q.No.5

Regarding ~~work~~ women workers:- The existing provisions which are supposed to promote the employment of ~~work~~ women in the industries are totally inadequate. On the contrary discourage the employment of the women workers for reasons given below:-

- i) Working mothers have no place where their infants and children can be looked after. No crèches are attached even to the big factories.
- ii) The unmarried girls have no working women hostels where they can stay while working in the factory.
- iii) The principle of equal pay for equal work is not observed.
- iv) Since the employers have to pay maternity benefits, they drive out the expectant mothers. Medical charges for delivery are never given before the delivery time.
- v) Employers do not enter the names of women employees on the muster rolls and force them to become just domestic workers doing the job of permanent workmen at their homes on very meagre emoluments.
- vi) The young women workers are harassed by jobbers supervisors and many a times by the employers as well.
- vii) I.L.O. convention about women labour and their employment are totally ignored. We suggest that certain categories of employment should be totally reserved for women.
- viii) The Factories Act must be amended to provide crèches and nurseries.

Q.No.6

About casual labour:- This category should be abolished in toto. Advantages to the casual labour are none on the contrary they suffer from extreme exploitation in public sector this system is highly objectionable. The work charge employees in PWD, Bhakra Nangal Dams, Electricity Board, Fertilizer are the victims of this system. For years together they are considered to be casual even after service of ten or fifteen years. The Govt. and the public sector employer are the worst in this regard.

Q.No.7

Regarding physically handicapped employees our opinion is that they should be given jobs in the industry. There should be statutory reservation jobs for the handicapped workers keeping in view their physical capacity and safety.

Q.No.8

Discrimination:- In Punjab U.P. workers are preferred over the Punjabi workers. The discrimination aga-^{inst} Punjabi workers exists in many States. Even in Punjab U.P. Workers are preferred because of ~~its~~ being cheap labour. Discrimination with regard to caste, creed, language and religion does ^{not} exist in Punjab in the matter of employment.

Q.No.9

On the jobs training:- Not adequate whim of the jobbers/ Ustad determines the length of the period on the job training. Special instructors for training new hands should be employed in the factories employing more than fifty workers. Refresh~~er~~ course, study leave for higher training, vocational training in the industrial training institutes should be so adjusted that with the change of the shift of workers, he has not to remain absant from class. Morning and evening classes should be started where same things are taught at both the times. So that the change in the shift of the workers does not hamper the studies.

Q.No.11

Rational Promotion Policy:- (Seniority) basis-seniority to be determined by the length of the service. There~~ex~~ should be no trade test. Merits are included in the question of seniority. Diploma holders should be given due weight in the seniority list.

Promotion to all levels in the factory should be strictly on the seniority basis and from the factory employees. If there is no person in the factory qualified enough to hold the job, then promotion from outside can be made. ~~xxxx~~

Q.No.12

II Conditions of Work

(a)

Re: safety and welfare

Uniforms should be supplied to all workers because loose clothes are one of the big factors involving accident.

The punishment for the violation of safety measures should be deterrent and made recurring till the safety measures are adopted in practice.

The Trade Union workers should be declared safety measures Inspectors, with a right of entry and challanning the management and conducting proceedings against the defaulters.

State Research Institute should be established to conduct research in the safety measures and its recommendations should be ~~given~~ ^{made} statutory provisions.

AMENDMENTS TO THE FACTORY ACT, 1948.

- i) Provisions for Nurseries and Creches.
- ii) Training of Trade Union Inspector regarding measures of safety.
- iii) Study leave for refresher course, completing his study, for higher education.
- iv) club, library, recreation, Fair Price Shop, 30% subsidized canteen

must be there in the factory/Industrial Area.

HOURS OF WORK:-

- i) 12 hours day is normal in Punjab. In many factories and establishments, 16 hours a day is observed. In Hosiery Industry during the season, workers do work day and night for days together.
- ii) Rest interval is not observed in many factories specially where industry work continuously for 24 hours.
- iii) In the same/~~xxxx~~ ^{time} two shifts are working, with different start and end. No staggering of the shift in the same time should be allowed. We are opposed to the staggered and working on weekly off days ~~any~~ in any condition with exception of some industries e.g. Power Houses, Water Supply etc.
- iv) The provision for replacement of weekly Rest should be abolished. It is usually misused by the employers. Rest on one day should be uniform. It is very essential for social life. Present system leads to great mental and physical strains. The provision for spread over is very much abused by the employers. This is a provision which hinders check up of overtime and leads to many unfair labour practices.

ANNUAL LEAVE WITH WAGES

The annual leave with wages should be raised to one month and should not be linked with attendance. These should be allowed to be accumulated for three years without any condition.

Advance wages for the annual leave should be sanctioned immediately prior to going for a leave. Section 82 should be abolished.

OCCUPATIONAL DISEASES.

There is no provision for Doctors for checking up for the occupational diseases. Suitable provisions should be there for periodical medical check up of a worker working in any operation involving any occupational disease, without the recommendation of his employer. Periodical check up should be made compulsory in Cement, Welding, Moulding, Painting and paint making etc. etc. industries.

The list of occupational diseases should be amended to include diseases born out of ~~xxxx~~ noise, strain, vibration, dust, heat etc. etc.

Doctors deputed on such jobs should be paid properly.

OVERTIME PAYMENT

A very few factories observe this provision of law. Rate of overtime payment is normally single, no record is maintained. With the result that payment at double rate cannot be claimed by the workers. Discrimination between the time rated and piece rated workers should be abolished. The refusal to work overtime should not be punishable unless the employer gives in writing 48 hours in advance adequate reasons thereof.

At present at many places normal working day is 12 hours. No overtime is paid. In small factories the conditions of 16th century England are being repeated.

EMPLOYMENT OF YOUNG PERSONS AND WOMEN.

The condition of young persons and women and children are horrible in unhygienic conditions, at lowest wages for maximum hours that is the normal rule in nickle plating, pirn winding etc.

Enforcement machinery is totally inadequate and incompetent, One factory inspector for 5 to 7 districts is appointed. Checking and challaning is perfunctory.

Complete Law of the ~~g~~ungle can be seen operating in the small scale industry of Punjab.

of
The total Laws are/advisory nature. Violation of Labour Laws is always profitable to the employers. The punishments provided for and the procedures laid down are helpfull to the employers. It is very common in all the small scale industries that the employers violate laws intentionally. They don't provide leave books, attendance cards the pay slips, don't maintain overtime registers, payment is made on blank papers and thus remain no record of service of any workers. The workmen who are always aggrieved of violation of labour laws are deprived of the right to sue the employer for any violation of any law which generally involves lacs of rupees. It is profitable to the employer not to pay wages and implement the awards and agreement. He gets this money for his business. Otherwise he has to pay high rates of interest for obtaining money for his business.

Trade Union Inspectors with powers to enforce safety provisions and other provisions of different laws can be ~~the~~ only usefull in bringing about some change in the position of these sections and the protection the workers in the small scale industries.

Q.No. 13

HOLIDAYS :-

1. May Day should be declared as a national Holiday.
2. Maximum uniformity should be there regarding the observance of National Holidays and festival holidays, With reservation for variations in the States. In such a huge country like India, with such great differences, it will be impossible to enforce ~~these~~ ^{uniform} holidays.
3. In Punjab, after huge struggle, in ~~xxxxxx~~ organised industry some sort of uniformity has been brought by the National and Festival Holidays, ^{which} gives 7 festival, 7 casual and 14 half paid sick leaves with full pay.
4. These are too few. The Govt. employees enjoy much more. This discrimination against the workmen should go. In Sugar and Cement industries these holidays are much more than provided in the said Act.

No. 14 We endorse the reply of AITUC

No. 15. Child labour is common in nickle plating, pirn winding in textile industry, small hotels and restuarants, Halwais. The working conditions and actual working hours are more than 10 some times without any weekly off. Special measures to protect child labour and women are necessary.

No. 16 Contract Labour :- This should be abolished in toto. The definition of 'workman' should amended so as to cover every person working in an establishment or factory any work for the principle employer, except managerial staff. This system deprives the workmen of all rights and mean for worst exploitation of the workers.

No.17 We endorse the reply of the AITUC.

No. 18. ACCIDENTS:- Yes, the rate of accidents is very high. Most of the cases of accidents are not reported at all to the authorities in small scale industries. The causes for the accidents are Overwork, fatigue, bad lighting arrangements, no proper space for machines and operators according to the provisions of Factories Act. Small factories are usually situated in dark lanes, small shops, in residential houses where no proper roofing and ventilation and strong walls are not provided. ~~xxxxxx~~ Lack of safety measures are the main reasons for accidents. Usually workmen are kept ignorant about the safety measures. The Inspectorate of the Labour Department generally takes no notice of absence of safety measures.

No.19 Safety Consciousness can be increased through films, seminars special conventions and classes. The appointment of Trade Union officials as Inspectors under the Acts will enforce the measures provided by law.

Refresher courses are necessary. These courses should be organised at factory or industrial area level in such a way that the workers should feel inspired and there is no loss of their income.

No.20 We endorse the reply of the AITUC.

No.21 to 24 -do- -do- .

No25. WORKMEN'S COMPENSATION ACT

This Act needs thorough overhauling. The definition of the 'worker' should also be made according to the conditions prevailing today in the industries. The schedule in this respect should be abolished and every person who work for his master/ principle employer for hire or reward or otherwise, directly or indirectly must be included in the definition of a worker.

Non-payment of compensation and failure to report to the authorities concerned about the accident should be made criminal offence.

The rate of compensation should be raised reflecting the general rise in the cost of living and the standard of living and social status of the workers in the present world ~~out look~~.

Association of Trade Unions should be made essential and compulsory in the investigation of an accident. The employers who are not covered by ESI scheme resort to shady practices in collusion with the Inspectors. Many a time it happened that the employers don't write the names of the workers on their registers especially in small scale industries.

Provision should be made in the Act to appoint labour Court as commissioner under the Act.

No Court Fee should be charged ^{for} claims under this Act.

Protective measures should be made more exhaustive and violation of the same should be made criminal offence.

We also endorse other suggestions of the AITUC.

Part III TRADE UNIONS AND EMPLOYERS ASSOCIATIONS.

From Q.No. 26 to 32 we endorse the reply of the AITUC.

No. 33

Recognition of a trade union should be on the basis of secret ballot simple majority system.

No. 34 to 36 We endorse the reply of the AITUC.

No. 37

Yes. The employers say that they are not members of any Central Organisation of employers and refuse to implement even Wage Board recommendations accepted by the Govt. e.g. Engineering Wage Board's recommendations, Code of Discipline, Arbitration of industrial disputes has been accepted and suggested by the trade unions- employers refuse to accept it.

No. 38

As per AITUC reply.

No. 39

In large units, factory level trade unions exist. In small factories, general unions organised on Industry basis are formed. More and more unions are adopting one uniform constitution.

No. 40 Office-bearers are elected. Only strong unions can appoint whole time officials. In the whole State the paid functionaries are more than 50.

No. 41 New members join when ~~he~~ they come to know of the rôle of the trade unions in respect of for higher wages, DA, Bonus, in protecting the workers' interest and rights. Normally all applicants who pay the entrance fee are admitted. Inter-union competition is not much in Punjab. Polarisation has already taken place to a great extent.

No. 42. To attract new members trade unions raises their consciousness and stresses on the collective bargaining's advantages.

No. 51 Internal leadership should be strengthened by giving them powers to lead at factory level, negotiation with employers, if necessary. Internal leadership should be under the direct control of the workers, open to recall and change by the workers. Democratic Central from below and under control from above and regular training of the cadre at factory level, creates a good team of local leaders.

No. 52 As per AITUC reply
53

No. 54 As per AITUC reply

to

No. 63

-do-

No. 64 Employers should provide an office, minimum furniture, facilities to hold trade union meetings. Paid leave for the office bearers for union work.

No. 65 Very bad. The Government is the worst employer in many respects. Red tape decisions. Justice denied for years. Cumbersome grievance procedure. The same officer charge sheeting, holding perfunctory enquiry allowing no opportunities to the worker to defend himself and dismissing him. In Govt. undertakings, Roadways, Mangal workshop and PWD etc. no bonus is allowed for years together. Ex-gratia payment was won by the workers after struggle.

The Government generally discourage its employees from forming their trade unions/associations. Very often interfere in the internal affairs of the trade unions.

No. 43 Trade union activities are conducted as follows:-

- Office for day to day dealings of workers grievances are established.
- Gate meetings, Area meetings, street corner meetings, leaflets posters for propaganda and popularisation of demands.
- Decision taken by working committees and approved in gate meetings or general meetings.
- Rank and file participation varies with the question agitating them. Trade Unions formulate the demands expressed by workers in Khata meetings, Get them approved at gate meetings and general body and take the appropriate measures.
- Fight workers' cases before labour Inspector, conciliation proceedings, tribunals, courts.
- Conduct strike struggle where necessary.
- Negotiate at any level and enter into settlement.

No. 44 to 46 As per AITUC reply.

No. 48 Very little help is rendered in unemployment. On death, the workers contribute and help by collecting subscriptions and donations. The worker's death leaves the dependent in utter helplessness.

No. 49 As per AITUC

No. 50 Outsider influence means the conscious political social reformer joining the union. It is very beneficial and in many cases essential especially in Public sector and State and Central Govt. Employees, the outsider can say and do things which employees bound down by rules and regulations cannot say. Outsider imparts higher right consciousness in the workers.

Punjab Roadways workers get 4% Ex-gratia bonus. Pepsu Road Transport Corporation employees get 14% from the Tribunal. Government refuses to recognise the genuine militant unions of the workers. Govt. refuses to accept the representation by secret ballot majority.

PART IV INDUSTRIAL RELATIONS.

No. 66 to 69 As per AITUC reply.

No. 70 None in Punjab. Inter Union rivalry is not much. Spheres of influences are clearly divided.

No. 71 Recognition of Union by secret ballot voting.

No. 72 Fact finding enquiries delay the proceedings and help the employers a great deal in getting things delayed. Direct conciliation should be started.

No. 73. Trade unions help to run the factories better. Instead of dealing with one and all, the collective bargain simplifies many things. They arouse workers' consciousness to rights and responsibilities and by their sober guidance help channelise the elemental anger into trade union activities. They create a good climate for the better relations, by providing a forum for ventilating grievances.

Nos. 74 and 75 - As per reply of the AITUC.

No. 76 Labour Welfare officers are not used as welfare officers but more often they act as personnel Officers. They are legal advisors cum- vigilance officer hand picked by the employers to disrupt the workers and he actually creates disputes to justify his existence. In a few cases he is useful too i.e. he acts as a good transmission line to the Boss.

No.77 Joint Committee of management and Central recruitment, promotion, hear grievances, organised production, and bargain can be useful only if the workers representatives are elected by Secret ballot.

No.78 Managements delegate their authority to the lowest and the waste, who act as the iron heel to keep the workers down but it leads to tremendous outbursts and volcanic Industrial relations. Management don't employ specialist in Punjab to handle Industrial relations. They do use the services of legal experts or professional advisors to conduct enquiries against the illiterate workers to make sure their dismissal. This aspect of the existing practice and principle of natural justice is the most damaging one. The employer engages the best man to make his case against the poor worker who is generally illiterate and innocent about the legal positions, while the worker is not allowed on the other hand to get help during the domestic enquiry, from the officer-bearer of his union. This one-sided principle of natural justice cut roots of the justice from the very beginning of the case. It is fair and proper to allow the workers too to get help from the trade union office-bearers during the domestic enquiry.

No. 79 STANDING ORDERS

In spite of the amendment to the Act, still the Act is absolute. The Model Standing orders are absolute. The Model Standing Orders should reflect the modern facilities and gains won by the workers e.g. gratuity scheme, leaves of all kinds, uniforms, house rent allowance or housing accommodation, annual increment with minimum grades, educational facility, and an improved provision for disciplinary actions providing for an appeal before labour court/industrial tribunal against the final orders of the employer.

In majority cases standing orders are certified unilaterally by bypassing the trade unions after getting o.kayed by hand picked yesmen or ~~th~~ by company's union.

No.80 Very little purpose is scored by standing orders. The definition of a 'worker' should include a dismissed/discharged and terminated workers also so that he may be able to get benefit of Section 13A of the Act.

No.81 As per AITUC reply. As stayed above paras.

No.82 and 83 As per reply of the AITUC.

No.84 No facilities worth the name exist for the training of management and trade unions personnel. Workers Education Centre/scheme and Productivity Council have very little practical effect, because of the mis-use of the productivity schemes and the course suggested and way of function of education scheme.

No. 85 COLLECTIVE BARGAINING.

As per reply of AITUC.

No. 86. For collective bargaining, the majority union should be recognised by secret ballot. Recognised union should not be the sole agent, if the unrecognised union exists that should be allowed to represent the workmen in individual cases, and other cases not involving the workmen of an establishment or of industry as a whole. ~~XXXXXXXXXX~~

No. 87 Collective bargaining is useful no doubt. The adjudication with its delays, wronglings kills the weaker party i.e. the workers. It is totally wrong that it helps the workers when he is in a weak position.

If the workers organisation are not strong nobody bargains with them. If the workers organisations are not strong litigation, time and money spent to get redressal of grievances is incorrect. Employers go in for an appeal on preliminaries then on merits, at least upto High Court level and that means 2 -3 years delay. If it goes to Supreme Court add a few years more and with it the huge sums involved. If after all, the workers secures an award in his favour, the employer refused to implement the same and for years to gether, the awards are not implemented. Many a time after the total process is completed workers are scattered all over India and there is no body to get the awarded relief.

No. 88 Collective bargaining should be encouraged. Adjudication at the request of the workers should be allowed.

Nos. 89 to 91 - As per reply of the AITUC.

No. 92 Works Committee rarely function. Because, though manouvours employers' own men are brought into it, the employer can get majority by winning only one representative of the workmen by any means. Works Committee are not proved useful for any purpose. ~~XXXXXXXXXXXX~~ Constituencies for elections, the domination of the employer in election has made the committee a farse. Some time employer where he feels that the Union is strong enough to win all seats, he immediately employ new hands three months before the elections and with their votes he gets his men in the works committee. Therefore these committees are not functioning committees in Punjab. Some times these committees are used to replace the trade unions.

No. 93 to 95 As per reply of the AITUC.

No. 96. Profit sharing schemes, copartnership, the employers in the State refuse to think on these lines.

No. 97 (a) Workers as shareholders in the Enterprises controlled by the big capitalists, is just handing over the share capital to the employers to use it for his own purposes.
(b) (c) and (d) As per reply of the AITUC.

No. 98 CONCILIATION - As per AITUC. Normally this machinery is loaded against the workmen. Much depends upon the policy of the Govt. but the perssonel of the machinery matters a little.

Nos 99 to 101- Per AITUC.

102-103 ADJUDICATION.

It has great limitations. Laws have got loopholes and lacunas which are utilized by the employers to delay, deny justice. Adjudicators are debarred from judging the case of termination/dismissal etc on merits if the workers request it, but he is bound to hear evidence on merits, if employer wants it. The illegality and un-justifiability of dismissal/termination orders which holds good in the first stage, ~~xxx~~ the employer is allowed to build his case during court proceedings and make the defective orders legal and justified. This practice gives the employers ample opportunity to harass the workers and victimise them. This is a double standard, heavily loaded against the workers. It is not case of natural justice but it is a un-natural justice.

Adjudicators, Labour Courts, Tribunal etc. should have the powers to hear the appeals, revisions etc.

High Courts should be given powers to hear appeals against the decisions of the tribunals, labour courts. Existing system has played the role of ~~beating~~ beating down the workers, delaying, denying justice to workers. The rest as per AITUC.

No. 104- Existing machinery for references too tardy and cumbersome. Hundreds of cases are not referred on flimsy grounds. The workers should be allowed to directly go to the labour court or tribunal for redressal for their disputes. . . per AITUC.

No. 105 Per AITUC.

No. 106 Conciliation, Adjudication, by labour courts too long proceedings. Direct ~~xxxxxxx~~ appeals to a industrial court in the district directly under the High Court of the State can be the remedy for the present tardy procedure.

No. 107 Labour Appellate Tribunal/or provisions for appeal to the High Courts should be provided. Thereafter no appeal to the Supreme Court.

No. 108 per AITUC.

No. 109 Enforcement powers should be given to the Tribunal/labour courts. Now tribunal or labour court ~~xxx~~ decide. If the employer refuses to implement it is again sent for computation to the labour court u/s 33C(2) of the Industrial Disputes Act. After computation, if the employer don't move, application u/s 33C(1) of the Act are made to the Government and it is further lengthy procedure. Years elapse but nothing moves. Therefore enforcements power with the proper enforcement staff should be given to the labour /tribunal.

No. 110 Code of discipline:- The implementation of the Code of Discipline hasposed the question in a new way. What was the motive behind the Code. Was it to chain the workers to the rock of the Code and unleash the offensive of the capitalists on the defence less workers.

The employers do not recognise the unions. The employers have successfully sabotaged all grievance proceedings and workers are forced to conform to the code. In sheer disgust more and more workers are denouncing it.

No. 111 per AITUC.

No. 112. VOLUNTARY ARBITRATION

It can play a useful role provided the Arbitration proceedings are not tedious, long and cumbersome. The unions have always offered arbitration but employers normally hesitate and refuse it. It should not be the part of all settlements because that means its voluntary character goes and ~~ties~~ ^{ties} down the hands of the parties unnecessarily.

No. 113. As per AITUC.

No. 114 We are opposed to Standing arbitration Board - as per AITUC.

No. 115 As per AITUC

No. 116 Arbitration expenses to be met by the employers.

117 STRIKES AND LOCK OUT

These sections containing prohibition of strikes and lockout should be deleted. These declaration cannot alter the fact of real life. In public utility services practically there can be no legal strike, as such the workmen are denied their Constitutional Right. These strictions were not imposed by the Imperialist Rulers while the present Government has curbed the right of the workers. Further to these legal restriction the Supreme Court has added more harsh curbs on this right of the workers, which is always used by the employers to victimise and crush ~~the~~ the trade union activities and trade union workers.

No. 118
119 Strike notices are served by the workmen where legally required and in other cases it is the discretion of the Unions and in the normal cases notice of strike is given. In case where sudden ~~and~~ provocation is there, the strike may be *spontaneous*, without notice.

No. 120. Strike wages are secured in a few cases where the strike has been legal and justified and even otherwise too according to the settlements.

No. 121 FIGHT AGAINST VICTIMISATION:-

Raising a dispute for the victimised worker. By resorting to strike for redressal of their complaints. In *majority* cases, we have/saved the workers, but in ~~xxfew~~ *majority* cases they were driven out successfully.

No. 122. In the beginning of their consciousness, the workers resort to unauthorised actions but slowly learn to be disciplined. Naturally the Unions discourage spontaneous strike but in such circumstances it is practically impossible to stop such actions.

No. 123 During strikes, ~~the~~ the contact is normally maintained through conciliation machinery. Government should ~~not~~ intervene in legal and illegal strikes. Legality and illegality of a strike can be determined by a court of law only.

No. 124- 127 As per AITUC

No. 128 For Labour Management relations, Public/ cooperative and private sectors should be treated on equal footing. The Govt. and the Public sector should act as the Model employers.

No. 129 In small scale sector collective bargaining is difficult no doubt but the Unions are performing this uphill task to some extent. In a comparatively bigger factories, this has been quite effective but "small and medium sized" where the labour is unorganised, collective bargaining has not. This is the most exploited section of the workers. Industrial relation machinery handles quite a chunk of disputes.

PART V WAGES

- No. 130 Unskilled Labour reserves is becoming a reserve for keeping the wages depressed.
- No. 131 As per AITUC
- No. 132. Reserve should be the trend. Wages in industry should be gradually allowed to influence the very low wages in the agriculture. It will be strange socialism if the advanced industrial sector is allowed to be influenced by the highly exploited low paid agriculture labour.
- No. 133 The wages are directly linked with the organisational strength of the Unionism. The present wage level has been achieved through huge struggle of the workers - The rest as per AITUC reply.
- No. 134 MINIMUM WAGES - As set forth in the report of the Committees on Fair Wage 'The minimum wage must provide not merely for base sustenance of life but for the preservation of the health and efficiency of the workers. For this purpose the minimum wage must also provide for some measures of education, medical requirements and amenities'.
This definition should not be modified. If modification has to take place, the changed cultural value of the worker has to be taken into consideration and entertainment as an essential portion of wages has to be taken into consideration.
- No. 135 -140 As per reply of AITUC.
- Nos. 141-144 DEARNESS ALLOWANCES - DA should be separate variable component part of wages. Automatic adjustment in the DA linked with cost of living index on per point basis every month with 100% neutralisation for the unskilled, semi-skilled and 80% neutralisation for skilled. The DA should be linked with the local cost of living index. If the index is not computed in a town, the nearest town where the index is computed is the place with ~~whos~~ whose index the DA should be linked.
- Nos. 145 -154-156 As per reply of the AITUC.
- No. 157 Policy of wage freeze in the context of rising prices is totally ridiculous. It is utopian dream which gets shattered again and again on the hard rocks of reality. In fact it is an attempt on the part of representatives of big capitalists to exploit the working masses more ruthlessly by freezing the wages. Wage freeze once implemented will depress the market still further, leading to general fall in real earnings and deepening of the recession, leading to serious unrest and turmoil.
- No. 158 As per reply of AITUC.
- No. 159-160 -do-
- No. 161 Total wage packet should consist of two parts i.e. basic plus DA linked with cost of living index and the other allowances, incentives of different industries. About productivity -as per reply of AITUC.

162 - General

The Administration of Minimum Wages Act, 1948 is highly unsatisfactory. The number of industries covered in the schedule should be enlarged. The fixation and revision of Minimum wages is too cumbersome a procedure involving long delays. As Advisory Committee for the revision of Minimum Wages in Punjab proves. Political pulls and *pushes* are allowed to play havoc with the workers wages. Number of Notifications are issued is a record. This created huge strike struggles in ~~industry~~ involving 30,000 workers in Punjab.

History of the Minimum Wages in Engineering is also significant. Long delay, ambiguous categories created havoc and denied the workers Minimum Wages for years together.

- The majority of Committee in Punjab don't recommended linkage of DA with the cost of living index.
- The Minimum Wages fixed do not take into consideration the Fair Wage Committee report and its definition of Minimum Wages, it is not fixed as a need based wages.
- The wage range of Rs 60/- to Rs 75/- for the unskilled workers as total emoluments is actually starvation subsistence.

MINIMUM WAGES FOR PIECE RATED WORKERS.

In the state the workers working on piece rates, are in very big majority. The piece rated workers are the most exploited section of the working class. No quantum of daily work is assured to them and piece rates are arbitrarily fixed and the same are changed arbitrarily by the managements.

- The definition of 'workman' requires amendment to enable an ex-worker to claim his wages for the period he worked.

GUARANTEED TIME RATE WAGES FOR THE PIECE RATED WORKERS.

Piece rate system leads to unfair labour practices e.g. lay-off without wages is common in the small scale industries as the number of workers are kept below the strength required under the relevant provision of Law. ~~Some~~ Generally piece rate workers are treated as contractors and thus numbers of workmen are reduced. To stop all kinds of unfair labour practices and keeping incentive for maximum production it very essential that a minimum guaranteed time rate wages for the piece rated should be introduced for piece rated. It will be big check against fall in earning due to numerous factors out of control of the workers. The attitude of the employers in Punjab is adamant against fixation of minimum fall back wage.

- The enforcement machinery is totally inadequate and even the starvation wages fixed are not paid to the workers especially women, children and U.P. workers are the worst sufferers.

No. 162 As per AITUC reply.

No. 164 -do-

No. 165 PART VI PAYMENT OF WAGES BY RESULTS

Payment of piece rate system is actually a system of payment by results which is against the interests of the workers for the following reasons-

- The workers are not guaranteed minimum fall back earnings for any period in which output is affected by causes beyond their control.
- For specially *odd* jobs where production is low and the results are low because of no fault of the workers, he is not compensated for that but is given other jobs in which he has to work more to earn his normal wages.
- There is no job analysis system, time control, work measurement system. In absence of this the payment by results leads to 12 hours day, worst exploitation of workers, continuous falling piece rates, increasing work load.

Nos 166-177 As per AITUC reply.

PART VIII SOCIAL SECURITY

No. 178(a) Two schemes of social security.

Provident Fund scheme and ii) Employees State Insurance scheme.

These schemes are applicable to numbers of factories in Punjab. Their effect on stability of employment is very strange. The small scale employers, just to escape the liability of paying his contribution to P.F. and ESI schemes adopt the following measures:-

- Fragmentation of the Units:-

Because of the conditions that the scheme of P.F. and ESI will cover factories with 50 and 20 respectively, a specific number of workers, the employers resorted to fragmentation of their units, leading to loss of services benefits, disturbing industrial relations. Therefore there should not be a qualifying number of workers for these schemes.

- The time limit that provident fund scheme will be applicable to these workers with a service of an year. The employers resorted to malpractices of service for a specific period of 6 months or so, then breaking it for a few days, or fill it by fictitious names of the same worker. Thus the worker will be never covered by the scheme. There should be no time limit qualification.

- The plea of infancy of the unit has been mis-used to evade the application of these schemes. These both conditions should be removed.

(b) Yes. Larger labour turn over is fictitious in small industries, where some workers are employed after breaking their services, or the same workers are forced to work on other names, they are forced to work for a short period without their names being written on the muster rolls, or other workers are employed for a few days. Thus breaking the service of the workers is the main aim so that he does not fulfill the conditions of the qualifying period. Hence this qualifying period, qualifying numbers of workmen and the age of the unit should be removed.

No. 179 MEDICAL CARE

(a) The number of hospitals is very inadequate. The beds in other hospitals are very few or even the meagre number allotted is not kept reserved for the patients which leads to their being utilized only for the 50% time by the ESI.

(b) Specialists are not employed and specialist's treatment and advice is not available to the patients.

(c) Medicines are prescribed not according to the need of the patient or their effectiveness but because they are available and on the prescribed lists. The lists need revision to include the many more medicines.

(d) No treatment is available for Mental diseases. No child specialists are employed, no gynecologist for women workers troubles, no birth control centre.

(e) Treatment for eye troubles, supply of spectacles free of cost and Denture free of cost should be provided.

(f) No provision for long term chronic ailments. The number of days and the payment during the ailment is very little and totally totally unsatisfactory.

ii) SICKNESS BENEFIT

- Two types of qualifying periods are bogus, one should be covered under the scheme after he has paid the first contribution. The employee should enjoy the benefits as soon as he becomes the member of the scheme.
- Qualifying period of 8 months should be abolished.
- All chronic ailments are not covered under the scheme and these should be treated as 'sickness' and period of maximum limit for getting benefit should be 'till here covers from the ailment and is fit for work'.
- The rate of benefit paid should not be 9/16 of earnings but should be cent per cent.

iii) Un-employment benefit - There is no such law as yet. It should be there.

iv) In some factories there is gratuity schemes which is an old-age benefit scheme.

v) No family benefit scheme.

vi) Maternity benefit is inadequate. The period of leave and rate of compensation should be equal to the normal earnings.

vii) No invalidity benefit scheme.

viii) No survivors' benefit scheme.

(c) Scheme is very defective - under staff - no proper arrangements for covering all the industrial employees - In fact these scheme are useful to a very little number of workmen and to very little scope. As compared to the existing social assurance scheme in other countries these schemes are nothing but tax on the meagre earnings of the poor workers. Rest as per reply of the AITUC.

No. 180 As per AITUC reply.

No. 181 We are for a comprehensive scheme but the contribution should be paid by the employers and the State and not by the workers.

ii Yes. We are for the merger of the two schemes.

No. 182 (f) No provision for long term chronic ailments should be provided.

(e) Treatment for eye troubles should be provided.

(d) Mental treatment is available for mental diseases.

No. 183 (a) The number of hospitals are very few or even the meagre number allotted

(b) The number of hospitals are very few or even the meagre number allotted

(c) The number of hospitals are very few or even the meagre number allotted

(d) The number of hospitals are very few or even the meagre number allotted

(e) The number of hospitals are very few or even the meagre number allotted

No. 184 (a) The number of hospitals are very few or even the meagre number allotted

(b) The number of hospitals are very few or even the meagre number allotted

(c) The number of hospitals are very few or even the meagre number allotted

No. 185 (a) The number of hospitals are very few or even the meagre number allotted

(b) The number of hospitals are very few or even the meagre number allotted

(c) The number of hospitals are very few or even the meagre number allotted

(d) The number of hospitals are very few or even the meagre number allotted

- ii) It should apply to all factories irrespective of age of or any qualifying period of any factory.
- iii) The condition of one year of service in the factory should also go.
- iv) Non-payment of collected amount of the contributions should be made criminal offence and provisions should be made that even in such conditions the workmen should not be deprived of their due benefits.
- v) Condition regarding dis-qualification of workers in case of unemployment for a period of six months should go - as worker is not at fault.
- vi) 80% deduction should be made from all factories and establishments.
- vii) Dismissed workmen should get the total amount of P.F. ~~when~~ in his name i.e his own and employer's contribution
- viii) Once a factory is covered under the scheme it should not be exempted.

No.189 As per AITUC reply.

No.190 Both schemes should remain.

No.191 Lay off provision. - The condition of employing minimum 50 workmen in a factory should go. This provision be made applicable to all industrial units.

No. **RETRENCHMENT** :- ~~Qualifying~~ condition of one year's service should be removed. As there is no unemployment benefit scheme in the country and after retrenchment it takes time to search for an other job. Thus the notice pay will serve the purpose of unemployment benefit for one month to search for job.

The rate of retrenchment compensation should be one month's wage instead of 15 days' wages per year of completed service.

In all circumstances the compensation should be full and limit of three months etc in certain circumstances should be removed.

No.192 Yes. All recognised trade unions which are recognised after an election by secret ballot should be handed over the social security benefits administration.

Nos.193-194 As per AITUC reply.

No. 195 The Labour Laws have not been implemented anywhere except in places with very strong unions. Directive ~~principles~~ should be included in the fundamental rights of every citizen.

No.196 We think Labour ~~being~~ laws being the concurrent subject is helpful. State legislature need not get the approval of the President of India.

Nos 197-204 - As per AITUC reply

No. 205 The socio-economic steps taken by the government have to a certain extent benefited a small section of them. The majority has not benefited ~~extensively~~ economically.

The most important measure has been the grant of adult franchise in elections to Parliament, Assemblies and Gram Panchayats. This has given them confidence and enabled them to some extent to assert their rights. It has raised their social and political status. In the villages generally, in all elections they are in a position to tilt the balance in hundreds of villages, persons from amongst them have been elected sarpanches. Their representatives have found place in Parliament, Assemblies and Panchayats Raj institutions.

A small section has been given land through various schemes e.g. grants of land under Land Purchase scheme, Land Utilization Act, Village Common Land lease order, distribution of Nazool and evacuee Land Order. But a large number of tenants have been ejected from tenancy land by the Landlords. These ejected tenants have joined ranks of landless labourers.

Under Welfare schemes, literacy and education has spread to a certain extent and a small number of their children have found jobs in Government and private services.

Untouchability has been considerably mitigated, though not eliminated. This has come about as a result of education, industrialisation, mobility of population rather than through Anti-untouchability Act.

Wages in money terms have increased, but very much lag behind ~~fix~~ prices. Rise in prices has hit them hardest..

No. 206-207 Unemployment has increased for following reasons:-

- Decline in cottage industry.
- Droughts and Floods.
- Mechanisation of agriculture.

Employment opportunities can be increased through :-

- Distribution of all available cultivable Govt. and other available lands, Nazool, evacuee, shamlats etc.
- Intensive cultivation which requires more labour.
- Rural industrialisation work.
- Large scale rural development works and Anti.Flood works, Land excavation schemes, Development of rural communications Minor and medium Irrigation schemes.

MINIMUM WAGES.

No.210-211 A schedule of Minimum Wages for Agriculture labour was fixed in the Punjab in 1957 under Central Act. It was revised up ward in 1959 and again in 1966. But it remains a dead letter. There is no machinery worth the name for its implementation. The scheme has not even been publicised by the Govt. Agency.

In most places however, the agriculture workers have secured wages at the minimum level or above, e.g. in district where there are larger holdings, when agriculture has been started on commercial basis and in areas round the towns and industrial centres.

A separate labour Inspectorate should be set up to implement the scheme. A list of villages should be drawn up where wages are depressed below the minimum level. Great attention should be paid to implementation of scheme in these villages.

No. 208 The workers in small industries rural and urban should be covered by Provident Fund and ESI Schemes and Industrial Disputes Act, Shops and Commercial Act with out the qualifying service, or age of the factory, or infancy.

Permanent jobs to be given only to permanent workers and all workers who work on permanent jobs shall be treated as permanent.

Temporary service forms for specific period should be abolished and declared null and void

Enforcement of Minimum Wages Act, and Notifications for the fixation of the Minimum wages, T. U. Leaders should be appointed as Inspectors under the Act. The tendency is to take the factories outside the Municipal limits.

No. 209 CONTRACT SYSTEM OF LABOUR

This is the most hated by the workers because the workers are exploited the most under this system. All laws are violated under the fig leaf of the contract system. No improvement is possible in the system. Half the ills originate from this. This system should be abolished in toto- As per AITUC.

No. 212-213 PART X LABOUR RESEARCH AND INFORMATION.

Statistics are extremely important for our country and its economy. As far as possible a separate Dept. should be organised with its own field staff. It is a specialised job and should not be handed over to already over worked field staff of the labour Department.

No. 214 All India Consumers price Index number does not reflect the changes affecting working class. Local indices compiled by the respective State is the best reflection of the change affecting working class.

Nos. 215-218 As per reply of AITUC.

219 Definitely not. Considerable more budget provisions for the collection of statistics, research etc should be made by the State and Central Governments.

Nos. 220-226 As per AITUC.

No. 227 Trade Unions inform the public about their demands by bringing out leaflet, wall posters, public meetings, procession, placards hunger strikes, demonstrations, press conferences etc collecting funds from shops and homes.

In times of struggles, if the specific weight of the working class is sufficient in the body politic, very large number of people get to know the demands of the workers. But once the stress is gone. The contact with the people is reduced to ~~minimum~~. About day to day activities of the trade unions not made known to the general public.

No. 228 It is correct that conflict gets more publicity. Labour wants sympathy and support of the public and raises quite a little storm to be heard in the general public. The employers can not hold public meetings and demonstrations. They resort to paid advertisement in the Press. Press conferences and they help finance and number of yellow rags who throw mud and dust on the workers organisations.

But once a settlement is reached. Both sides go to sleep for the next round. Hence conflict gets more publicity while accord is played in low key.

No. 229 Role of Press

Except a very few honourable exceptions, the press editorials are loaded against the workers. Remedy is breaking the Press Monopoly. Helping small papers. Building an alternate working class press.

Stoppage of the buying of press by giving : ~~the~~ advertisements through advertising agency pools who systematically use advertisements to control press.

No. 230. Press plays an important role in shaping decisions on industrial disputes. By its blind partisanship for the employers, it creates unfavourable conditions for the workers. But once an industrial dispute really catches the imagination of the people, the press begins to more and more reflect the views of its readers atleast in the flashing of News. Hence the Press can be corrected by the enlightened public opinion.
