

**MYSORE STATE**  
**RECORD OF DISCUSSIONS THEREIN**  
**AND**  
**REPLIES TO, AND MEMORANDA ON, THE**  
**COMMISSION'S QUESTIONNAIRE RECEIVED**  
**THEREFROM**

**VOLUME II**

**GOVERNMENT OF INDIA**  
**NATIONAL COMMISSION ON LABOUR**

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NATIONAL COMMISSION ON LABOUR

MYSORE STATE

VOLUME II

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MEMORANDUM SUBMITTED

TO

NATIONAL COMMISSION ON LABOUR

The views of the State Government have already been communicated in reply to the questionnaire issued by the National Commission on Labour. In this brief memorandum, views on some of the important issues are highlighted.

IMPORTANT STATISTICS

The set up the Labour Department in Mysore State is indicated in Annexure -1. The statistics regarding work stoppages for the last 10 years in Mysore State has been indicated in Annexure - 2. Annexure -3 shows the number of Industrial Disputes disposed of during 2 calendar years 1965 and 1966. Annexure -4 shows the scheduled employments in which rates of minimum wages have been fixed or revised recently.

ADJUDICATION MACHINERY

been Compulsory adjudication has not an un-mixed blessing. The procedure of adjudication is time consuming and costly. Workers do not get speedy relief. The Labour Courts and Industrial Tribunals take a long time in disposing of the reference. The Presiding Officers of the Labour Courts and Industrial Tribunals have stated that one of the reasons for delay in disposing of references is lack of interest evinced by Labour Unions and Representatives of the workers. Frequent adjournments have had to be given at the request of the workers' representatives. It is necessary to go into the cause for such apathy on the part of workers' representatives in pursuing the adjudication cases. Perhaps financial resources of some of the Unions may not enable them to have legal consultants to pursue their cases before the Labour Courts and Industrial Tribunals. The Central organisations should analyse the reasons for such apathy on the part of Trade Unions and help their constituent Trade Unions by way of legal assistance.

During the pendency of adjudication proceedings, there will be simmering discontent among the workers which results in unstable labour-management relations. Even when an Award is given by the Labour Courts or Industrial Tribunals, it does not take away the discontent from both the management and the labour. For healthy relations of labour and management, there should be an element of Give and Take and this is absent in the adjudication process. This would be possible if all the disputes go before an Arbitrator or a Board of Arbitrators. The Arbitrator while considering the demands of one side would also consider what reciprocal benefits could be secured for the other party. If the arbitrator brings to bear such an approach in solving Industrial Disputes, then, none of the parties to arbitration will feel wholly aggrieved. At present arbitration is voluntary and very few cases have gone before arbitrators or

Board of Arbitrators. Even workers' Unions when they feel that their case is weak hesitate to agree for arbitration.

There is finality in arbitration; whereas adjudication has no finality and the aggrieved party can go to the High Court and the Supreme Court. Therefore giving up of compulsory adjudication and substituting it by compulsory arbitration will have to be seriously considered.

### INTER - UNION RIVALRY

It has been our experience that majority of the Trade Unions are formed on the initiative of central organisations or of professional trade unionists. This has led to multiplicity of trade unions in a single establishment and inter-union rivalry. These unions will be jockeying for power and for increased membership. Just to demonstrate to the workers in the establishment that their union is more solicitous than other unions in securing benefits to the workers, the unions vie with one another in raising demands which tend to disturb industrial peace.

The provisions in the Trade Unions Act that seven or more workers can form a Trade Union without any limit regarding the number of unions which may exist in a given establishment has made it possible for the development of multiplicity of unions in given establishments. It is desirable to restrict the number of Unions in a given establishment to one by amending the Trade Unions Act. If this is not possible, workers should be educated in matters relating to trade unions and increased opportunities should be given to them for participation in the management of Union and thereby outside influence in the trade union activities should be sought to be eliminated. This would also require the employers to take a co-operative attitude by affording facilities to workers for taking active part in the management of the Trade Unions.

### PRODUCTIVITY AND QUALITY CONSCIOUSNESS.

The Trade Unions at present concern themselves solely with securing the maximum benefits to workers without any regard to the effects of their demands on the Society as a whole or on the economy of the country. The trade unions restrict their activities only to seeking benefits by way of Wages, D.A., Bonus, fringe benefits or better conditions of work. Willingness to accept more responsibility and increased load of work and attention to quality of the goods produced appears absent.

Along with their anxiety to improve their emoluments and conditions of work, it is very necessary that workers also become productivity and quality minded so that the profitability of industry improves enabling the workers to share in it. Trade Unions should inculcate in the workers productivity and quality consciousness and a sense of discipline and dedication to work.

Trade Unions also need to pay more attention to workers' education and other welfare activities of the workers. They should also devise ways and means for restraining absenteeism.

### PAYMENT BY RESULTS

In para 3, we have suggested that trade unions should become productivity minded and quality conscious. The managements should also play an equal and important role in increasing productivity. It would appear necessary that our present wage structure should be modified to one in which payment is by results.

### BANNING OF STRIKES IN HOSPITALS

The Industrial Disputes Act, 1947 covers the services in hospitals and dispensaries within its fold. In this State except a few hospitals, all are Government Hospitals. The staff working in these hospitals are governed by the Mysore Civil Services Rules. As per these rules, Government Servants cannot become members of a Union which is not recognised by the Government and the workers are prohibited from taking part in strikes and demonstrations.

Hospitals are institutions rendering social service in consonance with the concept of a welfare State, and are not industrial establishments working for profit. They render a vital public service and deal with matters of life and death. The processes open to the employees under the Industrial Disputes Act can only be exercised at the cost of patients' welfare. For the efficient running of hospitals, discipline and a sense of service amongst staff is of utmost importance. If the employees are allowed to form trade unions and to agitate for their demands by resorting to strikes, it will be difficult to enforce discipline in the hospitals and maintain satisfactory service. The society at large will suffer thereby. A strike in a hospital does not affect production but causes untold suffering to suffering public.

It is, therefore, necessary to ban strikes in hospitals and dispensaries. If this is done, it would be necessary to provide some other mode for redressal of grievances. The grievance procedure as contemplated in the code of discipline may be adopted in hospitals. Besides, the recognised unions in hospitals may be allowed to go directly to the Labour Courts and Industrial Tribunals for adjudication of their demands. Similarly, banning of strikes in Water Supply Department and Electricity Department which are essential public service appears a necessity.

### IMPLEMENTATION OF LABOUR LAWS

In recent years, there has been a plethora of laws enacted in the field of labour. They cover a wide field of activity and if effectively implemented, they will go a long way in ameliorating the conditions of workers and contribute towards harmonious relations between Labour and Management. But, in this State, we feel that implementation of various labour laws has not been as effective as it should be. The growth of the Labour Department has not kept pace with the growth of legislation. From time to time we have been reorganising the Department and streamlining the machinery, and making delegation of powers at various levels. Even then having regard to number of units and establishments in the State (Factories 2,780 and Commercial Establishments 1,10,000) and a wide variety of work devolving on the labour staff, the staff has not been found adequate to cope with the duties and responsibilities cast on the labour administrative machinery. The staff of the Labour Department also suffers to some extent from lack of experience and proper training. This problem of streamlining the Labour Department is engaging the attention of the Government. Paucity of resources has come in the way of expanding the Department.

### ROLE OF PERSONNEL OFFICER.

Many of the larger industrial establishments are having Personnel Officers. These Officers are expected to be Liaison

Officers-between the workers and the Managements. They should have sympathy towards the aspirations of the workers and they should be in a position to represent fearlessly the just demands of the workers before the management. Similarly they should also not hesitate to tell the workers if their demands are unreasonable. If these duties are discharged effectively, it will contribute towards maintaining harmonious relations between management and labour.

Unfortunately, the Personnel Officers tend to indentify themselves with the management and function as Administrative Officers dealing only with salary, leave, disciplinary proceedings, etc., pertaining to the workers. It is very necessary to emphasise the true role of the Personnel Officers as Liaison Officer. In the case of large establishments, it appears desirable to make appointment of such Personnel Officers compulsorily.

#### WAGES AND WAGE BOARDS.

In this State implementation of the recommendations of various Wage Boards has been satisfactory. The statement in Annexure-5 indicates the present stage of implementation of the recommendations of various Wage Boards. In view of satisfactory implementation of the recommendations of the Wage Boards, we feel it is not necessary to make enforcement of the recommendations of the Wage Boards statutory. If these recommendations are made statutory, recommendations will press heavily on marginally viable units. In establishments where such recommendations are not implemented, the workers can raise demands for their implentation, which could then be adjudicated upon.

#### MINIMUM WAGES IN BEEDI INDUSTRY.

Recently revised rates of minimum wages were fixed in the Tobacco Industry (including beedi making). We find that in the neighbouring State of Andhra Pradesh, the rates of minimum wages fixed in Beedi Industry are low as compared to our rates. This will affect the industry in this State adversely, as the industry is very competitive. The low wages in neighbouring regions will induce a tendency in the industry itself to migrate. Some mechanism needs to be evolved for securing co-ordination among the neighbouring States while fixing or revising rates of minimum wages in industries of this type.

#### CERTAIN LAGUNAE IN THE TRADE UNIONS ACT.

As the Trade Unions Act now stands, there is no provision for restoration of the registration of a Trade Union when once the defects for which the registration had been cancelled have been rectified. Such a provision appears very necessary as in the absence thereof, the union will have to go through the entire procedure of getting itself registered afresh.

Instances have come to our notice where rival sets of persons claim to have been duly elected as office bearers of trade unions. No powers have at present been vested in the Registrar of Trade Unions to enquire into such claim and arrive at any decision regarding the tenability of the claims. Where such disputes exist, the only relief open to the disputants is to move a Civil Court for declaratory decree. This will be a costly and time-consuming process and until a decision in the matter has been secured, chaotic conditions

would obtain in the affairs of the union. This could be prevented if a provision could be made in the law to the effect that where the existing office-bearers or one-third of the members of the union make an application to the Registrar to that effect, the election should be conducted by the Registrar or his nominee.

Where the validity of an election is challenged, it can be made justiciable by a Labour Court, excluding the jurisdiction of the Civil Courts. This will conduce to expedite the settlement of such disputes.

#### TRIPARTITE COMMITTEES.

In order to smoothen the industrial relations in this State, the State Government have set up the following Committees:-

(i) Tripartite Standing Committee.- This Committee has been constituted in pursuance of the decision of the 23rd Session of the Indian Labour Conference held on 30th-31st October 1965, to review and resolve labour management relations.

(ii) Industrial Relations Board. - This Board has been constituted to advise Government in respect of broad principles and policies regarding labour legislation and labour welfare; to help in the establishment of harmonious relations between employers and employees; to consider and express opinion in respect of any recommendation or report made by Sub-Committee before the recommendations or report is submitted to the Labour Minister.

(iii) State Evaluation and Implementation Committee. - This Committee examines the work of implementation and evolution of Agreements, Awards and Settlements, etc., and also investigates the cases of breaches of the Code of Discipline in the industry.

(iv) Motor Transport Standing Tripartite Committee. - In pursuance of the decision taken at the first session of the Industrial Committee on Road Transport held on 25th February 1966. This Committee has been constituted to consider measures for more effective implementation of the provisions of the Motor Transport Workers Act.

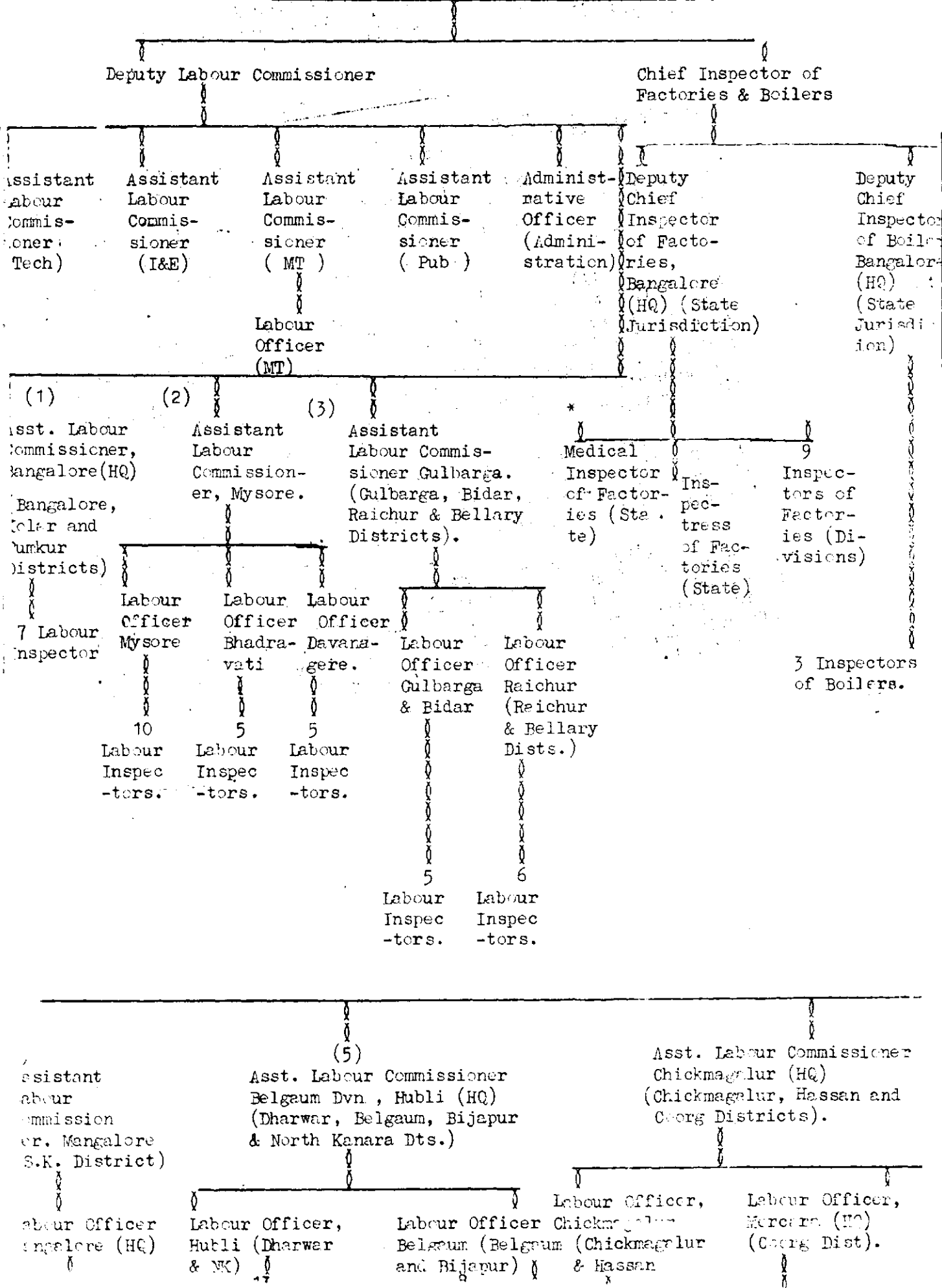
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ANNEXURE I

STATEMENT SHOWING DETAILS OF ORGANISATIONAL SET UP OF THE  
LABOUR DEPARTMENT IN MYSORE STATE

COMMISSIONER OF LABOUR IN MYSORE, BANGALORE



## ANNEXURE-2

I. Statement showing the number of work stoppage from 1956-57 to 1966-67 in Mysore State

Sl. No.	Year	No. of strikes	No. of workers involved	No. of Man-days lost	No. of Lockouts	No. of workers involved	No. of Man-days lost
1	2	3	4	5	6	7	8
1.	1956-57	59	54,505	1,76,121	-	--)	
2.	1957-58	103	61,693	2,51,884	21	25,839)	
3.	1958-59	69	8,589	77,730	62	7,762)	
4.	1959-60	57	19,052	96,080	12	4,784)	Information not available.
5.	1960-61	76	13,313	25,987	1	43)	
6.	1961-62	79	26,712	68,631	1	450)	
7.	1962-63	64	12,273	46,085	5	1,495	10,750
8.	1963-64	87	19,328	60,644	2	1,488	10,663
9.	1964-65	124	45,922	2,01,409	5	1,702	13,452
10.	1965-66	93	42,047	3,95,877	2	434	1,334
11.	1966-67	91	61,012	4,17,026	30	5,760	73,344

## ANNEXURE - 3

Statement showing the number of Industrial Disputes dealt with during two Calendar Years of 1965 and 1966.

Year	Number of Industrial Disputes taken up by the Conciliation Machinery.	Number of Industrial Disputes settled in Conciliation.	Number of Industrial Disputes with drawn of dropped.	Number of Industrial Disputes referred for adjudication.
1965	557	210	67	261
1966	1580	361	161	414

## ANNEXURE - 4

## MINIMUM WAGES NOTIFIED

Employments	Date of Notification	Date of Enforcement
1. Textile (Silk) Industry	19-1-1967	19-4-1967
2. Tanneries and Leather Manufactory	27-2-1967	15-3-1967
3. Cotton, Ginning and Pressing Manufactory	27-2-1967	15-3-1967
4. Rice Mills, Flour Mills or Dhal Mills	27-2-1967	15-3-1967
5. Oil Mills	27-2-1967	15-3-1967
6. Stone Breaking or Stone Crushing	27-2-1967	15-3-1967
7. Residential Hotels and Eating Houses	1-6-1967	1-7-1967
8. Tile Industry	21-8-1967	1-9-1967
9. Public Motor Transport	8-9-1967	1-10-1967
10. Tobacco (including Beedi Making) Manufactory	11-9-1967	1-10-1967
11. Cashewnut Industry	10-10-1967	1-11-1967

contd...9/-

ANNEXURE - 5CENTRAL WAGE BOARDS

Sl. No.	Name of the Wage Board	Date of Constitution of Wage Board	Date of Interim Final recommendation <sup>1</sup>	No. of units covered by the Wage Board	No. of workers engaged in units	No. of units which have implemented the recom-mendations	No. of workers who are given the benefit	No. of Units which have not imple-mented the recom-mendations.	No. of workers who are not given the benefits.	Re-
1	2	3	4	5	6	7	8	9	10	11
1.	Central Wage Board for Tea Plantations	5-12-60	4-6-66	4	1,434	4	1,434	...	...	
2.	Central Wage Board for Rubber Plantations	7- 7-61	29-9-61	5	420	5	420	...	...	
3.	Central Wage Board for Coffee Plantations.	7- 7-61	19-9-65	573	73,978	573	73,978	...	2	
4.	Central Wage Board for Iron and Steel Industry.	6- 1-62	6-8-65	1	9,012	1	9,012	...	7,374	
5.	Central Wage Board for Engineering Industry.	12-12-64	23-7-66	80	49,305	35	41,931	45		
6.	Central Wage Board (second) for Cement Industry.	2.9.64.	31.5.65 (Interim)	3	3,256	3	3,256	...	...	
7.	Central Wage Board for Leather and Leather Goods Industry.	21.3.66	16.12.66 (Interim)	10	209	Nil	Nil	10	209	
8.	Central Wage Board for Heavy Chemicals Industry.	3.4.65	29.4.67 (Interim)	8	9,025	8	9,025	...	...	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
9.	Central Wage Board for (First) Sugar Industry. (Second)	16.11.65	9.2.67 15.5.67 (Interim)						
10.	Central Wage Board for Electricity Undertakings.	28.5.66.							
11.	Central Wage Board for Non-Journalists Employees of Newspaper Establishments.	25.2.64	15.7.65 (Interim)	22	1,338	19	1,279	3	59
12.	Joint Wage Board for Cardamom Plantations for Kerala and Mysore.	6.1.66							

IMPLEMENTATION OF LABOUR LAWS IN PUBLIC  
SECTOR UNDERTAKINGS IN THE STATE

In accordance with the conclusions reached at the Second Meeting of the Heads of Public Sector Undertakings and also at the 10th meeting of the Central Implementation and Evaluation Committee, a direction was issued by the Central Government to the State Governments to review (at plant level) the position regarding the implementation of labour laws in public sector undertakings in cooperation with the General Managers of these concerns. It was therefore decided to have a detailed assessment of the existing position in respect of enforcement of labour laws in public sector undertakings with particular reference to the implementation of labour laws. A Committee with the following Officers of the Labour, Factories and Cooperative Departments was set up to undertake this work. -

- (1) Labour Commissioner;
- (2) Deputy Chief Inspector of Factories and Boilers;
- (3) Deputy Labour Commissioner;
- (4) Assistant Registrar of Cooperative Societies (Consumers); AND
- (5) Assistant Labour Commissioner (I&E).

The Committee visited various industrial concerns in the public sector and held detailed discussions with the Departmental Heads, General Managers, Officers of the Department of Labour and Union Representatives to study and evaluate the existing state of affairs and to suggest improvements where necessary.

Almost all the labour laws are applicable to the various public sector undertakings visited by the Committee. Details in respect of each labour law are given below:-

FACTORIES ACT, 1948

HEALTH

The provisions in respect of health and safety are satisfactory. The factories have been kept clean and well-ventilated. They have been provided with sufficient lighting and there are no appreciable defects in respect of dust and fumes. Over-crowding have been avoided. Drinking water facilities are available at different work places and in sufficient quantities. Proportionate number of latrines and urinals have been provided except in the Government Electric Factory and the Hindustan Machine Tools. The Latrines and Urinals in the Government Electric Factory are not only inadequate but also kept in a insanitary condition. The Management of these concerns have been suitably advised in the matter. Provision for spittoons as required under Section 20 of the Factories Act have not been complied with in most of the concerns probably because this requirement is construed as out-of-date. The Managements have however been advised to provide the number of spittoons as required by the Act as it continues to be a legal obligation on the managements to provide them.

SAFETY

The safety devices as required in Chapter IV of the Factories Act have been complied with to a greater extent by the Government of India undertakings, but were found lacking in almost all the State Government undertakings. In the State Government Undertakings, the fencing and guarding of moving parts of the machinery were found inadequate. In most cases, the heavy machinery was found working without any suitable guards and the workers were also found working on these machines at considerable risk. The incidents of accidents in these concerns was found to be increasingly high and steadily increasing from year to year. There were no qualified technical personnel appointed as Safety Officers whose wholetime duty would be to advise the Managements to ensure safety and avoid accidents. The Managements of the State Government undertakings have been advised in particular to bestow their personal attention to this deficiency as it involves unnecessary loss of manpower and production owing to accidents. In the Government Electric Factory, the structure of the buildings are found very old and rickety. The same requires remodelling and repair as it is likely to cause damage to life.

WELFARE

The provisions in respect of washing facilities, facilities for drying and storing, facilities for sitting are conspicuous by their absence in the State Government undertakings and as such there is an infringement of sections 42, 43 and 44 of the Factories Act. The position in respect of these amenities in the Government of India undertakings are found to be satisfactory and adequate. The provision in respect of first-aid is satisfactory in all the concerns both Central and State spheres. Only in the Government Porcelain Factory, an ambulance room has not so far been provided. Most of the concerns visited have up-to-date dispensaries and hospitals in charge of trained and qualified medical personnel who cater to the immediate needs of the workmen. In cases of serious accidents etc., they are shifted to either the E.S.I. Hospital or any Government Hospital where they could be attended to immediately. Free arrangements are provided for transporting the injured workers to these hospitals.

The provision in respect of canteens has been complied with to a great extent while the bigger concerns like the Indian Telephone Industries, Hindustan Machine Tools etc., have up-to-date canteens with provisions for supply of snacks and mid-day meals at subsidised rates. The other concerns like the Government Electric Factory, Government Soap Factory etc., have provided Canteens, but much improvement is possible in this direction. The canteen provided by the Government Electric Factory is in a very deplorable condition. While the accommodation is inadequate, the seating and other arrangements are mostly insufficient. The building itself is in a dilapidated condition and is unfit for being utilised during rainy season as the roof is all leaky. The condition of the canteen provided by the Government Porcelain Factory also requires much improvement as it is kept in an unhygienic condition. The managements of these two concerns

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have been given necessary suggestions to improve the existing canteen facilities. The Officers in charge of welfare measures in these factories should evince more interest in the upkeep and maintenance of the canteen where a large number of workmen take their mid-day meal and snacks.

The provisions in respect of shelters, rest-rooms and lunch-rooms have not been complied with in a satisfactory manner in most of the concerns. In some factories, the canteen building itself is being utilised as a rest-shed. Even in a concern like the Hindustan Machine Tools, there is no rest-shed provided. The general reasoning advanced by the management is that the workers have no time to utilise the rest-sheds and as such do not make use of them. The contentions of the managements are not acceptable as the provision of rest-sheds is a legal obligation under Section 47 of the Factories Act and the Managements are statutorily obliged to provide these rest-sheds irrespective of the fact whether workers make use of them or not. Once the rest-sheds are provided, it is hoped that the workers will surely make use of these facilities.

The provision in respect of creches as required under Section 48 of the Factories Act is also generally lacking in respect of accommodation, equipment and trained personnel. Concerns like the Hindustan Machine Tools, H.M.T. Watch Factory have no creches at all although they employ considerable number of women workers. In concerns where creches have been provided, it has been done just to fulfil the requirements of law and is an apology for the same. Much improvement in this direction is required by way of providing milk, supply of sufficient number of cradles, proper clothing and toys in addition to cleanliness.

The provisions in respect of appointment of welfare officers has been complied with in all the concerns except the Government Electric Factory. While in all concerns trained and qualified persons have been appointed, the Welfare Officer in the Government Porcelain Factory surprisingly enough a person without any qualification or necessary training has been appointed as Welfare Officer and as such he has failed to evince any interest whatsoever in discharging his legitimate duties. When this lacunae was brought to the notice of the Managing Director, he expressed his helplessness in the matter as his appointment was as a result of a Government Order. It is therefore no wonder that the Welfare amenities and enforcement of labour laws have been neglected in this vital concern.

#### WORKING HOURS.

The provision in respect of working hours (Sections 57 to 75) are generally complied with. Exemptions wherever and whenever necessary have been obtained from the competent authorities. Overtime wages are given to the workers in accordance with the Factories Act.



LEAVE WITH WAGES

The provision in respect of leave with wages (Chapter VIII) are generally observed and necessary registers maintained. Although the registers maintained are not under the prescribed form as per the rules, nevertheless all the necessary data is made available in the registers maintained by the Managements.

PAYMENT OF WAGES ACT

The provisions of the Payment of Wages Act and Rules made thereunder are complied with by these concerns. Payments are made within the stipulated time and necessary registers have been maintained. Overtime work is regulated and payments made in accordance with the provisions of the Act. Acts and omissions for which fines could be imposed have been got approved by the Chief Inspector of Factories and fines accordingly are imposed. Entries regarding the fines imposed have been made in the register maintained for the purpose. Deductions permissible under this Act are also made and shown in the prescribed registers. In addition, some deductions like deductions for Union subscription are made by some concerns against Government Notifications.

MATERNITY BENEFIT ACT.

With the introduction of the E.S.I. Scheme, the payment under the Maternity Benefit Act are taken care of by the E.S.I. Corporation. Necessary data however in respect of the number of maternity cases are available with the managements.

GENERAL CONCLUSIONS.

From the observations made and from the data collected, it is seen that there is a concentration of major industries in the Public Sector both in the Central and State spheres in Bangalore. These concerns employ over a lakh of employees and as such the problems facing the managements in dealing with such a large number of workmen are varied, numerous and difficult. The managements have been doing their best to comply with the provisions of law to fulfil the role of a model employer. The defects noted could be rectified with some more attention and quick disposal as the discrepancies do not seem to be intentional. Sometimes, these managements are faced with procedural difficulties in obtaining financial and other sanctions from their principals not easily accessible as in the case of private undertakings. Further, there is also the difficulty of following a uniform policy as any action taken in any industry in this State is likely to have repercussions all over India. The managements are therefore a bit hesitant to take early decisions and often express their helplessness. Although the difficulties of the managements may be genuine, this does not lessen their liability in complying with the provisions of law especially when these laws are meant for the welfare and safeguard of the working classes - the down-trodden. The Managements will therefore have to rise to the occasion and take immediate steps to remedy the defects or short-comings pointed out in the earlier paras and ensure safe and better working conditions to their workers.

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The workers also have to play a vital role in the industrial and defence efforts of the country especially at the present juncture, inspite of a few lapses here and there on the part of the managements. They will do well to take advantage of the numerous facilities already provided by the various managements and make constructive suggestions in respect of making further improvements. The workers and managements will have to work hand in hand and make a joint effort if future progress is to be assured.

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A NOTE ON THE DIFFICULTIES EXPERIENCED  
IN THE ENFORCEMENT OF LABOUR LAWS.

GENERAL

From the statistics available, it is seen that there has been a gradual increase in the number of factories in Mysore State during the last ten years. The number of factories registered under the Factories Act during 1960 was 2,236 while the number of factories registered under the Factories Act during 1965 was 2,775. There is also a concentration on public sector undertakings both in the Central and State spheres in Mysore State employing a large number of workmen. In spite of the rapid industrialisation, there has been no corresponding increase in the number of Officers charged with the enforcement of the various labour laws both on the labour and factories side. There is an acute shortage of trained officers and the number of posts sanctioned are also inadequate to cope up with the increased workload. At present, there are 12 Labour Officers, 9 Factories Inspectors and 93 Labour Inspectors in the whole State of Mysore. This number of staff is absolutely inadequate to ensure proper implementation of the various labour laws. There has been a number of new legislations such as the Payment of Bonus Act, Personal Injuries (Compensation Insurance) Act, 1963, Motor Transport Workers Act, National and Festival Holidays Act, etc., enacted during recent years which has made enforcement of the labour laws all the more difficult. There has also been a rapid awakening among the working class of the rights under the various labour laws which has posed a serious challenge to the Department to improve its efficiency. In the present economic crisis maintaining industrial peace has become of paramount importance and labour unrest by way of strikes and lock-outs will have to be minimised to the extent possible in the interest of national production. It is therefore extremely necessary that the machinery of the Department should be strengthened and streamlined and geared up to meet this situation. The general opinion that the Department of Labour is not an earning Department should not come in the way of re-organising and strengthening the Department as the services rendered by various Officers of this Department cannot be measured in terms of money.

Maintenance of industrial peace and keeping the labour contented ensure not only continuous and uninterrupted production but will also go a long way in improving and achieving the goal of socialistic pattern of society.

II. (1) INDUSTRIAL DISPUTES ACT, 1947.

Section (1) of Section 3 of the Industrial Disputes Act, enjoins upon every employer of an establishment in which 100 or more workmen are employed on any day of the

preceding twelve months to constitute a Works Committee. It happens that an establishment once notified to constitute Works Committee when the number of workers falls below 100, the concerned employer would be exempted from forming a Works Committee. The unscrupulous employer would try maintaining the employment like below 100 to evade the provisions of law. This ultimately deprives the workers from benefit granted under the Act and will tend to defeat the very purpose of the Act.

From the annual progress reports on the Works Committee it is found the working of the Works Committees is not satisfactory and its utility is unrecognised. To stress the importance of these Committees and to secure compliance of the provisions contained in Section 3 of the Industrial Disputes Act deterrent punishment should be imposed on defaulting employers and also employees who refuse to cooperate with the management in the constitution of Works Committees.

Certain instances have come to the notice of this Department, wherein it is seen that though the managements have taken adequate steps to set up Works Committees, arranged for elections etc., the workers have abstained from taking part in elections. In such a contingency, the employer is at a loss to take further action in the matter. Since the workers are responsible for non-formation of Works Committees, they will also be required to be penalised. Hence, the Industrial Disputes Act may be amended suitably to provide the following:-

- (1) an industrial establishment once notified to form works committee, irrespective of the reduction in number of workers should be required to constitute works committees;
- (2) deterrent punishment on defaulting employers should be imposed which matter is already engaging the attention of the Government of India.

(2) An important feature of the Industrial Disputes Act, 1947, is the prohibition of strike and lock-outs during the pendency of Conciliation before a Board and adjudication proceedings and during the period of operation of settlements and awards. The underlying argument is that where a dispute has been referred to conciliation or adjudication, a strike or lock-out, in furtherance thereof, is both unnecessary and inexpedient. Where, on the date of reference to adjudication, a strike or lock-out is in existence, power is given to the appropriate Government to prohibit its continuance under Section 10(3) of the Act lest the chances of the settlement or speedy determination of the dispute should be jeopardised.

Strike is a recognised weapon of the workmen to be resorted to for asserting their bargaining power and for forcing their collective demands upon an unwilling employer. It is to be used as a last resort when all other avenues of settlement of industrial disputes as provided in statutory machinery have proved futile.

The legality of a strike depends on the provisions of Section 22 and Section 23 of the Industrial Disputes Act, 1947. Where Government have made a reference to adjudication and on the same date issued notice prohibiting continuance of strike under Section 10 of the Industrial Disputes Act, continuance of strike thereafter is illegal.

All that a Conciliation Officer can do under Section 12 of the Act, is to induce the parties to come to a fair and amicable settlement on the matters in dispute.

A strike is illegal only if it is in contravention of the provisions of Section 22 or Section 23 or if it continues after a prohibitory order has been issued under Section 12(3) of the Act.

In order that a strike may be declared illegal for contravention of Sections 22 or 23, it will have to be directly adjudicated upon by the authority appointed for the purpose by Government. A prohibitory order is issued by Government only after referring a dispute to adjudication.

It will be seen that a certain period of time passes between the commencement of a strike and the date when it can be prohibited. The action that can be taken by the Department in such cases is that of advising the striking parties to call off the strike and recommend for prosecution under Section 34 of the Act. Thereafter watch developments and submit periodical reports to inspection authorities. The success of averting the strike mostly depends upon his persuasive efforts. Specially when an illegal strike is resorted to due to inter-rivalry between the unions, any amount of advice tendered by him would be of no avail.

It is therefore suggested that general prohibition of strikes under Section 23 of the Industrial Disputes Act should include the period of pendency of conciliation proceedings before a conciliation officers in addition to pendency of proceedings before a Board, Labour Court, Tribunal or National Tribunal.

### III. MINIMUM WAGES ACT.

(1) Section 12 of the Minimum Wages Act, 1948, is the most important Section in this Act and provides for the payment, by an employer, to every employee engaged in a Scheduled Employment Wages at a rate not less than the minimum rates of wages fixed by a Notification under Section 5 for that class of employees in that employment without any deductions except as may be authorised.

Section 22 is the Penal Section for strict and effective enforcement of the provisions laid down in Section 12. This Section is controlled by Section 22-B which has imposed certain restrictions requiring that no Court shall take cognizance of a complaint for an offence under Clause (a) of Section 22 unless an application in respect of the facts constituting such offence has been presented under Section 20 and has been granted wholly or in part.

From the above, it will be seen that the workers themselves or their representatives should first approach the authority appointed under Section 20 for recovery of amounts due and only when the application has been wholly or partly granted can an Inspector institute legal proceedings in a Court of Law for infringement of Section 12. It has been the experience of the Department that due to illiteracy and lack of proper organisation, no applications are generally submitted to the authority and that even where workers are literate and organised, they hesitate to file claims applications for fear of being victimised. There have been several instances where workers have frankly refused to take any risks for small amounts at the cost of their jobs. Moreover it involves an elaborate procedure of first approaching the claims authority for a direction and then prosecution to be resorted to for this offence. This has, therefore, resulted in an ineffective administration of the provisions of the Act. It is, therefore, suggested that the words "an application in respect of the facts constituting such offence has been presented under Section 20 and has been granted wholly or in part and be deleted from clause (a) of sub-section (1) of Section 22 (b) of the Minimum Wages Act, 1948, in order to enable the Inspectors to take direct action against offending employers. The Section 22(b)(1)(a) reads as follows after the suggested amendment:

"22B - Cognizance of offences: (1) No Court shall take cognizance of a complaint against any person for an offence -

(a) under clause (a) of Section 22 unless the appropriate Government or an officer authorised by it in this behalf has sanctioned the making of the complaint".

Clause 4 of Section 20 of the Minimum Wages Act, 1948, provides that "If an authority hearing an application under this Section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the persons presenting the application".

The working of the Act in this State has shown that the instances of claims being filed under Section 20 of the Act are very negligible, despite the existence of a number of legitimate claims by the workers engaged in Scheduled Employments. One of the chief causes contributing to this reluctance on the part of aggrieved parties to prefer claims may be attributed to the fear of being penalised upto an extent of Rs.50/-, if they were not able to conduct their cases before the authorities successfully. Successful prosecution of cases depends upon many factors, chief among them being the extent of literacy and the capacity to engage a competent legal practitioner. These are also contributory factors to the hesitancy on the part of Inspectors also to launch prosecutions against offending employers. It is well known that the above two factors are almost totally absent among the workers engaged in scheduled employments. It is also well known that the Minimum Wages Act is a protective piece of social legislation intended to protect and to minimise

the exploitation of unorganised labour by unscrupulous employers. The purpose is defeated to a considerable extent by the inclusion of clause 4 of Section 20 should there be any dispute or doubt whether an application is malicious or vexatious, an aggrieved party can always have recourse to a Court of Law and obtain redressal under the Indian Procedure Code.

Under the above circumstances, it is suggested that Section 20 of the Minimum Wages Act, 1948, may be amended by deleting sub-section (4) of Section 20 of the said Act.

2) The fixation of Minimum Wages is at present being done by both the Central Government and the State Government in their respective spheres. It is seen that the rates so fixed are not uniform and the rates fixed by the Government of India are generally high. This has led to discontentment among the working class. It is, therefore, suggested that fixation and enforcement of minimum wages should be the entire responsibility of the State Government.

3) So far as employment in Agriculture is concerned, enforcement is found difficult in case of small holdings as the employers are mostly illiterate and find it difficult to comply with the provisions of Law. It is, therefore, suggested that employers employing less than 20 workers may be exempted from the application of this Act.

#### Motor Transport Workers Act, 1961.

##### (1) Section 2(g) - Motor Transport Undertakings -

The definition of a 'Motor Transport Undertaking' as given in Section 2(g) states inter alia that it includes a private carrier. But the definition of a "private carrier" as is given in the Motor Vehicles Act, 1939, defines it as a owner of a transport vehicle other than a public carrier, who uses that vehicle solely for the purpose of carrying goods which are his property, etc., etc., Apparently, therefore, it means that a private carrier as is defined under the Motor Vehicles Act, 1939, is not meant for use on hire or reward and if it is not used for hire or reward, it does not come under the purview of definition of "a motor transport undertaking" as is given under the Motor Transport Workers' Act, 1961, which, as it stands, now, has a tendency to imply that a private carrier is also "a motor transport undertaking", is suitably amended and made more explicit to dispel any misinterpretation on this score.

##### (2) Difficulties of enforcement of Sections 13 and 26 of the Act.

Section 13 relates to the hours of work. But this provision as laid down in the Motor Transport Workers Act is not the same as laid down in Section 65 of the Motor Vehicles Act. Whereas in the Motor Transport Workers Act the working hours are limited to 8 hours in any day, Section 65 of the Motor Vehicles Act allows a person to work for 9 hours in a day, weekly working hours remaining the same in both the cases. The enforcement of this Section along with Section 26 of the Act which provides for extra wages for overtime, has become really a problem particularly in case of long-distance goods and passenger services. A good

many undertakings run their vehicles on Inter-State routes is really a difficult task and the maintenance of individual control book will be a misnomer in such cases. The provisions of an extra driver for the long distance vehicles will itself pose another problem regarding the hours of work, period of more attendance, spread-over duty etc. It is desirable that a solution should be found as early as possible.

(3) Rules under the Motor Transport Workers' Act, 1961.

Problem of maintenance of the various statutory forms in the Rules -

As already stated earlier, many undertakings are operating throughout India with their branches in more than one State. It is now to be considered whether the records and registers should be maintained at the head office or maintained at the Branch Offices, also and in the latter case, how those records and forms are to be inspected. It is also to be settled whether records and registers at Branch Offices should be maintained according to the Rules of that State where the Head Office is situated or it should be according to Rules of the State where the branch office is situated. In any case, it not only involves inter-State cooperation of the Inspectorate Staff, but involves knowledge of rules of the various States of India who are enforcing the Motor Transport Workers' Act. Without adequate knowledge of these, it will be difficult to inspect the records. There is another minor point regarding enquiry of records and registers prior to the registration of an undertaking which has branches in different States. It is, therefore, desirable that uniform rules should be made applicable throughout India.

...



Recruitment:

1.(a) Labour in seasonal establishments like Cotton Ginning and Pressing Factories, Tobacco Factories, Oil Mills, etc., is recruited through Labour Contractors and also by direct employment of persons locally available. In factories like Bangalore Woollen Cotton and Silk Mills Company Limited, Bangalore, labour is recruited through applications received from (i) employees requesting for employment to their children or relatives, and (ii) from outsiders who send applications on the chances of getting jobs. Occasionally, the Employment Exchanges are requested to send specific class of workers to suit their requirements, when they are not able to recruit through the methods stated above. Generally, large factories like the Hindustan Aeronautics Limited, Bharat Electronics Limited, do their recruitment through Employment Exchanges, and Factories like Kirloskars recruit workers by advertisements. In plantations, labour is recruited through contractors and also by introduction by existing employees.

1.(b) This is a question to be answered by employers of various types of Factories.

2. There is no short supply of labour in any category.

3. No information is available.

4. No information is available.

5. Where the nature of manufacturing process necessitates women labour such as Cashew Industry, Beedi Industry and Plantation, the existing Statutory provisions providing for special conditions of work for women have not inhibited recruitment of women. In other cases, since the provisions, such as, maternity benefits, creches etc., impose additional expenditure on managements, preference is for male labour. Unless the nature of work is such as to require women labour, it will not be feasible to promote recruitment of women as the managements have to make special provisions as envisaged by the International Conventions and the provisions of the Factory Act, Plantation Labour Act, and Maternity Benefit Act. Unless managements are given the countervailing advantage of paying reduced wages to women labour promoting employment of women will be difficult; this would perhaps not be possible under the Constitution.

6. The need for recruitment of Casual Labour arises under two circumstances: (i) when there are vacancies caused by absentees. In such a circumstance, in order to maintain production and prevent machines lying idle, appointments of casual labour will require to be made; (ii) when there are seasonal fluctuations of work, appointments for very short terms of indeterminate length will require to be made. In so far as the system of recruiting casual labour provides for this very real need of an industry or establishment, it is an advantage. There is a further advantage. In a context where the number of persons seeking employment far exceeds jobs available, such casual recruitments mitigate to a little extent the

the rigours of unemployment. The disadvantages flowing from this system are all to the workers. The casual labourer enjoys no security of tenure. He is also not paid benefits like bonus, provident fund, leave with wages, over-time allowances which are available to regular workers. This system is also abused by some managements. Where temporary vacancies arise they are filled by a rotational basis by casual labour, so that the persons appointed against such vacancies may not claim the benefits normally admissible to even a temporary worker.

The need to appoint casual labour could, to some extent, be reduced if the managements were to maintain leave reserves depending upon the experience of that particular establishment as regards absenteeism. It may not be feasible completely to give up the system of recruiting casual labour.

7. Employment of physically-handicapped persons should be restricted to those processes of work where they can be employed without affecting production. Legislation is, however, necessary to reserve a percentage of vacancies for such employment.

8. -

Induction:

9. No comments.

10. No comments.

11.(a)&(b) The aim of the Labour Department is to secure amicable relations between employer and labour. From this point of view, a promotional policy should aim at elimination of arbitrariness and assessment of suitability for promotion should be made by a committee in preference to an individual. This would also necessitate a regular and periodical assessment of the performance of the workers and a review of this assessment by persons in the higher rungs of the management echelon. There must be provision for appeals against denial of promotion.

II. CONDITIONS OF WORK

Working Conditions:

12.(a)&(b) There has been of late a rapid increase in the number of enactments relating to welfare of labour and allied matters. But there has not been a corresponding expansion of the Labour Department. The result is that the load of work shouldered by the existing Labour Department has been too great for a meticulous implementation of these enactments. It, therefore, becomes necessary to assess feasible work loads and expand the Department depending on the load of work which it will be called upon to shoulder. This load would also depend upon the number of industrial and other establishments in the State, the number of workers involved etc. But there would be a limitation imposed on the scope for such expansion by the budgetary position of the State.

13. There is already uniformity in the total number of holidays in this State because of the enforcement of the Mysore Industrial Establishments (National & Festival Holidays) Act, 1963, which provides for the grant of 2 National Holidays and 5 Festival Holidays in a year with wages.

14. The existing arrangements are sufficient.

15. The extent of the prevalence of employment of child labour has not quantitatively been surveyed or assessed. It is, however, seen to prevail significantly in Beedi Industry, Hotel Industry and in Silk Factories where they are used for attending to minor chores. The Statutory provisions about employment of child labour are at present adequate. The implementation is not however, very satisfactory. The reasons for this have already been mentioned in the reply to question No.12.

16. There is hardly any arrangement to regulate the conditions of work of contract labour and labour employed by contractors. If the contemplated Abolition of Contract Labour Bill is enacted and placed on the Statute Book and is effectively implemented, it should go a long way towards mitigating the hardship suffered by the workers in this category of employment.

17. -

#### Safety and Health:

18. The severity rate of accident i.e. number of man-days lost per one lakh man-days worked is 148.6 and frequency rate i.e. number of persons injured per one lakh man-days worked is about 17.5. These accident rate appear to be 30-40% higher than the National averages.

The basic causes of these accidents are generally found to be as follows:

1. Due to faulty instructions	.. 8%
2. Due to inability of workers	.. 1%
3. Due to poor discipline	.. 2%
4. Due to lack of concentration	..34%
5. Due to unsafe practice	..14%
6. Due to physical hazards	..26%
7. Due to poor house-keeping	..14%
8. Due to defective equipment	.. 1%

19. Training in industrial safety should be enforced at the basic levels, namely, Polytechnics, Engineering Colleges, Artisan Classes etc. Refresher Courses for those who are already in employment would also be necessary. Such courses may be organised by the Regional Institute of Labour.

20. There are no such bipartite agreements in the State.

21. Safety consciousness should be stimulated by Audio-Visual Education (display of posters, cinema slides etc.), Safety Exhibitions and Seminars on safety. Organisation of Safety Weeks periodically will also be helpful. Further to give continuous attention to problems of safety, it would be desirable to have a Safety Cell

in each Plant whose duty it would be to collect and analyse data regarding unsafe conditions so that these could be brought to the notice of the workers through Audio Visual Aids.

22. No suggestions.

23.(a) There is great difficulty in procuring correct type of goggles, masks, gloves, interlocking guards for special machines and cranes, etc., which are actually in demand. However, there is no good organisation for designing and constructing such appliances. Also no manufacturer is prepared to invest on these items as he does not know the prospects of his trade. These are difficult questions to be resolved by any Inspectorate or even by manufacturers' Association. Hence it would be desirable to sponsor non-official bodies like Joint Industrial Health Safety Societies. Aided by the Inspectorate of Factories such Societies may give a lead to the potential manufacturers of safety aids.

23.(b) The supply is not adequate due to managements not being willing to spend on personal protective equipments unless it is prescribed by the statute. Reluctance of the worker may be due to bad design or unsuited equipments. These could be remedied by a study by specialist in the field and by ordering correct equipment in controlling environments. Reluctance may also be due to inertia of workers. This can be overcome by enabling the workers to join in analysing the accidents and by apprising of unsafe situations. Workers suggestions scheme should be encouraged. This will overcome their reluctance.

24. In the State Inspectorate of Factories and Boilers there is a Medical Officer who undertakes study of only problems which are specifically assigned to him. This service should be expanded by having a larger number of Medical personnel and Chemical Inspectors in a Cell in the Inspectorate which will undertake a systematic inspection of industrial establishments on a planned basis and advise the managements regarding the steps to be taken for improving industrial health in the establishments. The scope for such expansion is again conditioned by the budgetary resources of the State.

25. In the recent past there has been a steep rise in the cost of living. pari passu with this, the wages and dearness allowance admissible to workers have been progressively increased. But there has not been a corresponding or commensurate revision of the table of the rates of compensation provided for in the Workmen Compensation Act. The table would, therefore, requires to be revised.

### III. TRADE UNIONS & EMPLOYERS' ORGANISATIONS

#### Federations of Employers' & Workers' Organisations:

26. The following factors have influenced the development and organisational pattern of Trade Unions:

- (i) The entry of educated class in the ranks of workers have made the workers more conscious of their rights and the need and the possibility of securing them by organising themselves into Trade Unions;
- (ii) With the advent of independence and a Democratic Government, the political and social consciousness of the workers in common with the rest of the community has increased and this has given an impetus to the formation of Trade Unions. The development of labour wings of the major political parties with all their resources has lead to a rapid growth of Trade Union leadership. This in turn has influenced the growth of Trade Unions.

27. The provision in the Trade Unions Act that any 7 or more workers can form a Trade Union without any limits regarding the number of unions which may exist in any given establishment has resulted in the growth of a multiplicity of Unions in given establishments with all the attendant evils of inter union rivalries and weakening up of bargaining power. Such multiplicity of Unions also militate against lasting industrial peace.

28. A trend is being noticed of the Unions resorting to violence for securing their needs. What is characterised as Stay-in-Strikes and ~~also~~ Hunger Strikes are also on the increase.

29. The Trade Unions have been found to be increasingly bold and aggressive in their attitude towards the employers. The employers are progressively giving greater importance to Trade Unions whose powers of collective bargaining are rapidly on the increase. As regards the attitude to Government, both Trade Unions as well as Employers' Associations are increasingly looking to Government for intervention in industrial disputes, mostly by reference to adjudication.

30. The Trade Unions at present concern themselves solely with securing the maximum benefits to workers without any regard to the effects of their demands on the society as a whole or on the economy of the country. It would be necessary that they also become productivity oriented and seek to inculcate in the workers a sense of discipline and dedication to work.

31. Trade Unions have made some contribution in the realisation of a Socialist Pattern of Society by securing for the workers, through a process of collective bargaining, better emoluments, better working and living conditions, and a better status for the workers. The views of the Trade Unions are made known and discussed in Tripartite Committees and Conferences, for example, The State Industrial Relations Board, Standing Tripartite Committee, Implementation and Evaluation Committee, Motor Transport Workers Tripartite Committee etc. Besides, Trade Unions have also been making direct representations to Government in writing as well as orally by meeting Ministers and Officers of Government.

Since adequate access is allowed by Government to Trade Unions, the system of communications does not require any improvement. The same considerations hold good in respect of Employers' Associations also.

32. Stepping up of the level of employment calls for the expansion and diversification of the economy as a whole. This would depend upon investment and the resources available for investment. Industries can thrive only if they are able to market their goods as fast as they are produced. This would be possible only if the quality of goods are maintained and also prices are rendered competitive. Here is where labour can play an effective role by being productivity conscious and also quality conscious. As already mentioned in reply to question No.30, Trade Unions can play a significant part by making the workers productivity and quality conscious.

33. When any demand is raised by a Union if the management is disinclined to concede the demand, a final reply should not be given by the latter before it is discussed at a meeting of the representatives of the Union and the management. If no settlement emerges at such a meeting, a reference should be made to the Conciliation Officer who would immediately take up conciliation proceedings. The existing practice of Unions moving the Conciliation Officer even prior the demand having been raised with the management and an unfavourable reply being received should be discontinued. Further, no dispute should be referred for adjudication unless the above procedure has been gone through. This would call for appropriate amendments to the Industrial Disputes Act. Further, managements on their side, when they propose to take any decision which directly or indirectly will affect labour, such as the conditions of service mentioned in the 4th Schedule to the Industrial Disputes Act, besides giving a notice to the workmen, should discuss this matter with the recognised Union prior to taking a final decision.

34.

35.

36. To the extent it has come to the notice of the Labour Department of the State, the majority of the Employers' Associations are not abiding by the obligations undertaken at the national level of their Central Organisations. The proportion is much lower in the case of Trade Unions. There are no effective sanctions so far we are aware. The level of compliance could be raised by developing a convention whereby the affiliate Trade Unions discharge the moral responsibility devolving on them when the central organisations undertake an obligation.

37. -

38. No. comments.

Trade Unions - Constitution and Finance:

39. As far as this Department is able to see, Trade Unions have been formed on the initiative of the workmen themselves in the manner contemplated by Section-4 of the Trade Unions Act. The Trade Unions registered in the State closely follow the model bye-laws framed in this State and have adopted the objectives mentioned therein.

40. By election in a General Body Meeting. Precise information is not available with the Labour Department regarding Paid Officers.

41. -

42. -

43. -

44. -

45. -

46. -

47. Check off system is not advisable since it will tend to weaken the inherent strength of the Unions as, with the Union dues being recovered by managements, the incentive for efficient working will not be there for the Unions.

48. Hardly any Union to our knowledge has taken such responsibilities. The Bhadravathi Iron & Steel Works Employees' Union has been found to be paying Rs.100 to members/members families in cases of personal injuries or death.

TRADE UNION - LEADERSHIP AND MULTIPLICITY:

49. Most of the Trade Unions in the State are affiliated to one or the other of the Central Organisations of Trade Unions, which @@@ themselves function as the Wings of the major political parties in the country. This has lead to the formation of multiplicity of Trade Unions in single establishment and inter-Union rivalry.

50. Any person who is not himself an employee of a given establishment, who becomes an office-bearer of a Trade Union in that establishment would answer to the definition of an outsider. So far as our experience goes, a majority of the Trade Unions are formed on the initiative of such outsiders. As pointed out in the reply to Question No.49, the outsiders are largely responsible for multiplicity of Unions in a single establishment. Further, they tend to exploit the Unions for the furtherance of their political ends. This has also lead to the rise of professional Trade Union leaders, who are not always found to function in the best interests of the workers.

51. We should work towards progressive elimination of outsiders in Union leadership, so that there is complete identity of interests between the Union leaders and the workers who are members of the Union. In order

to develop such leadership, workers have to be imparted training in the matter of their rights, obligations, and trade union activities. A beginning in this direction has already been made with the establishment of workers' Education Centres. The managements have a significant part to play in the development of such internal leadership. They should afford special facilities to Union leaders who are themselves workers by allowing them special casual leave, time-off during working hours for attending to union work. They should also not adopt an attitude of hostility towards such Union leaders, when they raise demands on behalf of the workers.

52. Since the Trade Unions Act, as it stands at present, permits the registration of Trade Unions which have a membership of 7 or more and does not impose any restrictions on the number of Trade Unions which may exist in a given establishment, it affords the framework for formation of multiplicity of Unions, and may, in a way said to encourage this. The remedy would appear to lie in the direction of amending the Trade Unions Act in such a manner as to permit only a single Union to be registered in a given establishment. The inter-union rivalries, particularly those imposed by the affiliations to different political parties, would then become an internal matter for this single union and would come to the surface during the elections of office-bearers.

53. This Code of Conduct has not been very effective as inter-union rivalries have not abated with the adoption of the Code. There are continuous efforts by these Unions to strengthen their membership which very often leads even to clashes between these Unions. The Central Organisations of the Trade Unions and their affiliates must be more sincere in the observance of this Code.

#### Trade Union Recognition:

54. The advantages of registration of an Union are:

- i) It gives the Union a corporate existence and brings it under certain healthy discipline regarding use of Union funds;
- ii) It helps in getting recognition from the management under the Code of Discipline;
- iii) The restrictions on the utilisation of the funds as provided in the Act helps in minimising the funds;
- iv) The members and Office-bearers of a registered Trade Union are immune from punishment under Sub-Section-2 of Section 120 of the Indian Penal Code for their actions in furtherance of the objectives of the Trade Union; and
- v) The members and office-bearers of a registered Trade Union are immune from Civil Suits in certain respects.

The apparent disadvantages are:



- 1) Many restrictions are laid down in the Act regarding Elections, submission of annual returns, utilisation of Funds etc. These cannot be said to be real disadvantages, as certain minimal checks are salutary and necessary for healthy working.

The powers of the Registrar of Trade Unions could be enlarged with advantage in the following respects:

- (a) Registrar may be given powers to restore the registration of an Union if it rectifies the defects for which the registration was ~~once~~ cancelled;
- (b) The Registrar may be given powers to order for conducting the elections of the Office-bearers if the Union fails to conduct elections as laid down in its constitution. The Registrar should have powers to seize the Registers and the Account Books of the Trade Union if the Trade Union are suspected to have misappropriated or mis-spent the funds.

55. There is no appreciable change in the attitude of the employers towards Trade Unions as far as recognition of Unions are concerned.

56. The Code of Discipline has not substantially helped in securing recognition for Trade Unions.

57. The existing procedure for verification of membership of each Union for purposes of recognition is very cumbersome. A simpler method would be to determine the membership of the Union by ballot system.

58. The provisions of the Indian Trade Union (Amendment) Act, 1947, provides for obligatory recognition of Trade Unions by employers. The provisions of this amendment may be given effect to.

59. They help to bring about uniformity in the working conditions of the workers in various establishments in that industry. It, however, leads to Units not directly concerned being involved in petty disputes relating to other Units. It will, however, strengthen the position of workers in very small Units.

60. If a particular Union is named as a sole bargaining Agent, it enables to reduce the number of disputes and inter-union rivalry.

61. The method of election by secret ballot may be adopted for determining the representative ~~character~~ character of Trade Unions. The Officers of the Labour Department may be entrusted with this work.

62. Individual grievances of their members alone may be taken up by the unrecognised Unions.

63. No suggestions.

64. The facilities enumerated in the Code of Discipline are adequate and these may be ~~extended~~ extended by the employer at the work place for the activities of the Union

65. The Government has been taking a healthy and constructive attitude towards Trade Unions.

IV. INDUSTRIAL RELATIONS

Introductory:

66. The effectiveness of Governments Industrial Relations policy can be judged with reference to the following factors:

- (1) Uninterrupted production and reduction in the number of work stoppages.
- (2) Improvement in the working and living conditions of Labour.
- (3) Increase in the number of bipartite and conciliation settlements.
- (4) Increased productivity of Labour resulting in lowering the cost of production.
- (5) The extent of favourable climate created for capital formation and consequent increase in employment potential.

The State Government have enacted the following Acts to better the working conditions of the workers and to reduce areas of conflict between the workers and the management:

- (1) The Mysore Industrial Establishments (National and Festival Holidays) Act, 1963.
- (2) The Mysore Shops & Commercial Establishments Act, 1961.
- (3) The Mysore Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1964.
- (4) The Mysore Labour Welfare Fund Act.

The State Government have added 15 more employments to Part-I of the Schedule to the Minimum Wages Act 1948 and steps have also been taken to fix the rates of minimum wages in the scheduled employments. This has helped in preventing Industrial Disputes. The several Wage Boards set up by the Government of India have also achieved in smoothening the industrial relations and standardisation of wages in the respective industries. The following Committees which have been set up at State Level have also ~~been~~ contributed towards improving the Industrial Relations:

- (a) Industrial Relations Board.
- (b) State Tripartite Standing Committee.
- (c) State Evaluation & Implementation Committee.
- (d) Motor Transport Standing Tripartite Committee.

67. Due to various legislative measures, better working conditions and social security have been secured for the workers. As a result the pattern of industrial conflict is changing towards financial gains like better awards, dearness allowance and bonus. Mass awakening among the workers coupled with spiralling of prices have intensified the industrial conflicts.

68. —

69. The following are the causes of industrial unrest since independence:-

- (1) Stagnant wages and spiralling of prices.

(2) Inter union rivalries.

(3) Non-implementation of wage board recommendations and settlements and awards by the managements.

(4) Delay in the disposal of cases by the Industrial Tribunals, Labour Courts and the Prescribed Authorities under the Minimum Wages Act, and the Payment of Wages Act.

(5) Inadequate machinery to implement various labour legislations.

70. Inter-Union rivalry has affected adversely employer-employee relation since due to such rivalry there has been competition between the Unions in piloting through the demands. Hence it has lead to more number of industrial disputes and unrest.

71. Effective implementation of Labour Legislations, speedy disposal of various claims arising out of the provisions of Payment of Wages Act, Minimum Wages Act, Workmen Compensation Act, etc., and quick disposal of cases by the Labour Courts and Industrial Tribunals will go a long way in reducing the number of disputes. If the Conciliation Officers keep constant touch with the Trade Unions and the managements, watch and analyse the difficulties of each side and make suitable suggestions to both the parties to over come their difficulties, then it may go to some extent in preventing the industrial disputes.

72. No comments.

73. When the Trade Union is strong, the management will take notice of its existence and it will be more reasonable and considerate towards the demands of the workers; when the Union is weak, the management is likely to ignore the demands of the workers, and if there is no Union, the management may tend to take unreasonable attitude towards the workers and their welfare.

74. These tend to reduce disputes and lead to greater harmony.

75. So far as Government is concerned, a sympathy with the aspirations of labour and objectivity and impartiality in dealing with disputes as well as administering welfare legislation.

76.

77. Works Committees will provide proper communication between workers and management at the plant level.

78. —

79. Standing orders are based on the model Standing Orders prescribed by the State Government in the Industrial Employment (Standing Orders) Rules, and as such, there is little consultation between the employers and employees for drawing up these standing Orders. The certifying Officers give a hearing to the employees before finalising the draft Standing Orders submitted by the employers.

80. The Industrial Employment (Standing Orders) Act, 1946, and the Model Standing Orders and Rules framed thereunder have helped in regulating the service conditions of workers in various industrial establishments which has resulted in minimising the disputes regarding service conditions.

81. —

82. The model grievance procedure evolved under the Code of Discipline has not served the purpose. To make it effective, a Statutory provision may be made in this regard.

83. —

84. In this State there are no facilities for training Management and Trade Union Personnel in industrial relations. Expanding the scope of workers' education scheme appropriately would help.

Collective Bargaining:

85. A statement is appended which shows the number of disputes that were taken up in conciliation; the number of disputes settled during conciliation; the number of disputes withdrawn by the workers and the number of disputes referred for adjudication by the Government. Both managements and Workers' Unions are utilising the Conciliation machinery for the peaceful settlement of their disputes.

86. The representative characteristics of a Union at industrial level may be determined by taking into consideration the total membership of the union as compared with the total number of workers in that industry.

87. It is true that the bargaining power of an Union depends upon its strength. It is also true that adjudication system has minimised the industrial conflict.

88. It is very necessary to maintain uninterrupted industrial production in the coming years. To achieve this, open industrial conflicts like strikes and lock-outs will have to be avoided. This is possible if collective bargaining and adjudication methods play effective rôles in settling industrial disputes.

89. —

90. —

Joint Consultation:

91. —

92. In Mysore State 142 establishments have set up Works Committees as against 208 establishments which are required to form Works Committees. These Works Committees are not functioning satisfactorily. The Trade Unions and the managements are not enthusiastic about the formation of the Works Committees.

93. Yes.

94. When there are registered Trade Unions in an establishment, only these Trade Unions should be permitted to nominate their representatives on the Works Committees instead of conducting direct election from workers to the Works Committees. The unanimous decisions of the Committee must be drawn up as settlement under Section 2(p) of the Industrial Disputes Act. Then the decisions will become enforceable statutorily.

95. The Scheme of Joint Management Councils and Emergency Production Committee have not been successful in this State.

96. No such Schemes have been formulated in this State.

97. It is not feasible to introduce the scheme of workers' participation in management by making the workers shareholders. Besides, mere share-holding does not give adequate voice to workers in running the establishment. In establishments having more than 500 workers, the recognised union may be given representation on the Board of Directors.

Conciliation:

98. The Conciliation machinery is playing a very useful role and it has minimised the open industrial conflicts.

99. Though the Conciliation proceedings have not ended in a majority of cases in settlements, but they have helped the disputes being referred to for adjudication and thereby avoiding open conflicts like strikes and lock-outs.

100. The number of Conciliation Officers should be increased so as to secure speedy disposal of conciliation cases. The number of Conciliation Officers may be determined so as to ensure disposal of every conciliation case within a period of two months. There should be a few Conciliation Officers in reserve in the office of the Commissioner of Labour so that these officers may be entrusted with urgent conciliation cases and arrears of work with any Conciliation Officer. A Cell may be created in the Commissioner of Labour's Office to the Conciliation Officers to enable them to resolve the disputes during conciliation. The Conciliation Officers should have powers to enforce the attendance of parties to the conciliation proceedings.

101. The Conciliators may not be named as arbitrators in the Industrial Disputes.

Adjudication:

102. The present system of adjudication has been successful to a considerable extent in maintaining industrial peace. The main criteria for assessing its success is the less number of strikes and lock-outs in industrial establishments. The present system may continue.

103. The adjudication machinery need not be given any fresh powers regarding settlement of disputes relating to discharge and dismissals.

104. As far as individual disputes are concerned, if these disputes fail in conciliation the workers may be permitted to go directly to the Labour Courts for adjudication.

105. The authority for appointment of Industrial Tribunals may continue to vest in Labour Department.

106. More number of Conciliation Officers and more number of Labour Courts and Industrial Tribunals will contribute to the expeditious settlement of disputes. There is no need to change the procedure of conciliation and adjudication.

107. It is not necessary to revive the Labour Appellate Tribunal.

108. —

109. Immediate penal action may be taken against the Managements who do not implement tribunal awards and agreements.

Code of Discipline:

110. The Code of Discipline has not served its purpose.
111. The entire Code of Discipline should be given a statutory shape.

Voluntary Arbitration:

112. Managements are not inclined to agree for Voluntary arbitration.

113. —

114. As the reference of disputes to voluntary arbitration can be made only to such persons as are agreed upon by the parties to the disputes, the setting up of a Standing Arbitration Board would not serve any purpose unless compulsory / contemplated.

115. —

116. The Government should bear the expenses of arbitration.

117. The existing restrictions on workers to go on a strike and on employers to declare a lock out, need not be modified in any way.

118. —

118. The rules of a Trade Union provide for a procedure to be gone through before the workers can go on a strike, but, in many instances, these rules are not followed.

119. Prior notice is not always given to the other party before a call for a strike is given or a lock out is declared. There are several instances where the workers have gone on lightening strikes and the Managements have declared lock out consequent to strike. It appears desirable to provide for a week's notice by either side.

120. Information is not available.

121. —

122. Instances of workers going on a strike without the sanction of the Union are very rare.

123. It is the usual practice for the Management and the Union to keep in constant touch with each other during the period of strikes. Negotiations usually go on during that period. Govt. also helps to bring both the parties together for negotiations and settlement. If the settlement fails, the Govt. refer the dispute for adjudication and prohibits the continuance of a strike.

General:

124. The Tripartite Committees have played important roles in evolving through mutual discussions, acceptable agreements and arrangements in the various fields of labour relations.

125. No.

126. A provision should be made in the Industrial Disputes Act, 1947, enabling the appropriate Government to prohibit apprehended strike or lock out in a public Utility Service.

127. —

128. No.

129. Collective bargaining is not much effective in Small Scale Sector. The workers in this Sector mainly depend upon Industrial Relations Machinery.

Introductory:

130. The large scale availability of unskilled Labour is one of the reasons for low wages for unskilled workers..

131. No survey has been made. However, the increase of wages in Industrial Sector indirectly encourages the agriculture and unorganized labour to demand better wages.

132. ..

133. ..

Minimum Wage:

134. The concept of minimum wage need not be modified in the present economy of the country.

135. ..

136. Yes.

137. The recommendation of Fair Wages Committee require no modification in their applicability to non-industrial workers.

138. The Minimum Wages should be fixed regionwise.

139. ..

140. There is no need to change the definition of Minimum, Fair and Living Wage as given by the Committee on Fair Wages.

Dearness Allowance:

141. There must be periodical revision of wage itself when the cost of living index has increased by more than 75 points. Besides, there should be a separate provision of dearness allowance to absorb price changes, and Dearness Allowance should be linked with the cost of living index.

142. There should be one uniform basis for the payment of Dearness Allowance. This can be the one which is linked with the cost of living index.

143. The regional cost of living index must be taken into consideration for the payment of Dearness Allowance. The Revision of DA. may be made half-yearly. If the cost of living index increases by 10 points, then, there should be a corresponding change in Dearness Allowance.

144. It must be aimed at 100% neutralisation of price-rise. However, taking into consideration the various factors affecting the present economy, we may limit to 75% neutralisation.

145. Both for the payment of wages and Dearness Allowance- the capacity to pay of an industrial establishment will have to be taken into consideration.

146. --

147. -

148. -

Wage Differentials:

149. No such survey has been undertaken.

150. In some instances it has been observed that DA paid to worker is more than the basic wage paid to him. In such instances it is necessary to rationalise his basic wage by revising the wage structure.

Methods of Wage Fixation:

151. In establishments where there are strong unions, wage fixation through collective bargaining is the best method. For other establishments, wage fixation through Wage Boards or through adjudication is the best method. For larger industries, it is preferable to have wages fixed by Wage Boards.

152. -

153. The Tripartite Wage Boards are doing a good job.

154. A specified time-limit of 1 to 1½ years should be fixed for each Wage Board for submitting recommendations. The recommendations of the Wage Board should not be made statutorily enforceable.

155. -

156. It is very necessary to take an integrated view of policy in regard to wages, incomes and prices. The objective of such a policy should be: (i) fair wages to workers; (ii) incentive to the managements for capital formation; (iii) low cost of production; and (iv) production of quality goods.

157. Policy of Wage freeze is not suggested.

158. -

Made of Wage Payment:

159. The system of wage payment in kind is in vogue to a certain extent in agriculture, Hotel industry and Plantation. This system of payment of wage in kind need not be extended to other industries.

160. The method of paying unskilled workers on time-scale of pay is very common in several industries. This method is not advantageous to the workers. It is better to have the wages paid on the piece-rate system.

161. The suggestion deserves consideration. A worker may be paid besides basic wage and DA, productivity bonus. This may go a long way in making the worker productivity minded.

General:

20(4)

162. Section 23 of the Minimum Wages Act may be amended so as to exempt the Inspector from being proceeded against on the ground that his application was vexatious or malicious.



163. The scheme for the payment of annual profit-sharing bonus as envisaged in the provisions of the Payment of Bonus Act, 1965, is quite satisfactory. The latest decision of the Supreme Court has not affected the working of the scheme to any noticeable extent.

38

#### VI INCENTIVE SCHEMES AND PRODUCTIVITY

164. To make the workers savings minded a portion of the bonus may be made payable in the form of Savings Certificates.

165. The incentives scheme-payment by results--- will have to be worked out for each establishment with particular reference to the conditions in each unit. A detailed examination by experts for introducing this scheme is necessary.

166. The scheme may be given a fair trial.

167. -

168. The workers should be given a share in increased production.

169. No survey has been done in this regard.

170. No information.

171. National and regional awards should be instituted for outstanding work to improve productivity. This will help in making the workers and others productivity minded.

172. -

173. -

174. The methods of "Go-slow", "work to rule" etc., are adversely affecting the production in various establishments.

175. It is very necessary to have rationalisation---Better utilisation of men, machinery and management\_\_\_\_\_ in various industrial undertakings. This will contribute towards increased productivity. However the process of rationalisation may be carried out within the frame work of the recommendations of the 15th Session of the Indian Labour Conference. The principle should be human sacrifice to technological advance shall be avoided and fruits of such advances should be distributed equitably.

176. In the context of high level un-employment prevailing in the Country to-day; 'automation' may not be introduced on a large scale in various industries. A Special Committee should be appointed to study the problem of 'automation' in various industries.

177. -

#### VII SOCIAL SECURITY

178. (a) Social Security Schemes have contributed towards better Industrial relations.

(b) No such thing has come to our notice.

179. (a) At present Medical Care, Sickness Benefit, Employment Injury Benefit, Maternity Benefit, Invalidity Benefit and Old Age Benefit by way of Provident Fund are available to workers who are covered under the Employees Provident Fund Scheme and Employees State Insurance Scheme.

(b) No information is available.

(c) The scope and coverage of Employees' Provident Fund Scheme and Employees' State Insurance Scheme have to be gradually expanded.

39

(d) These Schemes may be made applicable to all types of establishments where the minimum number of workers is 10.

(e) Un-employment Insurance Scheme as proposed by the Government of India may be introduced in the first instance.

180. -

181. The State Government is in general agreement with the recommendations of the E.S.I.S. Review Committee.

182. There should not be distinction between the private sector and the Public sector in the grant of exemptions. At present exemptions are being granted in very exceptional circumstances.

183. It would appear to be so, though ~~no~~ no ~~provision~~ precise information on this is available.

184. The Administration of the Medical Benefits under the E.S.I. Scheme should continue to remain the responsibility of the State Government.

185. ---

186. Steps may be taken to convert the present Employees' Provident Fund Scheme into a provident Fund-cum-Pension Scheme.

187. --

188. --

189. --

190. --

191. The existing provisions relating to lay-off, retrenchment compensation are adequate. However the question of extending lay-off benefits to workers in seasonal factories may be considered.

192. Trade Unions need not be entrusted with the administration of Social Security benefits.

VIII. LABOUR LEGISLATION

193. In a planned economy, the Labour-Management relations should be governed by legislations rather than by collective bargains.

194. The provisions contained in various Labour laws are quite sufficient to achieve the objectives for which they have been enacted. The load of work shouldered by the existing Labour Department, has been too great for a meticulous implementation of various Labour enactments. It is very necessary to expand the Labour Department. But there would be a limitation imposed on the scope for such expansion by the budgetary position of the State.

195. The existing labour legislations for protecting the interests of Labour have worked satisfactorily. They have helped to implement the directive principles of State policy on Labour matters as embodied in the constitution. However, it is necessary to stream-line the enforcement machinery.

contd...

196. The present constitutional arrangement is satisfactory.
197. ---
198. No suggestions.
199. ---
200. ---
201. All the tripartite decisions should be given statutory force.
202. ---
203. The enforcement of Labour legislations in public sector undertakings is far from satisfactory. In respect of exemption both public sector and private sector are treated alike.

204. ---

#### IX RURAL & UNORGANISED LABOUR

205. ---

206. ---

207. The suggestions of International Labour Organisation are feasible in the Indian context.

208. --

209. By Legislation.

210. The implementation of Minimum Wages Act in respect of agricultural labour may be entrusted to the Village Panchayats and Taluk Boards.

211. As already stated at (210), the implementation of Minimum Wages Act may be entrusted to Village Panchayats and Block Development Staff.

#### X LABOUR RESEARCH & INFORMATION

212. Uniform and precise returns should be prescribed in all the States under various Labour enactments. This will ensure uniformity for compilation on All-India basis.

213. The returns prescribed under various labour enactments are quite necessary. However, if any return is found to serve no purpose, it can be weeded out.

214. It is necessary to compile consumer price index numbers for every region of the country for purposes of wage fixation.

215. The data presently collected is quite adequate for measuring industrial unrest in the country.

216. Yes

217. --

218. --

219. There are no proper arrangements for research and studies in the field of Labour.

220. There should be a labour research wing in each State under the overall supervision of the Labour Bureau, Simla. The entire expenditure on the research section should be borne by the Government of India.

221. ---

222. ---

223. Research on labour problems should be encouraged in Universities.

224. There are no such arrangements.

225. The Government is using information and statistics on Labour problems ~~and statistics~~ to some extent in formulating policies and Plans.

226. ---

227. ---

228. It is true that industrial conflict gets instant and wider publicity than Industrial harmony prevailing in any industry. As industrial conflict requires prompt action on the part of Government as well as on the part of management and Labour, it gets wider publicity. To give publicity to industrial harmony in any establishment, State awards may be instituted in this regard. These State awards will get both recognition and publicity for the harmonious industrial relations existing in the establishments.

229. ---

230. ---

A N N E X U R E

STATEMENT SHOWING THE NUMBER OF INDUSTRIAL DISPUTES DEALT  
WITH DURING TWO CALENDAR YEARS OF  
1965 and 1966

Hear	Number of Industrial Disputes taken up by the Conciliation Machinery.	Number of Industrial Disputes settled in Conciliation.	Number of Industrial disputes withdrawn or dropped.	Number of Industrial Disputes referred for adjudication
1965	557	210	67	261
1966	1580	361	161	414

RECRUITMENT

43

Labour in seasonal establishments like Cotton Ginning and Pressing Factories, Tobacco Factories, Oil Mills, etc., is recruited through Labour Contractors and also by direct employment of persons locally available. In Factories like the Bangalore Woollen, Cotton and Silk Mills Co., Ltd., Bangalore, labour is recruited through applications received from (i) employees requesting for employment to their children or relatives, and (ii) from outsiders who send applications on the chances of getting jobs. Occasionally, the Employment Exchanges are requested to send specific class of workers to suit their requirements, when they are not able to recruit through the methods stated above. Generally, large factories like the Hindustan Aeronautics Limited, Bharat Electronics Limited do their recruitment through Employment Exchanges and Factories like Kirloskars recruit workers by advertisements. In plantations, labour is recruited through contractors and also by introduction by existing employees.

No Comments.

No Comments.

No information is available.

No information is available.

It cannot be said that the statutory provisions in regard to the employment of women has affected the recruitment of women labour to any noticeable extent. Where the nature of the manufacturing process warrants only the recruitment of women labour, the managements are generally not averse to the recruitment of labour to the extent required. Otherwise, they prefer the recruitment of male labour, for obvious reasons, to that of female labour, as the recruitment of female labour often imposes additional statutory burdens on the management who are then required to pay maternity benefits, provide creches with the prescribed staff as well as comply with the provisions of the Factories Act in respect of nursing mothers. Consistent with the international conventions on conditions of work for women, this Department is of the opinion that no modifications in the existing statutes would be necessary as the provisions now made are the minimum that could be provided for in relation to the industrial growth of the country.

It is difficult to adequately assess the advantages and disadvantages of the recruitment of casual labour. The recruitment of casual labour depends entirely on the needs of a particular unit of an industry. The advantages of casual labour is that wherever there is some urgent work to be done, the managements can get it done by means of casual labour and secondly they do not pay them the same rate of wages as they pay to other workers. Further, they do not also pay bonus, provident fund etc., to the casual labour. It may however be said that the disadvantages of the recruitment of casual labour outweigh the advantages to such workers. One of the greatest disadvantages of such recruitment is that on the completion of the work for which such recruitment was made,

contd. ....

they are terminated irrespective of the duration of their service or the period for which they were so employed. Such being the case, the only step that could be taken to decasualise such labour would be to make adequate statutory provisions for their permanency after the completion of a specified period of continuous service in the establishment, subject to, in the first instance, to the availability of vacancies in that establishment. To offset the tendency to evade compliance with the provisions of law by the respective employers, it would be necessary to provide for suitable conditions under which the services of temporary or casual labour may be terminated making them liable to the payment of compensation as in the case of retrenchments, if the casual labour works for 6 months. 41

7. Employment of physically-handicapped persons should be restricted to those processes of work where they can be employed without affecting production. Legislation is however necessary to reserve a percentage of vacancies for such employment.

8. There are instances where complaints have been received by this Department that the Managements were recruiting persons on the basis of language, region and caste. The Recruiting Officers are making themselves bold in recruiting persons of their community and region. Such discrimination cannot be justified as a matter of policy.

9. No comments.

10. No comments.

11 a) Promotion of workers to higher jobs must be made only when they pass a trade test prescribed for the higher post. For this test, the service people may be allowed to compete. Out of those who have passed in the test, promotions may be based on the basis of seniority.

11 b) Recruitment to position of higher levels may be made partly from among the existing employees and partly by direct recruitment.

## II. CONDITIONS OF WORK

### WORKING CONDITIONS

12 a) With regard to the question "How should the implementation of these acts be improved?", it is to be stated that the work involved under the several Labour Laws must be examined and the workload assessed and then a uniform pattern of administration throughout the country must be evolved. The existing staff is not adequate to administer various labour laws. The Bonus Act was passed but separate staff was not sanctioned. Similarly the Beedi Industrial Premises Regulation Act is passed but separate staff is not appointed. All the laws are to be administered by the existing staff only with the result the workload on the subordinate staff is considerably increased and no effective implementation is possible.

13. There is already uniformity in the total number of holidays in this State because of the enforcement of the Mysore Industrial Establishments (National Festival Holidays) Act, 1963 which provides for the grant of 2 National Holidays and 5 Festival Holidays in a year with wages.
14. The existing arrangements are sufficient.
15. Employment of child labour is prevalent in the Hotel Industry where they are employed for purposes of cleaning tables and for removing cutlery used by the customers and also in silk factories and in smaller establishments to which the provisions of the Factories Act is not applicable. Though the statutory provisions about the employment of children are satisfactory in the circumstances of present stage of national development, the prohibition of such employment would be desirable as the present children are the future citizens of the country and need to be educated in their future responsibilities as useful citizens. The cause of child labour may be attributed to the poor financial circumstances of their parents who are not in a position to afford the additional expenditure that would be incurred on their education, etc.,
16. There are at present no arrangements exist for regulating the working conditions of contract labour and labour employed through contractors. There is no legal sanction behind the decision of the Tripartite Conference regarding the abolition of contract labour and unless this decision is accorded legal sanction by embodying the decision in a statute, it may not be possible to rid these industries of this menace which is also a serious threat to society, as these workers, with a view to securing redressal of any grievances they may have, resort very often to the Labour Department which is helpless in this regard as the Management disown the rights of these workers on the ground that they are not employed by them directly but through contractors. The only improvement that one could think of, is the total abolition of contract labour of all kinds by appropriate statutory provisions.
7. A state Tripartite Standing Committee has been constituted to consider measures for effective implementation of the provisions of Motor Transport Workers Act. But such provisions is not made in any other Statute. It is therefore suggested that a similar Committee may be constituted consisting the representatives of the Employers Organisation and Trade Unions with an Officer of the Labour Department to work as the Secretary at State level. The Committee should meet at regular intervals to discuss the difficulties experienced in the effective implementation of statutory provisions such as :
- (1) Safety and Welfare; (2) Hours of work and weekly off;  
 (3) Employment of young person and women; (4) Annual leave with wages;  
 (5) Overtime payments; and (6) Housing in Plantations.
- The decision of the Committee should be displayed on the Notice Board of the Factory or Factories concerned or the present Industrial Relations Board may review the work under each Act.
- \*\*\*\*\*
- 18 to 23. The Factories Section must give replies.



24. Industrial Health Service is necessary. ESI Scheme is already there. It should be strengthened.
25. No amendments appear to be necessary.

### III. TRADE UNIONS AND EMPLOYERS' ORGANISATIONS

#### FEDERATIONS OF EMPLOYERS' AND WORKERS' ORGANISATIONS

26. The following factors have influenced the development and organisational pattern of trade unions and employers' organisations.
- (1) The entry of educated class in the industrial field has encouraged the workers to organise themselves into trade unions.
  - (2) Spread of education is very important factor in making the workers conscious of their rights and also duties.
  - (3) Constitutional provisions have enabled these workers to have their say in the matter of administration. The Trade Unions Organisations have increased in number. National Organisations on behalf of workers as well as employers have come into existence and they are playing a very important role in the matter of industrial development.
27. The Indian Trade Union Act, 1926 has been mainly responsible for the growth of trade unionism in India. The number of unions in an industry or a unit of an industry is unlimited under this Act, and very often, managements are required to deal with more than one trade union in several matters. This has resulted in curtailment of the bargaining power of a trade union and managements generally tend to exploit the situation to their greatest advantage.
- As regards the Employers' Organisations, it may be stated very few of them have been organised under the above Act and do not usually consist of employers in the same trade but of employers of various trades.
28. There has been noticeable change in the modus operandi of trade unions as political rivalries and ideologies having entered into the activities of trade unions. These rivalries and ideologies have resulted in trade unions adopting every means within their power to secure popularity among the working classes and thereby their backing and cooperation.
- As regards the Employers' Organisations, they have exploited the trade union rivalries to the best advantage and even refuse at times to bargain with a trade union on the ground that that union is not representative in nature and does not represent the majority of workers in that establishment. The Industrial Relations Machinery therefore finds it very difficult to bring about as many amicable settlements as possible in view of this attitude adopted by the Management.
- With regard to the employers organisations they want to have every case decided through adjudication only, if necessary by persuing the matter upto the level of Supreme

Court. Thus litigation has increased. The employers organisations many a time approached this Department for consideration in the matter of encouraging with a particular union. This means that the membership of the Union has to be verified by this Department. This takes considerable time. The delay in the settlement of these disputes is welcome by the managements, because they need not give money in the form of increased wages or bonus etc., until some of these formalities are over. The employers want to utilise the amount so saved for the improvement of the industry.

The attitude of trade unions and employers' organisations towards each other and towards Government have definitely undergone changes during the last few years, vide reply to Question No. 28 above. Trade Unions look to Government to safeguard the interests of the workers. The Employers' Organisations on their part have generally cooperated with Government in evolving measures to promote industrial peace.

Employers Organisations and Trade Unions must answer.

Trade Unions and employers organisations have helped in the improvement of the existing society. There are several Tripartite Committees in which the Managements as well as the labour meet and give suggestions to improve the industry and also to improve the working conditions of the workers. Such committees will go a long way in the organised development as well as improvement of the industry. It is better to have industry-wise Tripartite Committees to reduce the number of disputes as in Kerala.

...

Trade Unions and Employers' Organisations should evolve a Code by virtue of which neither party should have recourse to the machinery for settlement of industrial disputes without having mutual discussions at the outset.

...

...

About 80 per cent of the organisations who are constituents of the Central Organisation are not implementing the obligations undertaken by the organisations of employers and workers at national level. There are no effective sanction for the implementation of these provisions. The obligation undertaken by the Central Organisations must be made legally enforceable.

Difficulties do arise in reconciling the actions of the Unions and employers at the plant level with national policies evolved by the employers organisations, trade unions. The following are the instances observed the difficulties. -

- (1) INFUC did not give sanction to the workers union in Binny Mills. They violated Code of Discipline.
- (2) The Management of Bharat Electronics Limited have not accepted the Code of Discipline.
- (3) State Industrial Undertakings.

A separate code of conduct in this behalf may be prescribed and made legally enforceable.

Contd. ..

39. There is no other method except the one provided under law.
40. The Officers who man the Trade Unions are appointed by election in a General Body meeting. Paid Officers are very few.
41. A Trade Union gets new members by propoganda, persuasi<sup>on</sup> and in some cases by threats and compulsion.
42. ...
43. ...
44. ...
45. The answer is simple. The General Body of the Union must increase membership fee.
46. ...
47. Check off system is not advisable, because the money is not being utilised properly and it is not accounted for properly.
48. Only in very few trade unions are helping the members or dependents of members in their personal difficulties like sickness and personal injuries and deaths. A lumpsum amount of Rs. 100/- is being paid in Bhadravathi Iron & Steel Works.

TRADE UNION - LEADERSHIP AND MULTIPLICITY

49. There appears to be no trade union which is not affiliated to one political party or the other. Such trade unions vie with one another to secure greater membership as they are under the impression that the greater number of members would ensure for their respective political parties the greater number of votes. As such, the struggle for supremacy of the political parties has also manifested itself in the trade union activities to the extent that the trade unions affiliated to the several political parties compete with one another for greater membership for the attainment of their respective political objectives.
50. The outsiders in trade unions are invariably those who are members of some political party, who take on trade unionism as honorary members. It is these outsiders, who are educated, conversant with law etc., who are at the helm of affairs of the unions and influence to a great extent the workers who are members of the trade unions, as the latter are not so educated and also they prefer to be led by someone who is in the know of things. They formulate and control the policy of the unions and the unions fortunes fluctuate with the rise and fall of these outsiders.
51. <sup>Supported</sup> A man of character with high ideals will generally be ~~supported~~ and encouraged by the workers. He will <sup>Supported</sup> be ~~supported~~ by employers also. Such leadership gets encouragement from all sides.

52. The existing legislation encourages multiplicity of trade unions. The remedial measure is that there must be only one union in one establishment. The multiplicity of unions must be prevented by law.

53. The inter-union code of conduct is not effective. This must be converted into a inter-group code of conduct in a union, when only one union is allowed to function.

TRADE UNION RECOGNITION

54. The following are the advantages if a union is registered. -

- (1) It is bound to work in accordance with the provisions of the Act and Rules and also in accordance with the byelaws which have been duly registered.
- (2) It is easy to resolve any dispute between the workers and the management by discussing with the known office-bearers of the registered trade union by the conciliation and adjudicating machinery.
- (3) There are many <sup>other</sup> advantages which need not require to be narrated.

55. 1) Registrar must be given powers to restore the registration when it is cancelled;

2) The Registrar must have powers to order the holding of an election whenever the existing office-bearers or the general body fail to conduct elections of the members if the members approach the Registrar for such orders;

(3) The Registrar must have sufficient auditors to audit accounts periodically;

(4) Registrar should have powers to seize the registers and the account books if the office-bearers are found to have misappropriated or misused or misapplied the ~~accounts~~ Funds

(5) Any violation of the registered byelaws or the provisions of the Act and the Rules shall be made punishable on complaint made by or after sanction of the Registrar.

56. Nil  
The Code of Discipline in industry is not substantially enforced towards securing recognition for trade unions.

57. The existing procedure for verification of membership of each union for purposes of recognition is very cumbersome. A simpler method to find out the strength of the supporting employees of the Union is desirable. A ballot system appears to be practical and simpler way.

58. The provisions of the Indian Trade Unions (Amendment) Act, 1947, may be given effect to.

59. The Registrar must have powers to appoint the official of the Department to be the whole-time Secretary to a Trade Union in important industries. This will prevent or minimise the scope for misuse of funds and also to conduct the working of the union according to rules and regulations.

60

61. Reply vide item 57. The Administrative Officers of the Department must be appointed as the Election Officers. The Deputy Commissioners of Districts must be associated so that they will be in charge of law and order. The funds for the election must be met by the Union if the funds are sufficient. The recognition accorded after verification by ballot must last for two years.

62. Individual grievance may be taken up by the un-recognised unions.

63. ...

64. The facilities extended in the Code of Discipline may be extended.

65. The attitude of Government as an employer is quite normal and conciliatory and helpful to the progress of the workers.

#### IV. INDUSTRIAL RELATIONS

##### INTRODUCTORY

66. (1) Expansion or development of industry, (2) The number of references to the Labour Courts and Industrial Tribunals, (3) increase in the productivity of labour ~~is one~~ <sup>is one</sup> of the criteria for determining the effectiveness of Government industrial policy.

The following are the criteria for determining the effectiveness or otherwise of Government's labour 'Industrial Relations' policy. -

a) What is the total number of <sup>work</sup> stoppages and mandays lost?

b) What is the per capita production in the State in a particular year?

c) What is the total number of work stoppages and lockouts lost in every year?

e) What is the extent of employment provided to labour?

d) What is the extent of improvement achieved so far as living standards of workers are concerned. -

(1) Housing; (2) Education; (3) Medical facilities; & (4) Social Security.

e) Has the purchasing power of the worker increased;

f) Has the condition of agricultural labourer improved;

g) No. of disputes referred by Government for adjudication machinery,

h) No. of settlements arrived at with the help of conciliation machinery.

With regard to the second sub-question, in addition to the several Central Acts passed by Parliament, Mysore Government has passed the following Acts. -

- (a) Mysore National and Festival Holidays Act,
- (b) The Mysore Maternity Benefit Act,
- (c) The Shops and Establishments Act,
- (d) Labour Welfare Fund Act,
- (e) Mysore Beedi Industrial Premises (Conditions of Work) Act

The following committees have been set up. -

- a) State Labour Advisory Board. This is replaced by Industrial Relations Board;
- b) State Tripartite Standing Committee;
- c) State Evaluation and Implementation Committee;
- d) Motor Transport Standing Tripartite Committee.

The above are constituted in addition to the Wage Boards and other Committees constituted by Government of India.

The assessments of the Department relating to the above policy is that there is marked improvement in the conditions of the workers in all directions.

67. The patterns of industrial conflict in Mysore State have not changed considerably since independence.
68. NIL.
69. The following are the <sup>causes</sup> ~~cases~~ of industrial unrest since independence. -
- 1) The ever increasing cost of living;
  - 2) The inter-union rivalry;
  - 3) Un enlightened managements which want to exploit labour depending mainly upon the power of the money.
  - 4) Untrained managerial staff;
  - 5) Inadequate machinery to implement the labour laws.
70. Inter-union rivalry has led to deterioration of employer-employee relations. Employers look upon all the unions with suspicion and at times set up one against the other to the detriment of the workers at large. Elimination of inter-union rivalry is the first step to be taken towards strengthening the unions, thereby building proper industrial relations.
71. It is very difficult to prevent the industrial dispute so long as there is industry. But the number of industrial disputes can be reduced if settlements are arrived at for a period of 2-3 years. In addition to this there is one important suggestion to be made i.e., if he provides or divide equally between capital, labour and machinery there is no scope for any dispute. The D.A. should be linked to ~~cover~~ cost of living in all establishments. To prevent the industrial disputes the existing conciliation machinery should be ~~strengthened~~. The Wage Board recommendations must be made enforceable statutorily in respect of certain industries which are capable to pay the money <sup>pay</sup> according to the recommendations. Such industries which are capable of paying must be listed and published by the Wage Boards itself.
72. NIL.

73. When the union is strong the management will be compelled to be more reasonable. When the union is weak the management will accept the labour either by winning over the office-bearers or by ignoring the existence of the union. When there is no union the management will be aggressive and unreasonable.

74.

75.

76. The Labour Officers are not playing an important role in preventing disputes and maintaining harmonious employee-employer relationship. They are being made use of as agents of the management to take up disciplinary cases against workers and to advise the managements contrary to rules and regulations and for circumventing the provisions of law. If these were Labour Officers, to play an important role, then he must play the role of a Conciliation Officer at the plant level and submit the impartial report to the management. If managements still persist in rejecting his suggestion, then the management will face the consequences according to law and pay heavy penalty.

77.

78. The authority to deal with employees is usually delegated to the Managers, where they exist, and, where they do not exist, the employers themselves deal with their employees. However, in the case of industrial disputes, the employers usually delegate their powers to the President or the Secretary of the General Managements Associations, of which they are members, to deal with such matters. The President or the Secretary of the said Association are generally persons of legal profession. Personnel matters are usually delegated to Personnel Officers or Managers wherever such Officers are appointed. In all other cases, the employer himself deals with personnel matters.

79. Standing Orders are based on the model standing orders prescribed by Government in the Industrial Employment (Standing Orders) Rules and as such there is not much of consultation between the employers and employees in the matter of settlement of standing orders. The Certifying Officers give a hearing to the employees before finalising the draft standing orders submitted by the employers.

Act

80. The Employment Standing Orders of 1948 and the model standing orders and the rules thereunder have helped in regulating the service conditions of workers which in turn has reduced the areas of conflict between the workers and the management.

81. No comments.

82. The Model Grievance Procedure Appendix (6) needs a statutory provision.

83. - -

84. - -

85. to 99. A statement showing the number of disputes that were taken up by the Conciliation machinery and 11

the number settled by the Conciliation Officers and the number withdrawn and the number referred to Government is enclosed for a period of two years. This will show the extent to which the employers and workers have settled the disputes at their level (vide annexure).

91.

- -

92.

In Mysore State 142 Works Committees have been formed so far. The Trade Unions themselves are not willing to have the Works Committees constituted. The managements in turn are requesting this Department for permission to exempt from the formation of the works Committees.

93.

Yes.

94.

no  
Committee

The composition of Works Committees may be made very simple. Wherever there are trade unions, the composition of the committee may be based on the system of voting. But when there are registered trade unions, then the unions may be permitted to nominate non-office bearers of the union to be on the Works Committees. This will avert the elaborate procedure under the prescribed form for formation of Works Committees. With regard to the functions of the Committee, the unanimous decisions of the committee must be drawn-up as settlement under Section 2 (p) of the Industrial Disputes Act. The advantage being that they will be enforceable statutorily.

95.

No.

96.

- -

97.

This scheme may be tried in only Cooperative institutions ~~and~~ <sup>and</sup> undertakings on cooperative basis.

98.

The statement given against 85-90 will give the reply.

99.

Yes.

100.

Previously the Assistant Labour Commissioners in the Divisions and the Commissioner of Labour and the Deputy Labour Commissioner at the headquarter were functioning as Conciliation Officers. Considering the large number of disputes the number of officers was found too inadequate and disputes were pending in conciliation for a long time. To overcome this difficulty, the Labour Officers have been notified as Conciliation Officers in respect of industrial establishments employing less than 200 workmen for effective disposal of conciliation work. This has considerably reduced the pendency of disputes and has helped industrial peace in large number of industrial establishments throughout the State. But experience has shown that ~~where~~ <sup>where</sup> the number of conciliation Officers in certain areas ~~where~~ <sup>where</sup> the industrial workers are concentrated and organised. The present number of conciliation Officers is found to be not adequate for example, in Bangalore, Mangalore, Hubli-Belgaum area, Mysore and Chickmagalur Districts. The number of conciliation Officers should be increased. The Officers who are entrusted



100. conciliation work could not be entrusted with enforcement work. For enforcement of several labour laws, there must be separate ~~set of~~ hierarchy of officers to enforce the various labour laws for example the Bonus Act, Minimum Wages Act, Payment of Wages Act, National and Festival Holidays Act, require one set of ~~hierarchy of~~ officers. The other set of officers are required to enforce Shops and Commercial Establishments Act, Motor Transport Workers Act, Beedi Industrial Premises Regulations of Conditions of Work Act, Employment of Standing Orders Act and other miscellaneous Acts. The enforcement of Plantation Labour is very difficult, because, these plantations are situated in hilly areas and the officers i.e., Assistant Labour Commissioners and Labour Officers and also Labour Inspectors require vehicles to move from place to place. If they wait for buses or public conveyances they cannot turn out sufficient work. Many a time they have to depend upon the vehicles provided by the employers themselves. There are separate inspection bungalows near about the plantations, with the result the Officers have to be at the mercy of the planter for his stay for a day or two. This has undermined the effective implementation of the several Acts.
- 101.
102. Yes. The present system of adjudication has played an important role in maintaining industrial peace.
103. The powers of the adjudication machinery based upon the case laws so far, are quite sufficient in respect of discharges and dismissals. The literature on this subject as it prevails in America, England and Japan is not available. It is better to know the law on this subject in these countries.
104. The present system of referring the disputes to adjudication requires modification. The parties to the dispute may be allowed to go to the adjudication machinery, if the conciliation machinery fails. There is no need to examine the conciliation reports by the authorities higher than the conciliation Officer.
105. The State or Central Governments in the Labour Department so far as the disputes coming within the sphere of respective Governments.
106. The Conciliation and adjudication machinery should be strengthened. There must be a separate labour bench in the High Court.
107. Not necessary.
108. - -
109. The awards must be made enforceable after the appeal time is over without insisting upon the period of 30 days from the date of publication of the award in the gazette. The Gazette publication may however be continued. Secondly, the Labour Officers and Assistant Labour Commissioners must be empowered to prosecute the defaulting parties if they violate the agreement or do not give effect to the award. If there is any doubt regarding interpretation...13

of a particular point, then it must be referred to the Court/Tribunal that decided the case. This reference must be made by the Commissioner of Labour or Government. If the parties go in appeal and get stay-order, there the implementation of the award may be delayed till the case is decided by the appellate authority. In other cases the parties must be made to implement the awards and settlements within 30 days from the date of pronouncing the award or from the date of agreement; failing which penalty in the form of compensation must be paid by the employer. This must be provided in the Act itself, such provision exists in the Workmens' Compensation Act and the same provision must be provided in the Industrial Disputes Act.

#### CODE OF DISCIPLINE

The Code of Discipline hasnot served its purpose to the extent to which it was expected. It has served only to the negligible extent.

The entire Code of Discipline should be given a legal shape.

#### VOLUNTARY ARBITRATION

...

In view of the diversity of views and opinions of the parties to the dispute, it is difficult to suggest specific areas of industrial disputes where voluntary arbitration could be preferred to adjudication.

As the reference of disputes to voluntary arbitration can be made only to such persons as are agreed upon by them, this Department is of the opinion that the setting up of a Standing Arbitration Boards would not serve any purpose unless compulsory arbitration is contemplated. In view of the diversity of opinions and views, it is difficult to demarcate or define the subjects that may be referred to such Boards if they are set up.

Combination of Lawyers, Businessmen, Trade Unionists, Technicians and retired Judicial Officers will be quite suitable.

Government should bear the expenses.

#### STRIKES AND LOCKOUTS

The strikes as well as lockouts should be banned for 10 years. When conciliation fails the management and workers should be allowed full scope to go to the Court to have the disputes settled. If this provision is made, then there is no point of workers going on strike and the Management declaring the lockout.

The rules provide for a procedure to be gone through before giving a call for a strike. But very rarely these rules are followed.

Prior notice is not always given to the other party before a strike is called or a lockout is declared. There are several instances where the workers have resorted to lightening strikes and the management have declared lockouts consequent on the strike.

120. Information is not available.

121. Trade Unions resist victimisation of their members by raising disputes and seek constitutional means of securing redressal. They are invariably successful in their efforts. Where such constitutional means have failed, the workers resort to direct action to press their demands and press the managements into conceding the same.

122. The instances of workers going on strike without sanction of the Union are very rare. The workers might have spontaneously resorted to strikes in cases of ill-treatment by the Officers of the Company.

123. It is the usual practice for the management and the Union to keep in constant touch with each other during the period of strikes in order to facilitate a settlement. Negotiations usually go on during that period. Government also intervenes by giving notice of conciliation by bringing the parties together in cases where a strike is legal or otherwise.

GENERAL

(Continued to next sheet.)

124.

GENERAL

124. The Tripartite Committees like the Indian Labour Conference, Standing Labour Committees, Industrial Committees etc., have played significant roles in the formulation of suitable policies through mutual discussions and agreements in various fields for maintenance of good industrial relations between the employer and the employed.
125. No.
126. Vide reply to question No.117.
127. Vide reply to question No.104. In addition to this the Managing Directors must be those who have been trained in the Labour Management relations or worked in the Labour Department.
128. No.
129. Collective bargaining is possible in the small scale sector to a great extent. This sector is making use of the industrial relations machinery.
130. The large scale availability of unskilled labour is affecting the level of wages.
131. No survey has been made, but the increase in the level of wages in industrial sector is indirectly encouraging the agricultural and unorganised labour also to demand more.
132. ..
133. ..
134. This concept of minimum wage need not be modified in the present economy.
135. No comments
136. Yes
137. The recommendations of the Fair Wages Committee require no modification in their applicability to non-industrial workers
138. ..
139. ..
140. ..
141. There must be a system of revision of wage itself periodically and then a separate provision to absorb changes must be made by linking it to cost of living index.
142. ..
143. (a) It must be regional ~~regions as it is existing~~ and the frequency of the revision must be made quarterly.
- (c) The extent of change in the increase which warrants revision in D.A. must be a slab of 5 points.
144. There must be 100 per cent neutralisation of price rise
145. In view of the reply to question 144 the question of examining the capacity to pay will be very difficult to answer. But the workers and the managements are always at liberty to come to any settlement they like.

- 146. ..
- 147. ..
- 148. ..
- 149. ..
- 150. ..

151. In establishments where there are strong unions,

wage fixation through collective bargaining is the best method. In industry where the labour is unorganised wage fixation through Wage Boards or Wage Fixation resulting from adjudication or wage fixation through statute is the best method. The above three methods have got their own advantages in certain spheres of industries.

152. ..

153. The Tripartite Wage Boards are serving their purpose to a great extent and it has endured.

154.(a) The working of the Wage Boards needs no modifications.

(b) In order that the Wage Boards may be more effective, their recommendations must have legal sanction and backing, as in the absence of such sanctions, the recommendations cannot be compulsorily implemented.

WAGE POLICY -

155(a). ..

(b). ..

156. ..

157. ..

158. ..

159. The system of wage payment in kind is in vogue to a certain extent in agriculture, hotel industry and in plantation. This system of payment may be extended to bigger units wherever circumstances permit.

160. It is not desirable to extend further. This method of paying unskilled workers on time scale of pay is predominantly prevalent. Instead of paying on the basis of the number of hours of work, it is better to pay on the piece rate basis.

161. ..

162. Section 20(a) of the Minimum Wages Act must be amended so as to exempt the Inspector from being proceeded against, on the ground that his application was vexacious or mala fide.

163. The scheme for payment of annual bonus embodied in the Payment of Bonus Act, 1965, is satisfactory. The latest decision of the Supreme Court has not affected the scheme of the Act to any noticeable extent.

164. 3/4th of the bonus that an employee is entitled to get must be credited either to the Provident Fund account or must be kept in Savings Bank in a fixed deposit account for a period of not less than 10 years.

INCENTIVE SCHEMES & PRODUCTIVITY

165 to 175: The incentive schemes have to be worked out in each establishment by experts. The incentive as the term indicates must encourage a worker to work hard and thus increase production and wages. The details can be worked out only with reference to the conditions in each unit. No general principle can be laid down as to the working of incentive scheme. This is a matter which requires to be explained by only technical experts.

176. There should be a special machinery to study the problem of automation. In fact automation should encourage only in those cases where the human suffering and strain is reduced considerably. There should not be importing of machinery to take up automation so long as the present level of unemployment continues.

177. ..

SOCIAL SECURITY -

178 to 192: The Administrative Officer, Employees State Insurance Scheme and Regional Provident Fund Commissioner should give the replies to these questions.

193. In a planned economy the labour-management relations must be controlled and guided by Government through legislation to a substantial extent.

194. (1) The following are the factors that have affected the proper and effective implementation of the various labour laws :

been

- (a) Inadequate staff to enforce the labour laws;
- (b) want of finance has always been adduced as reason;
- (c) Defects in some of the existing enactments:

(1) In the Minimum Wages Act Section 20 sub-section (4) gives scope to the authority prescribed under Section 20(3) to levy penalty for malicious and vexatious applications. The Inspectors appointed under the Act are afraid of the consequences of filing application on behalf of the worker. This subsection must be amended exempting the Inspectors from consequences provided under Section 20(4).

- (d) Additional staff is not appointed to give effect to the Bonus Act. Qualified (Officers) persons who are capable of reading a balance sheet must be appointed immediately as Inspectors under the Payment of Bonus Act.
- (e) The powers that are being exercised by Govt should be delegated to the Labour Commissioner and the Officers who are working under him to a considerable extent.
- (f) Sufficient number of Industrial Tribunals and Labour Courts have not been set up to deal with the cases quickly.

195. The existing provisions are quite sufficient instead of bringing in more and more legislations, it is better to strengthen the enforcing machinery.

The existing arrangements is satisfactory except in one or two industries where Government of India concurrence is being obtained before a dispute is referred. Obtaining concurrence of Government of India in respect of disputes in some public sector (Central Government) undertakings is not necessary.

...  
...  
No.

yes. There is great need for codifying several laws. There must be one law for dealing with industrial relations. Another law so far as welfare is concerned. Third law for factories Act and Boilers Act and the fourth one for social security. All the existing laws should be grouped and codified as follows. -

- (1) (Industrial Disputes Act, Industrial Employment Standing Orders Act, Indian Trade Union Act and National and Festival Holidays Act) one Act;  
Bonus Act
- (2) (Payment of Wages Act, Minimum Wages Act, Factories Act, Motor Transport Workers Act, Dock Workers Act, Shops and Commercial Establishments Act, Beedi Industrial Premises Act, Labour Welfare Fund Act and Plantation Labour Act) one Act;
- (3) (Workmens' Compensation Act, Employees State Insurance Act, Provident Fund Act, Maternity Benefit Act and Fatal Accidents Act) one Act.
- (4) Boilers Act, Regulations and Rules.

Already answered.

...

Only under the Factories Act, certain establishments are exempted from the operation of provisions relating to working hours. Under the Industrial Disputes Act, the Mysore State Electricity Board and Mysore State Road Transport Corporation have been exempted from the operation of Section 9(a). Other industrial establishments are treated on par with the private sector.

...  
...  
...

All the suggestions are quite feasible in the Indian context.

At the taluk level, there must be a small committee headed by Labour Officer or Assistant Labour Commissioner where the Labour Officer and the Assistant Labour Commissioner have got their office. Where the Labour Officer and Assistant Labour Commissioner have not their headquarters, then the Tahsildar or the taluka Board President or the Assistant Commissioner, Revenue Sub Division must be the Chairman, and 2 persons must be represented on behalf of the employers and 2 persons must represent the workers. The Labour Inspector must be the Secretary of the Committee. If several Labour legislations are brought home to them, then they in turn will keep both the employers and workers in the taluk informed of the Labour Laws. This will go a long way in making rural labour conscious of their rights and responsibilities. In addition to this, the labour laws should be translated to the regional languages and made available at each taluk headquarters.

By legislation.

It is not possible to overcome the difficulties in the Indian conditions.

The implementation of minimum wages Act for agricultural labour should be merged with the local or the Block Development staff.

LABOUR RESEARCH AND INFORMATION

It has already been suggested as a reply to Question No. 200 that the several laws should be codified into only 4 laws. If this is accepted then all the returns should be similarly codified and clubbed into one or 2 returns to be filed by each establishment. These returns must be sent to the Chief Inspector of Factories & Boilers so far as the Factories & Boilers Act are concerned and Assistant Labour Commissioner in respect of other legislations. Sufficient number of clerical staff should be given to these officers. They must compile information so far\*their jurisdictions are concerned and furnish it to Labour Commissioner for compilation and forwardal to Government, Director of Statistics and Labour Bureau, Simla.

Already answered.

These are sufficient. The following information may also be collected. -

- Loss to Government in the form of Salestax.
- Loss to Government in the form of Incometax.

Yes.

...  
...

Not adequate.

There must be a Labour Research Section created in the office of the Labour Commissioner headed by a duly qualified research officer. This officer must be deputed by Labour Bureau, Simla, to each State. He must be given sufficient staff to compile the information and conduct research and furnish information. The entire expenditure must be borne by Government of India.

...  
...  
...

Director of Statistics should give reply to this question.

The Director of Labour Bureau, Simla is being furnished with the information collected by the Department. This information is also being published in the monthly Labour Journal published by the Department.

...  
...

I agree with the views that industrial conflict gets more than its due share of publicity and not industrial harmony. The reasons are as follows. -




62

The settlements arrived at between the workmen and the management and good relations that exist between them are not being published by the Management or by Trade Unions. Such unions which have got good relationship should be encouraged by the management as well as by Government. The Office-bearers photos should be published in the local newspapers.

229. ...

230 ...

  
\_\_\_\_\_  
( V. Hanumanthappa ) 19/9  
COMMISSIONER OF LABOUR.

A N N E X U R E

63

STATEMENT SHOWING THE NUMBER OF INDUSTRIAL DISPUTES  
DEALT WITH DURING TWO CALENDAR YEARS OF  
1965 AND 1966

Y e a r	Number of Industrial Disputes taken up by the Conciliation Machinery.	Number of Industrial Disputes settled in Conciliation	Number of Industrial Disputes with -drawn or dropped.	Number of Industrial Disputes referred for adju dication
1965	557	210	67	261
1966	1580	361	161	414

*G. Nagappa*  
for Commissioner of Labour. 11/9/67

N.C.L.REF.NO:MY-IV.11

GOVERNMENT OF MYSORENo: ED 225 T'S67Mysore Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated 22nd Sept.1967.

From

The Secretary to the Government of Mysore,  
Education Department,  
Post Box No.343, Bangalore-1.

To

The Member-Secretary,  
Government of India,  
National Commission on Labour,  
D-27, South Extension, Part-II,  
New Delhi-16

Sir,

Subject:- Visit of the National Commission  
on Labour to Bangalore.

I am directed to forward herewith a Memorandum containing some suggestions for the exclusion of the Government Presses of this State Government from the purview of certain labour Laws and Acts for consideration of the National Commission on Labour, as advised by the Commissioner of Labour and Liaison Officer in Mysore, Bangalore, in his letter No. CLN/NCL/CH-165/3299/66-67, dated the 2nd August, 1966, addressed to the Director of Printing Stationery and Publications, Government Central Press, Bangalore. The Printing Stationery and Publications will appear before the Commission at the time of recording evidence during their visit to Bangalore in the last of week of October, 1967.

The receipt of this letter and its enclosure may kindly be acknowledged early.

Yours faithfully,

Sd/-

( L. G. Desai )

Under Secretary to Government,  
Education Department.

\* \* \* \* \*

DRAFT MEMORANDUM

All the Acts enacted by Parliament under the Labour Laws, except those in which exemption is provided in the Act itself, are at present applicable to the Government Presses, but at the same time the employees of the Presses enjoy most of the conditions of service of employees of the other Civil Services. While on the one hand they enjoy the calendared holidays declared by the Government together with other benefits like Pension, Gratuity, etc., applicable to those employed in Civil Services, but not applicable to workers of a Factory, on the other hand, they have the right to form a Trade Union and have formed a Trade Union like workers of a Factory and have the advantages of the Industrial Disputes Act also. They are getting the benefits of payment of Overtime Allowances, for working extra hours, whereas employees of the Civil Services are not entitled to such payment. They are thus placed in a special position by virtue of which they can claim most of the benefits of both the Civil Service Rules as well as the Labour Laws.

This peculiar position is because of certain circumstances. The employees of the Government Presses were in the past being treated on a par in all service conditions with the employees and officials of the other Civil Services to whom the Civil Services Rules and the other relevant Rules were applicable. The exception was that there was a difference in the working hours and leave rules, etc. together with certain privileges like payment of Overtime allowances for work beyond prescribed working hours. But with the enactment by Parliament of several Acts under the Labour Laws, the Government Presses also came under these. It is not clear whether when these Acts were passed, the peculiar position of the Government Presses was considered or not. But when these also became applicable, no action was taken by the Managements-Governments to alter the other service conditions which continued to be the same as those of other Civil Services. This may have happened because of the long tradition and perhaps because the Management Officers were not fully conversant with the implications of the changes. The same service conditions which were obtaining previously were therefore continued in most of the Government Presses. As a result, the employees of the Government Presses began to hold a unique position whereby they could enjoy most of the benefits of both the Civil Service Rules and the Labour Laws.

This anomalous position has had serious adverse effects on the Ministerial Officials purely in Civil Services, and on workers in private presses, besides, the employees of the Government Presses themselves developing a tendency to demand privileges of all kinds and attempting to get benefits of both Civil Services rules and of Labour Laws, by resorting to methods possible only under the labour laws, like raising disputes, threatening strikes and behaving like purely Industrial Labour.

Though it is difficult and may not be desirable to force the pace and bring the service conditions of these employees of the Government Presses on a par with others in other purely Industrial Establishments by necessary changes

-2-

in conditions of service at this juncture, it may not be in the interests of Government work and of the Nation as a whole to allow this State of affairs to continue as they are. It is essential that the employees of the Government Presses are made to be governed by either the Labour Laws or by the Civil Services Rules.

It is not desirable that the employees of the Govt. Presse are governed by the various Act under the Labour Laws for the following reasons:-

The Government Presses are not commercial undertakings working on commercial lines. No profit is earned by Govt. Presses, which are fully Government Institutions doing fully Government work. Government Presses do not render any service to the Public other than in the capacity of Govt. Publication work or any agency other than a Government Agency. Even the system of accounting in Government Presses is not commercial. The Government Presses cannot, therefore, be termed as an Industry in the Commercial sense, though they do consider this definition in the Industrial Disputes Act.

The Supreme Court, while coming to a conclusion that employees of Government Hospitals also come under the category of Industries in the case of Hospital Muzdoor Sabha, vs. The State of Bombay 1958 (vide extract attached) have based their decision on the point that the Service rendered by the Govt. Hospitals could as well have been rendered by any private agency. Even on this test the Government Presses could be excluded from the purview of the definition of Industry, because the functions performed by the Government Presses are not functions which could be performed by any private presses.

Printing top-secret works, like works connected with Budget, Examination Question Papers, War or any other matter of international importance and high security works like Election works, Legislature works, are all purely Government works which, whatever be the cost incurred, or under any circumstances, have to be done only by a purely Government managed Press. Thus, though under the definition of 'Industry' the printing Industry also comes in, if the test that has been applied by the Supreme Court in determining that the employees of Government Hospitals also come under the category of Industry, is applied in the case of Government Presses, the result will be that the Government Presses cannot be closed under Industries. In any case, if the spirit of the meaning of the word 'Industry' is considered, the Govt. Presses will get excluded and they can be treated appropriately as only Government Departments.

Secondly, if Acts like the Trade Union Act, the Industrial Disputes Act, are continued to be applicable in the Government Presses, the employees of all the Government Presses will be subject to the influence of outsiders since the Act permits persons other than employees to be office Bearers. In most cases, this will mean Members of Political parties guiding the affairs of the employees and political causes and will give rise to numerous problems, agitations and unrest in Government Presses. Officers in charge will find it extremely hard to maintain the high security necessary in Government Presses in an atmosphere where a political influence prevails among the workers.

- 3 -

The Government Presses will be engaged in urgent Government printing works almost throughout the year and more often than not, in printing works of highly confidential and Top-secret and security nature. It may be that such important works or works connected with a War or an international matter may be in progress in the Government Press when the employees of the Presses under external and possible political influence launch on a strike to force an issue beneficial to them. This strike may eventually be declared illegal. Nevertheless, such an Act would paralyse printing works which can never be done outside the Government Presses. It is, therefore evident, that in the best interests of Government work and of the Nation the Government Presses be excluded from the purview, or be exempt from the operation of the Trade Union Act and the Industrial Disputes Act atleast from out of the several Acts enacted under the Labour Laws. The other Acts under the laws if beneficial to the employees may perhaps be made applicable to them if they are not prejudicial to other Government interests, while being beneficial to the employees of the Government Presses. This may be necessary, in order to afford sufficient safeguards and to protect the interests of the employees of the Presses. They may however be governed by all the Rules applicable to the employees of the other Civil Services without exception together with the privilege of forming their own Association like the others in the Civil Services, but without being a Trade Union.

This may not be difficult, as there are provisions in some of the Acts themselves for exemption being granted to Government Presses, because of the service conditions obtaining in the Government Presses. Examples are the Standing Orders Act, the P.S.I. Act, the State Provident Fund Act, the Bonus Act. Even in the Industrial Disputes Act, under Section 9A of the Act (Extract attached) provision is already there for notice of change not being necessary to be given in the case of establishments where the fundamental rules, Civil Services rules or the C.C.A. Rules are applicable. Further the Bonus Act is not made applicable to the Government Presses and in the Act itself exemption is provided for them. The Bonus Act was passed recently, by which time, it must have been realised by all concerned that the Government Presses are in an entirely different situation as compared to the other establishments even of Government.

In the Industrial Act itself, in Sec.2(s) defining "workmen" (vide extract attached) the employees of the Military Services and the Police Services are excluded from the definition of workmen. The very reasons which justified the exclusion of the Military Services and Police Services are present in the case of the employees of the Government Presses also and an Industrial Dispute or a show-down in industrial relations by direct action on the part of the workmen would paralyse Government works in the Government Presses.

The Exclusion of the Government Presses from the purview of the Industrial Disputes Act and the Trade Union Act may be achieved by having an amendment issued in the Industrial Disputes Act in the section dealing with the definition of "workmen" by including the words "or an employee of the Government Presses" after the words "or an Officer or other employees of a prison" in clause (i) of sub-section (5) of Section 2 of the Industrial

Disputes Act. Similarly the exemption from the operation of the Trade Union Act may also be secured by a suitable amendment in the Trade Union Act.

(The Police establishment, it is understood, has recently been excluded from the purview of the Trade Union Act and hence, it is reasonable to enact Legislation as proposed now in respect of the Government Presses, which have also to be kept free from Industrial Labour problems and unrest).

Sc/-

( L.G. Desai )

Under Secretary to Government  
Education Department

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Extract

The decision of the Bombay High Court is reported in Hospital Mazdoor Sabha Vs. state of Bombay, 58 B.L.R. 769=1957 (1) (L.L.J.55 = (1957-58), 13 F.J.R.473 (H.C.Bom. D.B.) (5-4-1956) (per Chagla C.J.). An extract from this judgement holding that a hospital run by Government is an "industry" is quoted below.

".....But subject to these exceptional cases, as we shall presently point out, it was not the intention of the Legislature and could not have been the intention of the legislature, that Government as an employer should be placed in a different position from a private employer."

".....Therefore it is difficult to accept, the contention that every Government activity must be ruled out from the expression "industry" used in the Act..... It was sought to be agreed by the Advocate General that the maintenance of public health and giving medical relief was part of the duty of Government and that it could not constitute an "industry".....If one were to judge by the activities of the Government by the principle of duty, then practically every activity of Government would satisfy the test and would keep that activity out of the purview of the Act. In our opinion, that is not the correct approach. The correct approach must be to decide what activities are essential to the authority of Government as such, what are the functions which only Government can discharge and which it would not be competent for any private individual to discharge. If there is an activity which can be undertaken by a private agency and the same activity when it is carried on by private agency or when it is carried on by Government. If that proposition were to be accepted, then if a private agency carried on a particular activity, it would be governed by the Industrial Disputes Act. If that activity was undertaken by Government the Industrial Disputes Act would have no application. If the employees employed by the private agency doing the same activity should have the rights given to them under the Act, is there any reason in principle why they should be deprived of these rights when that activity is taken over by Government? The result of accepting this contention would be indeed very serious. One important aspect of a welfare state is the constant and increasing inroad of the public sector upon the private sector. More and more activities which in the past were considered to be essentially private activities are taken over by Government and, therefore, this extraordinary result would be achieved that the more important the activities of Government become and more it seeks to achieve that objective of a complete welfare state, the less rights labour would have in such a State. Therefore, in our opinion, the test we should lay down in order to determine whether a particular activity undertaken by Government is an "industry" would be to consider whether if that activity had been undertaken by a private agency, would it have been an industry to which the Act applied?

If that act had applied to that activity, then in our opinion it is entirely immaterial whether that activity is undertaken by Government.

is carried on by Government, then it is difficult to understand why different principles should govern that activity.



"Now, applying that test to the fact here, private hospitals are now uncommon in this country. Medical relief and medical education can be given by a private agency, and if the private agency were to engage in that activity, there is no reason why that activity would not be considered as an undertaking which would attract the application of the Act. Therefore, if the Industrial Disputes Act would apply to the workmen of a hospital run by a private agency, there is no reason why the Act should not equally apply to the workmen of a hospital run by Government. The running of a Hospital is not in the strict sense an essential Government function. In the wider sense, undoubtedly in which we now understand, Governmental duty and Governmental work, it may be considered to be a Government function. But in its strict sense, the Governmental function would be the maintenance of law and order, administration of justice, collection of tax and similar functions which must always be attributed to a Government and which can only be discharged by a Government. The fact that the Government is not making any profit out of this hospital, in our opinion, undoubtedly beside the point. In every industry run by Government the employees are bound to be Government Servant. In every industry run by Government the profit motive must be absent; the only profit that Government should think of making is the welfare of its citizens. Therefore, the true test is not the absence of any commercial element in the running of this hospital nor the fact that the servants are Government Servants, but the test is, as we might repeat, whether the running of a hospital is a function so essential to Government that it can only be discharged by Government and not be discharged by a Private agency".

EXTRACT

"Workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal discharge or retrenchment has led to that dispute, but does not include any such persons.

- (i) who is subject to the Army Act, 1950 ( 46 to 1950), or the Airforce Act, 1950 ( 45 to 1950), or the Navy (Discipline) Act, 1934 (34 to 1934); or
- (ii) who is employed in the police service or as an Officer or other employee of a prison or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises either by the nature of the duties attached to the office, or by reason of the powers vested in him, functions mainly of a managerial nature.

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EXTRACTNOTICE OF CHANGE

Rule 9-A of the Industrial Disputes Act, 1947.

9-A. Notice of Change- No employer, who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule shall effect such change :-

- a) Without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be affected ; or
- b) within twenty-one days of giving such notice;

Provided that no notice shall be required for effecting any such change.

- a) where the change is effected in pursuance of any settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 ( 48 to 1950); or
- b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal), Rule, Civil Services (Temporary Services) Rules, Revised Leave Rules, Civil Service Regulations, Civilians and Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette Apply.

"Copy"

Section Officer,  
EDUCATION DEPARTMENT

: \*\*\*\*\* :

MYSORE STATE ELECTRICITY BOARD, BANGALOREMEMORANDUM FORWARDED TO THE NATIONAL LABOUR COMMISSIONHISTORICAL BACKGROUND:

Mysore State Electricity Board came into existence on 30th September, 1957, as per Sec. 5 of the Electricity (Supply) Act 1948. Prior to the formation of Board, the activities relating to the Generation, Transmission, and distribution of Electricity was handled by the Electricity Department, attached to the P.W.D. Government of Mysore. As seen from the preamble of the above Act, the main idea in framing the above act is to provide for the rationalisation of production, supply and distribution of Electricity.

2. THE SALIENT FEATURES OF THE ELECTRICITY ( SUPPLY) ACT 1948:

"The preamble of the Act runs as follows"

" An Act to provide for the rationalisation of the production and supply of electricity, and generally for taking measures conducive to electrical development".

Under Section 18 of the Act the Board is charged with the general duty of promoting the co-ordinated development of the generation, supply and distribution of the electricity within the State in the most efficient and economical manner. The State Electricity Boards have to furnish to the Central Electrical Authority such accounts, statistics and returns relating to the generation, supply and use of electricity as it may require. Under Section 16 of the Act a State Electricity Consultative Council has to be constituted, consisting of the representatives from all walks of life including labour. Under Section 60 of the Act all assets acquired by the State Government by expenditure incurred by it on capital account in connection with the purposes of the Act shall vest with the Board. Under Section 64 the State Government may from time to time advance loans to the Board. Under Section 66 the State Government may guarantee the payment of principal and interest of any loans raised by the Board.

3. FINANCIAL POSITION OF THE BOARD:

Capital loan as on 1-10-57 is Rs. 31,85,05,925 Loans on account of Munirabad and Sharavathy assets as on 31-3-1967 is Rs. 10,00,89,800 and cash loans drawn from Government upto end of 31-3-1967 is Rs. 15,34,35,00 Loans in Open Market as on 31-3-67 is Rs. 13,34,20,400. The financial position of the Board as on 31-3-1967.

	Rs.
Assets as on 31-3-67	140,11,81,285
Liabilities on 31-3-67	137,55,14,337
Unpaid interest due to Government.	3,04,73,115
Balance due to Government on account of purchase of power as on 31-3-1967	60728124

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4. GENERAL INFORMATION RELATING TO THE ESTABLISHMENT IN M.S.E.B

Total number of permanent employees in the year 1956 (prior to the formation of the Board) was 6803, and the present total strength in 1966 is 11,172. Apart from these permanent employees, Board also engages casual labourers for the construction works, and the strength of the casual labourers are 12093. The different categories of the employees are; Gazetted Staff (Technical) Gazetted Staff (Non-Technical) Non-Gazetted Staff (Technical) such as Supervisors, Meter Readers, Junior Engineers etc.; Non-Gazetted Staff (Non-Technical) such as Ministerial Staff Menial Staffs etc. Relating to the pay scales, and D.A. the Scales prevailing in the State Government are adopted by the Board; and the same are amended as and when the State Government revises the pay scales and D.A. to the Government servants.

Relating to the Welfare Amenities and benefits, the following are mentioned:

1. All employees of the Board who are living in the Board's buildings either rent free or on payment of rent and all non-gazetted officers of the Board living in private quarters get the benefit of free supply of electricity without any ceiling.
2. Advances for construction, purchase or repairs of houses are sanctioned to the employees.
3. Advances for the purchase of motor cars, motor cycles, and bicycles are also sanctioned at the prescribed rates.
4. Non-gazetted employees of the Board are also sanctioned festival advances to defray the expenses of important festivals.
5. Shift allowances are also sanctioned in the Generating and Receiving Stations to the staff who work on shifts.
6. The Board also enhances the D.A. to its employees in par with the D.A. sanctioned by the Government of Mysore now and then.
7. Three well equipped hospitals at Jog, Sivasamudram and Shimshapura are maintained at the cost of the Board and weekly visiting medical facilities at several camps are also conducted.
8. The Board also reimburses the medical and hospital charges of all the employees according to the privileges extended to the Government servants.
9. Veterinary services are also rendered to the cattle in Jog and Sivasamudram.
10. The Board also contributes to E.S.I. scheme wherever it is in force.

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11. The Board extends the Provident Fund Scheme to the casual labourers who have put in 240 days of attendance and benefits under the Workmen's Compensation Act to all the casual labourers.
12. The Board maintains two High Schools, one at Jog and another at Sivasamudram, entirely at the cost of the Board.
13. The Government Educational Department maintains middle Schools at the above places as well as in Bhadravathi Kanakapura and K.G.F.
14. The Shiksha Vihar at Sivasamudram and Shimshapura are sanctioned Grants-in-aid out of Board's funds.
15. Police Establishment for the maintenance of law and order at Jog and Shimshapura are also maintained by the Board.
16. In colonies like Sivasamudram, Shimshapura and Jog necessary assistance is extended to places of worship such as temples, Mosques and Churches for maintaining them in good condition.
17. Board buildings have been made available in colonies for housing the reading rooms and recreation clubs.
18. Employees Co-operative societies have been given Board's building for their stores and financial assistance by way of loan is also given.

Apart from above benefits a special mention should be made to the free supply of electricity to the permanent employees (Except Gasetted Staff and New entrants) without any ceiling and the taxes on such free consumption of the electricity is also paid by the Board.

All the permanent posts in the Board are pensionable and the employees apart from pension also gets the benefits of Gratuity. The Casual labourers who have put in 240 days of attendance becomes a member in the Provident Fund Scheme.

Board also declared Bonus at the rate of 4% for the years 1964-65, and 1965-66 for all the employees including the Casual labourers.

**FOURTH FIVE-YEAR PLAN PROPOSALS - (1966-71) DURING IV PLAN PERIOD,  
IT IS PROPOSED TO CONSTRUCT.**

- (a) 2,125 Kilometers of Transmission Lines - 33 KV and above.
- (b) 3,000 Kilometers of Sub-Transmission Lines
- (c) Erect 94 Step down Stations
- (d) Electrifying 3,000 villages and energising 75,000 Nos. of I.F. Sets.

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During the year 1967-68, 421 KM of Transmission Line (33 KV and above and 600 KM) of Sub-Transmission Lines will be constructed 17 Nos. of Step-down Stations are proposed to be erected. 500 villages and 12, 000 I.P. Sets will be energised.

5 THE VIEWS OF THE M.S.E.B. RELATING TO "LABOUR"

(A) Recruitment & Induction:

Recruitment in M.S.E.B. is effected by advertisements and induction by existing employees and the present recruitment methods are satisfactory. There is no short supply of labour. The labour engaged in the construction projects are migratory in character, and there will be no recruitment problems pertaining to this category of labour since most of this type of labour are unskilled. There are advantages by employing such unskilled casual labour in construction works. The casual labourers will fit in well especially in the work carried out by the Board such as construction of M.U.S.S. Extension of power lines, I.P. Sets, Rural Electrification etc., The casual labour is a must for all the construction works.

All promotions should be based purely on merits, efficiency and physical conditions of the employees.

(B) CONDITIONS OF WORK:

In Mysore State Electricity Board conditions of work differs from that of any other industrial Unit. The majority of the employees are engaged in out-door work, namely extension of low tension and high tension lines or their maintainance, Construction of transmission lines, repairs etc'. Moreover the nature of the work is such that it will not be possible to make it strictly conform to any prescribed hours of work as per the labour laws. The set up of this industry is such that only certain areas could be covered under Factory Act, such as Generating Stations, Receiving Stations, Work-shops, etc' whereas the rest of the areas will not come under the Factory Act. Hence it will not be practicable to have uniform service conditions as per the labour laws for all the employees of the Board. Also, the Generating, Transmission, and distribution of Electricity have to be on all the 24 hours, and necessitating shift system. On the other hand, other activities such as construction, maintenance of local distribution also involves daily routine work. So in view of the nature of work in this industry that it will not be practicable to have uniform service conditions for all the employees throughout the State.

SAFETY & HEALTH:

The rate of fatal accidents to the employees is considerably low when compared to other industries. The number of fatal accidents in the year 1966 is 20. Regarding safety, all safety precautions as per Indian Electricity Act & Rules have been followed.

6. TRADE UNIONS

There is only one Employees Union in Mysore State Electricity Board, known as Mysore State Electricity Board Employees Union (Regd. No. 659). It has local committees in the Divisions and Circles. The traditional role of trade union has been to secure protection to advance interests of their members, but it will be highly appreciated if the trade union to achieve their goal by resorting to only constitutional methods. The union should be equally conscious about their duties and obligations towards their employers. While according recognition and registration to a trade union the main factor to be considered is the bye-laws of the union and the strict observance of the same. The management and the Registrar of Trade Unions should be vested with the powers to cancel the registration accorded to a union on their failure to follow the bye-laws.

7. INDUSTRIAL RELATIONS

Government while laying down the Policy relating to the Industrial relations machinery should give equal weight and security to the employer also relating to the strikes and lock-outs. For this the penal provisions in the labour laws should be tightened up for the erring labour. For maintaining and providing harmonious relationship the Government central employer organisations and employees organisations should evolve a separate machinery for the quick redressal of the genuine greivances greivances of the labour.

Regarding collective bargaining the adjudication system provides an arrangement by which satisfaction can be given to both the parties without any conflict and also thereby protecting the weaker party. Adjudication has played a important role in maintaining industrial peace, and the present system may be continued.

STRIKES & LOCK-OUTS:

It is needless to point out that Electricity Boards being an essential service for maintaining the day to day activity of the society the right to strike by the workers of this industry should be curtailed. The Supreme Court has held that in the case of Government servants there is no fundamental right to strike. There is no reason why the principle should not be extended to Electricity Boards also since the continuous supply of electricity without any interruption is as vital to the nation as the activities carried on by the Government. It is also established by the Supreme Court that "Reasonable Restriction" relating to the right of strike in case of essential services is in order (Kameshwar Prasad VS. State of Bihar F.J.R. Vol. XXII(P) 50 Supreme Court). In Mysore State Electricity Board on several occasions the workers have resorted to the illegal lightening strike, and the union is helpless in preventing such illegal lightening strikes. In view of the above, Government should ban the strikes in all the essential services organisations. When Government servants are prevented from launching strikes when the police are forbidden from forming their own Union, there is no reason why the electricity workers should not be prevented

from launching strikes thereby putting the whole community into hardship. What the Board wants is that only the portion of their right to strike should be removed, and Board do not come in the way of the employees enjoying all other benefits and rights under the various labour laws. Board is even prepared to go further and say that the Electricity Workers may be given some other extra benefits in the form of risk insurance, etc. which is not enjoyed by any other industrial worker in lieu of their right to strike.

8 WAGES:

The wages should be fixed purely with reference to the degree of skill. While fixing up the wages the capacity of the industry to pay the revised wages should also be taken into consideration. The fixation of wages may be done by the adjudication or by wage Boards.

9. INCENTIVE SCHEMES AND PRODUCTIVITY:

As far as Electricity Boards are concerned there is nothing like production. Generation (Hydel Schemes) of Electricity purely depends on the discharge of the water in the rivers and capacity of the Generators. However the Board is in favour of introducing an incentive schemes relating to the attendance, safety, efficiency, etc. The competitive spirit among the employees play a vital role for the motivation of the worker in the incentive schemes.

10. SOCIAL SECURITY

The social security schemes have helped sound industrial relations because the employees are given certain security especially at the time of retirement, and during unforeseen incidents such as accidents, sickness etc.

11. LABOUR LEGISLATION

Since it is necessary to prevent strikes in the Electricity Boards and also in view of the peculiar set-up, and the working conditions of this industry it will be very difficult to adopt the various labour laws uniformly to all classes of employees working all over the State; but on the other hand by implementing certain laws to certain categories of employees to certain areas will only create discrimination and lot of unrest among the employees. The only solution therefore should be to formulate a separate labour code applicable to the all Electricity Boards and its employees. Such an enactment should be a complete code covering all aspects with views expressed above relating to the strikes and other benefits, and thereby not admitting the application of any other labour law. Such enactments have been made in case of Motor transport workers; Mines; Dock labour; Plantation Labour; Journalists, etc.



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Enactment of separate code for electricity workers on the above lines will help for uniform application of the Code throughout India, and also the labour relations will be smoothened.

Sd/- A.S. Datar  
Secretary.

work, discipline and their relations with the management such to be desired. Moreover in cases of the utility undertakings like Electricity Board the service to the consumer and the public at large has to be kept in view. This is unfortunately not so.

On the contrary there is generally a negative attitude. When management introduces new system of accounting and billing for better serving the consumers and public it is a pity to note the labour raising a dispute on the ground that new system involves extra work load, and even after the report of the Industrial Consultants relating to the fixation of workload the labour refused to accept the same on some technical grounds. Relating to the indiscipline, even for trifling issues the employees resort to lightning strike even after knowing that such strikes are illegal. Electricity Board being an essential service, any lightning strike will affect the life of the entire community.

### III. THE PROBLEM RELATING TO CASUAL LABOUR IN ELECTRICITY UNDERTAKINGS.

The common problem faced by almost all the Electricity Boards relates to the absorption of casual labourers into the permanent cadre. The nature of work carried on in this industry are mostly construction work in open fields such as laying transmission lines, construction of Sub Stations, extension and supply to Irrigation Pump Sets, Rural Electrification, extension of local distribution lines to the consumers. These works are of construction nature and will last for only certain period. On completion of these works the permanent men are posted for maintenance of these lines. Hence the labour engaged in these works are to be treated as casual labourers. In Board, the wages to these casual labourers are fixed by the Superintending Engineers taking into consideration the local market rates, and the schedule of rates as applicable to P.W.D., P & T., and other Departments.

These wages are being revised every year according to the local market rates. Apart from this, those who have put in 240 days of attendance are covered under the P.F. Scheme. These labourers also get the benefit under the workmen compensation Act; E.S.I. and other Acts. The question of extending the permanency benefits to the Casual Labourers who have put in 240 days of attendance was raised by the employees Union and the same is pending before the Industrial Tribunal for adjudication. The Board is not in a position to absorb all these casual labourers into the permanent cadre because the works for which these labourers are engaged are of purely construction nature and soon after its completion the same will be handed over to the maintenance Division, which consists of permanent employees. Once when a transmission line is constructed, the Board requires hardly 5% of the total men engaged for its operation and maintenance of these transmission lines. Hence the rest of the labour force have to be either retrenched or put them to some other works that are on hand. By this, these casual labourers are being continued in the Board and once when the construction works come to a close then Board will have no other alternative except to retrench these labourers.

#### IV. UNIFORM PAY SCALES.

Regarding the minimum pay there should not be any objection for having a basic pay uniform throughout even in the State or region. However, as the living conditions are very much different in rural areas and in some Urban Areas, the Dearness Allowances to the employees should be in 3 different Board categories i.e., Rural, Urban and Semi-urban.

#### V. CLARIFICATION ON VARIOUS POINTS RAISED BY THE NATIONAL LABOUR COMMISSION.

##### 1. Para 5 (a) P.3 "Seniority":-

All promotions should be based on merits, efficiency, and Physical conditions of the employee. If the promotion has to be given on seniority alone then inefficient persons will also be promoted. However, seniority may be given due consideration for promotion along with other factors.

3. The powers to derogate the Union in the event of non observance of bye-laws will rest only with the Registrar of Trade Unions. The management could however propose the derogation of the union, and the recommendations of the managements should be taken into consideration by the Registrar of Trade Union for taking the necessary action in the matter.

#### EXTRA BENEFITS IN LIEU OF FOREGOING THE RIGHT TO STRIKE.

(a) The employees Union have no hold over its workers. Last year there were several lightning strikes by the employees but the union is helpless in preventing such lightning strikes.

(b) It is expected that the worker has to sacrifice something reasonable for the benefit of the entire community. By surrendering his right to strike the same is made good in some other way. Hence he is not a loser, and so he is expected to agree to this in the interest of serving the community.

In lieu of foregoing the right to strike the Electricity Board is prepared to pay additional Insurance premium on account of the hazardous nature of employment wherever it is applicable such as executive staff who are required to handle the lines, machines in the Generating Stations etc. Board is even prepared to agree for giving slightly higher salaries than other Government servants in view of the essential nature of work and on no account the workers in Electricity Boards should have the right to strike.

The impact of the strike in Electricity Board will be that when the power supply is affected, the Industries will have to lay-off the workers, thereby the Industrial workers become idle, and these idle labour in turn will join the striking labour force of the Electricity Board and will create a situation by which the labour may force the Government and the Board to yield to the unreasonable demands in view of its support from all the other Industrial labour.

VI. COMMON CODE FOR ELECTRICITY WORKERS:

Regarding having uniform service conditions for all categories of employees this, is not desirable as the working conditions are different in various activities of the Board for example a man who has to climb a pole and work on the Distribution lines, Transmission lines must necessarily be young and energetic. We cannot expect a man who is more than 50 years of age to do this type of work. Board would rather have service conditions similar to the one in Defence Services. In Defence Services the Jawans retire early and the officers who are in charge of administration and Technical etc., they retire at a later date. The service conditions of those who work in the Office may be different. The present service conditions in the Board are uniform. In the interest of efficiency and better service to the public Board desires that the service conditions should be different for different categories.

Therefore, considering the above important aspects it is necessary to have a separate enactment other than the Industrial dispute act to govern the service conditions of the employees in the essential services like Electricity Board. I would like to bring to the notice of the Commission that a separate act is existing for the employees working in the Mines, Plantations, Transport Workers, Dock Labour, Journalists etc.

*A.B. Datar*  
 (A.B. DATAR),  
 Secretary,  
 M.S.E.B.

" CONFIDENTIAL "

GOVERNMENT OF INDIA  
 MINISTRY OF IRRIGATION AND POWER  
 (CENTRAL ELECTRICITY AUTHORITY)

SOUTHERN REGIONAL ELECTCITY BOARD,  
 386, Sadashivanagar,  
 Bangalore-6.

No. 14/2(13)/NCL/67-1257

The Member-Secretary,  
 National Commission on Labour,  
 D-27, South Extension, 11,  
New Delhi - 16.

Sir,

Sub: Prohibition of strikes in Electricity  
 Boards and drafting a separate enactment  
 for Electricity Workers.

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The Memorandum on the above subject, which was submitted to your Commission by the Mysore State Electricity Board came up for discussion before the Southern Regional Electricity Board at its meeting held on 6.11.1967 at Ernakulam. While the Members of the Board were in general agreement with the views expressed in the above said Memorandum, they desired that the views so expressed may be further supplemented by the following :-

" The Office bearers of the Unions should be out of the employees of the concerned State Electricity Board only. The appointment of outsiders as Office Bearers of the Employees Union should be strictly prohibited."

This Board trusts that due consideration will also be given to the views expressed above.

Yours faithfully,

sd/-

(B.M. SAFIULIA)  
 MEMBER-SECRETARY  
 18-11-1967.

RC/23.11.67.

THE MYSORE SUGAR CO. LTD. BANGALORE.Section I.REPLY TO QUESTIONNAIREQUESTION 1.

Name and address of the respondent: (person/undertaking/organisation/State)

ANSWER.

Sri T.R.Subbarayan, B.Sc., (Agriculture),  
General Manager, Mysore Sugar Co. Ltd., MANDYA, Mysore State.

QUESTION 2.

The name of the Central Organisation of employers/workers to which you are affiliated.

ANSWER.

Affiliated to the Indian Sugar Mills Association, India Exchange, Calcutta, 1.

QUESTION 3.

If Union, please give the number of members. When was Union formed?

ANSWER. --QUESTION 4.

If an undertaking/establishment, please give: (a) Commodity produced/nature of activity. (b) Number of employees as on 1.1.67 (i) Workers. (ii) Others. (c) When was the undertaking established?

ANSWER.

- (a) Sugar and Alcohol.
- (b) Employees as on 1-1-67: 1) Workers ..2540  
2) Others .. 11
- (c) Established in the year 1933.

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1. RECRUITMENT AND INDUCTION.

## Recruitment

QUESTION 1.

(a) How is labour recruited at present in industrial establishments? Is recruitment effected through (i) jobbers, (ii) contractors, (iii) advertisements, (iv) introduction by existing employees, (v) employment exchanges or (vi) any other method?

ANSWER.

(a) We do not have any jobbers or contractors for recruitment labour to our factory. Appointments to technical posts are made by advertisement. Unskilled labour is recruited at the gate.

QUESTION 1 (b).

How far are the present recruitment arrangements satisfactory for different types of employees and different levels of skill?

ANSWER.

We have found the existing arrangements generally satisfactory.

QUESTION No.2.

In what categories of employment is labour in short supply? what steps should be taken to minimise the effects of such shortages?

ANSWER.

There is a short supply of labour to fill technical and highly-skilled jobs but with proper training to existing personnel, the difficulty of finding suitable recruits is being overcome.

QN. 3.

Does lack of mobility affect supplies in different categories of labour? If so, what remedial measures would you suggest?

ANS.

We have not experienced any difficulty in securing labour, due to lack of mobility.

QN. 4.

To what extent is industrial labour migratory in character? What problem does such labour pose in recruitment and retention?

ANS.

We find that about 15 to 20% of the labour especially Panaman, Process Supervisors, etc. in sugar industry is migratory in character. They have a tendency to change their place of work from year to year, causing inconvenience to the factories.

QN. 5.

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

ANS.

We have no women labour in our establishment, except a small number employed as teachers in our schools or as sweepers in our colony.

QN. 6.

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

ANS.

Casual labour is very helpful to the industry at times as it

- 3 -

makes a certain amount of flexibility in labour strength. As all workers cannot be absorbed in permanent vacancies and with a view to meet exigencies of works, the system of casual labour has to be continued.

QN. 7.

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

ANS.

To give relief to the physically handicapped persons, it is better if statutory provision is made to accord preference to the physically handicapped for certain specific jobs without detriment to the efficiency.

QN. 8.

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

ANS.

No. Discrimination on such grounds is not justifiable; nor is it desirable in the larger interests of the Company.

QN. 9.

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

ANS.

We have no system of 'on-the-job' training and have no opinion to offer.

QN. 10.

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

ANS.

Encouragement should be given to a worker to improve his standards or skill by availing of facilities that may be available outside. We do grant study leave occasionally when employees go out for higher studies for training in respect of their profession. Their deputation period will be treated as leave, and full salary paid. They will get all the benefits during the period of deputation as that of other workmen, but have to bind themselves to serve the company for a limited period.

QN. 11.

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

ANS.

(a) No hard and fast rule can be fixed for promotion. Normally, all things being equal, the date of entry into service, i.e. seniority, should

- 4 -

be the main criterion for promotion.

(b) It must always be open to the management to select either the best out of the existing employees, or by recruitment from outside, if properly qualified and experienced hands are not available to shoulder the higher responsibility, especially for positions of higher level.

## II. CONDITIONS OF WORK.

### Qn. No. 12.

(a) Conditions of work in factories, mines and plantations, etc. are presently regulated by the factories Act, 1948, the Plantations Labour Act, 1951 and Mines Act, 1952, etc. The main provisions of such Acts inter alia relate to (i) safety and welfare, (ii) hours of work, rest interval, weekly offs, etc. (iii) employment of young persons and women (iv) annual leave with wages (v) Occupational diseases and (vi) overtime payment. What changes are necessary in these provisions? How should the implementations of these Acts be ~~improved~~ improved?

(b) What other steps are needed to ensure proper working conditions?

### ANS.

(a) We are of opinion that the present Acts are quite comprehensive and sufficient to maintain the conditions of work etc. provided they are properly implemented. The implementation of these Acts could be improved by vigilant supervision on the part of the Inspector of Factories and other higher authorities.

(b) We have no suggestions to make.

Qn. 13. In the matter of national and festival holidays, what is the extent of difference in the total number of holidays from region to region? If not, is it possible to bring about uniformity in the total number of holidays in different regions?

### ANS.

The National and Festival Holidays Act is made applicable to the whole of Mysore State under which 7 holidays have to be declared as paid holidays in a year. We are not ~~xxxx~~ aware of the holidays granted in other States.

### Qn. 13.

How have the existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors worked? In what directions are improvements necessary?

ANS. We have no system of employment of Contract labour.

### Qn. 17.

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

### ANS.

The existing provisions in this behalf seem to be adequate.



- 5 -

Qn. 18.

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

ANS. Accidents rate in our factory is quite low. Even this can be minimised by the workers following elementary precautions while on duty.

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

ANS. Training is to be imparted to all the workers of each of the department. Periodical lectures and film shows to be organised by the Workers Education authorities, would go a long way to inculcate safety consciousness among workers.

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

ANS. There is no bipartite agreement relating to safety standards.

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

ANS. The hazards of violating safety standards shall have to be codified, photo-graphed and published in conspicuous places of the industry and the employees must be compelled to follow the codified laws and suitable penalties provided in the Standing Orders for violating the safety standards.

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

ANS. We have no views to offer.

Qn. 23.(a) What are the difficulties experienced in procuring safety equipment for installation in industrial establishments?

(b) Is the supply of safety equipment to workers for their personal use adequate? Is there any reluctance on the part of the workers to use such equipment? If so, what measures would you suggest to overcome this reluctance?

ANS.

(a) and (b). We have not felt any difficulty in procurement of safety materials or in their use by the workers.

Qn. 24 and 25.

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

- 6 -

Qn. 25. -s a corollary to replies to the above, do the provisions for Workmen's Compensation require to be amended? If so, in what manner?

ANS. (24 and (25)

Each industry must maintain a record of health of each workers and arrange constant medical check-up to find out the common disease from which the workers suffer -, investigate the reasons and take precautionary measures. If the expert opinion pronounced any ailment as an industrial disease, such diseases should be notified in the list of occupational diseases in the Workmen's Compensation Act.

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

ANS.

Inter-Union rivalry is a stumbling block for the progress of industry, and stands in the way of maintaining harmonious industrial relations.

Qn. 71.

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

ANS.

In the Industrial disputes Act, the machineries provided can be moved in the first instance by putting a demand, whether it is relevant or irrelevant. This facility should be made stringent and the Conciliation Officer should be empowered to take up a case for conciliation only if in his opinion he finds that there is a good case to be taken up for conciliation. Further, the mediation made by the Conciliation Officer should, to some extent, be made binding on the parties without referring the matter to Government for adjudication. The items which have to be settled at the beginning shall have to be pointed out categorically.

Qn. 76.

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

ANSWER.

The Labour Officers/Personel Officers can be of service to promote better relationship between the management and workers. But much depends upon the ability of the persons concerned.

QUESTION NO. 77.

What should be the arrangements for peroper communication between workers and management at at the plant level?

ANSWER.

Implementation of the prescribed grievance procedure would help to some extent in this behalf.

QUESTION NO. 78.

To whom do managements delegate their authority in dealing with employees? To what extent do managements include special-ists for dealing with persomel mat ters?

ANSWER.

Generally powers are delegated to personnel/Labour Officer to deal with routine persomel matters. The services of outside experts or lawyers are availed of in dealing with complicated matter.

QUESTION NO. 79.

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

ANSWER.

With the advent of Employment Standing Orders Act, all the Standing Orders are drawn up by the management, but employees have the option of filing objections, as per the procedure laid down therein. Hence it cannot be said that the Standing Orders can be drawn by the Management alone. In our case draft Standing Orders submitted more than ten years ago are still pending certification. We have not come across any cases wherein the Standing Orders are drawn up by management alone.

QUESTION NO. 80

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

ANSWER.

Our experience is that these have not helped in the adoption of a comprehensive set of Standing Orders for the different categories of workers in our Concern.

QUESTION NO. 81.

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

ANSWER.

Warning, suspension, withholding of increment and dismissal are the disciplinary rules imposed by the management. In the Model Standing Orders it is stated that a workman may be suspended for a period of not exceeding 4 days at a time. This has led to many disputes in industry. It is also not possible in all cases to conduct an enquiry within four days. Hence the management shall have to be given opportunity to keep a worker under suspension for a reasonable period and to pay for the suspension period if found not guilty of the offence charged. There is an anomaly in the rules and this has to be modified suitably.

QUESTION NO. 84.

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

ANSWER.

The facilities available at present are inadequate, though even there are not fully availed of. Both industry and labour have to be encouraged to get their personnel trained in special Institutes that may be established in important centres.

QUESTION NO. 91.

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

ANSWER.

In our opinion, the trade unions do provide an effective form of democracy within the enterprise through collective bargaining and joint consultation. The danger is that such democracy is misused by the Unions knowingly or unknowingly.

QUESTION NO. (92, 93 & 94)

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

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

Q.94. Suggest measures for improving the utility of the works committees with particular reference to their composition and functions.

ANSWER.

No doubt, the Works Committee do help in preserving amity and good relations between the employer and the workmen. But very often, the labour will try to misuse the functions either

for want of proper understanding or wantonly. They have to be made to know their limits. The election of men to Works Committee from among the employees itself will bring some disharmony. The labour must be made to elect their representative unanimously. Certain minimum standard qualifications shall have to be fixed for the members to understand the proceedings of the meeting. Then again the functioning of the Works Committee should not clash with the Trade Union. Each must be interdependent. The functions of the works Committees as noted in appendix VII are quite comprehensive.

QUESTION NO.98 & 99.

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

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

ANSWER. (Q.98):

The availability of conciliation machinery tempts labour to put forward even frivolous and flimsy demands, causing embarrassment to the management, leading to perpetuation of one dispute after another. On the whole, the conciliation machinery discharges a useful function and does give satisfaction to the parties.

Ans. for (Q.99): We agree with the statement.

QUESTION NO.100:

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

ANSWER.

The qualification required to hold the post of a conciliation Officer may be prescribed as is in the case of Presiding Officer is of the Tribunals, since the post of a Conciliation Officer is very important. He has to infuse confidence in both parties, which is important for maintaining the industrial harmony. The appointment of competent man as Conciliation Officers, who can wield influence both in labour and management, would go a long way in settling disputes. Further, time limit may be fixed to conclude the proceedings within the time stipulated.

QUESTION NO.110 & 111.

Has the Code of Discipline served its purpose?

.. Which provisions, if any, of the Code of Discipline should should be given a legal shape?

ANS: Code of Discipline can serve no effective purpose unless it is made obligatory under legal enactment.

QN: No.112.

What is the role of voluntary arbitration in the achievement of good industrial relation? In what way can the Central Organisations of employers and workers promote voluntary arbitration? should provision for voluntary arbitration be incorporated in all collective agreements?

112

Answer:

Voluntary arbitration deserves to be encouraged and its awards should be made as binding on the parties as in the case of adjudication awards. It is better if provision for arbitration is incorporated in all collective agreements.

QN.113:

Please indicate the areas of industrial disputes where voluntary arbitration could be preferred to adjudication?

ANSWER:

It is difficult to lay down any hard and fast rule as to what types of disputes should go for voluntary arbitration in preference to adjudication. It depends upon the circumstances of each case.

QN.NO.115:

What professional group provides the best arbitrators? Civil servants? Lawyers? Academics? Businessmen? Trade Unionists? Technicians? Others?

ANSWER.

In our opinion, the Civil servants group provide the best arbitrators.

QN.NO.117.

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

ANSWER.

The provisions in respect of strike and lock out are, in our opinion, sufficient for the time being.

QN.NO.120.

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

ANSWER.

To our knowledge, there is no such case.

QN.NO.121.

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

...

121

ANSWER.

We have no answer to furnish.

QN.NO.122.

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

ANSWER.

There is no such instance in our concern.

QN.NO.123.

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

ANSWER.

We have had no practical experience of strike in recent years and are therefore unable to answer the question.

QN.NO.147.

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

ANSWER.

Fringe benefits may be defined as "the benefit given to a worker by the management with no consideration what-so-ever to the terms of appointment, but to ease to some extent his financial burden in some aspects or the other." The scope and extent vary naturally very with each case, depending upon a variety of factors such as the level of wages, social obligation, the profitability and capacity of the employer to bear additional burden, etc., These fringe benefits directly enhance cost of production.

QN.NO.148.

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

ANSWER.

Normally fringe benefits cannot be a substitute for higher money earnings but may supplement the money earnings.

QN.NO.150.

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

ANSWER.

The bonus scheme embodied in the Act is on the whole satisfactory, except for the obligation to pay minimum bonus at 4% even when an industry has worked at a loss.

QN.No.172.

What are the factors contributing to labour turnover and absenteeism? How do they affect improvement in productivity?

ANSWER.

Provision of adequate housing and welfare amenities including grain stores and improved facilities, and working condition in the factory will improve the labour turnover. Most of the workers in the sugar industry being drawn from labour adjoining rural parts, absenteeism is high, especially during the busy agricultural seasons. We may have to improve special attendance incentive during such periods, to reduce the absenteeism.

QUESTION NO.173.

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

ANSWER.

Normally, the worker works with all his zeal to improve his standard of living and to make the incentive schemes successful. But there is a tendency to over overdo and by his earnest desire to earn more, exerts himself too much and often becomes victim of disease. Restrictions should therefore be placed even in the incentive systems.

QUESTION NO.174.

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

ANSWER.

Such steps definitely spoil the climate for improving productivity.

QUESTION NO. 177, 179, 187 to 195, 201 and 202.ANSWER.

We have no answers to furnish.

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THE MYSORE SUGAR CO. LTD.,

Sd/- K.C.Veere Gowda,  
Secretary.



Replies to the Questionnaire issued by the  
National Commission on Labour, Delhi.

-o-

SECTION ONE

1. Name and address of the respondent: Director, Government Silk Industries, Bangalore - 9
2. The Name of the Central Organisation of employers workers to which you are affiliated nil
3. In union, please give the number of members nil
4. If an undertaking/establishment, please give
  - (a) commodity produced Raw Silk and twisted silk; Spun Silk and Noil yarns; and pure silk fabrics.
  - (b) No. of employees as on 1-1-1967 (i) workers and (ii) others 3,850
  - (c) When was the undertaking established
    1. Govt. Silk Filatures, Mysore - 1956. The concern was taken over by the State Govt. from the Mysore Silk Filatures Ltd. T.Narasipur on 1-10-1956
    2. Govt. Silk Filatures, Kollegal 1956. This concern was under the administrative control of the Madras Govt. and was transferred to Mysore Govt. after the States reorganization on 1-11-1956.
    3. Govt. Silk Filature, Kanakapura 1943
    4. Govt. Silk Weaving Factory, Mysore - 1932
    5. Govt. Spun Silk Mills, Channapatna - 1961. This concern was purchased by the State Govt. from the Official Liquidator of the Mysore Spun Silk Mills Ltd. Channapatna in 1961.

I RECRUITMENT AND INDUCTION

Recruitment

1. (a) Daily rated workers are recruited mostly from among the local applicants. Monthly rated employees are recruited through employment exchanges and through advertisement and selection.  
(b) The present recruitment arrangement is found to be satisfactory.
2. Among the workers employed in the concerns referred to above short supply is only felt in respect of trained powerloom weaver. In other categories there is no difficulty in securing labour.

3. Difficulty in respect of labour which is in short supply is not due to lack of mobility, but for want of facilities to train them in the art of weaving. It is desirable to provide facilities for training of weavers particularly in the weaving of pure silk fabrics.

4. So far as the labour of silk industries are concerned there has been no appreciable migration due to the fact that mostly local labour is employed in different units and the wages paid are better than in private sector.

5. Since the concerns are not working night shifts the statutory provisions regarding employment of women had not any effect on the employment of women labour.

6. There is recruitment of casual labour on small scale in the Silk Industrial Concerns.

7. No comment.

8. There is no discrimination in the matter of recruitment on grounds of caste, community, region, language, etc. However statutory provisions, relating to reservation of posts in favour of socially and economically backward classes are in force.

#### INDUCTION

9. The existing arrangement for training workers now recruited by putting them on job training is satisfactory.

10. There is no system of granting study leave to employees in the Silk Industrial Concerns.

11. (a) and (b) In an industrial concern merit and trade test should be given an important place. Recruitment to positions at higher levels could be made from among the existing employees up to the level of sectional Officers.

#### II CONDITIONS OF WORK.

##### WORKING CONDITIONS

12. (a) Under the existing provisions of the Factories Act 1948 adequate provisions have been made for safety and welfare regarding hours of work, rest, intervals, weekly off etc.

13. There is need to bring about uniformity in the matter of national and festival holidays. At present there is difference in the number of Festival holidays from concern to concern.

14. No remarks.

15. There is no employment of child labour in the Silk Industries. Existing provisions appear to be adequate.

16. There is no employment of labour on contract basis in the silk industries.

17. Co-operation of Trade Unions and Employers Organisations is necessary in the implementation of all statutory provisions regarding, conditions of work, welfare of labour etc.

Safety and Health

18. Accidents in silk industrial concerns are . . .
19. In the silk industrial concerns no refresher course appear to be necessary for the new entrants in view of the fact that chances of accidents are negligible.
- 20 to 23. No remarks.
24. The Industrial Health service should comprise of both preventive and curative measures. Such centres should start from industries in which the health hazards are great to the industrial labour and then gradually extended to other industries in which such health hazards are less comparatively.
25. no remarks.

III Trade Unions and Employers' Organisations

Federation of Employers' and Workers' . . .

26. Trade Unions have developed largely to protect the interests of labour and secure more benefits for them. The Employers' organizations on the other hand have been formed with a view to advance a common front against the organized trade unions and to create uniform conditions of services in similar industries.
27. Practically the several legislative provisions enacted have helped in the rapid growth of Trade Unions and this rapid growth have given rise to Employers' organizations.
28. The MODUS OPERANDI of trade unions has changed with the growth of industries in variety and volume. The labour appears to be united and vocal in the matter of their Trade Union rights. They do not seem to have realised their duties in the matter of their contributing their maximum to the growth of the industry. As can be expected the Employers' Organisations have also changed their methods, such methods varying so as to suit their interests.
29. Attitude of Trade Unions and Employers' organisations towards each other does not seem to have changed. The Trade Unions on the one hand largely believe that the employers are there to exploit them. While the Employers' Organizations feel that the labour has been pampered and with the result the labour is not contributing their best for the industrial growth. The Trade Unions feel that Government have not done enough for them.
30. no remarks.
31. The Trade Unions have by way of collective bargaining secured benefits to the working class to improve their living standards and this by itself can be considered as contribution for evolution of a better society. Similarly Employers Organizations have helped collective thinking among employers and brought out uniformity in employment pattern and trades. This has also helped for the betterment of the Society. Government

Government have been playing an important part in bringing about an understanding between trade unions and employers organizations.

32. Maintaining high level of employment is the responsibility of both Government and the Employers Organizations.

33. The Commissioners of Labour should arrange meetings of representatives of Employers' Organisations and Trade Unions concerned for exchange of views in the matter of welfare of industries to which they are concerned.

34. No comment.

35. No instance of the kind has come to our notice.

36. As far as possible the obligations undertaken by the employers of industrial concerns and their workers, such as Trade agreements, are implemented. There are no instances of any noncompliance of these obligations. These trade agreements have created a climate of peace in the working of the concerns.

37. No remarks.

38. In matters affecting the interests of the constituent units, the All India Organisations should avoid directions which hamper production and stunt the advancement of industrial growth. Recourse should be taken only through negotiations with the assistance of the Labour Department. All All India Organisations have a special responsibility in this regard since they can effectively persuade the constituent units to desist from drastic action.

Trade Unions - Constitution and finance.

39 to 48 - No comments.

Trade Union - Leadership and Multiplicity.

49. Trade Unions generally have the support of political parties in some form or the other. Depending upon the policies of the political parties there is distinct polarisation in the Trade Union movement.

50. Any person other than a worker or an employee of the industrial concern can be termed as an Outsider. Generally the tendency has been for the leaders of political parties entering into trade unions with the object of getting the support of workers of such trade unions.

51. A legislative enactment barring outsiders entering the Trade Unions could be the only method by which outsiders could be kept out.

52. Yes. Legislative action is necessary to have one Trade Union for an Industry.

53. - 54. No remarks. Trade Union Recognition.

55. Generally employees feel that there Trade Unions are there only to bargain better deal. This attitude can change only if Trade Unions realise their duties and work for the

the interests of the industry.

56 to 59. no remarks.

60. Naming of a union as a sole bargaining agent is likely to give room for a rigid approach in respect of demands of the unions. It will be difficult for the management to deal with such unions.

61. No remarks.

62. If an union is elected as the sole bargaining agent in an establishment, other unions automatically lose their locus standi and their usefulness.

63. No remarks.

64. Existing provisions appear to be quite adequate.

65. No remarks.

#### IV INDUSTRIAL RELATIONS

Introductory.

66 to 72. No remarks.

73. There are Trade Unions in all the silk industries. They are strong as they put forth demands and negotiate for settlement.

74 and 75. No remarks.

76. In the case of Govt. Silk Industries there is one Labour Welfare Officer. The existence of the Labour Welfare Officer is no guarantee in preventing disputes.

77. Formation of Works Committees and Production Committees have to a great extent helped proper communications between workers and management.

78. The General Managers of a concern generally deal with labour matters.

79. Standing orders are drawn up invariably in consultation with labour.

80. In most of the concerns old standing orders framed continue. In the new concerns standing orders are based on the Model Standing Orders.

81. Disciplinary procedure is elaborate. This impedes quick action by the management.

82. The existing arrangement may be continued.

83. Generally labour would prefer more industrial disputes than for settlement of disputes.

84. No comment.

Collective Bargaining.

85. No comment.

86. It is desirable that the agent for workers should be among the workers themselves.

87. Yes.

88. Collective bargaining resulting in trade agreements would be a safeguard for industrial peace for certain period.

89. This is being followed.

90. No comment.

#### Joint Consultation

91. Yes.

92. Yes. Works Committees have been set up and are functioning properly.

93. The aims of works committees are already defined and these appear to be sufficient.

94. The existing arrangement is found to be satisfactory.

95. The Emergency Production Committees have been formed and they have been working satisfactorily.

96. This has not been tried.

97. No remarks.

#### Conciliation.

98. This depends upon the circumstances of the case.

99. Yes.

1000. Existing arrangement may continue.

101. Not necessary.

#### adjudication.

102. This system may be retained.

103. The existing machinery will do.

104. Satisfactory.

105. It should lie with Government.

106 to 108 No comments.

109. These awards and agreements are invariably implemented within the time specified.

#### Code of Discipline

110. Yes.

111. No comment.

#### Voluntary Arbitration.

112. The existing arrangement may continue.

113 to 116. No remarks.

#### Strikes and Lockouts.

117. Such situations are rare in silk industries.

118. No remarks.

119. There are provisions in the Industrial Disputes Act.

120. No remarks.

121. Whenever there is a dispute between the Union and the Management any arrangement made in the interest of work would be construed as unfair labour practice. In view of this it becomes difficult for the management to enforce discipline.

122. No remarks.

123. In Government undertakings facts of strike would be immediately reported and negotiations started at the management level and even at Government level.

#### General.

124 and 125. No remarks.

126. Yes.

127. By proper education of the Labour

V W A G E S

Introductory

130. In rural areas where concerns are established unskilled labour is available, employment opportunities are low and wages also will be low in unorganised industries.

131. The wages in unorganized sector of the industry is better than wages paid in agriculture. But the wages paid in the organized industry would be much more than what is paid in unorganised industries or agriculture.

132. When minimum wages are fixed the organized industry will pay the minimum wages. Whereas this is not so in the case of unorganised industries.

133. In the case of silk industries the minimum wage has been fixed and notified. Any increase over the minimum wage can be brought about as a result of negotiations.

Minimum Wage

134 to 138. No remarks.

139. It is desirable to fix minimum wage for an industry in a given area than fix a national minimum

140. No remarks.

Dearness Allowance; Fringe Benefits; Wage Differentials, Methods of wage fixation

141 to 154. No remarks.

Wage Policy

155. (a) no remarks.

(b) Consumer's opinion also should be taken into consideration as ultimately it is the consumer who pays.

156. No remarks.

157. Wage Freeze should be thought of when there is no abnormal increase of prices of essential commodities and stable prices are assured.

158. This may present certain difficulties.

159. To avoid disputes, payment of wages should be in cash and not in kind.

160 and 161. no remarks.

General

162. No remarks.

163. It is desirable to link bonus with net profits.

164. No remarks.

VI INCENTIVE SCHEMES AND PRODUCTIVITY

165. No remarks.

166. (a) This is being followed.

(b) no remarks.

(c) Individual incentives are followed.

(d) Incentives are invariably worked out in consultation with labour.

(e) no remarks.

(f) Yes.

(g) This is being followed.

(h) to (i) No remarks.

167. No remarks.
168. This is by mutual agreement.
169. Productivity has not kept pace with the increase in wages.
170. No remarks.
171. This is implemented.
172. Absenteeism during certain seasons are inevitable in rural areas where industries are situated. This retards production.
173. Incentive schemes have helped workers to earn better. To this extent the standard of living is improved.
174. This will have adverse effect on productivity.
- 175 to 177. No remarks.

#### VII SOCIAL SECURITY

178. (a) Social security schemes contribute a great deal with stability of employment and also for harmonious industrial relations.

(b) Certain amount of qualifying period for entitlement of certain social security benefits are necessary.

179 (a) As far as the Silk Industries are concerned the following benefits are available.

Medical benefits through M.S.I. Scheme;  
 Provident Fund and Gratuity;  
 Maternity benefits; Sickness Benefit;  
 Employment Injury Benefit.

However old age benefits, survivors benefits are not available at present.

(b) no remarks.

(c) Yes

(d) and (e) enlargement could only depend upon the capacity of the industry in which the labour is employed. to pay.

180. It is difficult to bring in schemes of social security in unorganised sectors.

181. No remarks.

182. Exemption from the S.S.I. schemes are given only in cases where similar benefits are available under alternative schemes.

183. No comment.

184. The existing arrangement could be continued.

185. To ensure uniform standard of medical benefit there should be large number of dispensaries and hospitals under the scheme. The existing arrangement regarding sharing of expenditure between employers and workers and Government may be continued.

186. The conversion of the existing P.F. schemes into P.F. cum-Pension Schemes would be preferred.

187. At present the rate of interest paid on P.F. investment is very low. This should be raised on par with rate in force in any savings scheme.

188. No remarks.



189. Yes.

190. Gratuity payment can be brought under social security Scheme.

191. No remarks.

192. It is not desirable to hand over administration of the social security schemes to trade unions. They should be continued to be administered by Government.

#### VIII LABOUR LEGISLATION

193. Labour management relation in a planned economy should be largely governed by legislation. But in an industry where better relations can be created by trade agreements between labour and management, it should not be discouraged.

194 and 195. No remarks.

196. The present arrangement is satisfactory and may be continued.

197 to 199. No remarks.

200. There is need for consolidation and codification of existing labour laws.

201 to 204. No remarks.

#### IX RURAL AND UNORGANISED LABOUR

205 and 206. No remarks.

207 (a) to (g). Efforts should be made for development of small scale industries such as, local processing of agricultural products, manufacture of consumer and producer goods for the rural people and also development of rural manufacturing activities that are ancillary and complementary to large scale urban industry.

208.(a) and (b). It is difficult to apply the present provisions of labour legislation for the largely unorganised labour particularly in rural parts. Efforts should be directed to create employment opportunities as suggested in reply to Question 207 by taking practical steps to extend appropriate provisions of labour legislation.

209 and 210. No remarks.

211. The village level enforcement staff is a best guarantee for the introduction and implementation of the minimum wage act for the agriculture labour.

#### X LAOUR RESEARCH AND INFORMATION

212 to 230. No remarks.

*(D.R. Gunduraj)*  
(D.R. Gunduraj)  
Director, Government Silk  
Industries.

csc.  
23rd Oct. 67

NATIONAL COMMISSION ON LABOUR  
Answer to the Questionnaire.

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1. Government Electric Factory, Mysore Road, Bangalore. 26.
2. State Government Departmental undertaking.
3. Not applicable.
4. (b) (i) 943  
(ii) 57  
(c) 1939.

I RECRUITMENT AND INDUCTION

1. (a) Labour is recruited for the factory from Employment Exchanges and open market through advertisements. Other things being equal, employees sons or near relatives are given preference.  
(b) The present recruitment arrangement are quite satisfactory for different types of employees and different level of skill.
2. The labour is not in short supply.
3. This is a one unit concern, and problems of nobility do not exist.
4. Industrial labour in this factory is to a large extent recruited from local people and they are not migratory in character.
5. The factory at present does not employ women labour. The nature of the work is such that ~~that~~ it is not possible to employ women in the workshops. Even though there is no bar against women employees in the office, it so happens there are no women employed in the factory. I am not aware of any existing statutory provision in regard to the employment of women. It may not be desirable or necessary to introduce any statutory ratio of women employees, because the nature of work differs from factory to factory and from institution to institution.
6. The factory does not employ casual labourers at present.  
At times casual labourers become necessary, when the nature of work in which they are employed is of a temporary or ad-hoc nature. There is normal resistance of worker's unions against retrenchment, and if the provision for recruitment of casual labourers does not exist it becomes difficult for the employers to carry out temporary intensification of activity.
7. There should not be any statutory provision reserving a portion of vacancies to physically handicapped persons. This should be left in each case to the discretion of the employer and the general charitable interests of the community. Charity should not be confused with efficiency, and an individual employer should not be made to pay for, disability of physically handicapped person, for which the society as a whole should pay. It may be better even some taxation is levied from the employer as well as the employees in institutions for looking after physically handicapped persons. At the

same time wherever they are physically handicapped persons could be employed without any undue disadvantage. The general charitable instincts of employees can be relayed upon for providing employment to them.

When there are a large number of able body persons who are remaining un employed it may not be desirable to have a statutory provision for revolving vacancies involving physically handicapped persons.

8. There is no discrimination in the matter of recruitment, in this factory on the grounds of caste, community, religion and language. Discrimination on these grounds is not justified to a developing country like India where unity of a Country is a foremost consideration.
9. There is no systematic programme " on the job " training of workers in the factory. However as and when necessary Casual labour is recruited and placed in certain positions when they get on the job experience.
10. Availing outside facilities in improving the individual skill should primarily be the concern of the employee himself. There is at present no system of granting study leave to the employees, but this is merely because there have been no applications from the employees themselves in this regard.
11. (a) Promotion policy should be based on twin factors of seniorities and merits where employment in a particular trade is involved up to the supervisory level trade tests, and ability to do that particular work should be their **criteria**.
- (b) Position at higher levels, while made upon to the existing employees should not be restricted to the existing employees. Each position at higher level demands certain qualities, which may be available only by direct recruitment outside the ambit of the present employees. Recruitment to higher position at supervisory levels and above should be made mainly by direct recruitment. Some percentage being given for promotion to keep up the workers' "moral", this percentage will decrease as the level goes on.

## II. CONDITION OF WORK.

12. Does not apply.
13. In the matter of National and Festival Holidays the regional difference should be allowed to exist. National Holidays which should be kept as few as possible should however be uniform.
14. No changes are necessary.
15. Child labour is not prevalent in this factory.
16. We do not have any contract labour.
17. This is a Government Undertaking, and the Statutory bonus provisions do not apply. However based on the profit earned by the concern there is an arrangement for paying Bonus to Employees. The Computation of profit is the Accountant General's Job and here there is hardly any scope for Trade Unions to participate.

contd.

- 18. The Accident rate is very low in this factory. Accidents when they occur are mostly of minor nature.
- 19. This factory has not felt to establish any training programme with special emphasis of factory safety in view of the present atmosphere where the accidents are few and far between.
- 20. There are no bipartite agreement in this factory varying precautions are taken in the work sheds to minimise accidents.
- 21. Safety consciousness is normally present among the workers and employers, and in my opinion no special efforts are necessary in this connection. The existing arrangements are satisfactory.
- 22. No amendments are required.
- 23. (a) No difficulties.  
(b) There is no difficulty in the supply of Safety equipments to workers, there is no reluctance on their part to use it.
- 24. The Employees State Insurance Scheme is at work and this is adequate to meet the Industrial Health Requirements at the present level of our economy.
- 25. It does not arise, as E.S.I. is in force in this factory.

III. TRADE UNIONS AND EMPLOYERS' ORGANISATIONS.

- 26. This is a Government Undertaking and it is not a member in Employers Organisation.
- 27. The legislative provisions have helped to increase the number of employers organisations and trade unions.
- 28. The Workers Organisations have increasingly tended to become political colour during the last decade. Employers organisations have begun to feel that the legislations tends to provide more working class rather than employer class. However in the declared Socialistic pattern of our society the employers have learnt to co-exist with the labour legislations and the labour unions. There is no doubt that labour has become more powerful during the last decade.
- 29. There have been no substance change in the attitude except to the extent indicated in answer to question 28.
- 30. In the light of a declared Socialistic Pattern for our society and in view of the necessity of a planned economic development, the trade unions or jure strike and go slow tactics once for all. There should no room for strike and goes down tactics in the bargaining between the employers and the employees. There is ample labour legislation in this country to safeguard the interest of labour. A time has come when labour should develop a National attitude. As a corollary to this proposition the employers organisation should not also resort to strikes and lockouts. No changes are needed in the organisational pattern, but a lot of change is required in their attitudes. Strikes and goes slow tactics should be considered as National Injuries. Mutual benefits societies are the field in which labour Unions have a Vital role to play. In socially useful activities like co-operation, there is scope for general factors with Government as well as the employees.
- 31. Trade Unions and Employers Organisations have helped to further the collective view points of its members. The present system is adequate.
- 32. In a situation where Government have become the main employer not only in fields what is traditionally considered the sphere of Government but also in the public sector business, it is only Govt. that can help the to maintain

33  
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present

Facilities for such consultations exists in the/system. None more than the continuence of the present arrangements is called for.

34. This is a Government concern, and there is no central organisation of employers as such.

35. The question does not arise.

36 to  
65. Do not apply.

IV. INDUSTRIAL RELATIONS.

66. Industrial disputes act 1947 provides different levels where conciliatory steps can be taken in disputes arising between the employees and management. This machinery has not been able to prevent strikes, though it has helped to solve many industrial disputes. The criteria for determining the effectiveness of Governments Industrial relations policy should be the number of conciliation proceedings succeeded.

67. The patterns of industrial conflict have changed. The workers demands reflect a more informed background, and mainly centre round their economic betterment. The old national view point has given way to legal, political affiliations. The prominence of individual leaders seems to be on the rise.

68. Enlightened leader, of the workers union is often a significant factor, and it has been so in Government Electric Factory. When there are enough profits to share i.e., when times are good, industrial relations normally tend to be good. Much depends upon the individual leader which the workers organisation picks out for getting its destinies.

69. An increasing awareness of their rights, for influenced labour in raising their demands. This increasing awareness coupled with the decreasing trend for profits because of the high level of taxation raising cost of production have tented to embeter the relations between the employer and the employee, both getting to become suspicious of each other, both trying to put the blame on each other.

70. Inter-union rivalry has worsened the industrial relations though in a few instances. The employers organisations have been able to play one cause or the other for a short periods. Ultimately even this policy could only yield disaster.

71. The existing arrangements are adequate. The declaration of strike and go slow tactics as illegal could be a step in the right direction.

72. Fact finding enquiries, if they are non-partisan, bold, and enlightened, their recommendations could be of assistance in improving industrial relations.

73. The sixstence of a trade union in a unit is certainly desirable, provided the trade unions have enlightened leadership, and are not politically inspired.body.

74. Arrangements by which these factors are facilitated help to bringabout cordial relations between the employer and the employee.

75. This is primarily a matter between the employer and the and the trade union leadership. The Government's role is and should be only supervisory.

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75. A good Labour or Personnel Officer can do a lot to promote harmonious employer-employee relationship. This is a matter of individual ability and the only measure to improve its effectiveness is to get a proper person for the job.
  77. The proper communication at the plant level should be through notice boards, pamphlets and some time individual notices, to the specific attention of individual is called for.
  78. Management employes the services of a Labour Officers to negotiate with employers. Even higher officers like the General Manager, or the Director negotiated with employees in important matters.
  79. The standing orders for this factory have been certified by the Labour commissioner, the Labour Commissioner in this case, who consulted the labour before certification.
  80. They serve as guide formulae / <sup>but</sup> each industry will require minor variations according to the nature of the business transacted.
  81. The disciplinary rules for this factory are on par with the model of standing orders. No modification is required.
  82. This concern has not yet felt the necessity of evolving any model grievance procedure, because there are no large number of grievances raising from the workers demanding redress.
  83. A statutory introduction of an arbitration arrangement is undesirable. The present method of Management--employee discussion is adequate to deal with the problems of grievances.
  84. The Central workers education scheme is being subscribed to by the factory.
  85. The survival of collective bargaining as an institution depends upon the ability and willingness of labour and management to continue their relationship with an increasing regard for the public interest.
  86. The bargaining agent for workers should be the representatives of recognised trade unions.
  87. Yes.
  88. More emphasis should be made on collective bargaining than adjudication.
  89. This is not possible, because it will induce parties to withhold the compromise which they would otherwise give. The charter of demands ~~xxx~~ should generally be taken as a whole, and then the collective bargaining machinery should finalise the ultimate grievances.
  90. The collective bargaining could be resorted to, specially only to the limited strikes and go slow tactics are foreseen.
  91. Yes. When they are politically inspired.
  92. The trade unions are against the setting up of works committees because of their fear that they lose bargaining power, the works committee may make the trade union superfluous they have not been set up in this factory. The trade union have opposed the idea.
  93. Since the trade unions are opposed to the idea of works

committees, it is better to renounce this idea altogether. We should look for more points of agreement rather than sources of conflict.

94. The idea of works committees may be dropped.
95. No joint management committees or emergency production committees have been constituted in this factory.
96. A profit sharing and co partnership ~~xxx~~ application only when there is an assurance of profit. By the very nature of things the ~~x~~ workers would not be partisans in losses. As long as this remains so, profit sharing and co-partnership have very limited scope.
97. This does not arise in this factory since it is a Government undertaking. The workers participation in management should be left to the discretion of the employer. The holding of a few shares means giving adequate voice to workers. The trade union channels provide ample opportunity for workers to guide the management, and in this situation further application need not be introduced by giving a voice to workers in running the establishment. By the very system of collective bargaining and by the outlooks between the management and the trade union leaders the workers can to a considerable extent participate management.
- 98 to 101. The present conciliation machinery set up by the Government is adequate.
- 102 to 109. Neither the party to a dispute can approach the Labour Appellate tribunal directly at present. This system should continue. The Government should refer to the Tribunal as few disputes as possible. Once a Labour award is given by a Tribunal it should be the responsibility of the parties to implement it, and in case either of the parties fails to do so, they can approach the Court which gave the award.
- 110& 111. The code of discipline has served its purpose in most of the industries. No provision in the code of discipline should be given legal shape, because the moment legal shape is given it becomes a compulsion. Agreement is the basis on which code of discipline has been built up.
112. Voluntary arbitration is not objectionable, when it is based on the agreement between the contending parties to refer the disputes to arbitration. The integration of a voluntary arbitration arrangement in collective agreement is desirable.
- 113 to 116. Areas of industrial disputes involving incentives, Dearness Allowance and Over Time allowances could be preferred to arbitration. But its application in a Government undertaking is limited because the Governments are not as zealous as private employers in keeping the profit to themselves. The standing arbitration boards may not be very useful. Retired civil servants and Judges will form the best professional group for heading arbitrators. The expenses of arbitration must be shared by the disputants and Government 50/50 basis.
117. Existing restrictions need no modification unless strikes and lock outs are abolished altogether.
118. They have rules and procedures but it becomes

Continued.

difficult to see whether such rules and procedures have in fact been observed by the striking unions.

119. In recent times there has been no strikes in the factory.
120. The question does not arise here.
121. The trade unions always seek to prevent punishments to its members. Success varies from case to case, this Government undertaking has had no strikes in recent years, and no generalisation can be made on the basis of any experience.
122. No such instances in this factory.
123. Through conciliation Officer and Government.
124. Tripartite committees like the Indian Labour Conference have been useful.
125. Yes.
126. There should be provision for avoiding work stoppages in all sectors, in an under developed nation like ours.
127. Public sector and the co-operative sector should be subject to the same rules as are applicable to other sectors.
128. No.
129. We do not function in the small scale sector.

#### V. WAGES.

- 130 to 133. In general wage levels are being fixed on the basis of availability of labourers in that particular area. If the availability of labour is more, it definitely affects wage levels, though not in public sectors. The wages in industry are worked out on the basis of supply of labour, production, sale and on cost of index. Where as in Agriculture labour and unorganised industries it depends upon the person who engages them for that particular period. The existing level of wages are the results of either collective bargaining, or of settlement or awards.
134. The concept of minimum wage should also take into consideration the average productivity of labour in that sector and the type of business where the minimum wage is sought to be intended. The problem is often more complex than is generally realised. The minimum wage level in some of the uneconomic enterprise may throttle the industry altogether, and throw out of employment by which a number of individuals, thus perhaps defeating the very purpose of minimum wage. It may therefore be desirable to leave the question of minimum wage to the economic factors of demand and supply.
135. Attempts to enter the private life of the worker, and to codify his demands are suppress the ability of the employer to satisfy them. In our anxiety to improve the conditions of the workers by the introduction of a minimum wage we may actually be depriving him of the employment which he actually has today.
136. The minimum wage should not only be need based but productivity based.
137. There should not only be a quantification of what the

continued...



employer gives to the employee but there should also be an equally well defined quantification of what the employer gives in return to the employer. Otherwise many industries which opened today may have to close. Thus aggravating the problem of unemployment.

138. The idea of fixing a national minimum wage should be deferred for sometime.
139. It has precisely this difficulty which make the fixation of the minimum wage impracticable. It is better not to do a thing than do it badly.
140. This has to be left to the interplay of demand and supply otherwise it will bring in more evils than to cure. The concept of a living wage cannot be expressed in any definition because living standards vary from place to place and from individual to individual on the one hand and on the other, as civilisation advances the wage rises to meet the new concept of living. To impression this fluid factor in a definition is next to impossible.
141. Dearness allowance is a well known and accepted mode of adjusting the wage to the price level.
142. The average cost of living index over a period, say, 3 months or 6 months could be made the basis of adjusting the dearness allowance.
143. The index should be local and quarterly. Each slab of 10 points should bring about the change.
144. 50% of the neutralisation of prices rise is desirable. It must be remembered that the price rise is endured by the community in general and no section of the community has an absolute right to get the prices rise neutralised by any system of dearness allowance.
145. The capacity to pay of an industry should be a very relevant consideration in fixing the rate of D.A., otherwise it will be killing the goose that lays the golden eggs.
146. The neutralisation effected by giving wage in kind must be reckoned in computing the dearness allowance based on cost of living index.
147. Fringe benefits should be left to the employer's  
148. discretion.
149. Yes.
150. The present arrangements are satisfactory.
151. The wage fixation through collective bargaining is best because it gives a sense of satisfaction to the workers, and it also helps them to appreciate the difficulties of the employer during the discussions which are a part of collective bargaining.
152. In collective bargaining the parties should be left free but fix it on members they consider best.
153. There has been no wage board as far as this factory is concerned.
154. Not applicable in view of the answer to 153.
- 155.to  
158. These are large questions which cannot be answered with the limited experience gained from the working of this factory.

159. No payment of wages in kind is in vogue in this factory.
160. Unskilled workers are employed on a time scale of pay. This is a desirable method.
161. The suggestion is good. The implementation particularly with regard to the last part is found difficult. Invariably it is difficult to reach an agreement with the labour on this point.
162. Minimum wages act 1948 is not applicable to this factory.
163. The payment of Bonus act 1965 is not also applicable since this is a departmental undertaking.
164. Bonus should be a part of the profit. This factory has been giving the bonus on that basis, and this is a dependable system for bonus payments in future.
- VI. INCENTIVE SCHEME AND PRODUCTIVITY.
165. The introduction of incentive schemes can be fruitful only when the employer and the employee agree on their introduction.
166. (a) This can be agreed to, provided the basic level of production is determined by an independent expert agency.
- (b) There is a possibility of this principle being mis utilised. Incentives should not be a guide to rate cutting.
- (c) This is desirable where it is applicable.
- (d) This has been commented by me in (a)
- (e) Productivity rise could be reflected to some extent in the wages.
- (f) Agreed.
- (g) Agreed.
- (h) Agreed.
- (i) There can be no incentive when <sup>no</sup> production is given.
- (j) Yes.
167. Each one should play his role.
168. Productivity could be measured by dividing the quantum of production by the number of persons employed.
169. The wage increase has reflected rise in cost of living, but not productivity.
170. This undertaking had a study made by M/s. IBCON (P) Ltd. The employees were not agreeable to the introduction of those methods.
171. This should be left to the discretion of the employer.
172. The causes of labour turn over and the absenteeism differs from factory to factory and cannot be attributed to one single factor.
173. The worker is interested in getting more, but is often circumscribed by the collective view of trade unions which bargains for all and not for one.
174. None of these factory help to improve productivity.
175. Rationalisation has a vital role in improving productivity. The point is where the trade unions are agreed for

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rationalisation in most cases but they are not.

113 176. Introduction of automation should be gauged, it should be selectively introduced in view of the back leg of unemployment in this country. Automation normally aggravate labour management disputes.

177. National Productivity council helps to generate in some among employers and workers in increasing productivity, but it is not succeeded in its effective to a very significant extent.

#### VII. SOCIAL SECURITY

178 to 192. The growth of industrialisation particularly in the last few years has enlightened the popular Government to take some measures in achieving the objective of the welfare state. One such programme undertaken by them is to provide social security measures to industrial workers by passing various legislation such as Employees Provident Fund Act and Employees State Insurance Act, on compulsory basis throughout the nation. The main aim of these legislations are to provide medical and financial support during emergency. In addition to these schemes there are schemes like gratuity death relief fund etc.

Various standing committees under the scheme have been constituted to review on existing acts and their implementation. Coming to E.S.I. Act, it is generally complained that the absenteeism has been increased after the introduction of scheme. This could be minimised by educating the labour on the significance of the scheme and on insisting medical certificate from E.S.I. dispensary.

E.S.I. hospitals and dispensaries should be run by the medical wing of E.S.I. Corporation taking the assistance of State Government.

Referring to employees provident fund Act exemption could be given to Government undertakings who makes arrangements to keep accounts of the investment.

193. Labour management relations should be governed by collective bargaining.

194. The labour laws generally tend to protect the industrialist and the worker. To a large extent they have succeeded in fulfilling their objectives.

195. The existing Labour legislation have worked to the advantage of the labour. At the present juncture no addition to the existing labour legislation is considered necessary.

196. The present constitutional arrangements are satisfactory.

197. The labour legislation progressed satisfactorily in India, and have taken International Labour conventions recommendations into consideration.

198. None.

199. None so far.

200. There is no need.

201. This policy has been successful.

202. Voluntary arrangements are preferable to labour legislation.

203. In the public sector though profit is a relevant motive, that goes on into field for the general good of the community, than for the edification of a single individual of group. The applicability of certain provisions of

contd...

labour laws can have exemptions in the public sector because of this overall perspective. 111

204. There have been no such instances in this factory.

IX. RURAL AND UNORGANISED LABOUR

205. The effectiveness of steps taken by the Government to solve the problem of rural labour is very little. The problem is much too large for effective treatment in an under-developed economy like ours.

205. This is too much a question to be answered.

207. All these methods can be tried depending on the area and the facilities. There is no one solution to this large problem. It has to be tackled not only from the methods point of view but also from the resources point of view. In a poor undeveloped country like India it is difficult to attune methods and aims.

Generally speaking the rural sector thrive in agricultural, animal husbandry and some selected small scale industries. In coastal areas fishing and in mountain area of forestry tracks can be resorted to.

208. It is better to leave them alone.

209. The progressive reduction of contract labour should remain an objective, but in the present juncture of our economy it is unwise to enforce it statutorily.

X. LABOUR RESEARCH AND INFORMATION.

210. The difficulties are real, and since wages should be brought on supply and demand its fixation is always brought its difficulties.

211. No.

212. This is too much a question to be answered by a single unit.

213. This is for Labour Department to answer.

214. The consumer price index Nos. may better be fixed region wise.

215. They are good communications. There is no necessity for further clarification.

216. It is not necessary. What is necessary to prevent work stoppages rather than to quantify it.

217. For the worker who lives almost on the subsistence level of economy, the present emphasis on the economic aspects of its life is sufficient.

218. The problem of rural unemployment and under employment is there. Effort to collect the statistics on this issue is an un-necessary exertion. Attempts may be concentrated to solve the problems to some degree, rather than assessing the dimensions of a problem that cannot be solved easily.

219. This for the Labour Department to answer.

220. I am not familiar with Labour research.

221. No labour research is undertaken by this factory.

222. The trade unions here have no labour research activities.

223. This will be better answered by the Universities and Research organisations.

224. This for the Labour Department to answer.

continued..

225. This is for the Labour Department to answer.
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226. This for the Labour Research organisation to answer.
227. The trade unions here have no particular method of informing the public of their activities.
228. This is true. Peace is exploited in the course of news conflicts always gets a wider hearing.
229. The Press hardly deals with educating the public on labour matters. It only deals with the news items, equally labour conflicts figure. There is no necessity to bring about in any change in the role of the Presses because any such attempt can be interpreted as interfering with the freedom of Press.
230. The Press does not shape in decisions. Depending on the management of the particular paper and its political slant industrial disputes are painted with appropriate colours. This is however a fact of the freedom of the Fourth Estate. By and large the press does not slender problems of just and good industrial relations.

BANGALORE,  
25-10-1937.

-----  
*R. Rabinathan Menon*  
(R. RABINDRANATH MENON)  
DIRECTOR,  
GOVERNMENT ELECTRIC FACTORY,

\*\*\*\*\*  
NATIONAL COMMISSION ON LABOUR.

REPLIES TO THE QUESTIONNAIRE.

SECTION ONE.

	GOVT. SANDALWOOD OIL FACTORY, Mysore. -----	Shimoga.	GOVT. SOAP FACTORY, Bangalore.
1.	General Manager, Govt. Sandalwood Oil Factory, Mysore.	General Manager, Govt. Sandalwood Oil Factory, Shimoga.	The General Manager, Government Soap Factory, Bangalore.
2.	Owned, controlled and run by the Government of Mysore.	Owned, controlled and run by the Government of Mysore.	Owned, controlled and run by the Government of Mysore.
3.	Nil	Nil	Nil.
4.	(a) Sandalwood Oil and its bye-products.	Sandalwood Oil and its bye- products.	Toilet Soaps, Washing Soaps and Glycerine.
	(b) About: 220	About: 123	About: 287
	(i) Workers : 175	93	236
	(ii) Others : 45	30	51
	(c) In the Year: 1916-1917	1944	1918

I. RECRUITMENT AND INDUCTION.

\*\*\*\*\*

1. a) Labour is generally recruited through the Employment Exchange.
- b) The present arrangement is working satisfactorily.
2. No shortages.
3. No.
4. Not Migratory.
5. No changes in the existing provisions are required. The scope for their employment in these industries is limited.
6. Recruitment of casual labour is generally not desirable but in the very nature of things sometimes becomes inevitable. Their services can be decasualised on the basis of length of service.
7. Not necessary to reserve any portion of the vacancies to the physically handicapped statutorily but whenever possible they will be taken in at the discretion of the management.
8. No information about discrimination being practised.
9. Existing training is considered adequate.
10. Workers are encouraged to avail all training programmes including Workers Education Courses. All facilities are given. Comprehensive rules of promotion on rational basis have to be evolved. Study leave is not granted.
11. a) Promotions should ordinarily be on the basis of merit cum seniority with provision for direct recruitment upto certain percentage.

(Contd.....?)

- (b) A certain percentage at higher levels may be filled by promoting existing employees.

II. CONDITIONS OF WORK.

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WORKING CONDITIONS:

12. a) No comments.  
b) The existing provisions are alright.
13. The existing status quo may continue.
14. Does not pertain to this Factory.
15. -do-
16. -do-
17. The existing Works Committee and Joint Management Councils are quite enough.
18. - NO -
19. Refresher Courses may be arranged once in a year in consultation with local Productivity Councils.
20. We have no knowledge of this.
21. Safety measures may be publicised intensively.
22. Safety Measures may be given the highest priority.
23. a) Nil.  
b) Yes - Employees are enthusiastic about the safety appliances.
24. No comments.
25. The existing status quo may continue.

III. TRADE UNIONS AND EMPLOYERS' ORGANISATIONS.

-----

26. The interaction of political forces on labour to make it a para-political force. The growth of unhealthy Trade Union Movement is largely due to the intervention of unscrupulous outsider.
27. An undue importance is given to labour without any reciprocal effects. This has resulted in 2 undesirable developments:-  
1) Growth of mushroom unions.  
2) Presence of outsiders as office bearers. An unified development of one union per unit has still to emerge. Too much of legislation about this has retarded the progress of production. It is essential that these rules and regulations are regulated having production orientation also.
28. The Modus operandi of Trade Unions have worsened. Pressure tactics, intimidation and Cheraos have become the order of the day.
29. Yes. Conciliation, arbitration and adjudication are increasingly being given up in favour of direct methods. Inter union rivalry has gone up.
30. The pre-requisite is a well disciplined Trade Union Movement and until this is established, the present indiscipline will not end. Government should take disciplinary action against illegal strikes and bring about unlawful behaviour of the labour and this will help to increase the moral and also production in the Factory.
31. The present channels of communications are working well.
32. High level employment maintenance is the concern of the Industry with Govt. assistance.
33. Existing arrangements are adequate.
34. No comments.
35. Not aware.
36. No comments.
37. Not known.
38. No comments.
39. Not known.
40. No knowledge.
41. Not known.
42. Not known.
43. Not known.

(Contd.....3)

44. No comments.
45. -do-
46. -do-
47. -do-
48. -do-
49. The political parties have a tendency to use the Trade Unions as a tool for their own ends.
50. Any one other than an employee is an 'Outsider' and ordinarily outsiders' influence disrupt the existing industrial relations.
51. No comments.
52. Yes. The law should make provision for only one union.
53. No information.
54. No comments.
55. -do-
56. Not known.
57. No comments.
58. -do-
59. No views.
60. It is a matter of practical consideration.
61. No comments.
62. -do-
63. Responsibility should be fixed on the unions of this kind determining the work they have to do in relation to the management.
64. No comments.
65. Very generous almost magnanimous.

#### IV. INDUSTRIAL RELATIONS.

\*\*\*\*\*

66. No remarks.
67. The pattern of industrial conflict are unpredictable and have worsened in their strategy and operation.
68. Decision making by informal consultation to develop good industrial relations.
69. Undue importance of worker's rights without the realisation of his responsibilities and obligations. To a large extent the intervention of politicians in labour movements have deteriorated the situation.
70. Further worsening of all industrial activity.
71. Enforcement of all the legal measures available for the maintenance of discipline and no going back on it at higher levels. Mediation services will be quite useful.
72. Human factors dominate.
73. A strong and disciplined Union can play a useful roll in promoting good relations.
74. No comments.
75. -do-
76. -do-
77. The lines of communication should always be open for level to level right up to the top-most persons.
78. In small units there is no deligation of authority and all authority is centralised in the General Manager. There is limited delegation among the supervisory staff.
79. Standing Orders are drafted on the basis of a model order furnished by the Labour Commissioner.
80. Serves the purpose.
81. No comments.
82. Serves the purpose.
83. Not known.
84. Local productivity councils organize a number of training programmes to personnel at different levels. Employees are encouraged to participate in these. The National Productivity Council and Institute of Management and other training institute help to train management personnel.



- 85. Collective bargaining has helped labour greatly but this has occasionally led to conferment of more benefits to them than warranted. This has also been misused for trivial purposes by them without reference to their responsibilities. It is necessary to codify the purposes for which this can be employed.
- 86. No comments.
- 87. -do-
- 88. "
- 89. "
- 90. Collective bargaining should be judiciously utilised.
- 91. Yes.
- 92. These committees are helpful inasmuch as they spark off ego in the workers and a sense of participation results.
- 93. No remarks.
- 94. -do-
- 95. To a limited extent, these have been successful.
- 96. No comments.
- 97. Our factory is a full fledged Government Concern and hence no remarks.
- 98. Not ver, satisfactory.
- 99. Yes.
- 100. No comments.
- 101. -do-
- 102. The existing status quo may continue.
- 103. -do-
- 104. Yes.
- 105. No comments.
- 106. -do-
- 107. Yes.
- 108. No comments.
- 109. -do-
- 110. Not to the extent it should.
- 111. All the provisions.
- 112. Yes.
- 113. No comments.
- 114. Yes. The representatives of the labour and management should constitute a Board.
- 115. Trade Unionists, technicians and also persons with a judicial back-ground.
- 116. No comments.
- 117. The present system may continue and there should not be any strikes or lockouts without: a) adequate cause (b) prior information to the management.
- 118. No comments.
- 119. No information.
- 120. In most cases.
- 121. No comments.
- 122. No information.
- 123. Existing statutory provisions are utilized.
- 124. No comments.
- 125. No comments.
- 126. Yes.
- 127. Strict enforcement of discipline.
- 128. No comments.
- 129. -do-

V. WAGES.

- 130. Wage Bills are reduced.
- 131. No comments.
- 132. -do-
- 133. The liberal social policies of Govt. are responsible for the present level of wages.

- 134. No.
- 135. No comments.
- 136. -do-
- 137. "
- 138. "
- 139. Regional Minimum wages are to be fixed.
- 140. No change is called for.
- 141. D.A. should be a separate component to be ultimately absorbed in the basic pay.
- 142. No comments.
- 143. a) Regional basis.  
b) Half yearly.  
c) Slab of 10 points.
- 144. No comments
- 145. Yes.
- 146. No comments.
- 147. -do-
- 148. "
- 149. "
- 150. The existing differentials continue.
- 151. No comments.
- 152. -do-
- 153. "
- 154. "
- 155. "
- 156. "
- 157. "
- 158. "
- 159. Not known.
- 160. No remarks.
- 161. -do-
- 162. "
- 163. No comments.
- 164. -do-

VI. INCENTIVE SCHEMES AND PRODUCTIVITY.

---

- 165. Direct link with production.
- 166. a) Yes.  
b) Yes.  
c) "  
d) "  
e) "  
f) "  
g) "  
h) Ceiling may be put.  
i) Yes.  
j) Financial incentives are the most favoured.
- 167. Mutual co-operation to gain the common objective.
- 168. No comments.
- 169. -do-
- 170. No information.
- 171. It is good in principle.
- 172. Labour absenteeism has increased after the introduction of E. S. I. Schemes resulting in decreased productivity.
- 173. Motivation is an important factor for the working of these schemes.
- 174. Morale is shattered resulting in loss of production.
- 175. No remarks.

- 176. a. Automation has to be
- b. introduced with
- c. caution.
- 177. Slowly contributing to the creation of a congenial climate for appreciating new techniques.

VII. SOCIAL SECURITY.

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- 178. a) Has a good effect. The psychological gain is more than the material gain.
- b) No remarks.
- 179. a) Some of them are available.
- b) No information.
- c) No comments.
- d) -do-
- e) "
- 180. "
- 181. 1) Generally agreed to.
- 2) -do-
- 182. Not necessary.
- 183. Absenteeism has increased after the introduction of E. S. I. Scheme.
- 184. No comments.
- 185. -do-
- 186. Provident fund cum pension is better.
- 187. Investment should be safe and remunerative.
- 188. No remarks.
- 189. Yes.
- 190. It has a rightful role.
- 191. No comments.
- 192. No.

VIII. Labour legislation.

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- 193. No comments.
- 194. The existing labour laws appear to be mostly oriented towards labour who have fully reaped the benefits.
- 195. No comments.
- 196. -do-
- 197. "
- 198. "
- 199. Yes. We have surplus legislation in the field of labour disputes and welfare benefits, fixation of wages, conditions of work. Unified legislation on a central basis is required. Alternatively, State laws should be uniform.
- 200. Yes. There should be one omnibus law.
- 201. No comments.
- 202. -do-

203. Not known.  
204. No comments.

IV. RURAL AND UNORGANIZED LABOUR.

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205. No comments.  
206. -do-  
207. "  
208. "  
209. "  
210. "  
211. "

V. LABOUR RESEARCH AND INFORMATION.

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212. No remarks.  
213. Unproductive paper work should be brought to a minimum.  
214. No comments.  
215. Adequate.  
216. Yes.  
217. No remarks.  
218. -do-  
219. More research is required to locate through different kinds of requirements and needs and also to improve labour management relations.  
220. No comments.  
221. No information.  
222. No comments.  
223. -do-  
224. "  
225. "  
226. Publicity needs intensification.  
227. No information.  
228. No views.  
229. No comments.  
230. No comments.

Sd/-  
(M. SANKARANARAYANAN)  
Director,  
Sandalwood Oil Factories,  
and  
Government Soap Factory.

THE MYSORE CHAMBER OF COMMERCE  
BANGALORE

MEMORANDUM

123

Submitted By  
The Mysore Chamber of Commerce  
to  
THE NATIONAL COMMISSION ON LABOUR

\* \* \* \* \*

May it Please the Hon'ble Members of the Commission,

PREAMBLE:

Today in our own country there is a plethora of labour legislation and we are trying to hurry up matters too early in the present stage of the country's development. The need of the hour is full employment and till sufficient avenues for employment are opened up, any further social legislation (however laudable it be) in a particular sector of the community, viz., industrial labour would only create more problems than it would solve.

Our immediate aim should, therefore, be more to create an atmosphere for rapid industrialisation and full employment than giving industrial labour more and more amenities without corresponding improvement in production. Today, as a result of our high cost of production we are being squeezed out of foreign markets. It is our firm view that we cannot compete in the international market so long as we do not achieve a high rate of productivity and to this end we must link all payments to industrial labour to production. In our opinion one of the reasons for the present malaise is the most favoured treatment given to industrial labour without putting on them the responsibility to give proper returns.

Today, the State is giving more and more social benefits to one class of the society, viz., industrial labour - which is treated as a privileged class. Thus, while a spate of legislation is being passed which is tending to create a separate class of favoured workers,

we feel that no attempt is being made to enquire into the various ills from which the industry is suffering and this one-way traffic is not only creating imbalance but is also making it extremely difficult for the industry to grow to its full stature.

Our objective, should, therefore, be to see that the industry is placed on a competitive basis and after that, benefits are given to industrial labour consistent with the benefits enjoyed by other classes of employees.

With this general observation, we submit our reply to the Commission's questions as follows:-

LABOUR LEGISLATION:

1) The answer is 'yes' and we are definitely of the opinion that there is a good deal of confusion on account of reasons enumerated in the question itself and we are definitely of opinion that industrial legislation should be only a central subject and should be taken away from the current list of the Constitution of India. There is necessity to amend the Constitution in this respect.

2) While it is desirable to have a common definition, of "employer", "employee/workman" and "wages", it should be uniform in all Central and State Acts. The extent to which it is practicable has to be viewed from the requirement of the purpose which each individual Act is to fulfil.

3) Broadly speaking, the answer to this question is same as 2, but while maintaining the definitions according to the purpose for which the Act is enacted, a salary limit of Rs. 500/- may be kept uniform.

4) As already stated, the distinction between Supervisory and non-supervisory should not be removed. If the supervisory employees are to be defined as workmen, they may throw their lot with the workmen

- 3 -

which will affect seriously the discipline of the factory. Therefore the supervisory class should be a separate one and a distinct one from the non-supervisory.

ALL INDIA CODE:

5 to 7: It is neither feasible nor practicable to have an All India Labour Code with the definitions etc.

8) We are in favour of common standing orders or rules of discipline with any slight modification necessitated by the nature of the particular industry. Further we are entirely against the right of reinstatement in the case of discharge or dismissal. The right of compensation may remain.

9) It is desirable to make the division proposed in this question. The quantum of punishment has to be decided on the merits of each case.

10) The answer is 'yes'. We agree it is possible to prescribe complete and detailed procedure for holding domestic enquiry by employer in the case of misconduct.

11) The answer is 'yes'. But we are against paid weekly off and the number of paid holidays may also be included in this.

12) Lay-off and retrenchment are already made applicable to all industrial establishments whether they are factories or not but retirement benefit has to depend on the financial capacity of the employer as at present.

TRADE UNIONS - RECOGNITION:

13 to 23: Since Independence Labour has been extensively used by the various political parties without exception. In fact the outside trade union leaders are the future party leaders and in fact trade unions are being utilised as a stepping stone in someone making a political career. To that extent the trade union movement in the country suffers and one cannot boldly state that the trade unions

are formed only in settling matters with the employer. Because of the influence of the political parties on labour, there has been a growth of trade unions of different hue and colour and it will not be surprising to see in a union, trade unions representing different political parties.

No trade union either at the unit level or central level has any constructive programme to ameliorate the social, educative and welfare aspects of their members except the Textile Labour Association at Ahmedabad started by Mahatma Gandhi. At best the trade unions are formed for economic gain and there is more emphasis on rights than on obligations. Trade Unions, by and large, believe in agitational approaches and even those organisations who have accepted the code of discipline have implemented more by default rather than adherence. In this, it will be very difficult to blame the trade unions because even the political parties in the country appear to have taken this as their method either for gaining importance or power.

With a view to usher in collective bargaining and effective democratic representation of labour, it is suggested that there should be legislation compelling that in every unit there should be only one Union. The constitution of such a union must be uniform to legislative measures and there should be periodical elections to that union from the rank and file under the supervision and guidance of an outside body like the Labour Commissioner or Government Labour Officer. This will ensure the following advantages:-

This will put an end to multiplicity of unions and the employers can confidently deal with the union as the bargaining agent.

There is scope for change of leadership in the union by the rank and file depending upon their performance.

There will be continuity for the institution, though the members who form the union may change periodically.



REFERENCE OF INDUSTRIAL DISPUTES TO  
CONCILIATOR, LABOUR COURT, ADJUDICATOR:

24 to 35: Labour laws and their administration have become extremely complicated. A new cadre of labour judiciary should be created. Persons who have held any judicial post for not less than five years should be appointed as Conciliation Officers. They should be given power to compel production of documents and material objects to enable them to persuade the parties to come to a fair and amicable settlement. If they fail in their attempt to do so, they should issue a certificate to that effect to each of the parties. On the basis of such certificate, the aggrieved party should have a right to carry the matter before the appropriate labour court or the industrial tribunal. To avoid needless delay, the power now given to Governments to make references when they are of opinion that an industrial dispute exists or is apprehended should be withdrawn. District Judges of at least five years standing who have made a mark in the judicial department should be appointed as Presiding Officers of Labour Courts. Such Officers after two years of experience in the Labour Courts, should be appointed as presiding officers of Industrial Tribunals. They should not be disturbed until they attain the age of sixty-five except on grounds of proved incompetency, physical unfitness. The Conciliation Officers, presiding officers of Labour Courts and Industrial Tribunals before assuming office, should visit several factories and other industrial establishments at least for a period of six months to understand the working conditions of labour.

The Labour Courts and the Industrial Tribunals should be given full powers of Civil Courts for the implementation of their awards instead of the successful party wasting the time and energy in seeking the relief at the hands of the present powerless implementation authorities. The Labour Courts should be the appropriate authority under the workmen's compensation Act and Payment of Wages Act. Advocates should

not be permitted to appear before them. Sufficiently large number of Labour Courts and Industrial Tribunals should be established so that the disposal of cases are not delayed for more than six months. Labour Appellate Tribunals also should be constituted for early disposal of all appeals now pending before the Supreme Court. The Labour Courts and the Industrial Tribunals should not have jurisdiction to adjudicate upon any matter pending before the Central Wage Boards. The findings of the Boards if approved by the Central Government should be statutorily binding on the parties for a period of three years. Once in two years new Wage Boards should be constituted to reconsider the matter so that their findings may be given effect to at the end of three years. During this period, there should not be any strike or lock-out in respect of matters decided by the Wage Boards.

AWARDS: 30. No useful purpose would be served by sending Awards to the Government for publication in the Official Gazette.

LABOUR JUDICIARY CADRE AND QUALIFICATIONS:

In olden days, workmen had resorted to strikes for the redressal of their grievances in a few isolated cases. But after World War I, the spread of democratic ideas, the realisation of the importance of the principles of equality, fraternity and liberty, the development of industries, the scarcity of labour, the rise in the cost of living and the establishment of International organisation have all contributed to the general awakening of the workers and to an era of trial of strength between workers and employers. Disputes often raised relate to strikes and lock-outs. No doubt strike is a legitimate and sometimes unavoidable weapon in the hands of labour. Many a time, this is used indiscriminately and hastily, hampering production. This should not be encouraged. There are some restrictions imposed under the Industrial Disputes Act. Such restrictions on the right to strike or to declare a lock-out only creates artificial peace in industry and a cease-fire atmosphere prevails. They

do not lead to good labour-management relation. As a matter of fact, they generate a feeling of bitterness among the parties. In spite of the provisions of law making workers going on an illegal strike punishable with imprisonment, there have been cases where workers have gone on illegal strikes without any action being taken against them. The Government is generally helpless in any such mass action. Suitable amendments must be made in the Industrial Disputes Act for making the restrictions on strikes and lock-outs more effective. An employer who has committed no unfair labour practice against whom a strike has been declared should not be obliged to cease the conduct of his business but must have full power to employ others to take the place of the strikers and he may promise to retain such employees in his employ even after the termination of the strike. Under these circumstances, the employers' obligation to reinstate should extend to such of the striking employees whose places have not been filled during the strike. Under Section 22 of Industrial Disputes Act, person employed in public utility services are prohibited from going on strike, without giving fourteen days notice within six weeks before striking, of their intention to go on strike. There is no provision in the Act for "Notice of Strike" in Non-Public Utility concerns. Suitable amendments should be made in the Act in this behalf. Stay inside the premises after the schedule hours must be treated as illegal and punishable under law.

36. All strikes without notice should be considered illegal. Lightning strikes, Go-slow, Gherao, must be declared illegal. Persons responsible for such illegal act should be punished. The fact that a request just or not can only be decided by a third person. The workers cannot decide by themselves. This is an undesirable weapon in the hands of the workers and should be withdrawn at the earliest opportunity.

37. Yes.

38. Participation in illegal strikes should be considered as misconduct even though it might be peaceful.

\* \* \* \* \*

DISTRICT SMALL SCALE INDUSTRIES ASSOCIATION (MYSORE)

130

Office  
D 3, Industrial Estate  
Yalavagiri  
MYSORE - 2.

Dated 26th October, 1967.

Ref. No. D.S.I.A.M./248/67.

To

The Presiding Officer,  
National Commission for Labour,  
Government of India,  
Camp: M Y S O I E.

Respected Sir,

Since we have not received the questionnaire, we regret to state that we are not in a position to submit our considered views on important points which will be studied by the Commission. Since the decision of the Commission will give the future law of the land, it is very necessary that a reasonable opportunity should be given to all Associations to make a study of the questionnaire so that well considered views may be submitted.

However, we are submitting some general points which we have also covered up in one of our Conferences recently held at Mysore.

- a) There should be a close link between the productivity and the wages.
- b) Demand for higher wages should be based upon the capacity of the Industry to bear.
- c) There should be a Code of Conduct prescribed both for labour and Management and adequate safe guards should be built up to link rights with responsibilities.
- d) Just as labour should not be removed from the industries the labour also should be debarred from desertion.
- e) If not suitable provision should be made for contractual type of labour binding the employer and employee for the period of employment and the wages.
- f) The small industries to be permitted to register themselves under Factory Act if more than 20 workers are employed.
- g) The emphasis of legislation should be on the corrective side and not on the penal side.
- h) The breach of law should not lead a person for conviction. Reasonable opportunity should be provided for correction.
- i) Factory Laws should be simplified and there should be one law dealing with all the aspects of the industry.
- j) Compulsory Bonus on Industries undergoing loss should be abolished.

Detailed submission will be made after receiving the questionnaire which may be considered in due course.

Yours faithfully,

sd/-  
Hon. Secretary,

THE WESTERN INDIA TILE MANUFACTURERS ASSOCIATION,  
MANGALORE-I.

28th Oct.1967.

MEMORANDUM SUBMITTED BEFORE THE MEMBERS OF THE  
NATIONAL COMMISSION ON LABOUR AT MANGALORE.

Sirs,

The Tile Industry in Mangalore is the oldest industry of the District and it has already completed 100 years of its existence. The industry employs a total labour force of over 8000 directly in factories and another 8000 workers are employed indirectly in forests, Transport etc. The tile industry is the mainstay of the economy of this District.

Regularisation of basic wage and dearness allowance in the tile factories of Mangalore began in 1947 with the award of the Arbitration Committee presided over by Mr. J.F.Saunders, ICS, the then Collector of South Kanara. That award prescribed the minimum basic wage to be 37 paise, 31 paise and 25 paise respectively for men, women and children per day. The dearness allowance was to be based on the cost of living index for Calicut, published each month in the Fort St.George Gazette, which was applicable to South Kanara. According to this, if the Calicut figure was 300 the worker would get dearness allowance 200 percent on his basic wage. That is, a male worker with 37 paise basic wage would get a dearness allowance of 74 paise per day, thus bringing his total earnings to Rs.1-10.

This system of paying dearness allowance continues even till this day. Only instead of Calicut Index, factories are calculating dearness allowance on the basis of the Mysore City Cost of living index figure plus 30 points. This is because Calicut figure ceased to become applicable to Mangalore after reorganization of States in 1956.

Between 1947 and 1957 the Managements had to increase the basic wage twice at the rate of 3 paise each time to pacify the workers. In 1958 a further increase of 6 paise in the basic wage was conceded to workers under an Agreement between the workers and Managements made January 1958. As per this Agreement the following further concessions were also given to workers. (1) Compulsory bonus to all workers at the rate of 25% of the basic earnings were agreed to be given. (2) Five paid holidays were given to all workers (3) Gratuity Scheme was introduced for the first time in the tile industry under this Agreement. The scheme provided gratuity at the time a retirement of a worker at the rate of 15 days basic wage for every year of service subject to a maximum of 30 years of continuous service. To qualify for the benefits under the scheme the worker had to put atleast 10 years continuous service under the employer from whom he claims gratuity. In this agreement the age of retirement was fixed at 60 years. The agreement of 1958 lapsed in the year 1961 and a fresh agreement was concluded again in the same year and

Contd.....2.

further increase of 6 paise in the basic wage was given to all workers. The paid holidays were increased to 6 per year. The gratuity scheme was slightly modified and made more liberal. In case of death and permanent incapacity to work gratuity was agreed to be given provided the worker had put in 10 years of continuous service. In case of gratuity payable at the time of superannuation the qualifying service was increased to 15 years. This agreement expired on the 30th June 1964 and again a fresh agreement was concluded on 17th February 1965 with retrospective effect from 1st July 1964. The present agreement will lapse on the 31st December 1967. Under the agreement which is in force the workers were again given 3 paise increase in the basic wage and the weightage on the Mysore cost of living index figure was increased from 25 to 30 points. Further the paid holidays were increased to seven and the gratuity scheme was again further liberalised. Clauses regarding 15 years service qualification for claiming gratuity in cases of superannuation and 10 years in case of death or incapacity to work were deleted and the workers were conferred with the right of claiming gratuity at retirement irrespective of the number of years of service they put in factories. Further under this agreement it was agreed to pay bonus at the rate of 6 $\frac{1}{4}$ % of the total yearly earnings.

To-day the Mangalore tile factories' workers are getting the highest wages amongst the working class, as stated above, besides they are also enjoying Social security schemes like Provident Fund and Employees State Insurance Scheme with effect from 1956 and 1963 respectively.

From the above it will be seen that the workers in the tile industry have been enjoying all the facilities an industry can afford to give. The managements of tile factories in Mangalore who are members of this Association have been meeting the entire burden of rise in the cost of living since 1939. Further the basic wages of the workers have been increased from time to time. Perhaps in no other parts of the country are tile workers enjoying such high benefits as they are enjoying in the tile factories in Kerala State is between Rs.3 to Rs.4 per day whereas in Mangalore factories the earnings per day vary from Rs.5 to Rs.7 while the latest revised minimum wage fixed for the workers in the tile industry by the Government of Mysore varies from Rs.2-25 to Rs.3-35.

The managements of tile factories in Mangalore have given maximum benefits to their workers all these years. But to-day the industry in Mangalore is passing through a grave crisis unheard of since its existence. Majority of the factories are running at a loss and bigger units are just able to make both ends meet with great difficulty. If the present inflation continues we are afraid the future of the industry in Mangalore will be at stake. The reason attributed for the present crisis is the inordinate rise in the cost of living index during the last three years. The managements which concluded the present agreement never anticipated that the cost of living would rise so steeply. Even though the managements have been entering into agreements since the last several years, they have never in the past

-3-

experienced such a steep rise as since the last about 2-3 years. The cost of living index on the basis of which dearness allowance was paid to the workers in the Mangalore factories, who are members of this Association, since 1961 is furnished herebelow and it denotes the rate of rise:-

COST OF LIVING INDEX FIGURE ON THE BASIS OF WHICH  
D.A. WAS PAID:

Year	January	February	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1961	485	485	480	480	480	480	480	485	485	485	485	485
1962	485	485	485	480	480	480	480	480	480	480	480	485
1963	485	485	485	485	485	485	485	490	485	490	490	495
1964	495	500	500	500	505	505	510	515	515	520	535	540
1965	560	560	575	635	630	615	610	610	605	615	635	640
1966	665	665	665	675	675	700	710	710	730	755	775	785
1967	760	735	730	730	730	745	755	790	790	805		

It is seen from the above that upto the middle of 1964 the increase was very steady and all of a middle of 1964 the index figure went on rising and put the industry into great trouble. From the year 1961 to the beginning of the year 1964 the rise was hardly 10 points. But in the year 1964 index figure increased by 45 points, in the year 1965 it increased by 80 points, in the year 1966 it increased by 120 points and now in the year 1967 it has so far increased by 65 points. So rise in the index figure from the year 1964 till this day is 330 points. Thus a worker with a basic wage of 0.62 paise in the year 1964 was earning a total wage of Rs.0.62 X 485 = 3.01 and the same worker to-day earns 0.65 X 805 = 5.23, work-load remaining the same. The increase is more than Rs.2/-per worker per day and it is highly uneconomical to run the industry at this high labour cost. It was possible in the past to pass on the entire increase in the cost to the customer, but to-day this is unthinkable. During the last five years the managements could not increase the selling price commensurate with the increase in the cost of production on account of severe trade competition from Coondapur and Kerala factories, where the cost of production is much lower on account of the low consolidated and steady wages prevailing there. So the entire rise in the labour cost plus increase in the cost of raw materials have to be borne by the manufacturers which means it is highly uneconomical to run the industry.

Next to Mangalore, Coondapur in the South Kanara District is the main tile manufacturing centre in the State. This is about 50 miles north of Mangalore and the cost of labour, raw materials etc is much lower than Mangalore. Even though this place is almost alike Mangalore in respect of living etc., the South Kanara Tile Workers' Union have agreed for a all inclusive fixed wage which to-day is about half of that of Mangalore wages and have entered into an agreement with the managements of Coondapur. It is this disparity in wages that has let down the Mangalore tile manufacturers who are now facing a grave crisis. The Union did not press for the linking of the Dearness allowance with

Contd.....4.

the cost of living index in Coondapur and they are just satisfied with an all inclusive wage and as a consequence the impact of the rise in the cost of living index is felt only by the Mangalore manufacturers even though these two places are alike in almost all respects. We do not understand why the Mangalore manufactureres alone should be made to bear the burden of increase payment in the living index. There is hardly 10 to 15 rupees difference in the selling rate of Mangalore and Coondapur tiles. Apart from Coondapur, factories have sprung up in other places also in this District and they are just paying the minimum wages. In this connection we wish to draw your attention to a recent decision of the Labour Court favouring the managements of Prabhath Tile Works, Punjab Tile Works, both situated at Ganjimutt at a distance of hardly 10 miles from Mangalore, and Bharath Tile works, Ambagiulu, South Kanara District, declining the workers demand for payment of Rs.3/- to men and Rs.2-25 to women respectively. This case appeared in Part IV, Section 2-C(ii) of the Mysore Gazette dated 29th September 1966 at page 3657. Further several new units which have sprung up recently outside the city limits of Mangalore enjoy facilities of non-payment of Provident Fund contributions and Employees State Insurance. Even in Kerala tile factories wages paid to workers are only the minimum wages proscribed by the Government. So it will be seen it is only the Mangalore factories that are committed to pay such a high wage and as a consequence of which they are put to great loss and hardship.

We also wish to submit before the Commission that even though we have been entering into agreements with the Labour from time to time, our general experience is that the labour is not conscious of the sanctity of these agreements. All these years managements have given high wages and other facilities to workers in the industry with the sole idea of maintaining industrial peace in the industry. But the response from the labour was far from satisfactory. There were provisions under the agreements that the workers should not resort not to illegal strikes, stoppages of work, Go slow etc. But the Labourers have often violated these clauses and gone on illegal strikes on petty issues, thereby causing loss of production to the managements. Instances of sudden stoppages of work and Go slow tactis have been brought to the notice of the Association and representations have been made to the Government in this regard, but in vain. So unless the Government takes suitable steps in this regard to educate the workers it will not be worthwhile for the managements to have any agreements with the Labour.

Further one of the important clauses in these agreements is with regard to disputes between the parties. It is stated in the Agreement that whenever there is a dispute between the Labour and the Management the dispute has to be referred to an Arbitration Committee constituted under the Agreement comprising of representatives of the Managements and the Union. But very often the Union instead of referring the matter to this Committee has straight away referred the dispute to the Labour Officer for conciliation and in turn it is sent to the Government for referring it to an industrial court. This we feel is not proper in view of the Agreement between the parties. Accordingly we made a representation to



the Government that dispute should not be referred for adjudication instead it should be referred to the Arbitration Committee as per the Clause in the Agreement. But it is regrettable to note that in spite of this, the State Government has referred disputes for adjudication and recently the Labour Court in the industrial dispute between the Management and Workmen of Cascia Tile Factory, Mangalore, has held that in presence of an Agreement it was not proper for the Union to drag the Management to conciliation proceedings and to secure reference to the Court, and that therefore the dispute is bad in law. This has appeared in Mysore Gazette dated 7th August 1967 in Part IV at page 3621. Under the circumstances we feel that the Government should give due sanctity to voluntary agreements and should not harass the managements by dragging them to a court of law.

Having explained the wage policy prevailing in the tile industry we wish to place the following suggestions for the consideration of the Commission.

1. Wages should always be fixed on industry cum region region means entire west coast region basis and uniformity should be maintained to avoid disparity in wages in similarly placed industrial units of the same nature and region.
2. Provision should be made in the Industrial Disputes Act for temporary freezing of the wages when a particular industry is passing through a crisis.
3. Bonus should always be linked to the profits and incentive bonus schemes may be introduced with a view to increase production.
4. Illegal strikes should be seriously dealt with and provision should be made in the Industrial Disputes Act to recover the losses incurred by the management from the workers as well as from the concerned Union.
5. Voluntary agreements between the Managements and the Labour should be encouraged and due respect should be given to such agreements.
6. Unions which have political affiliation should not be given recognition by the Government.
7. The working of the Employees State Insurance Scheme should be made very strict in order to lesson absenteeism.
8. In the case of Industrial crisis the social security schemes should be temporarily suspended.

K.Visvanath Kanath.  
PRESIDENT.

Wages in other Industries in MangaloreENGINEERING

All temporary workers are getting Rs.2-50 per day all inclusive. Permanent workers are getting between Rs.3/- to Rs.4/- all inclusive. About 25% of the workers who are working near the furnace are getting what is called heat allowance at the rate of Rs.1/- over the above wages.

About 4 to 5 percent of the workers who are doing some skilled work are getting Rs.5/- to Rs.6/- per day, all inclusive. No gratuity. Bonus 20% as per Act.

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PRINTING PRESS

Learners are getting round about Rs.60/- per month.  
 Minimum salary for permanent workers : Rs.70/- per month (2%)  
 Maximum salary for permanent workers : Rs.150/- per month  
 Average salary earned by majority of the

workers in the Printing Press: Rs.110/- per month

The above salary is inclusive of Dearness Allowance.

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COFFEE CURING

Maximum wages for women Rs.2/- per day all inclusive  
 Maximum wages for men Rs.3-50 per day all inclusive

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CASHEW INDUSTRY

Maximum wages for women Rs.2-25 per day all inclusive  
 Maximum wages for men Rs.3/- per day all inclusive.

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BEEDI INDUSTRY

Rs.2-80 per 1000 beedies inclusive of all allowances. 50% of the earnings-----Bonus. 30% Ex-Gratia  
 No gratuity and E.S.I.  
 Provident Fund Scheme is in vogue.

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THE MANGALORE CASHEW MANUFACTURERS' ASSOCIATION  
MANGALORE, 1, S. INDIA

Date 28th October, 1967.

The National Commission on Labour,  
Camp, Mangalore.

Sir,

Sub:- Cashewnut Processing Industry in Mysore State.

The Cashewnut Processing Industry in the Mysore State, which exists in and around Mangalore, employs about 7,000 workers and exports cashew kernels and Cashewnut Shell Liquid annually worth about Rs.4 crores. Thus, this industry is of vital National economic importance.

This industry depends for nearly 75% of its raw material (raw cashewnuts) on imports from East Africa. Recently, huge mechanised factories with labour-saving devices and a very low cost-structure have started springing up in East Africa, not only beginning to slowly but surely cutting off our raw material supply, but also to drive our industry from our international markets owing to their competitive cost-structure. Our industry, which is already beset with various serious problems like lack of sufficient working capital, high and increasing rates of interest on borrowings, high and increasing wages and other labour-liabilities without any improvement in the efficiency and productivity of labour, increasing costs of packing materials, increasing taxes etc., is thus today faced with a serious threat. Therefore, it is the duty of the industry including the labour and the Government to view the future of the industry with sufficient foresight and help the industry in every way to enable it to survive and progress.

Keeping in view the nature and scope of the work of your esteemed Commission, we would place before the Commission the following views and representations on matters which affect our industry in a most vital way:-

1. This industry had to face several illegal strikes from labour. It has been found in practice that every time the labour has gone on strike illegally, they have done so with impunity, without any practical or legal remedy open to the management either to force the labour to abandon its illegal and unlawful strike, or to be compensated for the grave loss and damage caused to the managements thereby. The Government has proved itself to be a silent spectator, and did nothing even in times of illegal strikes either to declare such strikes as illegal and/or to prohibit the continuance of such a strike. Therefore, it is but fair to the industry, that an effective practical remedy be made available to the industry for having, quickly and efficiently, such illegal strikes being declared as such and effective orders issued to prohibit the continuance of such strikes.

2. It is found that the law relating to strikes and lock-outs is one sided, unduly favouring only the labour. In the case of an illegal lock-out, the Management not only loses its production but has also to pay wages to the labour for the period of lock-out. However, in the case of an illegal strike, there is no provision for the labour to compensate the management for the loss of production and for the deterioration of the goods-under-process. Particularly, in the Cashewnut industry, the cashewnuts under process are highly susceptible to deterioration; and in case of a strike, the valuable goods-under-process (which represents

2.....

precious foreign exchange) deteriorate quickly resulting not only in a serious loss to the Management but also to the Nation; but the labour which is responsible often for such serious damage, escapes with impunity; and this awareness of their impunity has been found in practice to encourage them in indulging in such illegal strikes. Therefore, it is very essential, and only but fair and reciprocal, that labour should compensate the Management for all loss or damage caused to the management as a result of an illegal strike. Such a legal position is quite logical in a democratic set up, and is a healthy dis-incentive to frequent and illegal strikes which damage the industry and the economy of our Nation.

3. As a logical essential measure to avoid disruption of production at a time when our Nation is facing critical times, it will be desirable to completely prohibit both strikes and lock-outs for a period of atleast two years.

4. In the recent times, labour disputes, both as a result of an incessant one-sided spate of labour legislations and many reasons, the number of labour disputes have increased. Many of the labour disputes, particularly those involving bonus and wages where the financial capacity of industrial units have to be properly assessed require a high degree of knowledge and understanding of accountancy on the part of Industrial Courts to properly understand and appreciate Balance Sheets and financial capacities of industrial concerns. It has been this industry's unfortunate experience quite often that, owing to lack of sufficient knowledge of accountancy and proper appreciation of the Balance Sheets and the financial capacities of industrial concerns, the legal principles laid down by higher courts are wrongly applied by Industrial Courts resulting in unfair and harsh Awards against the Managements. It is very necessary, to avoid such cases, that, as in the case of Sales Tax and Income-tax Appellate Tribunals, there must be one Law-member and One-Accountant Member on every Industrial Court which deals with such cases, particularly since the Industrial Tribunal or Labour Court is the final fact-finding authority.

5. Under the Industrial Disputes Act, when an industrial dispute is raised and the Conciliation proceedings fail, the State Government may, in its discretion, refer the matter for adjudication to an Industrial Court. It is the Industry's sad experience that the Government indiscriminately refers every such case to adjudication, without applying its mind as to whether there is a prima facie case or not. This has invariably resulted in increasing number of disputes not only being referred, but also being raised, and the Managements are needlessly dragged to Courts even where there is no bonafide or prima facie case justifying reference to adjudication. Certainly, undue increase the number of labour disputes is not conducive to industrial harmony and peace; and it is very necessary and proper that the State Government should not refer a dispute for adjudication unless there is a prima facie case.

6. Multiplicity of Unions has become a serious problem of our industry in Mangalore. Inter-Union rivalry, and competition among rival Unions to out-bid each other in giving false hopes and promises to the workers, has become not only a nuisance

to production and the day-to-day working of the factories but has assumed serious proportions. After all, it is in the interests of the labour that they are well united through one strong union rather than dissipate their unity through multi-Unionism. "One Union for one Industry" is a constructive and healthy practice, which will not only benefit labour but in the long run secure real constructive industrial harmony. Therefore, it is necessary that all policies of the Government and legislation must be geared to discourage formation of many Unions in the same industry and to ultimately achieve the ideal of 'One Union for One Industry'.

7. Cashewnut is a costly raw material; and in a cashew factory, the manufacturer has to depend on the workers' care and attention to work for minimising waste and maximising the yield. In other words, the manufacturer is completely at the mercy of the workers for efficiency in production in this labour-intensive industry. While, no doubt, the industry ought to do its best in improving the lot of the workers, it is equally the responsibility of the worker to constantly improve his or her efficiency, and to co-operate with the Management in its efforts to improve the technique of production and productivity. Ultimately, wages have to come out of production and it is very necessary that the efficiency and the productivity of labour should improve to create scope for absorption of increasing wages and other labour-liabilities. The efficiency of the cashew labour in Mangalore cashew factories is low compared to the Cashew Factories in Kerala State. Thus, in the Mangalore Cashew Factories, the workers turn out a higher percentage of pieces than in Kerala Cashew factories in the main departments of shelling and peeling; resulting in great loss to the Mangalore cashew factories. Further, in the Mangalore cashew factories the workers use knives for peeling the kernels resulting in qualitative and quantitative loss to the Managements, while in Quilon Cashew factories, peeling is done more efficiently by using mere fingurs without the use of knives. Every effort by the Mangalore Cashew Manufacturers to adopt the techniques and efficiency of the Quilon Factories in Mangalore factories has been defeated owing to non-cooperation from labour. It is very necessary that the Unions and workers should cooperate with the managements in the Mangalore Cashew factories and improve the working efficiency and thus enable the industry to survive and progress even in the face of increasing labour-costs and other burdens and difficulties.

8. Since wages ultimately have to come out of production, and since it is logical that increased wages can only come out of improved and increased productivity and efficiency of labour, it is highly necessary that every wage-increase and other amenity given to labour must always be accompanied by improvement in efficiency and productivity; and this apart from wages being always linked directly to productivity. Mere periodic increases in labour-costs without atleast a corresponding improvement in efficiency and productivity of labour, will in the long run harm the industry and boomerang on the labour itself.

9. The Cashew Industry is today in an unorganised condition. It depends for 75% of its raw material on East Africa where the Government have formed a monopoly Cashew Board which is dictating prices and terms to our industry.

For its marketing, the Industry depends on a few big export markets, where a handful of big buyers are dictating prices and terms. Further, the threat of African Cashewnut Processing Industry is already looming large. Therefore, it is in the interests of the labour and the industry that a Cashew Board be formed by the Government of India on the same lines as Coffee or Tea Board; such a step, while stabilising the industry and enabling it to give a better deal to the labour, will also directly assist in increasing Cashewnut cultivation in our country, thus solving the basic problem.

10. Under the present system, the Industrial Tribunal or the Industrial Court is the final fact-finding authority without any further right of appeal and this has resulted in severe hardships and embarrassment to both the labour and Industry. Therefore, it is highly necessary that the labour appellate Tribunal should be revived, and should consist of one Law-Member and One Accountant-Member.

11. The Labour Department of the Government has always the tendency to have a bias in favour of the labour, whose interests it has to protect and further. In practice, the power of appointment and re-appointment by such a department has created a tendency of labour-bias in the actual working of the Industrial Courts. Therefore, in the interests of proper administration of justice in Industrial Courts, the appointment of officers to preside over Industrial Tribunals and Industrial Courts should be vested in any Ministry other than the Labour Ministry or Department.

12. Regarding Dearness Allowance, the nature of the work in the industry and the fact that the quality of production depends primarily on the care and efficiency of the workers in our industry, points out to an all-inclusive piece-rate wages. Such a system, while ensuring better earnings to the workers by improving his/her efficiency, also guarantees better productivity to the Industry. A separate Dearness Allowance unrelated to production will do untold harm to the already tottering industry, and therefore is not desirable.

13. Consequent upon the introduction of the Employees' State Insurance Scheme, the absenteeism in our industry, which is labour-intensive, has increased considerably seriously affecting the production and increasing the Industry's over-head costs. This has been primarily because the Doctors under the scheme are over-liberal in granting sick-leave. The only way to stem this tendency up the system of obtaining sick leave including the appointment of medical Referees.

We have set out above the various problems and representations of our industry, keeping in view the scope and nature of the Commission's work. We have made this representation in the best interests of both the industry and the labour, for ultimately the prosperity of labour employed in our industry cannot be divorced from the survival and the progress of the industry itself. It is only unstinted and willing co-operation between the Industry and labour that results in prosperity for both and economic progress of our Nation. We pray that our this Memorandum may be sympathetically considered by your esteemed Commission and that the Commission may be pleased to make suitable recommendations to the Government.

Thanking you in advance, vermain,

Yours faithfully  
32/-

Hon. Joint Director.  
For the Mangalore Cashew  
Manufacturers' Association

N.C.L. REF.NO:MY-VI-40

MEMORANDUM SUBMITTED TO THE  
NATIONAL COMMISSION ON LABOUR

While the growing needs of the industrial workers as the industries grew paved the way for the unionisation of the workers all over the country, the growth of the unions have been haphazard and wild. The growth has been, in fact, in number and not in strength. Large numbers of Unions organised in the last two decades are unit/plant wise and not industry and thus invariable small in size which kept their bargaining strength at a low level. The rival unions which were organised again mostly at the unit level only further reduced the size and strength of the unions. Their finances have been poor, activities very limited, help rendered by them to their members practically nil. The present day unions because of these and other causes have not been effective and have not been able to come up to the expectation of their members. The access to the conciliation and adjudication machinery even the smaller unions had under the Industrial Disputes Act only helped more fragmentation and atomisation of the unions. The industry-wise federations with a few exceptions have been loosely knit organisations. The national organisations of workers have also been loosely knit organisations. Their organisational unity mostly has been based on political interests while the interests of workers playing less important role. Collective bargaining methods for settlement of disputes were confined only to a few strong unions because of the reliance of most of the unions on the Government machinery for settlement of disputes.

The desired changes can be brought about by suitably amending the present laws and also by making determined effort on the part of all concerned to bring about a structural change in the Unions and their federations. The present pattern of national organisations of workers should change to give place to a confederation. The reorganisation should be effected from bottom upwards. The industry-wise unions at the bottom level should be organised in place of the present day unit/plant wise smaller unions and they in turn should be grouped into a well knit industry-wise national federations with branches at the state level. These federations should be affiliated to one National Confederation of labour. This type of a confederation will be a meaningful, effective and strong organisation of the workers in the country. Reorganisation on these lines is not easy because of the political and other interests in the unions. But if the existing labour laws are amended with the above objects in mind a filip would have been given in the direction of reorganisation to create stronger unions a more unified national organisation.

Unless a radical change in the above manner in the organisational structure and pattern of the unions is brought about the unions as they are today cannot be expected to play an effective and responsible role in the economy of the country. Formation of smaller unions should be discouraged instead larger industry wise unions should be encouraged. Facilities and privileges to the unrecognised unions should be taken away. More privileges including the 'Union shop' and 'check off' facilities should be accorded to the recognised unions. A statutory body on the model of the NLRB of USA should be constituted for deciding the representative union and also to decide on jurisdictional disputes. Collective

-2-

Bargaining and Voluntary arbitration should be made the only methods of resolving disputes both in the public and private sectors.

Tripartite bodies can continue to meet both at the national and State level for consultation and discussion of policy issues and the decisions taken unal should be adhered to by all the parties.

Sd/-

K. Kannan )  
President, H.M.S. Karnatak.

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ANSWERS to the QUESTIONNAIRE  
of the

NATIONAL COMMISSION ON LABOUR

by the

INDIAN NATIONAL TRADE UNION CONGRESS  
(Mysore State Branch),  
BANGALORE-2

INDIAN NATIONAL TRADE UNION CONGRESS  
(Mysore State Branch)

Rajar-Buildings, V Main Road,  
Gandhinagar, Bangalore-9,  
Dated: 10<sup>th</sup> October, 1967.

To

Sri B.N.Datar,  
Secretary,  
National Commission on Labour,  
D-27, South Extension-11,  
NEW DELHI-16.

Sir,

Subject:- REPLIES TO THE QUESTIONNAIRE

We enclose herewith 60 copies of our Replies to the Questionnaire issued by you, by Registered Post, for favour of your perusal and considerations.

We regret the inevitable delay in submitting our Replies. ...

Thanking You,

Yours faithfully,

(D.VENKATESH),  
General Secretary.

Encis: as above.

INDIAN NATIONAL TRADE UNION CONGRESS(Mysore State Branch)  
-----ANSWERS TO THE QUESTIONNAIRE OF THE NATIONAL  
COMMISSION ON LABOUR

by

INTUC-Mysore State Branch, Bangalore

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The Mysore State Branch of the INTUC adopts the replies given to the Questionnaire issued by the National Commission on Labour by the INTUC-Central Office, New Delhi and craves leave to answer the Questions and bring to the notice of the Commission some special features in respect of the local conditions and regional aspects of the several matters with regard to the workers in the State of Mysore.

The Office-Bearers of the Mysore State Branch mentioned herein will represent the Mysore State Branch and give oral evidence before the National Commission in their sittings to be held at Bangalore:

1. Sri K.B.Thimmiah,
2. Sri N.Koshava,
3. Sri V.Hari Rao,
4. Sri K.Sreeramulu,
5. Sri D.Venkatosh.

The address of all the five Office-bearers is that of the Mysore State Branch, viz., INTUC-Mysore State Branch, "Raja Buildings", V Main Road, Gandhinagar, Bangalore-9.

The name of the Central Organisation to which we are affiliated is:

The Indian National Trade Union Congress,  
No.17, Janpath, New Delhi-1.

A large section of the Public Sector Industries run by the Corporations of the Central Government and the State Government are located in the City of Bangalore and consequently there is fairly a good concentration of Industrial workers in the City of Bangalore.

Quite a considerable number of workers in Mysore are also employed in the Plantation and Mining Industries inasmuch as the State of Mysore has Mineral Resources and Plantations of Coffee, Cardamom, Cashew, etc., are there to a fairly large extent. There are quite a considerable number of Private Sector Industries also in the State, which comprises of Engineering, Textile, Sugar, Paper, Cement, Iron & Steel, etc. Apart from all these, there are considerable number of workers employed in the Transport & Automobile Industries in the State.

To state very approximately, about four Lakhs of workers are employed in Mysore State and a majority of them are not organised. The organised Labour in

Mysore State may come to about 30% and this is distributed among the several National Labour Organisations. But a considerable portion of these organised labour in the City of Bangalore in particular and elsewhere as well remain independent and unaffiliated to any National Organisation of Labour but they are in close touch with them and guided by them.

After having placed the special features in general we now come to the Questionnaire in particular:

Part-I: RECRUITMENT AND INDUCTION:

(1) Recruitment:

a) It is only in Plantations in Mysore that recruitment of labour is being done through Contractors and Maistries.

b) Mostly in Central and State and also in other Private Industries labour is recruited by means of Advertisement and selection.

c) In a few Private Sector Industries recruitment is made through its own employees.

d) Recruitment of Labour through employment Exchange in Public or Private Sector is more observed in the Breach. The Exchange is virtually ignored.

e) The process of Advertisement, Interview and Selection is needlessly adopted just to make it appear recruitment is above board but persons of their own choice are recruited in this clandestine manner to avoid the same by promotion. This is resorted to in Public Sectors in Bangalore and considerable money is allowed to waste needlessly in consequence.

(b) So far as the categories of employees at the lowest level the unskilled labour the present recruitment arrangement appear to be unobjectionable.

Regarding the other skilled labour at different levels the available skilled workers within the Industry is being ignored and outsiders are recruited directly and this leads to unrest and frustration among the employees in the Industry. No proper assessment of the aptitude and skill of the workers is being ascertained. A Scientific assessment of such aptitude and skill of the workers is most welcome and absolutely necessary.

(2) The short supply in some of the skilled categories could be made up by some additional effort of the employer himself taking recourse to train his own labour in that category or by the system of pooling with the help of the Employment Exchange. The Exchange should have a better understanding and co-ordination with the employers. A Course of Training at the State or National level would fill the gap.

(3) Lack of mobility is perhaps due to Psychological reasons and local conditions. This could only be overcome by introducing sufficient inviting conditions of service and educating the worker himself.

(4) Industrial Labour is mostly not migratory in character. At the present stage of Industrialisation in India the Agricultural Labour is migrating to Industries. This is only temporary and admits of no problem after the complete transformation.

(5) All other things being equal women employees are more efficient, better disciplined and hard working. The restriction of not employing women later than 7.00 PM and other restrictions are to be removed. By nature women employees are more prone not to resort to disputes and give better production.

(6) Casual Labour should never be employed on any work of permanent nature. But this is rampant in all Industries. Just, perhaps, to avoid the financial commitments of Permanent Labour, in Mysore in particular, the employers are taking perfect shelter for all such employment of casual labour in very large numbers as they seek to do so under the guise of the definitions of several categories of such Casual Labour in the Standing Orders themselves. They are brought under the categories of Badalies, Substitutes, Probationers, Apprentices, Trainees, Workmen-on-trial, recruited-on-trial, Casual and Temporary. In some industries in particular this invidious distinction of Permanent and Casual is so scarce that they comprise of 40 and 60% respectively. The sooner this mischievous definitions and system are abolished the better in view of the fact that this affords a great play for exploitation of labour by the employers. All sorts of artificial, ingenuous and unwholesome methods are adopted by employers to avoid conversion of casual labour to the Permanent category. All this Casual Labour ought to be automatically confirmed as Permanent after 240 days continuous work.

(7) Physically handi-capped ought to be given special treatment. Those that are so handicapped and yet able to work well must be provided employment. A reservation of 1/2% to 1% of the available employment may be more than sufficient for the purpose.

(8) In practice the discrimination of Caste, Religion, Community and Language is rampant. The same is not in the least justified under any circumstances.

(9) "On-the-Job" Training is in vogue in very few Industries. The same must be introduced in all others and the Apprenticeship Act be reviewed forthwith.

(10) Even the few steps that is now available is denied to the workers as the employers are very shy reluctant and refuse to give study Leave to workers to improve and educate themselves. This must be made compulsory.

(11) (a) & (b) :

147 made upto a certain level on the basis of Seniority, Merit, and Trade Test. For all levels, a certain percentage be reserved for promotion among the employees themselves.

## Part-II: CONDITIONS OF WORK:

### WORKING CONDITIONS:

12(a) Safety and Welfare provisions of the Acts are not strictly followed. The Standards prescribed for the various amenities are not followed. In smaller Units, hours of work, Rest intervals and Weekly Offs are not followed. In some young workers and women are continued to be employed against Rules. Provisions regarding Earned Leave with Wages in respect of the Explanation of "Continuous Service" in the Factories Act needs amendment so as to include the Leave Periods available to the workers under the Employees' State Insurance Act. This will avoid many Industrial Disputes and unrest now prevailing and frequent.

The insistence on the prior application, viz., 15 days earlier for securing the Earned Leave is to be omitted as it causes immense hardship to workers. Grant of Earned Leave restricted to three spells be removed or relaxed and granted at the option of the worker.

In smaller Industries Over-time is not paid at all. Even in Bigger industries this is denied to the Staff. "The workmen" as defined in the Factories Act should be made to conform to the definition of the "worker" in the Industrial Disputes Act.

Welfare Officer nos is merely a Creature of the Management by virtue of the source of his appointment. He does not serve the Welfare of the workers at all in an impartial manner. All such Officers be Government employees or be subjected to the control and direction of the Government itself.

Health provisions are not strictly observed.

Diversion of Fines realised towards Welfare Fund brought about the omissions of levy of fines and collections in the Standing Orders themselves. It is therefore suggested that a Specific provision for the Joint operation of the Welfare Fund be made and a definite Statutory provision of a small percentage of even half to one percent of the Annual profits be ear-marked as Welfare Fund.

As regards Elections to the Canteen Committee, the present method may continue only in cases where the workers are not organised into any Trade Union. Where Unions exist the present method be changed and the Recognised Union be invariably called upon to nominate its Representatives thereon like the Management and.

The present Inspectorate of Factories is not adequately effective. Provision be suitably amended to enable the workers or their Trade Unions to initiate prosecution for any breach of Provisions of the Act in respect of the Working conditions.

13) National & Festival Holidays are not uniform all

by statute providing for the three National Holidays and seven Festival Holidays, in all, ~~thirteen~~ Ten Holidays with wages for the Year and the matter of any additional such holidays in vogue be left to the Parties to negotiate among themselves.

14) All other Employments may also be covered by similar provision.

15) Child labour employment still prevails in Hotels, Shops and Establishments like Tailoring, Petrol Bunks, etc., in Mysore.

16) Contract Labour be abolished forthwith.

17) The Standing Arrangement of a provision of a Joint Committee of Representatives of Labour Management for ensuring the enforcement of Statutory Provisions be made before any prosecution is launched.

#### SAFETY AND HEALTH Nos. 18 to 25

The INTUC-Mysore State Branch adopts the Answers by way of Suggestions offered by the INTUC-Central Offices, New Delhi-1, in regard to this Part.

#### Part-III: TRADE UNIONS AND EMPLOYERS' ORGANISATIONS:

In the State of Mysore the workers are organised on the National basis. All the four National Organisations of Labour in the Country have their respective Branches in the State but the Employers Organisations have no such Units at the State level. They come in only before Tribunals and Courts after disputes are referred by Government and at times appear before the Wage Boards and Commissions appointed by the Government.

Any possibility of State Level Units on both the sides negotiating will certainly go a long way in obviating many disputes and unrest in the State.

In this State, as has already been submitted, a greater percentage of labour is unorganised. Among the organised Section a much smaller proportion pay their Monthly/quarterly/half-yearly/Annual Subscriptions promptly, punctually and continuously. The payment so made is a paltry sum of 0.25 Paise per Member per month. Want of steady and stable finances is the main cause of want of proper organisation and activity of the Trade Unions. All services by the Officers at all levels are now being rendered free of cost. None of the Officers of the Trade Unions at Unit levels or State level are full-time workers with any payment. It is therefore very necessary and imperative to enhance by statute the quantum of Subscription of a Trade Union to Re.1/- per worker per month and a "check-off" system be introduced and made compulsory by Statute on the management to realise and pay to enable the workers to organise and function better. This would also obviate and avoid the present unwhole-some trends indicated now in the Labour field.

This system may be made available only to the recognised Unions and the question of recognition of Unions be regulated by getting the Notification required for bringing into force the amendment to Act 45 of 1947 in respect of Recognition of Trade Unions.

The existing ad-hoc system of collection and payment of Death Relief to the workers' Legal Representatives by Private effort and agency on the part of the Labour Union and in some cases by the joint effort of both the Management and Labour be substituted by Statute prescribing a payment of at least Rs.2/- per annum by every employee of the Concern and a regular Death Relief Fund be created which shall be operated by a Joint Committee of both the parties. The management also be called upon to make any suitable contribution to this Fund.

### Trade Union - Leadership and Multiplicity:

All Political Parties actually exploit labour for their own ends. The only impact is in their exploitation. Labour can no more remain away from Politics in the country now. The sooner it makes its choice in favour of Democracy the better it is for the country. Impact of Political Parties can but be avoided. The same should be regulated in proper channels to serve the best interests of the Country itself as such.

To-day he who is not an Employee and who is not within the Factory is deemed to be an 'Outsider'. The same is wrong. An Outsider is one who has absolutely no contact or experience with the field work of labour or contact with labour Organisations. A devoted worker in the field and connected with the several National Organisations of Labour cannot be considered to be an Outsider. A worker victimised for his trade union activity cannot be deemed to be an Outsider.

Managements now do not appear to evince any interest in the growth and development of healthy trade union movement even in their own Units. Many a management in Mysore do not encourage their own workers and Representatives to successfully negotiate and settle disputes with them. This acts as a deterrent to the growth of confidence of the rank and file of their own labour in their own leaders. The more the managements change their outlook and look for settlement of the differences to their own labour leaders in their units the better.

Workers' Education programmes have been very helpful in this regard but many managements refuse to facilitate the workers to get themselves better educated.

Educational facilities for workers are now very inadequate. The same may be extended and Grants-in-aid Institutions at the instance of Private Agencies be encouraged.

Multi-Unions in one Unit is more a menace than a help to anybody. The same be prohibited by Statute and the concept of "One Union in one Unit" be introduced. The period of election in the Union be enhanced to five years to facilitate its proper functioning. In fact, the concept of "One Union in one Unit" prevailed in the Mysore State under the provisions of the Mysore Labour Act and it worked well.

Code of Conduct has become one-way traffic. Those that stick to the Code become scape-goats. It benefits only those that do not adhere to it. The same be wiped out forthwith.

TRADE UNION RECOGNITION:

Some of the Employers due to Code began to recognise the Union, some had recognised Unions much earlier to the advent of the Code. The provisions similar to the Bombay Industrial Relations Act, 1946 for recognition of Unions be incorporated in the Indian Trade Unions Act, 1926. The period of recognition should continue forever. There is no need to fix the period since we suggest one Union only for one Unit and elections once in five years, unless the recognition is withdrawn for breach of the conduct that may be listed as Criteria for recognition. There should be no secret ballot for granting the recognition. Since the Elections to the Union is being suggested to be regulated by provisions of law and Rules framed thereunder by the Registrar of Trade Unions once in five years and one Union to one Unit is suggested. There is no need for a separate Election by Secret Ballot for this purpose. The right to choose once in five years vests with the Member-employees of the Union. The employer should provide free accommodation to locate the office of the Trade Union within the Unit, time-off to canvass their regular meetings. They should be provided with well furnished accommodation, arrangements for fixing Loud-speakers, etc., be granted. The Office-bearers and Members of the Executive be granted at least for half-a-day permission as if on duty to attend each of the meeting of the Executive Committee and the General Body every month.

Some employers used to extend their full co-operation the majority of them are hostile to labour. The Government treats the Labour Department from the Secretariat level to the lowest levels in the Labour Commissioner's Offices as a neglected Department. The Government should be made to realise that in a Developing Economy and in the wake of increasing tempo of industrialisation, the Labour Department assumes the utmost importance in a Government. It therefore requires all the importance and attention. It is therefore suggested that the working of the Labour Department and the Various Machineries under it be improved so as to cater to the needs.

The attitude of the State Government towards the Unions is anything but satisfactory. The Government never acts and acts very slow when it does. Prompt attention and interference of Government at the very inception of problems would solve many disputes. It comes after the Fair invariably. Any peaceful and legalistic representations are not heeded at all. It moves only on agitations, Strikes and demonstrations are therefore encouraged by the Government indirectly.

CHAPTER-IV: INDUSTRIAL RELATIONS:Introductory:

Industrial Disputes are not prevented at all by Government. It attempts and helps to solve them. Committees and alike bodies do not function at all. They do not justify their existence. When they function it is absolutely ineffective and their decisions are never taken up seriously and implemented. It is all a farce.

Effective functioning of the Grievance Procedure at all levels in the Unit level in the Binny Mills, Bangalore has contributed largely towards good and harmonious relationship between the Labour and Management.



Rival Unions create a favourable climate for labour unrest inasmuch as the Unions bid very high in hopes and offers to their members and the management also have a free scope to exploit and play one Union upon the other.

The present procedure is itself most complicated and the same is to be radically simplified rather than introduce one more procedure to make it more complex and unhelpful, for resolving the Industrial Dispute.

If the Union is strong and has proper leaders for guidance who command its confidence, best relations will be maintained. Weak Unions and where there are no Unions, managements become supreme and have their way in all matters.

Recognition of Unions help the good relationship in every way.

A set procedure with a prescribed limit of time to act and a strict adherence to implement the same would promote good relations. Now there is no procedure at all...

The present personnel Officers except a few, are absolutely ineffective. Their role is always helpful to management. The workers deem them as Officers of Management and have no confidence in them.

Workers and management must meet frequently at specific intervals.

Managements always delegate powers to their personal Managers and their assistants and mostly none of these Officers are Specialists.

Always managements draft Standing Orders and the same is certified on agreement..

The definition of an Employee in the Model Standing Orders requires a radical change.

A simple procedure to regulate the period of leave with wages of the several kinds of leave prescribed. With the clear indication of the quantum and the process for sanction be introduced in the Model Standing Orders.

Principles of Natural Justice be clearly incorporated in the relevant sections of the Model Standing Orders and subsistence allowance be provided for any suspension beyond 4 days.

There is a great need for a statutory provision to introduce a grievance procedure in place of a Works Committee in all Units. The nominations be made by the recognised union and not by elections.

Grievance Arbitration will certainly help the workers in every way.

Wide publicity and facilities are not now being given to workers to educate themselves. The same be improved by management providing training at the Unit Level itself.

#### COLLECTIVE BARGAINING:

Collective Bargaining must be encouraged in every way. Neither of the parties have come up to the desired level in the state. ~~Minimum wages and benefits~~

#### JOINT CONSULTATION:

Collective bargaining does promote democratic dealing in the unit.

-: 9 :-

Works Committee with its limited scope and functions is a thorough failure. It serves more as a tool in the hands of the management to play as a rival to the recognised union in the present set up. Wherever grievance procedure is in vogue Works Committee is superfluous. Demarcations of functions of ~~the Works Committees~~ Works Committees and their composition won't improve matters. The same be wound up and substituted by Grievance Procedure.

Joint Management Councils and Emergent Production Committee have been successful in a few cases in Mysore but the same is not given a try in all Units.

Co-partnership and profit-sharing Schemes are welcome. They be tried seriously. Workers long to become shareholders. and adequate number of Labour Share-holder Directors be provided.

Managements can associate Labour Co-operation at all levels by employing Joint Committees if only they make the proper approach and were to change their ~~old~~ outlook and learn to treat labour as Real Partners in the Industry particularly now as there is a sharing of 60% and 40% in the Profits.

#### CONCILIATION:

Conciliation has not given any satisfaction to either Party apart from acting as a legal break against strikes.

Statistics of settlement before the machinery of conciliation is most deceptive and misleading. Settlements already entered into are being actually given the seal of sanction.

The present functioning is not in any way really useful except it helps management and make the binding on all the workers.

Expeditious disposal is only in name. It is more a delaying tactics. Particularly as the persons of proper caliber and training are not put to the purpose and the problems are not tackled as well as it should be. In Mysore it is more a bureaucratic departmental delayed affair. Conciliation Officers as Arbitrators will serve no purpose.

#### ADJUDICATION:

Adjudication system must be retained. It has promoted harmony in Industrial Relations. The system may be improved. Discharged and dismissed persons should be permitted to take their disputes directly to labour and Industrial Tribunals/Courts.

In Mysore the Courts and Tribunals are temporary and appointed on yearly basis and extensions are afforded on extraneous considerations and not considerations of merits, permanent Courts must be established and efficient and energetic sitting district Judges in service may be appointed in place of Retired men.

Arrangements for references of disputes so far existing may be continued and the same be improved by providing by statute a time limit for the reference to be made from the date of receipt of the failure report.

The Authority to make reference should vest with the Labour Department.

The present process of Conciliation proceedings may be avoided. It may be provided by statute that within 15 days from the date of receipt of demand both parties should negotiate and enter into a settlement.

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this negotiation itself either Party may request the Conciliator to use his good offices for a settlement. On failure a report from any of the Parties be made to Government and the Government should refer the dispute to the Tribunal within the prescribed time, and the Tribunal also be required to dispose the reference within the prescribed time.

Appellate Tribunal revived but its decision should be made final and the further approach to the High Court and the Supreme Court be prohibited even under the Constitution.

Implementation of Tribunal Awards and Agreements should be hastened by authorising the Parties themselves to take out proceedings of recovery or prosecution for default in proper forum.

#### CODE OF DISCIPLINE:

The Code has utterly failed. It has not served its purpose. It has facilitated the managements to conveniently exploit labour. The Code need not be retained and given any shape. The same be wound up forthwith.

#### VOLUNTARY ARBITRATION:

Labour is always ready, willing and consenting for voluntary arbitration. It is always the Employer that refutes the request.

Government should meet the cost of Arbitration.

#### STRIKES AND LOCK-OUTS:..

This right of either Party be not modified in any manner.

The Rules for calling for Strikes is observed only in the breach by the Unions on account of the exigency of the circumstances they are placed in. In very few cases Notice is given. Mostly as Strikes are provoked by Management no Notice is necessary.

The Process of Declaration of a Strike legal or illegal is very prolonged and cumbersome. Managements are prone to pay for all strike periods legal as well as illegal, perhaps in the interest of good relationship.

Victimisation is very subtle. It is impossible to prove on facts and therefore Labour never can prevent this turbulent melody. They do not succeed, in case, one in a million.

Workers do go on strike not only without sanction of the Union but in spite of the advice of the Union.

Managements very rarely keep in touch with a trade Union during a strike. Government and Labour Departments steps in only on such occasions never before to prevent it and try to bring the parties together if possible and ultimately gets the matter referred to the Tribunal and maintain status-quo in the Industry.

#### GENERAL:

Tripartite Committees are only get-together Tea Parties and the proceedings are only equal to spoken-to proceedings in Courts.

Labour being a Concurrent Subject, the Government on spot; the State Government (Appropriate Government) should have the authority to make the reference. The Centre should have no hand in it particularly in the Public Sector industries.

Except the Defence Industries no other Industry can be termed as a Public Utility Industry.

Compulsory Arbitration on the request of any of the Parties is the best and only way to minimise conflicts in Public and Co-operative Sectors.

No case for a preferential treatment to Public and Co-operative Sectors from the Private Sector. All sectors are one and identical particularly in the matter of Labour Relations.

#### CHAPTER-V: WAGES:

##### Introductory:

While adopting the Replies of the INTUC-Central Office, New Delhi-1, in regard to Fringe Benefits, Wage Differentials, Methods of Wage Fixation, Wage Policy, Mode of Wage Payment and General, we beg to submit as follows:

Wages in Mysore State is exceedingly low and sub-normal.

A. National Minimum Wage must be fixed. No Regional adjustment is called for for this National Minimum Wage.

Wages in Agriculture and unorganised Industry which is exceedingly low should not be allowed to influence the Wages in Industry.

The total Minimum Wage in Mysore ranges from Rs.30/- to Rs.180/- This is a result of achievement by Collective Bargaining and Awards. Unemployment is rampant and in consequence it attracts labour even for a lower minimum than what is obtainable. The same should be avoided...

No change in the definition of minimum fair and living wage is called for. The norm should be accepted by 15th Indian Labour Conference.

Dearness Allowance should invariably linked with the cost of Living Index and computation of the Index and the budget should be on the local basis taking into consideration the real fact and existing prices of articles involved.

Neutralisation should be cent per cent and the rate per point, be fixed to achieve the above object.

Computation be made on monthly basis and each point of variation rise or fall be considered. Eroding of real wage be prevented by effective steps to neutralise the same.

The present wage differentials in the plant are not fixed on any scientific method after consideration of evaluation of the job, rating the job, and merit rating. It is by adhoc unilateral fixation by the management. The principles in the report for fair wages are not followed.

The ~~present system~~ payment of flat rate of Dearness Allowance has to be linked to be cost of Living Index and the same should be radically rationalised. The present payment system has to be made vice versa the lowest paid person getting more Dearness Allowance and the highest paid person getting less.

There should be a permanent National Wage Boards for each Industry and the wage be settled once in every 5 years. Their decisions unanimous or otherwise be implemented by legislation.

No wage freeze please without price freeze.

No need for any balance between wages from public and private sector.

No management is paying wages in kind in Mysore.

Existing piece rate system well established provides for the composite wage packet. Nothing new about it.

Bonus Scheme as per Bonus Act no doubt extends the scope of payment of the minimum Bonus of 4% to all. At the same time it has created disputes where there were none before.

The increase in the return to the share capital from 6 to 8.5% works about 35% increase.

The return to the reserves and depreciation amount shown in the balance sheet in liquid form or not or used as working capital or not enables the managements to take away a lions share of the profits leaving nothing for being shared with the workers.

The recent decision of the Supreme Court deprives the worker of the retrospective effect from 1962 and also the proportionate calculation of the bonus amount due as per the base year.

The future payments be made on the basis of the Bonus Act suitably modified with the saving clause introduced safeguarding the payment of Bonus made in the year just prior to the Bonus Act the worker being enabled to be entitled to whichever amount is more favourable to him.

#### INCENTIVE SCHEME AND PRODUCTIVITY:

The labour in Mysore have lost their faith in the incentive system on account of machinations and manipulations of the managements. The group and individual incentives and production Bonus as are in vogue in Mysore in some industries. As the workers earn well by these incentives, offered. Now the management have resorted to reduce the time involved in production to such an unscientific and unreasonable extent that do what he can the efficient worker cannot by new timings earn anything extra by way of this system. Hence all workers have lost heart in this system. This is so in particular in the Engineering Industry.

Abrupt cutting down of production by management after prolonged period of standard of income by concentrating for reasons best known to themselves, affects very seriously the standard of life and other matters of the worker. Hence the worker is very shy and reluctant to enthuse himself much over this system.

Production is also increased not merely on financial incentives but also on account of non financial incentives as well.

The increase in production after freedom is not proportionally reflected in the increase in wages of the workers.

Binnymills in Bangalore has experimented in productivity techniques. The results are favourable. It has increased the workload as well. If only the consequent gains of rationalisation is shared equitably with the concerned workers and the leadership guides them properly it would be a success. Else it is doomed to failure.

If suggestion schemes are suitably awarded productivity will increase automatically.

Any efficient management will be able to control the absenteeism within reasonable limits in spite of the variety of causes for it.

#### CHAPTER-VII: SOCIAL SECURITY:

Social Security Schemes have had appreciable and good effect on stability of employment of workers. They have been actually sustained when unemployed for reasons beyond their control.

It is not true to say that on this basis there has been any larger labour turn over.

Among benefits referred to in Q.179 unemployment benefit for those who are not employed, old age benefit, family benefit and invalidity benefit are not in vogue. They be introduced by way of any Schemes available or new ones.

These measures be extended to workers in all trades not so far covered.

A comprehensive scheme be introduced with the funds available under the ESI Scheme.

Absenteeism cannot be attributed to ESI Scheme. In any given factory the absenteeism is always with respect to only such habitual absentees. Those who attend regularly never absent themselves needlessly. 60% and more of workers always regulate themselves to be perfect in their attendance. The scope for grant of leave is shifted from the management to ESI. Hence the cause is prejudiced and unnecessary fuss is made by managements against the ESI System. On the other hand the brutal treatment afforded previously to workers is now done away with after the ESI system was introduced.

Partial management of this helpful activity by the appropriate State Governments as well as the ESI Corporation be avoided and the Corporation be put in sole charge and responsibility of all activities including the Medical and the financial benefits.

Workers are not benefitted by the conversion of PF Scheme to a Pension Scheme. It is submitted that a fresh new additional Pension Scheme be promulgated by the Government for all workers.

All attempts be made for improving the interest realised on investments made of the PF Fund. The Tripartite Parties (Trustees) be entrusted with full authority and liberty to invest the funds with a view to secure better and more profitable returns.

In addition to all these the workers be provided with a separate gratuity Scheme.

Lay-off and retrenchment compensation be extended to all employees without distinction of their being permanent or otherwise.

Handing over of the administration of some Social benefits to the hands of Trade Unions is most welcome and the same would inculcate a healthy feeling of responsibility in them.

#### CHAPTER-VIII: LABOUR LEGISLATION:

The present apportionment of Legislative Powers with Labour as Concurrent Subject has been most appropriate and proper. The same need not be disturbed.

The International Labour Conventions have had tremendous far-reaching impact on the Labour Legislation in India.

Case Law has improved enormously upon the enactments by way of precedents. A review of the same and incorporation in the Legislative measures is very imperative and necessary. An effective and practical step be taken forthwith to implement the above.

There is great need for codification of all Labour Laws. The same is not too much as apprehended. In some respects the same is not enough whatever we have may be codified forthwith.

Code of Discipline remains a Code on paper. It is never implemented by Managements to a certain extent. Yes. It is implemented by Labour.

Public Sector appear to claim a special treatment so far as Labour Laws are concerned. Law is no respecter of persons. It shall be uniform for all. All Labour Laws must apply to Public Sector as well.

No discrimination be made from workers either in the Public Sector or Private Sector for the exercise of their political rights.

CHAPTER-IX: RURAL AND UNORGANISED LABOUR:

We have not yet touched the fringe of Rural Labour for organisational purposes. All Rural matters are all always neglected. Rural Labour is no exception. It is absolutely neglected. Though agriculture is the largest Industry India is engaged, no attention whatsoever is paid by any of the National Organisations or Government to do anything for Rural Labour.

Rural Labour be organised at the earliest opportunity in spite of all difficulties we are faced with on account of its very nature of location.

Legal enactments covering Rural Labour, Agricultural, Contractual and other artisans be promulgated forthwith.

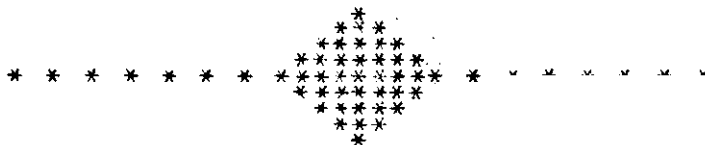
CHAPTER X: LABOUR RESEARCH & IMPLEMENTATION:

Labour Research is only in name.

Research knows no labels. A grant-in-aid Private Institute for research in Labour matters be established at every State level thrown open to all shades of labour, but managed by the largest labour organisation in the Country with the Grant-in-aid of the Central Government.

Press is somehow allergic to Labour and therefore deemed to be prone more towards Capitalists...

The inevitable delay in submission of this Memorandum be kindly condoned and the Memorandum be accepted and considered by the Hon'ble Commission.



BEFORE THE NATIONAL LABOUR COMMISSION

-Bangalore Camp.

reference letter dated 26th Sept. 57,  
D.O.No. 7/(87)/67/ICI/Tech(VI).

LABOUR LEGISLATION IN GENERAL :

- 1) We feel that Labour Laws should be simplified. The repetitive element may be removed. In some cases it is true that there is certain amount of overlapping. For instance, the field covered by some of the provisions in Shops and Commercial Establishments Legislations and the adjudications in the Industrial Disputes Act are overlapping. Perhaps, it has lead to somewhat confusing decisions by High Courts etc., So there is a case for avoiding this confusion. So far as the Machinery for resolving Industrial disputes by the means of adjudication, there is a very strong case for simplifying the procedure. We feel it is not necessary for reference to adjudication through the Government and the Conciliation Machinery. The Unions may have the right to take up any matter for adjudication as and when they feel circumstances warrant such reference.
- 2) We agree that the definition of the word of employee or workmen and Wages should be uniform in all Central and State Acts. We would also suggest in this connection that there is no case nor justifiability for denying Casual workmen the benefits of many of the Labour Laws, like workmen's Compensation Act. Etc.,
- 3) SALARY LIMITS : In the definition of workmen, employee should be uniform in all Central and State Acts. We do not think that there should be any salary limit.
- 4) We feel that the distinction between the Supervisory and non-Supervisory employees should be removed.
- 5) REGARDING THE ALL INDIA CODE: We prefer an All India Code as suggested in the Section: 5.
- 6) Legally there should be no difficulty in switching over to All India Code. There may be some administrative difficulties which can be overcome.
- 7) The question is not very precise, but the adoption of the All India Code will help the uniformity and consolidation of experience. The present conflict or confusion Interse, can be avoided.
- 8) We have no objection to common Standing orders or rules of discipline etc., as suggested in the question.
- 9) It would be desirable to list misconduct in Standing orders as major and minor with punishment being different in two cases.
- 10) We do not think it is necessary, because the matter has been laid down in various decisions.



11) Subject to the proviso that the existing benefits or standards of working conditions are not likely to be adversely affected. We have no objection to uniform conditions being prescribed in Factories, Mines, Shops etc.,

12) We agree that it is desirable to extend the benefits of Lay off, retrenchment benefit and Retirement benefits to non-Factory employees.

13) TRADE UNION RECOGNITION:- We agree that there should be statutory provisions for recognition of the Unions by employers and that Union which has a majority in an Industry should be recognised. But the majority should be decided by a Secret Ballot in which all employees vote.

14) We favour recognition of Union on an Industry wise basis.

15) We also agree that there should be one recognised union for one Industry in the region. However region has to be a compact area.

16) We do not agree that there should be a separate craft Union.

17. This question does not arise in view of our suggestion that recognition should be offered on the basis of Ballot.

4) The recognised Union must have the right to raise disputes of Members and non-members, right to act and appear before Conciliator, Labour Courts etc., They must have right to collect membership dues on the employers premises, during working hours.\* This is necessary both in the interest and implementation of labour Legislation as also in the matters arising out of the Accidents etc., etc.,

18) The suggestions contained in the Section 18 is not correct. We do not accept that there will be any such permanent domination, provided the Union functioned in a democratic way and allowed to do so.

19) The representative Union, generally safeguards the interests of non-members, in regard to individual disputes as well as Unit-wise disputes. There is no necessity for apprehensions on this Code.

20) As regards the suggestion of allocation of Industry to Control Federations and application of principles of non-raid conventions is not sound and impracticable under the present conditions. This offends the right of the worker to be guided by any Central organisation and also to remain in any particular organisation he so prefers.

21) We do not favour the appointment of Government Labour Officer to represent the un-organised labour.

22) We agree with the suggestion and favour it: The right to move the Civil Courts in this behalf must be prohibited.

23) Yes, that in the absence of a recognised collective bargaining agent, an agreement arrived at between the employer and the employees should be Registered by a competent authority, only after ascertaining that majority of the employees are in favour of such an agreement.

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- 24) It is unnecessary to demarcate disputes according to the subjects for settlement, as suggested in the question, 24. The unions must be free to choose whichever machinery they want.
- 25) We agree with the suggestion contained in question 25.
- 26) In respect of offers made at the stage of conciliation, though we may be inclined to agree that the suggestion contained in the 26, we would prefer that the matter be left to the discretion of the Tribunal or Court. The tribunal powers in this behalf need not be fettered by the principle that the offer made at the stage of conciliation is not necessarily binding on the party who made offer subject to the discretion of the Tribunal, the party may be bound to his offer.
- 27) We agree with the suggestion.
- 28) We agree with the suggestion contained in 28, but there must be certain safeguards in the matter of accepting affidavits.
- 29) We prefer Bipartite negotiations on Industry-wise based particularly in organised industries. In unorganised industries or in cases where the unions want such a Tripartite bodies, such a machinery might be set up.
- 30 and 31) We would prefer that the Labour Court or Tribunal be authorised to pronounce their judgement or decision in open Court and to get it published in the Government Gazette directly.
- 32 and 33) The suggestion made in the 33 is accepted. Labour Court and Tribunal might have powers of execution.
- 34) Conciliation:- Conciliators or conciliation officers should preferably be drawn from an All India services. We feel that the existing personnel is not very satisfactory at the State level. We would insist a longer period of training and norms to ensure that better people are to be on these jobs. Personnel for Labour judiciary should be carefully built up over a number of years. Judicial experience is preferred.
- 35) Conciliation officers must have knowledge in the following Branches: 1) Socialogy (2) Industrial psychology (3) Economics (4) Commerce (5) Balancesheet (6) History of Trade Union movement and Trade Union Laws, Laws such as contract act and Arbitration Act and Labour laws.
36. "No" we do not agree with the suggestion.
- 37) We do not agree with the suggestion made.
- 38) Participation in Illegal Strikes, on no account, be considered as a misconduct.

Dated: 23.10.67  
Bangalore.

Sd/-M. C. Narasimhan  
General Secretary  
Karnatak Pradesh Trade  
Union Congress.

REPLIES BY THE K.P.T.U.C. TO THE QUESTIONNAIRE ISSUED BY THE  
COMMISSION ON LABOUR.

Name and address of the respondent:-

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K.P.T.U.C. No. 70 A, Arcot Sreenivasachar Road,  
Bangalore-2.

Name of the Central Organisation of workers to which, we are  
Affiliated:- A.I.T.U.C. (State Branch).

REPLIES.

I. RECRUITMENT AND INDUCTION:

1. (a) The recruitment in Industrial establishments is effected through advertisements, introduction by existing employees, Employment exchanges and also through contractors.

(b) The present recruitment arrangement, are satisfactory in larger establishments, though in some cases introduction by existing employees and their own employment has lead to mal-practices.

2. The labour in very highly skilled categories like tool Room Jobbers, Die makers, etc., are comparatively in short supply, though generally the supply meets the demand in the context of unemployment prevailing in our country.

4. Generally Industrial labour is not migratory in character. Within the region or locality there may be inter-flow between plant to plant, when the conditions are not uniform. It is mostly unskilled labour having poor service conditions that try to move about finding better prospects.

5. The recruitment of Casual Labour has all the disadvantages, for the labourers themselves. To de-casualise such labour the extent of such work in an industry should be assessed and the required personnel to be absorbed by the industry as permanent labour force.

7. We feel that wherever possible physically handicapped should be absorbed and that there is no need for a statutory provision for reserving a portion of the vacancies.

8. Yes, we find discrimination in the following establishments,

1. In Guest Keen Williams, Sankey Division, Bangalore, on grounds of caste and community, Muslims are not employed,

(2) In Kirloskar Electric Co., Bangalore, married women will not be recruited and employed spinsters after marriage will be thrown out.

We emphatically state that under no circumstances any discrimination is justified. However we prefer the persons of the locality, region be given preference in the matter of recruitment in all non-competitive jobs.

10. To encourage an employee to avail the facilities outside the place of work for improving the skill, a system of granting study leave must be enforced, also those preferring to attend evening classes should not be put on night shifts.

11.(a) In the matter of promotions policy in lower levels seniority must have precedence over all others. Recruitments to higher positions be also made from among the employees upto the level of departmental heads, however subject to suitability in the higher post.

12.(a) conditions of

(b)

13. The difference in the matter of National and festival Holidays is not justified and uniformity is desirable. We can cite the example of different No. of holidays being given in different establishments in the same locality i.e., in Kirloskar Electric Ltd., Bangalore, 10 days are granted, in Indian Process Chemical Bangalore, 14 days are granted, State Act provides only for 7 days.

14. We suggest that investigation be made on the nature of work in such of those employments other than Factories, mines and plantations and wherever possible those employments be brought within the ambit of Factories Act etc.

15. Child labour is mostly prevalent in unorganised industries, like construction, hostels, etc. Also it is found in Silk Textile industries. More than trying to change the statutory provisions, priority be given to implementation of child Labour legislation.

16. Existing arrangements are unsatisfactory. Service conditions have to be defined and security of job has to be assured.

17. Works committees, Canteen Committees grievance committees can function well, if managements and Trade Unions jointly play a useful role. The Managements' should provide facilities to the Trade Unions, and more responsibility be given to the Officers of the Trade Unions.

18. SAFETY AND HEALTH:

The accidents are comparatively more in Tile Industry, and the Engineering Industry, where mostly Metal presses are employed.

Obsolete machinery; speeding up of work, higher expectations of production are responsible for such accidents. Accident due to neglect of employee is rare.

19. We suggest that each establishment should have a safety department, it should give lessons on safety soon after new entrants enter the establishment. Refresher courses are also necessary for those who are already in employment. The courses should be organised by taking the assistance of the Trade Union. It must be on priority basis. Priority being given to those sections where Greater is the danger.

20. The bi-partite approach should be extended to other industries by the State taking the initiative of circulating those agreements and requesting the concerned parties in other industries to think on those lines and arrive at such agreements.

21. Safety Education through schools, exhibition etc.

22. We suggest that an expert committee be constituted to go into this matter.

23. Trade Unions and Employees Organisations:

26. Political and Economic factors and Trade Union consciousness have influenced the development and organisational pattern of Trade Unions.

27 & 28. The existing legislative provisions have led to mushroom growth of trade Unions and it is also the cause for inter-Union Rivalry. As there is no regulation or control over employers organisations, some bogus employees organisation have come into existence. We prefer a modified B.I.R. Act being made universal.

28. During the last decade, the trade Union modus operandi became more legalistic than in the past and since this has not brought much relief to the employees once again the Trade Unions are reverting back to old methods.

29. No.

30.

31.

32. This question needs an elaborate political answer.

33. The will to avoid conflict, recognition of each others rights and responsibility, attitude of give and take, periodicals meetings will promote such bi-partite consultation.

34. Existing arrangements of communication are satisfactory.

35.

36. Generally the organisations of workers have implemented the obligation undertaken by their Central organisations. But however where the employers and Government are responsible for becoming the Central Trade Union Organisations cannot be expected to implement.

38.

39. Objectives of almost all the Trade Unions at the plant level are the same and follow the model constitution.

40. Generally as a rule Officers of the Trade Union are elected. Only a few of Hon: Members holding either Office of the President or Secretary will be paid nominally.

41. All applications of Membership have to be naturally accepted when the applicants subscribe to the declared aims and objects of the Union. In a unit level trade union, all new entrants to the establishment will be enrolled as new members. Where Trade Union rivalry exists competition also exists. The ways are too many to explain.

42.

43. In all democratic trade Unions guide lines of policy will be laid by the executive Committee and the same shall be decided by the General body. The implementation of the policy rests on the executive committee and the office Bearers. Generally the rank and file influence the formulation of the policy.

44. The system of closed shop or Union shop is not welcome in our country. It is not prevalent in our state.

45. Trade Union income is not enough to fulfil its role of promoting its members interests. A few big unions have enough funds. Statutory provisions for collection of money inside the factory premises and check off are needed.

46.

47. Check off system is advisable and this privilege should be extended only to the recognised union commanding the majority of the employees decided by a Secret ballot.

48. The trade Unions do help the members and their dependents in their personal difficulties, like unemployment, sickness and personal injuries. Grant of small financial help, attendance in hospitals, is the type of help rendered by some of the unions. The recent trend is to collect money from all the members, in the form of Death relief to the dependent whenever a member expires.

49. TRADE UNION LEADERSHIP AND MULTIPLICITY:

In our country Political parties have been responsible for the origin and growth of trade Unions. The trade union movement grow side by side with the national movement. Hence, this impact is visible in the Trade Unions. Though no Central trade Union organisation is attached to a political party, the leanings of the leaders guiding the Central organisation will have their influence.

50. In our country it is the outsiders that are responsible for founding many trade Unions. It is the zeal, initiative and enthusiasm of the outsider for the upliftment of the working class that has made him to work in the trade Unions, rather than any financial or monetary benefits. An outsider is one who is not employed in an industry, but who is conversant with the problems of the labour and the industry, he is connected with.

The outsiders with their experience and knowledge of the Trade Union work are able to function well and also guide the unions a proper manner. This apart in the present condition, the need for the outsider is all the more necessary because job security is not guaranteed to the internal leadership.

51. Internal leadership in an Union could be built up and strengthened by providing certain facilities to the internal office bearers, educating them and guaranteeing them certain safeguards.

52. Yes, The provision of any 7 members, Registering a Trade Union must be amended in the Indian Trade Union Act. The principle of one union in one Industry has to be enforced strictly. Recognition of the Majority union and by-passing all other unions also remedies the multiplicity of trade unions.

53. The code could not be put to test.

54. TRADE UNION RECOGNITION:

There are practically no advantages in getting a Union Registered, except that the representative of a Registered trade union could represent before the payment of wages authority, industrial tribunal etc. In all other matters, an unregistered Trade Union could as well function as a Registered one: Power to re-register the Union, revive the Registration when it is cancelled, authority to decide which union deserves to be recognised, and to conduct a secret ballot in this behalf are some of the aspects in which the powers of the Registrar of Trade Unions could be enlarged with advantage.

55. There could be no generalisation on this question.

56. Generally no.

57. and 111: The procedure for recognition, verification and etc., is cumbersome and we suggest a Secret ballot is the earliest and the quickest to decide the issue of recognition.

58. <sup>Please</sup> See answer to 27.

59. Organising the Unions on industry-wise advantageous because such unions will have the experience and the know how of the industry concerned. Since most of the problems relating to wages etc. are decided on industry basis, it will be better to have an



- 7 -

an industry-wise union as a collective bargaining agent. When an industry-wise union is in existence a plant level separate union be avoided, but a plant level branch to discuss only minor day to day issues be constituted.

60. Some of the advantages of naming a union as the sole bargaining agent are as follows:

1. Avoidance of negotiation with multiple organisations.
2. Better implementation of decisions taken. Avoidance of meeting the conflicting views and approaches.

61. Yes, Election should be conducted on the basis of an Electoral list, consisting of all the employees in the concerned establishment. The Elections have to be conducted under the authority of the Registrar of Trade Unions or the concerned conciliation officer. The Election procedure may be the same, as in the case of any democratic election. The union which loses must dissolve itself and pave the way for existence of only one union.

62. This question does not arise in view of our answer to 61 above.

63. Category-wise unions may lead to formation of craft unions and craft unions are undesirable.

64. a) Place for accommodating the office (b) necessary office equipment (c) Freedom of movement to the officers of the Association (d) right to collect Union subscription (e) Free time to the office bearers to devote union activities. (f) In times of emergency permission to carry General body meeting (g) right of Inspection.

65. The attitude of the Government as an employer towards Trade Union is varied, but in general it cannot be considered to be progressive in its efforts. It has varied from state to state.

#### V. WAGES.

Introductory: Current availability of unskilled labour has a deleterious effect on the level of wages. The wages in the Agriculture and unorganised sectors are the lowest and comparatively it is better in industry. This attracts the Agricultural and other labour to get into industry. Hence leads to migration from these sectors to the industry.

132. Should not

133. To a large extent.

134. Not necessary.

135. The 15th Indian Labour Conference norms may not be changed. No reconsideration is necessary.

136. The minimum wages has to be provided at any cost.

All other suggestions are uncalled for.

137. The minimum wage should be the same in all sectors.

138. Through the minimum wage legislation.

139. The minimum needs themselves are not different from region to region. The content of the needs are the same though may be different in form. The form does not alter the total value of consumption goods etc., Variations may be seen in additional requirements and there must be a plus for every additional requirement.

140. In the existing conditions we are content with the existing definitions. Since these concepts themselves are not realised yet.

141, 142, 146: We consider that the fairly good method of protecting the wage is to provide D.A. linked to the consumer price index number of the locality. It must be directly linked and for each point. The rate of neutralisation should be cent per cent. Capacity to pay should not be a relevant consideration. When a part of the wages is paid in kind the fair value of it may be deducted from the total quantum of basic + D.A.

147. FRINGE BENEFITS: A convenience, a facility or any other benefit apart from the wages that is provided to an employee to ease his burden and to facilitate better performance of his work is defined as Fringe benefit.

Their scope should be wide and substantial in content. They have limited effect on production costs.

148. The fringe benefit can be a substitute for higher money earning, if only most of the necessities are met under the head of fringe benefits. Otherwise the need for higher money earnings remains.

149. WAGE DIFFERENTIALS: No, they are arbitrarily fixed, not based on any scientific or rational method.

150.

151. Methods of wage fixation: We prefer statutory wage fixation and through collective bargaining. Same arrangement is needed in all sectors.

152. We agree with the suggestion: Local adjustments could be made following the broad outline and guiding principles contained in the national agreement, with small changes depending upon the circumstances of each case, or alternatively a comprehensive national agreement covering all establishments taking into account their peculiarity, be arrived at without giving any scope for local adjustments.

153. No. All the expectations are belied.

154. (a) The wage Boards have lost the value of utility. Hence it is our opinion that there should be no more recourse to wage Boards.

(i) Without prejudice to this, we suggest the following to improve their working.

(ii) They must act expeditiously. They should follow scientific method of investigations and wage fixation. The recommendations should not cover longer periods. In the composition of Wage Boards technical personnel should also be included apart from economists lawyers, Trade Unionists etc.

b) Not necessary, because it is not in consonance with the object of constituting the Wage board.

155. WAGE POLICY:

a) This question requires political answer. Only in a really socialist economy there could be higher development of Industry and higher rate of capital formation and fairness to labour. Now in the present state of economy we see only return to enterpruner. In spite of huge growth and huge returns to enterpruners, still proper wages are denied to the labour. Irrespective of other matters wage fixation should be taken into account first. Fair wages do not add to the cost of the product but it is the high profit that adds to it. It is only the profit-  
/that fleece the consumers. The situation can be remedied by

putting an end to private profit.

156.

157. Wage freeze is impracticable. However we suggest high salary reduction in order to reduce the disparity. Sectoral balance in wage structure between the public and the private sector is needed.

158. The state should strive to bring about uniformity, wherever inbalance is visible.

159. Mode of wage Payment.

We are not in favour of wages in kind except in hotels

160. We agree with the suggestion. Since in most of the establishments it is common.

161. We favour the suggestion. Basic wages plus D.A. linked to cost of living index, plus incentive wages.

162. GENERAL:
- 1) Wages fixed are too low.
  - 2) The committee is constituted do not objectively look at things.
  - 3) Job classification improperly done.
  - 4) No appropriate wage differentials.
  - 5) Enforcement of minimum wages not satisfactorily done on account of inadequate Inspectorate.

163. The payment of Bonus Act is beneficial to the employees of the unorganised sector. The latest decision of the Supreme Court, has upset the existing set up.

164. Bonus payment should continue, but the formula should be in accordance with AITUC suggestion and bonus act be amended

#### VI INCENTIVE SCHEMES & PRODUCTIVITY

165. In all industries and activities where work could be measured incentive and production bonus schemes have to be introduced. Where it is not possible to measure the quantum of work improvement in total turnover as a percentage of the some fixed turnover be taken as the basis for rewarding higher efficiency/turnover.

166. We agree with the guiding principles stated in (166) (a) to (j) except (d) and (g). In (d) an incentive scheme based on the average output in the past could be taken as a standard for introduction of incentive scheme, not necessarily only after work study. (g) though it could be stated that quality of production suffers on account of higher production, to give a blank cheque to the Management to accord approval, may result in losses to the employee, in case the management is unscrupulous. Hence, the rejects must be mutually approved.

167. The gains of productivity could be measured in terms of standards or norms fixed. It could be in money value, units or efficiency attained. They can be allocated to different factor of production. The gains of productivity have to be distribute more to the direct labour and less to the indirect labour and far less to the employer.

169.

170. The employees have responded well to the experiments in improving productivity techniques. It results in increasing work load, disputes not resolved, yet.

171. Unless the Awards are attractive, suggestions schemes may not bring any suggestions.

172. Absenteeism would naturally have a negative effect on productivity. However it is difficult to state the causes for Absenteeism. It would be better if some investigation is made on this.

173. Well rewarding incentive schemes, motivate a worker to improve the productivity. Unattractive schemes neither bring the required result in increasing productivity nor improved standard of living for the worker.

174.

175. Rationalisation has so far meant only hardship to the labour. 15th Tripartite recommendations do not provide a Useful frame work for the purpose. Rationalisation should wait in this hour of crisis.

176. a, b, c.

In the state of present economy, we are apposed to automation. As we see to-day, the very thought of it spoils the labour management relations. A special machinery may be created to study the automation.

177. We have no contact with the National Productivity council. We are unable to say anything about the impact of its activity.

#### VII. SOCIAL SECURITY:

178. SOCIAL SECURITY SCHEMES: have influence on stability of employment and lack of these lead to conflicts and thereby cause industrial unrest. Qualifying periods definitely lead to larger turnover. Excepting unemployment benefit, other benefits adopted by the convention on the Minimum standards of Social security adopted the I.L.O. are available to those employees covered by E.S.I. scheme. The artisans, Traders and others could be brought under the scheme by imposing on them special rates and the same benefits extended to them or a National compulsory Insurance Scheme be introduced.

181. We agree with the recommendations.

182.

183. A research conducted by Sri. M.K. Shivaswamy has revealed that absentism has not increased after the introduction of the E.S.I. Scheme. It is our opinion that the Corporation should take the responsibility of Administration of the Medical benefits under the E.S.I. Scheme and ensure uniform standard of medical benefits, since the level of all states is not uniform. Hence we feel that a Central organisation take over administration.

185. Employers 40%, Govt. 40% workers 20%.

186. Should be provident fund-cum-pension scheme.

187. Under no circumstances, investment should be made in the private sector.

191.

192. Time is not opportune.

VIII. LABOUR LEGISLATION.

193. Since our economy is a mixed one, planning gets upset. Planning is possible only under real socialism. Since ours is not a planned economy in the Truer sense, we should take recourse to both legislation and collective bargaining.

BANGALORE

Dated: 21-10-1967.

Sd/-. M.C. NARASIMHAN  
General Secretary

U.S. VENKATARAMAN  
M.S. Rama Rao  
(Members)

KARNATAK PRADESH TRADE  
UNION CONGRESS.

**MEMORANDUM**  
SUBMITTED TO  
**THE CHAIRMAN AND MEMBERS OF**  
**THE NATIONAL COMMISSION ON LABOUR**

BY  
**THE REPRESENTATIVES OF**  
**THE ALL INDIA TRADE UNION CONGRESS IN MYSORE STATE**  
AT BANGALORE ON 23-10-1967.

We are glad that after 20 years of Independence the Government of India has appointed the National Commission on Labour to review the present conditions of labour and to suggest remedial measures to implement the directive principles of State policy in the Constitution on labour matters.

The Commission is also called upon to take into account the national objectives of establishing a socialist society and achieving a planned economic development. We are constrained to state at the outset itself that the objective cannot be achieved without a radical change in the policies pursued by the Central and State Governments run by the Congress Party and so long as the capitalist path of development of our economy is carried on under the leadership of the monopoly capitalists and the landlords.

Our views on some important aspects concerning labour are as follows:-

#### 1. RECRUITMENT

(a) **Casual Labour** :- After the introduction of certain beneficial social security measures and legislations, the Employers have resorted to the Unfair Labour Practice of engaging large percentage of workmen as 'Casual Labour' to do work of a permanent nature in order to deprive such workmen getting benefits, amenities etc., available under labour laws. Further, a considerable percentage of workmen are employed to do work of a permanent nature without entering their names in any of the rolls or registers maintained by the Employers and not even considering such workers as 'Contract Labour'. This practice is prevalent mostly in Plantations, Hotels, Beedi etc.

(b) **Contract Labour** :- Engaging labour through contractors to perform work of a continuous and permanent nature is mostly prevalent in Ports, Beedi and Plantations. The Employers have been resorting to this practice in increasing measure with the only object of evading labour laws and depriving workmen getting any sort of benefits etc., under any of the labour legislations.

(c) **Child Labour** :- In utter disregard of Labour laws the Employers in Hotels, Plantations, Beedi, Silk etc., are employing child labour.

We suggest that the above mentioned uncivilised and semi-feudal methods of employing labour could be ended by suitable modifications in labour enactments and effective implementation of the enactments.

#### 2. CONDITIONS OF WORK

Though hours of work are fixed in various enactments of the Government, the Employers are treating with contempt these enactments. In Beedi, Hotels, Plantations, Silk and even in some Cotton Textile Mills the workmen are made to work 10 to 14 hours a day. In many cases they are not given weekly offs also.

A feeling has grown among the workers that no improvement could be made in regard to the enforcement of the Factories Act, Plantation Labour Act, Shops and Commercial Establishment Act etc., with the existing labour and administrative machinery in our State. In view of this, we feel that the Commission should make such recommendations which will enable the masses of workers to get the benefits of the labour enactments.



### 3. CONCILIATION AND ADJUDICATION

BY COTTINGUR

The existing conciliation machinery is defective and ineffective. The Conciliation Officers should be invested with powers of a quasi-judicial nature. Many of the Conciliation Officers not only lack integrity but also have no conception of the principles of social justice.

There is inordinate delay in fixing up conciliation and then the conciliation proceedings are dragged on for a few months and there after some more months are taken up by the Government in passing orders of either rejection or reference for adjudication, and after reference is made years roll on before the Labour Courts and Industrial Tribunals. As such, the workers and the Trade Unions are losing faith in the effectiveness of the conciliation and adjudication machinery.

We suggest that ;

- (1) The Labour Department should be equipped with adequate trained staff,
- (2) It should be made mandatory that the conciliation proceedings should conclude within 30 days from the receipt of the complaint from the workmen or the Trade Unions.
- (3) The workers and the Trade Unions should have the authority to refer disputes to Labour Court or Industrial Tribunal without the intervention of the Government after failure of conciliation.
- (4) In relation to discharge, dismissals etc., the adjudicators should have the power to decide on the merits of the case by taking evidence.
- (5) In all cases of awards of reinstatement, the Employers should be prohibited to approach the High Courts in the nature of writs. (a dispute concerning 219 workmen discharged by the Management of Ramkumar Mills in Bangalore in 1957 and ordered to be reinstated by the Industrial Tribunal is still pending in the High Court of Mysore).

### 4. STRIKES AND LOCK-OUTS

The bad service conditions and the Unfair Labour Practices, violation of labour laws with impunity and victimisation of Trade Union functionaries by the Employers are some of the main causes for the workers to resort to strikes. Now, the workers are not getting wages for the strike period. They must get wages in all justified strikes.

The employers, as a measure of coercion and intimidation resort to lock-outs with a view to brow-beat the workmen.

We suggest that the Employers should by law be prohibited from declaring lock-outs under any circumstance and those Employers who violate this should be given deterrent punishment.

### 5. WAGES

The recommendations of the Cotton Textile Wage Board is not at all implemented in our State except in one or two mills. Even in modernised and standard Textile Mills the total monthly wages are as low as Rs.40 to Rs.50. In Hotel Industry the wages are as low as Rs. 10 to Rs. 15 per month even in a city like Bangalore. In Cashew Industry the wages are Rs. 35 to Rs. 40 per month for majority of workmen. In Plantations, the wage rates recommended by the Plantation Wage Boards which now prevail have not been fixed in accordance with the norms laid down for determining Fair Wages by the Wage Boards and are far below the rates of Minimum Wages that should have been fixed under the Minimum Wages Act. Wages in Public Sector Industries are very much less than the wages earned by unskilled workers in some of the Textile Mills, Banks, Insurance etc.

We suggest that a National Minimum wages of Rs. 250 per month be fixed based on 1966 consumer price index number to enable the workers to have at least a bare subsistence.

### 6. DEARNESS ALLOWANCE

Except in a few Textile Mills and Tile Factories in Mangalore, the dearness allowance is not linked to the price index number. Even in Public Sector Industries in Bangalore D.A. is not linked to the consumer price index number. As a result there is erosion in the wages of the workers due to ever increasing prices of articles of daily consumption.

We suggest that the dearness allowance should be linked to the consumer price index number and should be fully neutralised.

— 3 —

KARNATAKA TRADE UNIONS CONGRESS

Workers should have the democratic right to become and continue as members of Trade Unions of their choice and the Employers should be prevented in interfering with this right of the workers and also from organising stooge unions. Representative capacity of the Trade Unions has to be determined on the basis of the elections to be organised through secret ballots.

**8. IMPLEMENTATION OF LABOUR LAWS, AWARDS ETC.,**

The Labour Department in our State is pleading its helplessness when the Employers refuse to implement labour laws under one pretext or the other. The workers in our State are not getting statutory benefits like lay off wages, bonus, leave with wages etc. To go to Courts and seek redress it takes years.

We suggest that Special Labour Courts region-wise, should be constituted, only to deal with the implementation of labour laws, awards etc., with full powers for its execution.

We have given above our views on only some of the matters that have a direct bearing on the labour policies pursued by the Central and State Governments. Even though there are limitations to improve in a big way the conditions of labour under the present socio-economic-political set-up, we believe that by streamlining the administrative apparatus, by reducing red-tapism, by preventing the Police authorities from interfering in labour matters and industrial disputes and by efficient and effective functioning of the labour department, some improvements can be made.

Yours faithfully,

No. 50-A, Arcot Srinivasachar Street,  
Bangalore-2.

Dated: 23rd October, 1967

1. (Sd.) S. Suryanarayana Rao,

2. (Sd.) B. N. Kuttappa,

Vice Presidents,

Karnataka Pradesh Trade Union Congress  
(State Unit of A. I. T. U. C.)

and Members of the General Council of A.I.T.U.C.

3. (Sd.) B. Narayana,

President,

South Kanara Tile Workers' Union, Mangalore.

4. (Sd.) P. Ramachandra Rao,

President,

The Casheanut & Allied Workers' Union,  
Mangalore.

From: The President,  
BHARATIYA MAZDUR SANGH,  
Mysore State, Sundar Chatram Road,  
Bangalore - 9.

To: The Chairman,  
Government of India,  
NATIONAL COMMISSION ON LABOUR,  
D-27, South Extension II,  
New Delhi.

Through: The Labour Authorities,  
No. 5, Infantry Road,  
Bangalore - 1.

Sirs,

As desired by you please find herewith our reply to  
the National Commission on Labour Questionnaire.

Thanking you,

Yours faithfully,

Sd/-

(S. KRISHNAIAH)  
President

#### VOLUNTARY ARBITRATION

112. In the achievement of good industrial relations, the voluntary arbitration is very essential. This type of subjecting oneself out of one's own volition creates self restraint. Further the long process of litigation is avoided. And also it has an inherent capacity for give and take. It further develops the essential quality of reposing confidence in another. In other words mutual trust is developed. It puts an end to protraction of proceedings. In other words the workmen get the relief or otherwise sooner and without incurring much expenditure.

The central organisations of Employers and Workmen can promote voluntary arbitration in the following ways:

- (A) They must first accept this voluntary arbitration as a principle and a sine quanon for industrial peace and good industrial relations. As a first step of such indication they must inform the concerned labour authorities, in writing, that they prefer voluntary arbitration to compulsory adjudication.
- (B) It must be given by the said organisations a status equal to that of the Code of Discipline.

Contd...2/-

- (C) Sanctions are to be imposed on the parties who go against the said principle.
- (D) In fact at the time of registration of a Union or recognition of a union and for his... voluntary arbitration must be a... precedent. Or, at least this must be weighing in the mind of the concerned authorities in giving preference to the parties concerned.

We are of the strong opinion that in all collective agreements a provision for voluntary arbitration should be introduced. But subject to, in the beginning stages of experimentation of the said process, the types of cases should be mentioned in a schedule.

113. The area of industrial disputes where the voluntary arbitration to be preferred to adjudication are cases of less impact on the financial aspect to the industry be experimented immediately, to wit, cases like promotion, overlooking seniority, deduction or delay in payment of wages, dismissal, discharge etc.

114. We are not in favour of setting up of Standing Arbitration Boards for the reasons stated hereunder:

- (A) It is opposed to the principle underlined in voluntary arbitration.
- (B) There are already impartial persons like presiding Officers of Labour Courts, Industrial Tribunals, persons who have developed acumen in labour laws and persons who do not have partisan attitude.
- (C) If there is standing arbitration board, its composition also is to be limited which is opposed to voluntary arbitration.
- (D) There are probabilities of developing suspicion among the parties if standing boards are constituted. This is opposed to the well established dictum "Justice must not only be done but must be seen to be done".
- (E) The said standing boards require a procedure lest it may act arbitrarily. The procedure when once is put into writing it is normally a cumbersome one giving room to red tapism and unnecessary delay.
- (F) The subjects to be referred are to be enumerated which means the hands of the parties are tied. Voluntary arbitration is a process which gives full scope to the bargaining parties to refer any matter as they desire willingly. That important element of election is taken away from the parties if standing arbitration boards are set up.

115. It is difficult to make an absolute statement with regard to any particular professional group to act as best arbitrators for the following reasons:

It depends upon the types of cases that are referred to arbitration. To make it clear some cases may be properly dealt with by businessmen and some other cases by technicians and some cases by civil servants. etc. In other words it depends upon the nature of the case and to the group to which the said case is referred to for arbitration. But what is indispensable to any person to be an arbitrator is integrity, honesty, basic knowledge of industrial law, judicial temperament, quick understanding, impartiality and the basic knowledge and experience of the financial difficulties, social status, the circumstances under which the living of labourers is carried on.

116. The answer to this question depends upon industry to industry and also the numerical strength of the trade union and financial capacities of the parties who seek arbitration. If the unions are sufficiently big the expenses may be met fifty percent each. If the unions are small and not in a position to bear the expenses the major portion of the expenses is to be borne by the Employer and a nominal part of expenses is to be borne by the union in order to maintain its dignity and status. Further it is also necessary to create the reserve fund for meeting the expenses in extra ordinary circumstances. The method of creating such reserve funds are to be left to the respective Employers and Employees Organisations of a particular industry.

In order to encourage the voluntary arbitration the Govt. also should give substantial financial help for setting the ball in motion of the voluntary arbitration at least for a period of about 5 to 10 years.

#### TRADE UNION - LEADERSHIP AND MULTIPLICITY

49. The structure and development of the Trade Union in our country has been associated with one or the other existing political parties. The political party in order to get power spread their tentacles in the labour class. And the result is instead of the amelioration of the poor class they have become instruments in the political game and their living conditions have to a great extent deteriorated. What is more heart rending is that the labourer has, wherever political parties are influencing the trade unions, to be subservient to two masters rather than one master as hitherto before. Unfortunately and to the shock and surprise such trade unions are becoming despots. Further some political parties through their machinery of trade unionism are inculcating the extra territorial loyalties among the innocent and illiterate workmen. By such activities of political parties the growth of trade unionism has become static and stunted. In other words the entire development of trade unionism on account of politicals is truncated.

50. The term outsider is understood as one who is not an employee in the particular industry. But certain employees have understood to be one belonging to some political party. If that is so the influence of such an outsider has always been and is bad and affected the progress of trade unionism. According to me outsider means a person belonging to a political party exploiting the human force for the political ends. But does not include a person who is well experienced in trade union work and who has devoted his life for the betterment of the labour

class and has a national and a patriotic outlook on every problem of the worker, even though he is not an employee in any industry.

51. By constant study of industrial matters, developing character, creating a nucleus among the workmen to develop a bent of mind for sacrifice and service. It is also strengthened by constant participation in various industrial matters.

#### VIII. LABOUR LEGISLATION.

193. All disputes which are of a substantial nature must be left to the process of collective bargaining, viz., revision of wages, job classification, payment of Dearness allowance, fixing of age of superannuation etc. The extent of legislation should be only with regard to procedural aspects, that is, of implementation character. In other words the legislation is to be restricted to adjective law and not to be extended to substantive law.

194. The factors that affected the proper and effective implementation of the various labour laws are:-

- (A) Lack of provision for compulsory or voluntary arbitration.
  - (B) Delay in disposing of cases.
  - (C) Protraction of proceedings by way of Appeals, writs etc.
  - (D) Absence of specific provision in the law to try issues on preliminary objections.
  - (E) Passing ex-parte stay orders by the Higher Courts.
  - (F) Extra Ordinary delay by the Government in making references.
  - (G) Failure to dispose the cases in the conciliation proceedings within the statutory period.
  - (H) Want of provision under the law to dispose of labour matters giving top priority and if need be, out of turn.
  - (I) Want of powers to the parties to prosecute directly when the party commits an offence without the aid of the taking permission of the Government.
195. (A) The existing legislation and other provisions have always been cumbersome and has not protected the interests of labour as much as the legislation has intended. Further the legislation has the inherent ingredient of technicality and different probable interpretations and as such in many cases, there has been miscarriage of justice. Further the present legislation is causing inordinate delay in securing benefits to the Labour class and also the procedural aspect has caused labour much time, money, energy and untold hardships, especially in cases of dismissal, discharge, removal etc. Further the power given under the Act to issue Notification for conferring benefits to the workmen are not at all carried out

by the said authorities who have been vested with such power. After a long time the power is utilised which has caused great financial loss to the employees.

(b) In so far as "right to work" under Article 41 of the Constitution which is a Directive principle of the State policy, the labour law has not helped to any extent. It has not also helped with regard to provision for free and compulsory education for children.

With regard to the raise of level of nutrition and standard of living the labour legislation has to do very much research and certain bold and practical steps are very essential.

(c) For fuller realisation of Directive Principles we suggest the following suggestions:-

- (i) Every employee's close relative, son, daughter, brother etc. be given employment in the industry in preference to new recruitments.
- (ii) The employee's must be allotted quarters constructed by the funds of the Company and lease it out to them for a period of 15 to 20 years on instalment cum rent basis in such way as to make the employee as owner of that house on the eve of his retirement.
- (iii) The Gratuity Scheme must be made compulsory and whenever pension scheme is not there the employee must be given the gratuity for his entire service without any limitation at the rate of one month's total emoluments for each year of service.
- (iv) The daily rated employees are normally paid for 26 days. The legislation must make it clear that whether monthly rated or daily rated the workmen must be paid for all the 30 days excluding for the days of absence.
- (v) Employees must be given one free meal a day.

196. As far as the subject of labour being in the concurrent list difficulty in the administration of labour law has arisen where the benefits for the same subject under the State labour law is less favourable than the Central enactments. For example, in cases like dismissal, removal etc. there is repugnancy between the Mysore State Commercial Establishments Act and the Industrial Disputes Act. Modifications by way of centralisation of certain functions are necessary where such conflicts arise.

197. The International labour conventions have practically not made any impact on the progress of labour legislation in our country. The rule of law concept appears to have not been principally accepted by many employers. The reason being though certain penal sanctions are provided under various labour enactments, we are constrained to submit that seldom the Govt. has invoked such powers.

198. Whenever the hon'ble Supreme Court has laid down principles on question of law it is necessary that the labour legislation be suitably amended. And also having regard to the High Court decisions also it is expedient that the legislature in its wisdom think of reviewing or amending Contd.....6/-

the concerned provisions. Further it is just and necessary that the procedural aspect is made as simple as possible and the employee be able to get relief at the earliest possible time. In many cases justice is delayed tantamounting to justice denied.

Having regard to insertion of Section 2 A in respect of the considering the removal, retrenchment, dismissal etc. as industrial dispute the affected employee instead of following the machinery for raising the industrial dispute the legislation be suitably amended so as to give him power to directly file a petition to the Court or Tribunal for redressal.

It is necessary that a new provision should be included in the Industrial Dispute Act for making specific provision of reinstatement with continuity of service and back wages etc. when the order of dismissal is set aside having regard to the principles laid down by the Supreme Court.

Under the Industrial Disputes Act the Presiding Officer of the Labour Court or the Industrial Tribunal becomes functus officio immediately the Award or the Order is published or pronounced and the employee whose claims are allowed has to invoke another authority for realisation of the amount and/or benefit. This procedure is causing great hardship, therefore the Labour Court or the Industrial Tribunal is to be given the power to take suitable steps by way of imposing fines or warnings etc. against the defaulter. And necessary powers be conferred on the said Authorities for recovering the awarded amount. In other words the concerned Authority must be given power to be the execution authority with full powers as those of given to Deputy Commissioners for collecting arrears of land revenue and similar powers as those of Magistrates.

200. Yes. There is a need for consolidation and co-dification of existing Labour Laws.

201. Voluntary approach has always brought better results than compulsory adjudication. In the present state of affairs it is necessary that the voluntary approach is to be continued.

202. Voluntary arrangements so far built up is better suitable, than Labour enactments is so far enacted; and it has also secured and improved good labour-management relationship.

203. The enforcement of labour legislation in public Sector is very discouraging. Normally the Disputes with regard to public sector are not at all referred for adjudication. Exemptions from the applicability of certain provisions of labour laws are more common in the public sector. And there is no rationale for claiming such exemptions. Most of the cases it is nothing but whimsical or capricious.

1. Recruitment at present in industrial establishments is done without any proper rules or recruitment. Specially for unskilled, skilled, semi-skilled appointments the guiding principle is Employer's sweet will. This lack of rules of recruitment has given raise to favouritism, caste politics, inter union rivalries etc. The recruitment is to be done by an impartially constituted body provided with guiding rules for recruitment. In other words the equality of opportunity to all the citizens who are similiary situated and seek employment are to be given.

1 (b) As stated above the present recruitment arrangements are not satisfactory.



Memorandum submitted to:-

183

The Chairman and Members of the National  
Commission on Labour

The Representatives of the Coorg District  
General Workers' Union, Virajpet, Coorg District -  
formed in 1964 and number of Members 275 - Not affiliated -  
at Mercara on 27.10.1967

Sirs,

We beg to submit as follows:-

1. Recruitment: Government as employer:-

a). It is to be noted that the Government being the guardian of the interests of Labour has itself acting basically contrary to the various Labour legislations. The Public Works Department of Mysore Government is employing labourers as Road Mazdoors for maintaining the roads in good condition. The nature of their work is permanent. There are workers who have put in service for about 30 years. But they are treated as casual labourers by a device of issuing of new work cards every month and treating them as a fresh every month; thus depriving them of benefits and amenities etc. available under Labour Laws to permanent workers. They are not given paid weekly holidays and festival holidays. Even on Independence day either they have to work or forgo their wages. They are removed from service abruptly without any reason and without notice and compensation. They are hired and fired according to the whims and fancies of their superiors. They have no scheme of any social security. Often they are victimised for resorting to Trade Union activities.

Being direct departmental recruits they do not come under the purview of the Industrial Disputes Act. Hence barred from raising any dispute for bettering their service conditions. In the department bureaucracy still rules the roast. No representation is heard. Their conditions remain shockingly miserable; wages also being low.

b) To perform work of a permanent and continuous nature, contract system is prevalent in the Government Saw Mills, Murkal, Coorg District. It is to deny the workers the amenities and benefits available under labour Laws.

II. After the introduction of certain beneficial legislations to the workers of Motor Transport, the employers are resorting to the unfair labour practice of engaging the workers as casual labourers or temporary labourers. Either at the time of appointment a resignation letter is got from the

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worker or his appointment is terminated once in every six months, and shown in the registers as appointed afresh after six months.

We suggest that the Government as employer must be ideal in its labour policy, conduct and practices and when any lapses, short comings and defects brought to the notice should be readily rectified and remedied.

We suggest for the enactment of suitable legislations and effective implementations of the enactments.

## 2. Conditions of Work:-

Though the hours of work and payment of overtime wage are stipulated by various enactments, the employers are not made to implement the provisions of the enactments. Even the Government fails to take necessary action at least for the payment of overtime wages where the employers are Local bodies.

We suggest that there must be suitable enactment so that no body can escape without paying the overtime wage.

## 3. Conciliation and Adjudication:

There is undue delay from the beginning to the end resulting in delaying the justice and thereby virtually denying the justice.

We suggest that:-

1. The complainant should have the authority to refer the dispute to the Labour Court or the Tribunal without intermediary intervention of the Government after the failure of conciliation.

2. In cases of dismissals and discharges direct approach to the Labour Courts or Tribunals be allowed without the process of conciliation.

## 4. Implementation of Labour Laws, Awards, Terms of settlement etc:

The workers are not getting the full benefits of various labour laws, settlements and Awards.

The Revenue authorities even if they are empowered to collect under Section 33 C of I.D. Act, 1947 fail to collect or make undue delay. The Labour department has become ineffective in implementing the provisions of Labour laws, terms of Awards etc.

The workers fail to get the benefits for want of proper implementation. We suggest to constitute special labour Courts region wise with full powers for execution or arm the Labour Department with necessary powers to get the terms implemented.

## 5. Social Security:

Bill No. 78 of 1960 introduced in Lok Sabha on the 25th

November 1960 as per Gaz of India Extra Pt. II Sec. 2 dated November 25, 1960 regarding gratuity and retirement benefit is yet to be enacted. We suggest for the enactment of the same.

6. Industrial Relations - Questionnaire 97 (a):-

We doubt whether the workers participation in managements by making the workers share holders would be beneficial to the workers. It may go even contrary to their interest. They will not be in a majority in formulating policies of the establishment. They have to be a party to any resolution passed in the general body meeting of the share holders even if they are derogatory to their interest. Under such circumstance they will have no remedy. It is the experience of the workers of the Transport Department of Coorg Ex-Service Men's Multipurposes Co-operative Society Ltd., Virajpet, where the workers are also share holders.

7. Labour Legislation:

The Educational Institutions are not covered by the definition of "Industry" under Section 2(J) of the Industrial Disputes Act. The subordinate staff like clerks, peons sweepers and scavengers etc. are also along with the teaching staff taken away from the purview of the I.D. Act. Unlike the teaching staff, the subordinate staff have no other regulations to rely upon. We suggest to this august body to find a remedy for redressal of their grievances.

2. In Mysore Shops and Commercial Establishment Act because of specific provision regarding notice of dismissal viz. Section 39 the Hon'ble High Court of Mysore has held that no enquiry consistent with the principles of natural justice need be conducted preceding removal of worker from service and also held that the Labour Courts cannot order reinstatement of the aggrieved workman because of the specific provision contained in the Act.

The provisions of the Act remain heavily loaded against workers. We suggest that the Act be suitably amended to protect the justifiable interest of the worker against arbitrary removal and thus deprive the security of service.

We beg to suggest that the socialist economy would be a mockery if the economically backward dumb millions are left uncared and allowed to remain suppressed and oppressed. We hope this august body would be able to lead towards light by making suitable recommendations in order that the voice of the working class become effective and predominant for the attainment of the national objective of socialistic society.

Yours faithfully,

P R E S I D E N T.

Sd/-

( I. R. ASRANNA.)  
S E C R E T A R Y.

Mercara, Coorg.  
Dated October 27, 1967

\*BEDI\*

M E M O R A N D U M

Submitted to the NATIONAL COMMISSION ON LABOUR  
by the COORG DISTRICT ESTATE WORKERS' UNION, MERCARA, on  
27-10-1967 at Mercara.

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Sirs,

We find it not easy without sufficient notice to give our reply in detail to the 'Questionnaire'. And so, we are submitting this Memorandum, giving our views on some of the main problems that are agitating the minds of workmen employed in Coffee Plantation Establishments in Coorg District.

### 1. BACKGROUND.

The Plantation Labour Act, 1951, was not enforced in Coorg District until the Rules for it was framed in 1956. But the same year our District was integrated with Mysore State on the reorganisation of States. Since then, the Mysore Plantation Labour Rules, 1956, is supposed to be in force. In 1958 the benefits of the Provident Fund Scheme was extended to Plantation Labour. Prior to 1956, Plantation labour did not get any bonus. Since then, bonus has been paid every year in accordance with industry-wide settlements. The erstwhile 'C' State of Coorg fixed minimum wages under the Minimum Wages Act in 1952 and an adult male's wage was fixed at Rs.1-2-9 per day consisting of Rs.0-8-9 as basic wage and Rs.0.10.0 as dearness allowance. In 1957, as per an industry wide settlement wages were slightly increased and similar increase took place in 1960. The wages that now prevail are at the rates as recommended by the Central Wage Boards for Plantation Industry and this wage is a consolidated wage with no dearness allowance and not in any way linked to consumer price index number. A Gratuity Scheme is now in force consequent upon an industry-wide settlement arrived at in 1964.

### 2. RECRUITMENT.

In Coffee Plantations, except for about 30 to 40 days during picking and whenever roads are laid or buildings etc., are constructed, there is no need to employ additional labour as temporary, casual or otherwise. The work in Coffee Plantations lasts throughout the year and is in its nature permanent. Since 1958, in order to evade labour laws and deprive workmen getting benefits etc., under labour laws and other agreements and customary practices, the Employers have been increasingly resorting to the UNFAIR LABOUR PRACTICE of engaging workers by classifying them as 'Chengooli' (irregular casuals), Contract Labour and Nameless Labour. All such workers are engaged for work of a permanent and continuous nature. The percentage of such non-permanent workers has now reached about 60 to 70 in many estates. Many workers do not have their names entered in any of the Muster

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rolls or other registers that are to be maintained by the Employers and they can only be classified as 'Nameless Labour'. Invariably 'Child Labour' are engaged as nameless labour. A large number are engaged through commission earning contractors without any valid contract and the names of the workers can not be found in any Muster roll or other register maintained either by the Plantation Owner or the bogus Contractor. Another device resorted to by the Employers are of taking on workmen for about three months, discharging them for a few days and re-employing them again for about three months and so on, causing artificial break in service, wrongfully and fraudulently classifying them as casual or temporary, even though they are employed for work of a permanent nature with the only object of preventing them from acquiring membership of Provident Fund and also from becoming permanent. These Unfair and Illegal Labour Practices could be got rid of if the Labour Department of the Government of Mysore strictly enforces and implements the provisions contained in Rule 83 of the Mysore Plantation Labour Rules, 1956 and Rule 29 of the Mysore Minimum Wages Rules, 1958.

### 3. CONDITIONS OF WORK AND IMPLEMENTATION OF LABOUR LAWS.

In many estates, workers are made to work for 10 to 12 hours a day. The conditions prescribed in labour enactments in regard to hours of work, intervals of rest etc., are being flagrantly violated by the Employers. With the Police ever ready to harass the workmen at the bidding of the Employers and with the incompetent and corrupt administrative machinery in our State, it is futile to expect that the provisions of the Plantation Labour Act and other labour laws could be enforced.

Constitution of a Special Labour Court for the Plantation Area covering three districts of Coorg, Hassan, and Chikmagalur wherein more than two lakhs of workers are employed, only to deal with implementation of labour laws, awards etc., with powers for execution might prove helpful for the workers.

### 4. WAGES AND DEARNESS ALLOWANCE.

The wage rates recommended by the Wage Board that now prevail have not been arrived at in accordance with the norms laid down for determining 'Fair Wage' and are far below the minimum rates of wages which should have been fixed under the Minimum Wages Act. All along, wages in the Plantations have been determined on the basis that every member in a worker's family above the age of 12 years is being employed on a permanent basis. Before the wage boards also the Employers put forth the plea that employment in plantations is on a family basis and that for a consumption unit of 4 there are nearly 3 earners. Since 1958 the employers refuse to abide by and honour this customary practice and on one occasion when a dispute connected with this issue was before an Industrial Tribunal the Employers' Associations contended that they are not bound by this customary practice and the Industrial Tribunal, more or less, upheld their stand. Hence, it is necessary to provide statutory safeguards to compel the Plantation Owners to

honour the customary practice of providing work to every one in a workers' family until such time when a rate of wage is fixed on the basis of one earner in a family. Plantation Industry is in a very prosperous state and the Plantation Owners are flaunting their wealth and authority in a manner which is most disgusting. The real wages are less than the 1939 rates of wages. It is high time that plantation labour are paid a 'Living Wage' based on one earner for a family with dearness allowance linked to consumer price index number with full neutralisation.

#### 5. INSPECTION, CONCILIATION AND ADJUDICATION.

Practically no inspection is being carried out by the Labour Department and in such a situation the question of implementation of labour laws does not arise at all. Inordinate delay at every stage in each and every proceeding connected with conciliation and adjudication has given room to a feeling among the workers that no reliance of any sort can be placed on the existing conciliation and adjudication machinery.

#### 6. SOME SUGGESTIONS.

(1) The Labour Department should be staffed adequately with trained personnel; clothed with sufficient powers and equipped with necessary facilities.

(2) Conciliation Proceedings should be instituted only on the request of workmen or their trade unions and such proceedings should conclude within 30 days from the receipt of the complaint from the workmen or the Trade Unions.

(3) The workers and the Trade Unions should have the authority to refer disputes to Labour Court or Industrial Tribunal without the intervention of the Government.

(4) In relation to discharge, dismissals etc., the adjudicators should have the power to decide on the merits of the case by taking evidence.

(5) In all cases of awards of reinstatement the Employer should be prohibited to approach the High Courts in the nature of writs.

(6) Plantation Labour Act should have to be amended in order to make its provisions applicable to all plantations where wage labour is engaged irrespective of the area.

(7) Minimum Wages under the Minimum Wages Act should have to be fixed to provide safeguards to a section of workers belonging to the scheduled tribes who are subjected to semi-feudal conditions of existence and are paid their wages in kind which are as low as two seers of paddy per day.

(8) Interference by the Police - who are regularly wineed, dined and even tipped by the Plantation Owners - in labour matters and industrial disputes should be put an end to. The Police and even some of the Officials of the Labour Department conduct themselves in a manner as to make it appear that they are there to side with the Employers as against the Workmen. This improper conduct and attitude need correction.

We earnestly hope that the COMMISSION would be able to help the Plantation Worker to better his lot.

Mercara.  
27. 10.1967.

Yours faithfully,

Sd/-  
(B.N.Kuttappa)  
Secretary.

Sd/-  
(B.N.Venkataramana)  
Asstt. Secretary.

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"PL"

To

The Chairman,  
Government of India National Commission of Labour,  
D27, South Extension,  
PT2, NEW DELHI - 3.

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Mysore Beedi Mazdoor Association

Reply statement filed by the President of the Beedi ~~Workers~~  
~~Union~~, Mysore to the Commissioner's Questionnaires

-:-

Q.No.

R E P L I E S

1. It is true that the existing labour legislation is cumbersome and repetative and it is desirable to simplify the Labour Laws so as to get speedy disposal of labour disputes. It is also desirable to delete Industrial Legislation from the current list
2. I agree with the suggestion that there must be common definition of the term employer and employees and wages.
3. I agree with the suggestion that the salary limits in all Acts should be raised to uniform level and it is desirable to fix the salary minimum to not less than Rs.150/- per month.
4. I agree that the distinction between supervisory and non-supervisory employees must be removed.
5. I am in favour of simplification of labour legislation etc., as enumerated in questionnaire No.5.
6. There is no practical difficulties in switching over to All India Act but it requires power of will to do so.
7. It is possible to get over existing substantive and procedural rights by adopting all India Code.
8. I favour common standing orders or rules of discipline.
9. It is desirable to divide mis-conduct into minor and major and punishments accordingly.
10. It is advisable to have complete and detailed procedure for holding domestic enquiry. I further add that the domestic enquiry as such must be scrapped of and all mis-conducts whether minor or major should be tried and adjudicated by an independent body consisting of the representative of the Management, Labour and the Government. No prudent man expects impartial trial from the hands of an employer holding the enquiry.
11. It is desirable to have uniform service conditions as indicated in questionnaire No.11.
12. It is desirable to extend the benefits to non-factory employees also.
13. Questionnaire No.13 with regard to recognition of employers' Union is superflous and dangerous when Indian Society is fast moving towards socialism and such employers' unions if allowed to be recognised is anathama to the very object of labour laws and principles of socialism.
14. I favour recognition of industrialwise union and not in favour of recognition of Unitwise Unions.
15. There should be one recognised union for the same industry and same region.



16. There is no necessity for provision for recognition of craft unions including officers and supervisory staff.
17. The criteria of membership for recognition must be based upon election and choice of the workers. The recognised unions must have a right to raise dispute of members and non-members etc., as detailed in questionnaire No.18.
18. There is no domination as avered in questionnaire No.18.
19. Yes. It safe-guards.
20. It is possible on the principle of no right conventions.
21. I do not favour for the appointment of a Government labour Officer.
22. The Registrar of Trade Unions may be given power to decide disputes pertaining to election.
23. Agreement arrived at between employers and employees should be registered before a Labour Officer after he having been satisfied with the fairness of the agreement and the free consent of the workers.
24. Yes. I suggest demarcation of disputes according to subjects.
25. There is no necessity for conciliation proceedings before a conciliation officer because it results in inordinate delay, sufferings and unnecessary expenses. When there is a dispute, it must be raised before a Tribunal by either parties and the Tribunal or the Labour Court as the case may be to decide the question and at the same time try for conciliation and compromise.
26. I have indicated in my reply to questionnaire No.25 itself which also equally applies here.
27. It is desirable to have a single forum.
28. I do not agree with the suggestion in questionnaire No.28.
29. It is desirable to have industrial cum wage boards. The composition of wage boards must be represented by Labour, Management and the Government assisted by Technical experts.
30. It is necessary for wide publication and for the labour courts to take judicial notice of it.
31. Labour courts and Tribunals should be authorised to pronounce their decisions.
32. In case of non-implementation of award, heavy penalty of imprisonment and fine or both should be prescribed.
33. Like the enforcement of the payment of sales-tax and Income-tax in criminal courts, these also should be enforced in a criminal court against the defaulting party.
34. Experts in Labour Laws must be appointed as Judicial Officers.
35. There should be graduates in labour laws and ought to have undergone in apprenticeship for a period of one year.
36. I do not suggest that a strike should be considered as illegal.
37. I suggest that the definition of strike should include go slow, pen down strike, Gharavo etc.,

Page - 3.

First of all, the concept of illegal strike must be defined and on that definition mis-conduct will be considered.

Yours faithfully,

*A. S. S. S.*  
*Azeez Sait*

#### Recruitment.

Workers are recruited directly by the employers generally through introduction by the existing employers of the concern. New workers are not attracted to this industry in view of the low earnings prevailing therein, compared to other industries in the locality. There is no recruitment of casual labour. No discrimination is made on ground of caste, community, region, language etc. while recruiting workers.

#### Conditions of work.

(a) Due to the very nature of work which is mainly manual, accidents are rare. But the shelling department is not kept hygienically. While shelling, the oil of the shell spills on the hands and body of the worker causing irritation and scars. Due to the action of shell oil blisters are caused on fingers and hands. Workers have to smear ash on their hands/also use ash on the nuts before shelling. This also contributes to uncleanliness and unhygienic conditions. Further, the fumes emitted while roasting the nuts, affect the lungs of the workers. This has been a matter of dispute and prolonged enquiry in the past. No preventive or precautionary means are provided.

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## MEMORANDUM

193

TO.

THE HON'BLE CHAIRMAN AND THE MEMBERS,  
NATIONAL COMMISSION ON LABOUR

BY

THE PRESIDENT & GENERAL SECRETARY OF THE  
CASHEWNUT WORKERS' UNION, MANGALORE.

Sir,

We wish to place before the National Commission on Labour the following with a request that it may be pleased to take into consideration the following few points contained therein, when submitting its report to the Government of India.

We have based our suggestions on the questionnaire issued by the Ministry of Labour, Employment and Rehabilitation New Delhi dated 24.12.1966.

The Cashewnut processing industry was started in the District some 50 years ago. The industry is agro-based and dollar earning. The industry employs about 7,000 workers. Amongst them 95% are women. These workers are engaged for processing cashewnuts by roasting, shelling, peeling, grading, packing, shell oil extracting etc. The workers engaged in shelling and peeling of cashewnuts are piece-rated workers and these workers constitute 90% of the total labour force engaged in the industry and the remaining 10% are day-rated (time-rated).

Recruitment.

Workers are recruited directly by the employers generally through introduction by the existing employers of the concern. New workers are not attracted to this industry in view of the low earnings prevailing therein, compared to other industries in the locality. There is no recruitment of casual labour. No discrimination is made on ground of caste, community, region, language etc. while recruiting workers.

Conditions of work.

(a) Due to the very nature of work which is mainly manual, accidents are rare. But the shelling department is not kept hygienically. While shelling, the oil of the shell spills on the hands and body of the worker causing irritation and scars. Due to the action of shell oil blisters are caused on fingers and hands. Workers have to smear ash on their hands/also use ash on the nuts before shelling. This also contributes to uncleanliness and unhygienic conditions. Further, the fumes emitted while roasting the nuts, affect the lungs of the workers. This has been a matter of dispute and prolonged enquiry in the past. No preventive or precautionary means are provided.

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ANNUAL LEAVE WITH WAGES.

(b) In the cashew industry, it is the practice to grant annual leave with wages as per sections 79 & 80 to all workers, when any Management closes down the establishment for annual repairs or when raw-nuts are not available. But, the earned leave wages are denied to those who leave the services, in the middle of the year. Hence, the Factories Act has to be amended to the effect that the earned leave wages should be granted to those workers who leave the services of the establishment in the middle of the year also.

(c) The work in the shelling and peeling department to a great extent depends on the degree of roasting of nuts. If the nuts are under-roasted the work will be slow and the workers will require more than 8 hours to finish their outturn. But these workers being piece-rated workers, no overtime wages are paid to them.

(d) CRECHE.

Trained Nurses or aayas are not employed to take care of the children in the creche. It is necessary that trained Nurses or aayas should be in charge of the creches in this industry where almost the entire labour force consists of women.

(e) CHILD LABOUR.

Child labour is prevalent in Beedi industry, cardamum and arecanut industry and relatively high. In Beedi and cardamum industry work is carried on mostly by out-workers on contract basis. By this the employers avoid all obligations under labour legislations. We also reliably understand that out-workers system which is called 'KUDIVARAPU' is practised in cashew industry in Kerala State on a large scale. In this District also out-work is prevalent though in a relatively restricted scale in certain places in cashew industry.

The Mysore Beedi Industrial Premises (Regulation of Conditions of work) Act, 1964 (Mysore Act No 4 of 1964) has been now brought into force recently, but arrangements for the implementation are yet to be made. As far as the Arecanut workers are concerned, the owners of the establishments, circumvent the labour legislations by employing workers through mukadams!

The Trade Unions are organised by the political parties in the District. There are as many as four Unions in each industry. The attitude of the employers towards the Unions is not healthy. The Code of Discipline is not accepted by the employers except by M/s Peirce Leslie & Co., Ltd., Mangalore. The employers have always resisted the legitimate demands of the workers even when they are awarded by the Tribunals, and upheld by the High Court and Supreme Court, after prolonged litigation. The attitude of the Government of Mysore is also unhelpful in speedily solving differences or disputes. As a result workers are almost always forced to resort to direct action as the only means available to them for the redressal of their grievances.

The attitude of the Government towards Trade Unions is discriminatory, motivated by political considerations. The views

expressed by the Unions are altogether neglected or not taken into consideration. For example in the case of fixation of minimum wages, we brought to the notice of the Government that certain category of workers (Canteen workers Mukadams, Maisthries) were left out in the Draft notification. We also urged the Government, to notify the minimum wages granting dearness allowance linking to the cost of living index, as is done in Kerala State. But, to our surprise, we reliably understand that these suggestions were not taken note of by the Government and incorporated in the notification. Another example is the case of Industrial Co-operative Societies. Co-operatives are organised by the workers but the Societies do not get rice, sugar and other rationed articles from the Government. If the Societies are to depend on the open market, then there is hardly any necessity of organising the Societies by workers. Now the Co-operative Societies are not functioning at all.

The obligation undertaken jointly by the Central organisation in Tripartite Conferences sometimes caused difficulties. For example the question of holding the price line. To achieve this objective it was decided to organise industrial co-operative societies but today it is our experience in our District that not even a single co-operative society is functioning. Another point is the question of Arbitration. No employer is agreeable for voluntary arbitration.

#### TRADE UNIONS CONSTITUTION AND FINANCE.

The Trade Unions are organised on the common objectives mentioned under the rules. The Objectives of different Trade Unions are almost the same. To enumerate the few;

- (a) To regulate the relations between the members and their employers.
- (b) To render help to the members by constitutional methods.
- (c) To secure to them fair conditions of life and work.
- (d) To endeavour to redress their grievances.
- (e) To provide relief to members against sickness, old age, unemployment and death.
- (f) To endeavour to settle disputes between the members and their employers.
- (g) To promote the civic and political interests of members and
- (h) To co-operate and federate with organisations of workers having similar objects.

The Unions are generally manned by the Secretary and the Presidents who are whole-timers. They are elected to the post by the annual general-body meeting as per the provisions of the rules of the Unions. As far as our Union is concerned three Office-bearers are paid Officers of the Union.

New Members are enrolled to the Union by direct contact with the workers either by Office-bearers or through the active members of the Union. The activists try to contact the workers personally and enroll them as members of the Union.

Discussions or meeting are arranged for the activists and their opinions are elicited explaining the issue to them by the Union functionaries. Members are encouraged to take interest in the Union activities.

The activities are based on the general policies decided by the annual general-body meeting of the Union or special conventions. The working committee as a whole is responsible for the implementation of the policies of the Union but the Office-bearers carry on the day to day work of the Union.

The Unions does not have enough income to fulfill its roll in promoting the interests of the members in all manners contemplated in the rules of the Union. At present, the expences are met by the Union by collecting donations from time to time. In our opinion it is not necessary to have statutory provisions for enlarging Trade Union finances.

In our opinion it is not advisable to have 'check-off' system in India. Firstly because, the recognition of the Trade union has remained an unsettled question so far and any statutory provision enabling the managements in any manner to interfere with the finances and recruitment of members to Trade Unions will harm the cause of independent and voluntary Trade Unionism. Unless statutory provisions are there to recognise the majority Union, this system will not work out satisfactorily. It will lead to favouritism and setting up rival Unions.

The help rendered by the Unions at the time of personal difficulties of members at present is negligible. As far as sickness and personal injuries are concerned E.S.I. scheme comes to their rescue. In the case death of a member some financial help is given to the dependents, by the Union if they do not have any other resources or means.

#### TRADE UNION $\frac{3}{4}$ LEADERS AND MULTIPLICITY.

Almost every political party in India is organising Trade Unions. In the present social and political conditions it is inevitable. But inspite of multiplicity of Trade Unions under the leadership of different political parties, we see that on common issues they often join together and wage joint struggles." It is hoped that this will lead to more, and more co-ordination amongst Trade Unions, ultimately giving rise to one Union in one industry and one central organisation in the country wherein all opinions trends and parties will play their part commensurate with their influence amongst the workers and subject to the democratic functioning of the organisations in accordance with their rules and regulations.

When few outsiders, who do not belong to the concerned industry are elected as Secretary or President or Working Committee

Member of a Union, to that extent they may be called "outsiders". But, if they carry on the activities as per the policies laid down by the union, they can not be treated as outsiders, as they belong to the Union, they can not be treated ~~as outsiders, as they~~ belong to the Union and are bound by its rule and regulations. But, if some agency outside the Union, places itself above the Union, decides the policy of the Union without reference to the Union and without regard to its forum or course of action, that undoubtedly is outside interference. Such interference should be discouraged and prevented by all means. It should be the endeavour of all political parties not to impose their views or decisions on Trade Unions, but to actively strive for Unity of the workers to achieve their common ends.

It should also be the endeavour of all the Unions to build the leadership inside the Union from amongst the members of the Union by imparting them education, basic knowledge of labour laws, sense of responsibility and their obligation towards society. But, in today's conditions, help from 'outsiders' is absolutely required because of the well-known fact that most of the workers are illiterates and the time left at their disposal after their daily work is very limited.

In our opinion the Inter-union Code of Conduct adopted by the four Central Organisations in 1958 was not so effective as it was thought of. It is only when circumstances forced the Unions for joint actions on common issue, then it became imperative on the parties, to observe the Code. This Objective can not be achieved by legislation.

#### TRADE UNION RECOGNITION.

Without registration of a Union it is difficult to carry on Trade Union activities. Nowadays, it has become a fashion on the part of some of the employers, to question the bonafides and character of a Union, when a dispute is raised. In such cases registration is absolutely necessary. An unregistered trade union will be in a great disadvantage position, to prove its representative character.

There is absolutely no change in the attitude of the employers towards trade Unions in the matter of recognition. As we have stated earlier, unless the employers accept the Code of Discipline, the question of recognition will not arise.

We are of the opinion, that representative character of a Union should be determined by secret ballot. The Union that enjoys the allegiance of majority of workers should be recognised as the representative Union for the Industry. If any of the minority Union is in a majority in a given establishment or department to that extent that Union should be recognised without prejudice to the rights of the Union having majority in the industry as a whole.

The employer should provide all amenities to a recognised Union to carry on legitimate activities of a Trade Union

such as collecting funds, holding meetings, imparting education, facilities for recreational activities etc.

### INDUSTRIAL RELATIONS.

Since Independence disputes regarding wage increase dearness allowance, bonus and gratuity were on the increase. The simple reason for this is that the prices of day to day needs went on increasing day by day. As a result of this, actual earnings of the workers went down and it became impossible to the workers to meet both ends. Bonus is a recurring dispute every year. Bonus helps the workers to a certain extent to meet his social necessities, particularly when the wages are low. But, these demands are resisted by the employers under one pretext or the other. Multiplicity of Unions also contributed to the industrial unrest. This factor was taken advantage of by the employers and the collective bargaining power of the workers went down.

The Labour/personel Officers were not instrumental in preventing disputes and maintaining harmonious employer/employees relations. These Officers are more or less the legal advisors of the Managements in matters concerning labour and they represent the managements in labour disputes. These Officers should be appointed by the Government but financed by the employers by contribution. This Officer should work as a link between the employer and employees or their Unions, when disputes arise.

The Employment Standing Orders Act, 1946 and the Model Standing Orders formulated under the Act do serve the purpose of the employer but not of the worker. In the Standing Orders provisions are not made for lay-off wages, leave facilities procedure for conducting domestic enquiries etc. Drastic changes are necessary in the Standing Orders.

### COLLECTIVE BARGAINING.

We hold that the statement that collective bargaining has its advantages when Unions have sufficiently built up their strength and even for strengthening Unions. Adjudication system provides an arrangement by which satisfaction can be given to parties without open industrial conflicts, as also for protecting the weaker party provided the Government and the concerned authorities act in time and justice is meted out without delay and the awards are implemented by the managements without demur.

### JOINT CONSULTATION.

Through collective bargaining and joint consultation both parties can know their respective stands in a better way and it will certainly help to resolve the dispute in a cordial manner. The Works-committees formed have not achieved their objectives. One of the reasons is that the employer does not



want to treat the Works-Committee member from the workers side on par with that from the staff. Secondly, whatever the decisions that Works-committee may take, it is only recommendatory if the Works-committee takes decisions against the interests of the employer, no further meetings are held at all.

We are of the opinion that there should be a place for the Union representative decided by the Union. If the Works-Committee decides an issue by majority then that decision should be mandatory.

#### CONCILIATION.

It is correct to say that conciliation machinery has played a pivotal role in maintaining industrial peace. At the same time many major disputes are not settled through conciliation machinery. But the present procedure needs improvements. Conciliators should be given more powers for summoning the parties and for requiring the production of documents. Conciliation Officers must be specially trained for the job.

#### ADJUDICATION.

Now a days adjudication procedure has become cumbersome, expensive and time consuming. No doubt this system has played an important role in maintaining industrial peace and securing justice to the workers in weaker sections of industrial field. In the first place inordinate delay is caused for reference of disputes for adjudication. Secondly, adjudication proceedings sometimes take number of years.

We are of the opinion that preference should be given to collective bargaining and only when the parties could not come to any amicable settlement, the dispute should be referred for adjudication. In industrial disputes relating to discharge and dismissal, the adjudicator should have the authority to go into the merits of the action taken by the management.

#### CODE OF DISCIPLINE.

The Code of Discipline has not served its purpose. Recognising a Union by the employer should be made compulsory.

#### STRIKES AND LOCKOUTS

We are of the opinion that there is no need at present for any modification regarding the existing restriction on workers' right to strike and the employers' right to declare a lockout.

Union rules provide for a procedure to be gone through before giving a call for strike. In most cases this procedure is observed in letter and spirit. We have no knowledge where workers were able to secure strike period wages. The Government does not come forward to declare any strike as legal but on the other hand, it does declare strikes as illegal. As far as possible the Government should try to avert a strike by timely intervention in the dispute.

#### MINIMUM WAGE

We do not see any reason, why the concept of minimum

wages, as enunciated by the Committee on Fair Wages, be modified. We are of the opinion it should be modified.

It is true that the minimum wages fixed at present does not meet the requirement as enunciated by the committee on Fair wages. But the minimum wages fixed in any industry should have relevance to the wages paid for other workers in the respective locality and in the same industry in the region and in different States.

The Kerala Government has fixed the minimum wage to the Cashewnut workers granting dearness allowance linked to cost of living index but the Mysore Government fixed the rates of minimum wages all inclusive, for different categories.

To cite an example shelling piece-rate is fixed at 18 paise per 500 grams and for peeling 22 paise for 500 grams, excluding dearness allowance. In Mysore for shelling & Peeling 15 paise all inclusive is fixed for 500 grams. It means the Kerala worker will get more wages in every 500 grams plus dearness allowance, which is now paid at 94 paise per day.

We regret to state that the Mysore Government the minimum wages to the cashewnut workers in an arbitrary manner and without taking into consideration the realities of wage structure here.

Steps should be taken to achieve the need based minimum wage in the shortest possible period.

#### DEARNESS ALLOWANCE.

To protect the real wages of the worker dearness allowance linked to cost of living index of the region, should be granted. Dearness Allowance should be calculated on each point and full neutralisation should be given to the workers.

#### SOCIAL SECURITY.

The administration of medical benefits under the scheme should be taken over by the Corporation. More Medical amenities should be provided to the insured persons. More Hospitals with necessary equipments and trained personnel should be made available to Mangalore. We are of the opinion that the Employees Provident Fund Scheme should continue as at present. But old age pension or benefit should be granted from the E.S.I. Scheme. In all cases of closure of factories for any period of time for any reason whatsoever, the workers covered by E.S.I. should be paid unemployment benefit.

We respectfully submit that we have placed before the Hon'ble Chairman and the Members, National Commission on Labour our view, for their due considerations and acceptance. We thank the Commission for having given us an opportunity to place our views before it.

Yours faithfully,

Sd/-  
P R E S I D E N T.

S/- General Secretary.

BEFORE THE HON'BLE NATIONAL COMMISSION

ON LABOUR,

CAMP: MANGALORE.

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M E M O R A N D U M

SUBMITTED

BY

THE UNIT OF BHARATIYA MAZDOOR SANGH

FELIX PAT BAZAR, MANGALORE.

Respected Sirs,

While welcoming you heartily to our city we wish to submit the following for your kind and favourable consideration:

W A G E S:

The main problem that confronts the workers today is that of wages. It cannot be a debatable point that wages earned today by the workers are no where nearer the fair wage level; that the wage fixation at present is more or less on an AD HOC basis, that due to the inflationary trends in the economy of the country the cost of living has been mounting at a rate not conceived originally thus eroding the real wage of a worker. Under these circumstances protecting the real wage has rather assumed priority over the raising of the wage level.

It is the considered view of the Bharatiya Mazdoor Sangh that this question of wage fixation has to be solved on technical and scientific grounds rather than on a hotch potch basis. There is need to formulate and pilot a dynamic national policy on wages. For this purpose survey of family living of the wage earners in the present context of the progressive ideas will have to be undertaken by the Governments. This should be done not only to reconstruct the cost of living index numbers but also to determine the real content of a given monetary wage. This should also lead to evolving a minimum wage on the basis of the real content as shown by the survey result. Job evaluation in the different industries and fixing of wages for different categories and jobs should be undertaken.

The rise in the cost of living has to be analysed and different factors which are responsible for the same and the extent to which each such factor has influenced the rise have also to be determined. This would facilitate the understanding of the problem of protection of the real wage content. Needless to say that the Dearness Allowance portion of the wages should be so adjustable as always to protect the real wage of workers.

LABOUR LEGISLATION:

Too many labour laws are in existence which tend to confuse and confound the people. It is desired that the Labour Law be codified and also simplified. At present the same word may have different meanings in different labour enactments. Uniformity in these matters will go a long way to simplify them.

Contd.....2.

MACHINERY FOR SETTLEMENT OF DISPUTES:

The legal remedies now available to workers for the settlement of industrial disputes have not succeeded in infusing the confidence and faith among the workers, to give them a sense of security. The inordinate delay in these proceedings have shaken the workers' faith in them. It is, therefore, imperative that this delay is eliminated and confidence restored. For this purpose we propose the following:

- (a) Conciliation proceedings must be ended within a specified short time. Further, conciliation officers should be given more powers so as to enforce the attendance of the persons concerned as also for production of records.
- (b) The procedure by which the Government alone can make a reference of the disputes to the adjudicating authority should be eliminated as it causes considerable delay. Instead, it should be possible for the workmen to take the disputes straight to the adjudicator.
- (c) Permanent Labour Courts and Industrial Tribunals should be established and the present system of constituting them on an ad hoc basis for a specified period should be done away with.
- (d) Presiding Officers of the Labour Courts and Industrial Tribunals should be appointed by the State High Courts or the Supreme Court as the case may be.

The present practice of the Government appointing them should be stopped.

Further, the Presiding Officers should be appointed from among those who continue in judicial service and not the retired personnel as at present.

- (e) Various Appellate Authorities under the different Acts, viz., Payment of Wages Act, Minimum Wages Act, Workmen's Compensation Act, Shops and Commercial Establishments Act, etc., are appointed from among the Executive Officers such as the Revenue Assistant Commissioner or Sub Registrars etc., who are quite out of touch with the working of the labour legislations or with various problems involved in labour-management relations. Sometimes, District Magistrates are empowered to function as such Authorities.

We feel that it is better that all these powers all these powers are vested in the Labour Courts and Industrial Tribunals and a common Appellate Authority for all labour matters be constituted.

- (f) The present machinery for enforcement and implementation of Awards is too weak and inadequate. The Labour Courts and Industrial Tribunals should be vested with powers to implement and also prosecute those who refuse or neglect to implement the Awards and powers conferred on them to execute Awards on the analogy of the provisions of the Civil Procedure Code.

From

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The Secretary,  
Bharatiya Mazdoor Sangh,  
Felix Pai Bazaar,  
Mangalore-1.

To

The National Labour Commission,  
Camp: MANGALORE

Sirs,

In continuation of the discussions we had this morning and as requested by you, I give herebelow cases of non-implementation of the Awards by the employers and wherein the Government has failed to prosecute them.

1. Award of the Industrial Tribunal, Bangalore  
dated 19.12.1966 published in the Mysore  
Gazette dated 12.1.1967

The above award directed the managements of the Cashew Factories of (1) M/S. Mizar Govinda Annappa Pai & Sons, (2) M/S. Fernandes Brothers and (3) M/S. Swasti Cashew Industries (P) Ltd., Mangalore to pay to their workers dearness allowance at the rate of Rs.0.50 Paise per worker per day with retrospective effect from 20.8.1965. The above managements sought to go in appeal to the Supreme Court, but it declined to grant the leave to appeal on 20.3.1967. There-after the managements have paid dearness allowance with effect from 22.3.1967. But the amount due for the period from 20.8.1965 to 21.3.1967 remains still unpaid.

After several representations the Commissioner of Labour, Bangalore on 6.7.1967 sanctioned prosecution of the Managements for not implementation of the Award. But even to this day they have not been prosecuted.

We understand, that the reason for this is that the managements approached the Ministers and have seen to it that no prosecution is launched.

2. Award of the Industrial Tribunal, Bangalore  
dated 22.12.1966 published with Mysore  
Gazette dated 19.1.1967.

By the above Award the Tribunal directed the management of M/S Chandrana Brothers, Mangalore among other things to pay to their staff members the annual increments which they had illegally with-held for the year 1964-65, onwards. Even to this day they have not paid the increment amounts to their staff members. On 26.9.1967, the Commissioner of Labour, Bangalore, has in a letter threatened the Management with prosecution. And the matter rests with that.

Contd.....2.

3. Order of the Labour Court, Hubli, dated 2.6.1966 against M/S. Vithalji & Co., Mangalore.

By its above order the management of M/S. Vithalji & Co., were directed to pay a total amount of Rs3,122.00 to their four employees. The recovery proceedings under Sec.33 C(1) are under progress. Still even to this day the amount has not been recovered and paid to the workers concerned.

These are specific instances where the State Government has failed to take proper action. We request you to kindly do the needful in the matter.

Thanking you

Mangalore  
28.10.1967

Yours faithfully,

Sd/-  
SECRETARY

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B O N U S:

We feel that the Payment of Bonus Act has done great injustice to at least a section of the workers.

The ceiling of 20% put on the quantum of bonus has adversely affected a large number of workers of affluent industries. It is, therefore, suggested that the ceiling of 20% be removed. As there is provision for set off, employers will not be put to injustice by removing the maximum limit.

Also the exemption given to industries from the provisions of this Act upto a period of first five years does not seem to be justified inasmuch as during this vital period of growth the workers do contribute labour. It will, therefore, be wrong to deprive them of any bonus. We, therefore, suggest that a provision be made every financial year and the minimum bonus as contemplated in this Act credited to individual workers' account payable after the first five years in a suitable manner. Workers leaving of their own accord during this five year period to forfeit this accumulated benefit.

EXPORT ORIENTED INDUSTRIES:

It is in the nation's interest of progress and prosperity that our industries should export more. We feel, therefore, that such industries as are exporting goods should work to full capacity. Neither the installed capacity nor their potential should remain idle. One of the suggestions which we would like to give in this connection is that such of the industries may be allowed to run on all the seven days in a week. Of course, the workers shall be given a day off in a week in turn. This will also open up employment potentials and enthuse in the workers/spirit of national dedication.

SOCIAL SECURITY:

We suggest that the accumulations in Employees' Provident Fund be utilised for housing schemes as there is acute shortage of houses.

As regards E.S.I. Scheme, we would like to suggest that it should include a provision for payment of some substantial amount in cash to a worker who for a specified period does not obtain sick leave or other cash benefits from the scheme. This would discourage absenteeism merely to cash the benefit which will hit production also. The 'NO ACCIDENT BONUS' that is given by the Insurance Companies is an analogy which could be followed in this Scheme with suitable modifications.

TRADE UNIONS:

It is our considered view that workers should be free to join the Union of their choice; but at the same time it should be ensured that mushroom growth of Unions is discouraged. For this purpose a minimum percentage of membership before registration of a Union may be made a condition precedent.

GENERAL:

There should not be any disparity in the pay and allowances of the State Government, Central Government and Local Body Employees:

We hope the above suggestions will receive the attention and consideration at the hands of this august Commission.

Thanking you,

M A N G A L O R E

28th October 1967

Sd/-  
(M. MAHABALA BHAT)  
PRESIDENT

Yours faithfully,

Sd/-  
(B.K. SUVARNA)  
GENERAL SECRETARY

BHARATIYA MAZDOOR SANGH,  
SOUTH KANARA DISTRICT BRANCH,  
MANGALORE



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The Hon'ble Members of  
National Commission on Labour,  
Government of India,  
CAMP: MANGALORE

RESPECTED SIRs,

Memorandum submitted by the S.K.  
Coffee Cardamom & Allied Workers' Union,  
Mangalore on behalf of Coffee, Cardamom  
and Supari Curing Factory Workers of  
Mangalore.

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We earnestly hope that the National  
Commission on Labour, will be pleased to consider the following  
and make such recommendations regarding living and working  
conditions of labour in the following industries:

A. COFFEE CURING INDUSTRY:

1. Coffee produced in Chikmagalur, Hassan and Coorg Districts of Mysore State is cured and shipped from Mangalore Port, Mangalore City is a Coffee Curing Centre but these factories are not situated in the Coffee Estates. There are 7 Coffee Curing Factories employing about 1,400 workers and about 18,000 tons of Coffee is cured and garbled annually.
2. 95% of the labour employed in curing and garbling are women and they are paid very low piece-rate wages. The work is not provided throughout the year. The workers are laid off 3 to 4 months in a year and they are not paid lay-off wages.
3. Task-cum-piece-rate basis is adopted for payment of wages to the Garbling workers. The earnings are conditioned by the quality and quantity of the Coffee issued, proper checking and retaking by the Supervisors. The average annual earning roughly is about Rs.350/- to Rs.450/- only. The male workers employed in the hulling and yard sections are paid on daily rate basis, and they earn about Rs.500/- to Rs.600/- annually.
4. The workers are not provided with any Housing facilities or Medical facilities. Not a single employer has constructed houses under the Industrial Housing Scheme.
5. The Curers are making attempts for rationalisation by way of introducing new type of machines. It is also found that when they receive good quality of coffee it is not issued for garbling to save garbling charges. But at the same time when they get very poor and bad coffee they are forcing workers to do the work.
6. The workers are agitating for fixation of Minimum Wages, lay-off wages, gratuity scheme and the

curers refused to consider any legitimate demand of the workers. Even the question of the payment of Minimum Bonus as per the Payment of Bonus Act is pending before the Tribunal in one of the big firm, M/s Aspidwall & Co. Ltd.; The Managements refuse to consider even to provide work for at least 250 days in a Calender year with minimum guaranteed task work.

#### B. CARDAMOM INDUSTRY:

1. There are 6 Cardamom Curing Factories in Mangalore employing about 450 workers including out-door workers. Only about 150 workers employed in the factories.

2. Cardamom produced in plantations of Mysore State is cured, bleached, fumigated, garbled and shipped from Mangalore.

3. The labour employed for curing, garbling and bleaching and trimming are women and they are paid very low wages. The work is not provided throughout the year. The workers are not paid any wages during the period of lay-off or retaining allowance. The factory workers are paid at time-rate basis at Rs.1.75 per day and out-door workers are paid at piece rate basis.

4. The workers have demanded Dearness Allowance sick leave benefits and gratuity scheme etc., but the Managements are refusing to consider the same.

#### C. SUPARI CURING INDUSTRY:

1. There are several factories in Mangalore whereing supari is cured and sorted. About 1,000 women workers are working in these factories. The workers are made to work through some intermediaries called Mukadams throughout day and night in violation of all Labour Acts. This system has deprived the workers of all legal protection all legal means of getting their grievances redressed, all benefits enjoyed by the workers in other Industries.

2. The employment of women during night is standing scandal. It causes untold miseries to the workers and to unmitigated exploitation of labour. The conditions of service of the women workers in the Supari Curing Industry is primitive. The Industry is unorganised. The provisions of the Factories Act, Minimum Wages Act, The Mysore Shops and Commercial Establishments Act, The Maternity Benefit Act and the Payment of Bonus Act are not made applicable to these workers of this Industry. Even on 15th August and on Republic Day workers are not given paid holidays. Principles of social justice are thrown to the winds. The workers are thus the victims of the Managements. The former having the protection of no Industrial Law.

3. Several strikes have taken place in this Industry. But workers could not take advantage of the Labour laws and could get only meagre wage increase on the level of Cardamom Curing Factory Workers.

4. Several decisions of the High Court have held that such Establishments come within the purview of the Factories Act. In Kerala State, such establishments have been brought under the provisions of the Factories Act. The Government of Mysore have not taken any action to include the Supari Curing Works in Mangalore within the purview of the Factories Act. They have just sought to perpetuate a situation wherein hundreds of women workers are made to suffer limitless working hours and ordinary facilities under the Factories Act. The Union's Labour Commissioner and the Government have fallen on deaf ears.

In the light of the above stated grievances of workers, we request that the National Commission on Labour may decide and advise the State Government to take proper and timely action to provide for the regulation of conditions of work and employment in the Industries mentioned above. Such a decision is quite necessary at present when the cost of living has shot up by leaps and bounds due to devaluation of the Rupee and other factors beyond the control of the workers. Both the Government of India and the Government of Mysore have failed to hold the price line.

Taking into considerations all the facts stated above, we request that the Commission may be pleased to recommend the following:-

1. Fixation of National Minimum Wages for all categories of workers.
2. Better conditions of work.
3. Unemployment Benefits.
4. Housing facilities.
5. Sickness and old age benefits.
6. Better social security legislation for all categories of workers.
7. Abolition of contract labour in any form.
8. Protection against rationalisation.

We hope and trust that the National Commission on Labour will take note of certain peculiar conditions of work of workers, the loopholes in the existing Labour Legislations etc. will be suitably remedied, to protect the interests of Labour as per the Directive Principles of State Policy embodied in our Constitution.

Yours faithfully,

Sd/-	Sd/-
PRESIDENT	SECRETARY.

MANGALORE  
28th October 1967.

\*S.ARCRA\*

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M E M O R A N D U M

Submitted to  
THE CHAIRMAN AND MEMBERS OF THE NATIONAL COMMISSION ON LABOUR

By

The South Kanara Tile Workers' Union, Bolar, Mangalore

Camp:- Mangalore

Sirs,

We learn that you are visiting Mangalore with a view to study the working conditions in the Tile Industry. We, the representatives of more than 80% of the tile workers in the district, therefore, would like to place before you our considered views on the prevailing conditions in the Tile Industry in the form of answering the Questionnaire.

Our views are as follows:-

I. Recruitment

- (a) Casual Labour: No casual labour worth the name.
- (b) Contract Labour: No.
- (c) Child Labour: No.

II. Conditions of Work.

Working Conditions:

13. The number of national and festival holidays is only seven. It is desirable that this number be raised at least to twelve.

17. In the implementation of the Factories Act and the E.S.I. Act the trade unions and the employers' organisations can jointly play a useful role. The constituting of a permanent standing committee will be useful.

III. Trade Unions.

27. The existing legislative laws have not done much regarding the growth of trade unions.

28. Too much of clerical, conciliation and Court work has crept into the trade union work. As a consequence, the real bargaining power of the Union has been reduced to a certain extent.

30. (c) The trade unions have an independent role in politicalising the workers so as to fight for such Governmental policies as will ensure the welfare of the working people.

31. The trade unions have discussed their affairs with Government. But the Government have not yet adopted the attitude of seriously considering the views of the Unions.

For instance, many a time the Government constitute Committees without including the real representatives of the labour in that specific field.

37. In the case of consumers' societies the Government, have for example, failed in working out the details at the lower levels after adopting the National Policy. The result is, the Consumers' Societies are still born in the factories.

38. (1) It is the responsibility of the All-India Organisations of workers to see that the really representative Unions of a particular industry are given representation in committees, etc.

(v) In settling of major industrial disputes the Central T.U. Organisations can provide expert personnel and expert advice. For instance, the lack of this type of assistance is one of the main causes for the unfavourable case-laws regarding discharges and dismissals, etc.

39. Factory Committee is the leading unit of a T.U. at the plant level.

40. The officers are elected. The leading ones only paid.

43. The policy is decided by the working committee of a T.U. The rank and file contribute in the sense that they state their experiences and views to the working members.

46. The finances of the Trade Unions are too meagre.

#### Trade Union-Leadership and Multiplicity.

49. It is because of the political parties, especially the Communist Party, that the trade union movement has grown.

50. 'Outsider' is a person who is not a worker in the industry to which the Trade Union belongs. The influence of the outsider has been mostly beneficial to the workers, taken as a whole.

52. Yes. Multiplicity of trade unions cannot be avoided.

53. The Inter-Union Code of Conduct has only stressed the need for unity of the workers. It has not minimised the inter-union rivalries.

#### Trade Union Recognition:

55- A more or less working recognition has given to the unions representing the views of majority workers in the Tile Industry. The real fighting strength of the Union alone has been the main cause of the recognition.

56. No.

64. The employer should give facilities to meet the workers individually or en-masse and also facilities to observe the actual working of the factory.

### IV. INDUSTRIAL RELATIONS

#### Introductory:

66. The criteria for determining the effectiveness or otherwise of Government's industrial relations policy must be its help in

solving the industrial disputes, as and when, they arise and immediately without delay. The legislative and other arrangements for prevention and settlement of industrial disputes have not been of much use in this industry. It is lack of purpose and initiative and integrity in the Government machinery.

69. The main causes for industrial unrest after Independence have been two: (1) The widening gap between economic needs of the workers and their wages/allowances. (2) The thinking of the employers to the effect that the rates of any commodity may be increased, but not that of the working power of the workers. The more wages, they think, the less the profits.

76. The labour personnel must immediately visit the factory and after ascertaining the facts and seeing things for himself give his considered and non-corrupt views. This will have a good effect.

77. Once in a week at least when the factory manager visits the workers at their place of work, then the workers should be allowed to state complaints directly, and on other days through the works' committee members.

79. In most factories, Standing Orders are drawn up by managements alone. Always Standing orders should be drawn up in consultation with the workers' representatives.

81. The model standing orders of the Government too need radical changes.

#### Collective Bargaining:

85. It has been more or less successful in the Tile Industry.

86. The representatives must represent at least 50% of the workers in the industry.

87. The collective bargaining should be stressed. Adjudication officers should safeguard the interests of the minority sections, if any.

89. Yes, it is feasible.

90. The limits of collective bargaining should be the interests of the industry.

#### Joint Consultation:

92. The works committees have not been constituted in most of the factories in the industry. And where they have been constituted they have been useless because they have no real powers.

#### Conciliation:

100. The powers of the conciliation officers should be real. At present, the conciliation officers are just like post-offices.

#### Adjudication:

103. Relating to discharges and dismissals the powers of the adjudicators should be quasi-judicial.

104. The unions must have the option to refer the disputes directly to the courts and tribunals.

105. Yes.

106. Only one may be given to one party to the dispute. The whole proceedings must last only one month and not more.

107. Yes.

108. The cost of adjudication should be borne by the Government in the case of the labour.

109. Labour Tribunals and Courts should have the executive powers to ensure full and speedy implementation of tribunal awards and agreements.

#### Code of Discipline:

110. It has not served its purpose.

111. During the existence of the Code of Discipline the provisions must be made to safeguard the workers from arbitrary discharges and dismissals. This must be given legal shape.

#### Voluntary Arbitration:

115. Trade Unionists and Labour Commissioners.

#### Strikes and Lock-outs:

117. The workers' right to strike should be treated as fundamental.

### V. Wages

#### Introductory:

130. It has kept the level of wages low.

133. The existing level of wages is due to an award passed in '47.

#### Dearness Allowance:

144. There should be cent percent neutralisation of price rise.

#### Wage Differentials:

150. The effect has been satisfactory in this industry.

#### General:

162. The minimum wages fixed so far in this industry is far below the existing wages. Hence the fixation of minimum wages has rather added to the disturbance of the industrial relations.

163. No. In declaring bonus only gross profits should be taken into account. Dividend only on fixed capital should be allowed.

The Bonus Act has in effect shown the way to the employers to so manipulate the accounts that the workers will get only 4% or Rs.40/- and not more.

VI Incentive Schemes and Productivity

166. (a) Yes.  
(b) Yes.  
(c) Yes.

167. The role of labour in raising productivity should be one of educating the workers and also of ensuring the protection of their interests.

170. The Cascia Tile Factory has, in recent years, undertaken to experiment with productivity techniques. The reaction of the workers has been bad, because the productivity techniques were introduced with a heavy loss of work and hence earnings to the workers.

VII. Social Security

179. (a) Old age benefit which is not available at present should be included.

(b) The minimum number of contributions per period should be made 12 instead of 18 as at present.

182. No exception to be given.

183. This has not resulted in more absenteeism.

188. More local offices should be opened.

190. The gratuity payments should have priority in an overall security programme.

191. A part of the E.S.I. funds should be set apart for retrenchment provisions.

VIII Labour Legislation

194. The defect in the functioning of the implementation officer is the main factor for the non-implementation of the various labour laws.

198. The case-law prohibiting the presiding officers of Labour Courts to go into the merits of the case involving discharges or dismissals has been used by the managements to deliberately resort to these measures. Hence, the Industrial Disputes' Act may be suitably amended to ensure justice and security to the workers.

X Labour Research & Information

222. The cooperation of the trade unions should be taken while conducting research activities.

Yours faithfully,

Bolar, Mangalore\*

Sd/-

18-10-1967

General Secretary  
The S.K. Tile Workers' Union,  
Regd. No:1406  
Bolar, Mangalore-1



M E M O R A N D U M

Submitted by  
The Cashewnut & Allied Workers' Union, Gujjerekere,  
Mangalore 1.

To The

THE CHAIRMAN AND MEMBERS OF THE  
NATIONAL COMMISSION ON LABOUR,  
CAMP: MANGALORE

Sir,

With reference to your questionnaire we would like to submit the following memorandum:

I Recruitment

- (a) Casual Labour: Only a negligible percentage of casual labour is employed in this industry.
- (b) Contract Labour: Work of sewing the gunny bags, loading and unloading work, and some other types of work are being carried on the contract basis. This is done with the view to avoid the provisions of labour laws from being applied to these workers. Especially in a factory employing hundreds of workers this is highly objectionable and must be put an end to forthwith by law.
- (c) Child Labour: No.

II Conditions of Work

12. (a) The shellers' hands get disfigured, the graders' sarees get torn and the hands and legs of roasters and bag carriers get spoiled. In spite of provisions in the Factories' Act nothing has been done in this respect.
- More inspectors must be appointed and they must be men of integrity.
13. Now the Cashew workers are only enjoying 7 festival holidays. At least 12 festival holidays should be declared.
16. Contract labour in Cashew Industry must be abolished.
17. The trade unions and employers' organisations can jointly play a useful role in the implementation of the E.S.I. Scheme.

III Trade Unions.

27. The legislative provisions has caused the number of unions

to multiply.

28. Too much clerical and Court work has affected the organisational work of the unions and the result is the reduction in the bargaining power of the workers.
30. The trade unions can function in co-operation with the Management and the Government in schemes like Health Schemes, Family Planning Schemes, etc, as well the Co-operative Movement.
31. The trade unions organise and fight for the rights of the workers. Naturally as a corollary to this the responsibilities of the workers also are realised. Disciplined work and honest work are the by-products of trade union movement.
33. The trade unions may take the initiative in propagating for bi-partite consultations.
34. No specific arrangements are existing at present
35. On political grounds.
36. The All-India Organisations can help in conducting researches regarding the wage-structure, conditions of work and the capacity of the industry to pay amenities, etc. so as to enable the lower units to put forward demands on a more scientific and realistic basis.
37. A trade union gets new members by its capacity to give correct leadership to the workers in solving their problems and by its ability to give attention to the individual workers.
38. The department-wise meetings, gate meetings, leaflets on problems and solutions suggested etc. are the various methods by which the workers are actually drawn into the working of the Union.
45. No. The membership subscription must be raised.
48. On some occasions the trade unions go to help the individual workers during serious sickness or on death etc.
- Trade Union - Leadership and Multiplicity:
49. The political parties, especially the Communist Party have been the back-bone of the trade union movement.
50. The presence of outsiders in a certain proportion will go a long way to carry on the now-too complicated work of a trade union.
51. The proper internal leadership in a union can be built up only by working hard in the cause of and fighting for the uplift of the workers.
52. Yes.
53. The inter-union code has not reduced inter-union rivalries.  
Trade Union Recognition:
55. Yes. The contributory factor is the continuous strain and

also the slow realisation by the management that this and much of the expenditure of this type can be avoided to a certain extent.

- 56. No.
- 57. The disadvantages are more. If the representatives of all the major unions in the industry are invited for bargaining, the position of the workers will be strengthened rather than weakened.
- 61. All unions with at least 15% of the workers as members must be recognised for purposes of negotiations.

IV Industrial Relations

- 66. Lately the labour laws, especially the case-laws, have encouraged the employers to resort to the Courts too often.
- 67. The economic factor is the main cause for the intensification of the industrial conflict. The political factor is only a consequence.
- 68. Yes, in M/S Peirce Leslie & Co., Ltd.
- 69. Many industrialists still think that the 'liaze-free' period of capitalism is not over. This is the main cause of industrial unrest. They just don't care for the labour laws.
- 70. It has reduced the bargaining power of the workers.
- 76. By arranging for mutual consultative committees between the managements and the unions at the Unit Level the labour personnel can help. In this the labour officers must take initiative.
- 79. The Standing Orders must be drawn up jointly by the management and the trade unions.
- 81. The disciplinary rules imposed by the managements are too harsh and hence give room for the managements to take a vindictive attitude towards any worker whom they dislike.

82. No.

Collective Bargaining:

- 85. The labour legislation has not helped collective bargaining.
- 86. The representatives of all unions having a membership of 15% in the industry must be invited for collective bargaining.
- 87. (a) Yes.
- 88. Collective bargaining should be the main method for safeguarding industrial peace.
- 89. Yes, it is possible.

is more than the wages obtaining in the cashew industry. This may be seen by the increase in absenteeism during the harvest period in this cashew industry.

- 133. The existing low level of wages is largely due to the fact that the labour in cashew industry is women and also the weakness of the unions.
- 134. While fixing the minimum wages the Government should take the changed living conditions after the last fixation of minimum wages. Routine procedure in this matter is ruinous.
- 135. In large concerns with a sizable profit margin the 'fair' wages must be insisted and not the minimum wages. This is especially the case in Cashew Industry.

Dearness Allowance:

- 141. At least 50% of the basic wages must be paid as dearness allowance in the Cashew Industry.
- 143. (iii) Dearness allowance should be adjusted to local cost of living.
- 144. One hundred percent.

Wage Differentials:

- 149. Wage differentials are not scientifically fixed.

Methods of Wage Fixation:

- 151. Wage Fixation through collective bargaining is preferable.
- 153. No.

Wage Policy:

- 155. (b) This criticism is not valid.
- 156. No.
- 157. No.

Mode of Wage Payment:

- 159. Yes. A part may be paid in kind, especially in the form of rice at reasonable rates.

General:

- 162. The administration of the Minimum Wages Act, 1948 is not satisfactory for it does not take pains to study the actual conditions.
- 163. The scheme for payment of annual bonus embodied in the Payment of Bonus Act, 1965 is not at all satisfactory. The managements have in fact taken advantage of the Act and started to adjust their accounts with the help of experts in such a way as to pay the workers and the staff only the minimum of 4%. Hence the Act must be suitably amended.

164. It must be compulsory.

VI Incentive Schemes and Productivity.

166. (f) Non-financial incentives like better security of employment, etc. will have a place in increasing productivity.

VII Social Security.

178. (a) The industrial relations will be on a more stable basis.

179. (a) Old Age benefit is not available.

- (b) It is less than one percent.

182. Yes.

183. It is not true.

184. The E.S.I. medical benefits should be the responsibility of the State Governments.

185. It should be converted into a provident-fund-cum-pension Scheme.

190. The gratuity payments should be treated on a priority basis in overall social security programme.

191. Lay-off should be paid in all cases.

192. No.

VIII Labour Legislation

194. The lack of honesty, efficiency and a zeal on the part of the labour personnel has affected the proper and effective implementation of the various labour laws.

198. The Supreme Court judgements have been in recent years too legalistic and hence detrimental to the interests of the workers, especially when workers are illiterate and ignorant.

X Labour Research and Information.

214. The data collected and compiled in respect of work stoppages should include whether the stoppages are the result of issues affecting all workers or not.

219. No.

220. The labour leaders who really wield influence among the workers in the various industries and regions must be enlisted in gathering data and in evaluating them. The evaluation of the data collected by the experts alone will not and cannot reflect the real conditions.

Gujjerekere, Mangalore  
28th October, 1967.

Yours faithfully,

1. Sd/- P. Ramachandra Rao  
President.
2. Sd/- A.K. Narayana  
Secretary.

M E M O R A N D U MSUBMITTEDTOTHE HONOURABLE CHAIRMAN AND THE MEMBERS,  
NATIONAL COMMISSION ON LABOURBYTHE GENERAL SECRETARY OF THE DAKSHINA KANNADA  
HANCHINA  
KELASAGARARA SANGHA, MANGALORE.

SIR,

We wish to place before the Commission the following Memorandum with a request that it may be pleased to take into consideration the following few points contained therein, when submitting its report to the Government of India.

The Tile Industry in Mangalore is more than 100 years old. The Tile Industry was started by the German Missionaries and others followed later. Tile Industry employs about 5,000 workers. There are Tile Factories surrounding the Mangalore Town.

The work in the Tile Factories is mostly manual. The Commonwealth Tile Factory at Jeppu is the only Mechanised Factory in the District. The workers are paid on the results i.e. piece-rate. In each department quantum of work is fixed to a worker or to a gang of workers i.e. task work is prevalent in the Industry. They are paid basic wage and dearness allowance for the task.

The wage differs from worker to worker and Factory to Factory. The workers are paid from 40 paise to 75 paise as basic wages and dearness allowance linked to the cost of living index of Mysore City plus 30 points added. To cite an example, a worker who is getting 40 paise basic wage and if the Cost of Living Index is at 500 points, the total wage will be as follows:-

Basic	.....	0.40
D.A.	0.40 X 530 =	<u>2.12</u>
Total		<u>2.52</u>

Since 1956 the Tile Factory Managements were entering into agreements with the workers Union, covering basic wage increase, dearness allowance, gratuity lay-off wages, bonus and festival holidays. And the last agreement entered into by the Management and the Sough Kanara Tile Workers' Union was in the year 1965 will come to an end by the end of the year.

Contd.....2.

Recently the Mysore Government fixed the Minimum wage rates to the workers employed in Tile Industry. The rates fixed are all inclusive. The Kerala Government has fixed the Minimum Wage Rate, excluding the dearness allowance linked to cost of living index. The objections raised by the Unions to the Draft Notification of Minimum Wages were not considered at all. We requested that we may be given a hearing to explain our objections before finalising the Draft Notification on Minimum wages by the Government arbitrarily. We are of the opinion that the Government should at least have given a hearing to the Union on the objections of the Union.

Some of the Managements of Tile Factories in Mangalore have not remitted the contributions of the workers to the Employees' Provident Fund. In one instance, one Tile Factory was closed and all the workers were retrenched in the month of August last. The workers have applied for the withdrawal of the Provident Fund amount, in view of their unemployment. But for the delay caused by the Management in remitting the amount, the workers would have got the E. P. F. amount in their distress. The authorities concerned failed to take timely and appropriate action for recovery of P. F. Contributions from Managements.

The same is the case with regard to E.S.I. contributions. The contributions of the workers are not sent in time and the workers are denied the Medical benefit and consequently the cash benefits also. This causes great hardships to the workers. In the circumstances we pray that stringent measures may be recommended for the recovery of the E.S.I. and the E.P.F. contributions from the employers.

At present the Medical facilities as per the provisions of the E.S.I. Act are provided by the State Government. We are of the opinion that it should be taken over by the Corporation. Now, the insured persons have to go to the General Hospital for Special treatment. We are of the opinion that the E.S.I. Corporation can build Hospitals for the benefit of the insured persons. Hence we pray that the Commission be pleased to recommend the E.S.I. Corporation to build Hospitals with necessary equipment and personnel.

We pray that the above suggestions may be taken note of by the Commission and necessary recommendations may be made to the Government of India.

MANGALORE  
28th October 1967,

Yours faithfully,

Sd/-

GENERAL SECRETARY,  
DAKSHINA KANNADA HANCHINA KELASAGARAR  
SANGHA, MANGALORE.

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"PL"

Submitted to the National Commission on Labour on behalf of the S.K. General Labour Union, Mangalore on 28.10.67.

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Paper read by Shri D.Mohun Rau on the occasion of "A SEMINAR ON WAGES" on 30.5.1967 sponsored by The Workers' Education Centre, Mangalore.

Friends,

It is a pity that in our District and City even though Trade Unionism has taken roots and where all political parties are vying with one another to "help" the worker and where all Captains of Industry and big employers profess to be progressive, wages are being demanded and paid or denied without any rationalized basis.

A worker sells his labour not merely for money, but to him money received as a wage represents the amount of goods and services necessary for his own maintenance and for the maintenance of his family. If there is a rise in the prices of goods and services, to that extent there--- occurs a fall in the remuneration of his labour as well. He is, therefore naturally entitled to a proportionately higher money-wage if he is to get the price of labour at the original rate. This has nothing to do with the profitability of the Industry, although profitability of Industries tend to rise with the general rise in prices in the under-developed countries because of the shortage in supply of industrial products in proportion to demand for them.

A view is held by some that Industrial labour is becoming a privileged group in our country and is enjoying and demanding exorbitant benefits. Those who hold this view are mostly from the most highly privileged class. To justify their view they point to the wide gap between the wages of industrial workers and those of the least-privileged group in India, the landless labourer. Evidently the same logic does not apply in their way of thinking to the incomparably wider gap between their own income and that of the poorest section. Nor does the vast difference in the labour productivity in industry and in agriculture appear to them to be a relevant factor.

Strictly on facts also, the above view cannot be sustained. The workers in Factories--the best paid among industrial labour in India--drew in the year 1962, average wages which, distributed over a four member family, workers out to only slightly higher than the average per-capita--- income in the country for that year. Vast sections of-- Industrial labour in organised industries like mines and plantations drew wages which were far lower. Workers in unorganised industries are of course nowhere near the average per-capita level of income. Moreover in the decade 1951-1960 the real per-capita income went up by 17.1 per cent but the average real wages rose by only 15.5 per cent. Again such increase in real wages as did take place did not match the



3 per cent annual cumulative increase in labour productivity over the decade.

Neither in absolute terms nor in terms of the improvement of real wages can the industrial workers be deemed to be a privileged group.

Further, disparities in the wage levels of workers in the different sectors or in the income of workers and self-employed persons, are to be found in every country in the world. Yet nobody has seriously contended that wages in the organised sectors should not move forward, merely because the less organised sectors cannot have it.

A general rise in prices took place in almost all the countries of the world during the Second World War. In the under-developed countries of Asia the prices have shown even a further tendency to rise after the termination of the War and this trend will continue for a considerable period. The main reason for this is that almost all of these countries have been spending beyond their resources in order to achieve rapid economic development and be able to catch up with the industrially advanced countries of the world in the shortest possible time.

Quite naturally the worker demands that the rise in prices should be compensated by higher wages so as to assure him at least the same real wages as before the rise took place.

Though this demand of the workers is quite natural and justified, it is often challenged on various grounds by employers. In the first place the employer of a particular establishment may ask how far he is responsible for the rise in the cost of living. He may perhaps further state that he is as much a victim of high prices as the workers themselves. It is further pointed out that in times of rising prices, if wages are also to be raised in the same proportion as rises in the prices, the only likely result would be further rise in prices. In this situation rise in prices would be followed by rise in wages which again would push up prices further creating conditions for a further demand of still higher wages which if granted would again have the same result of pushing up prices still further. In this way a spiral would be created which would benefit nobody.

This theorisation however is not correct. Let us not forget that the number of workers employed in organised industry is a very small fraction of the total working force. According to the latest (1964) NCER estimate only 10 millions out of a working population of nearly 174 millions constitute industrial labour i.e., labour engaged in manufacturing, mining and constructional activities. A wage rise to this small section cannot have the effect to increase the price levels.

Besides the abovementioned fact, it is possible to controvert the argument that wages rise would necessarily mean rise in prices on the basis of actual statistical data. Wages being a component of total costs of production can exert some upward influence on prices only through the direct influence on total costs. But it has actually seen

that in almost all cases the wages constitute only a minor percentage of the total manufacturing costs in the modern manufacturing industries. As for an example it may be mentioned that in India between 1946-1952 in no year did the wages exceed 13.6 per cent as a ratio of the total costs. Hence it can be stated quite confidentially that wages being not the major constituent of the total costs, a moderate change in wages need not affect the total costs since the effect can be compensated through economies in other elements of costs e.g., raw material charges, fixed capital cost per unit of output, profit etc.

Another argument generally advanced by employers is that the key to higher wages or a higher standard of living for the workers lies in their increased productivity. Produce or Perish is the slogan.

Before we proceed with the discussion on relationship between productivity and wages, it will be better, if we have an idea of what is meant by productivity. Productivity has been defined as the ratio of output to input in any given situation. The output in all cases will be less than the input because of the several forms of wastes that occur during the manufacturing process. The wastes may be due to poor-product-design, improper machinery and plant facilities, poor materials, inefficient utilisation of labour time. An increase in productivity can take place only if wastes in all the above forms are removed.

Thus increasing productivity calls for getting more out-put with the same available facilities and it is not the effort of workers alone which can result in increased productivity, but the role of management in increasing the productivity of all factors is equally important. The argument, therefore, that the increase in productivity only should be the basis for an increase in wage is not tenable.

It may also be a fact in many cases that the prevailing wage is lower than what would the existing productivity justify. This may be more true of the Asian countries--generally, where the trade union movement is still not-sufficiently strong. The argument for an increase in productivity to justify a higher wage in such a situation--cannot be convincing. The workers would naturally first demand a just share in the prevailing productivity.

Some times low wages may be the main cause of low productivity. Where the wages of workers are on the boundary line of poverty level as it happens to be the case in many industries of the Asian countries, the workers can not get nutritious food and are over burdened with the worries of maintaining their families, their health - both physical and mental - is bound to be weak and as a result their productivity will be low. Thus the very aim of achieving a higher productivity may justify a higher wage and the higher wage may also act as an incentive to the employers to organise production more efficiently.

#### CAUSES OF THE LOW PRODUCTIVITY OF ASIAN WORKERS.

Most of the Asian countries are being newly indus-

trialised and the workers are mostly first-generation workers. They have generally rural background and are not used to the disciplines of the modern industry. The owners also tend to come from commercial or financial circles and to pay more attention to these sides of the industry than to production or labour. They often understand little about the manufacturing processes or the control of production. Few of the managers have any training in management. Few enterprises have any proper vocational training schemes. The organisation of the enterprises is deficient. There is a considerable waste of all the resources, raw material, plant and labour, because the use of these resources is ill-planned. Working conditions in the great majority of factories are bad. Trade Unions are often regarded not only as a nuisance, but also as unnecessary and unwarranted intruders between the employer and his workers. As a result a lot of tension exists between workers and employers. Inadequate nutrition of workers also plays its part.

#### HOW SHOULD THE FRUITS OF PRODUCTIVITY BE DISTRIBUTED.

When workers are being exhorted to produce more, it is incumbent that they also get a fair share of higher production. Workers may reap the benefits of improved productivity either (i) through a policy which maintains wages stable while prices fall or (ii) by a policy of increasing money wages directly with the rise in productivity while keeping the prices stable.

The existing wage structure throughout all industry represents a composite of thousands of job-rates, some of which have been established through formal collective bargaining, some by arbitration and legislation, some by job evaluation (mostly unscientific) and many through informal agreement between individual employers and workers. When each of these rates was established, a number of factors entered into its determination, although all were not discussed or given conscious consideration by the parties making the determination. Consciously or unconsciously, new rates were established on a basis of comparison with other rates already in existence and seldom are all the facts which influenced the existing rates considered or even known when new rates are being determined. At present wages, by their very nature, represent expedient agreements between the buyers and sellers of labour, each of whom is thinking in terms of his own interest and his present and future welfare. In this bargaining however, advantage lies on the side of capital as labour is inseparable from the worker himself. It is this inseparability of labour from the labourer which produces a number of fundamental distinction between the capital and labour market and their relative bargaining power. To begin with, the supply of labour at least in the mass, is comparatively inflexible. Since the size of the population changes slowly the size of the labour market is more or less fixed for long periods of time. Unlike capital, labour must be "delivered" in person and persons (with their families) cannot always transport themselves to new jobs offering a better income. The labour of people cannot be as versatile as capital. Investment seeking capital can enter any kind of business, but persons

seeking jobs are limited by their job skills and must also consider the physical and other conditions surrounding the jobs. Another serious drawback for labour is it will not keep; it must bring in an income immediately and continually because the daily work of a wage earner usually represents the day to day subsistence of himself and his family. The with-holding power of workers, in other words, is much weaker than that of owners of capital. Owners of capital are usually in the higher income group and thus have greater reserved and credit to tide them over a period of reduced or no income. Their capital investments are usually widely dispersed so that a cessation of dividend returns from one source (e.g., from a company down because of a bargaining dispute) is not tantamount to complete stoppage of income.

The aim and goal of any Government worth its existence should be to secure a "desirable standard of living" to the citizens. Of course "a desirable standard of living" is not a static one but is a dynamic one and is to be under constant review from time to time.

What is a desirable standard of living from the point of view of a worker? The answer to this question is obvious. Workers are human beings and they would like to have all the good things of life that go to make life happy, comfortable and meaningful. They would like to have nutritious and wholesome food, decent clothing, decent housing with all the modern facilities and a clean and healthy surrounding, medical, educational and recreational facilities, good furniture and other household goods, a radio etc. They would also like to go for a change at least once a year. In short their aspirations for a good life are in no way different from those of others, however highly placed they may be.

The employers naturally on the other hand tend to look upon the workers as a factor of production and at best they may concede that the workers' standard of living may include the barest necessities of life which would ensure them physical efficiency and propagation of the race and that also in the interests of ever-rising productivity.

Between these two extremes a "desirable standard of living" must be evolved by taking into consideration the prevailing attitudes of the general public, the capacity of the industry, productivity, cost of living, the general economic conditions prevailing in the country, the need of capital formation, provision for the old age and infirmity etc.

Our conception of standard of living has to be, therefore, such that is attainable in the existing conditions i.e., a worker should get "a wage ample to enable him with thrift to maintain himself and his family in decency, and comfort and to make reasonable provision for old age". This however can be achieved only by a "Wage Policy" a National Wage Policy, with honest effort for its implementation.

Compiled by

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Raja Oil and Rice Mills  
 GANESHA DOUBLE REFINED OIL  
 Mysore South, Mysore-4.

Date 26th Oct.67

To

The Chairman,  
 The National Commission on Labour,  
 Camp Mysore.

Sir,

We wish to bring to your kind notice some of the problems regarding labour policy of our country which requires careful adjustments for the better. At the very outset we feel that in our country labour is given more importance than the employer. We at the same time regret that in our Country Labour presents its rights more and think little about its duties. We feel if our Country has to prosper on sound lines and economy Labour must be well controlled by the Employer. It does not mean that Labour should be illtreated with inhuman practices. Our Country is not such and on the other hand good labour is always kept at high level and good friendly treatment assured.

Many a time small employrs will have to face the Courts and close down their business just because of labour troubles. The Labour Courts are there to look to the interest of the labourer and nobody bothers if a small factory is closed. Small factories are the backbone of the country.

Any manufacturing unit will be branded as a factory when it employes more than 10 with power or 20 without power. When it is registered as a Factory it has to maintain several registers and send several periodical returns. Even if a factory is employing 21 workers it has to observe all the rules and regulations as that of any big scale industry employing hundreds of workers. It has to answer several Officers of different offices regarding labour only. Labour Officer will inspect the factory and Minimum wages Inspector also. For them we have to maintain 5 Registers having number of columns.

Employees' State Insurance corporation Officers will be inspecting the factories. We have to maintain 7 or 8 registers with innumerable columns which is very cumbersome and a raw hand cannot maintain them. Form No.32 of E.S.I. has got 28 columns which you will kindly look into. Sir, E.S.I. system itself is very complicated.

Provident Fund Inspector will be visiting and we have to maintain 5-6 registers and monthly returns to be sent.

Factory Inspector will be inspecting the Factory and we have to maintain 5-6 registers and several returns.

Sir, we impress upon you that there is too much duplication of clerical work regarding all these registers. All these registers will be more than 25 registers to be maintained even if the factory employes only 21 workers. This is not justified.

Contd.....2/-

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There will be more of clerical work than the actual production turned out which is a big botheration to the small employer.

We request you to save the small scale industries and small employers from all these troubles and hindrances to improve the economy of our country.

Thanking you.

For RAJA OIL & RICE MILLS

Sd/+

PARTNER.

S. ARORA

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N.C.L. Ref.No.My-X.13

REPLIES TO THE QUESTIONNAIRE  
ISSUED BY THE  
NATIONAL COMMISSION ON LABOUR

FROM  
S. VENKAT RAM  
C/O. BINNY'S STAFF ASSOCIATION  
HEAD OFFICE  
BINNY MILLS  
BANGALORE-23

REPLIES TO THE QUESTIONNAIRE ISSUED  
BY THE NATIONAL COMMISSION ON LABOUR

SECTION- III Trade Unions and Employers Organisations

1. It would be an under statement to say that the Indian trade union movement has now reached a dead end. There are now all together 7 Central organisations, of which 4 are recognised. It is likely that there will emerge some more central organisations. In the year 1963-64, there were 11700 trade unions on record. This is not only an all time record for this country, but this number is several times larger than the number of unions in any advanced country. In the U.K., for example, there are only about 600 unions. Several national Federations like the A.I.R.F., Bank Employees Association, I.I.C. Employees Association, All India Defence Employees Federation, Confederation of Central Government Employees, National Federation of State Government Employees, Indian Federation of working Journalists, P & T Employees Federation etc., are not affiliated to any central organisation. (A few of their constituents may not be registered trade unions). The net result is that the trade union movement which embraces about 50 lakhs of organised workers is fragmented and weakened and therefore largely ineffective in relation to its possibilities and responsibilities.
2. For this situation the present state of trade union law is responsible no less than the present political and economic situation. The Indian Trade Unions Act has remained practically unchanged since it was first enacted in 1926. Under the Act, the status of a trade union is little better than that of a lawyer. It is only a representative of workers. In the name of freedom of Association guaranteed under our constitution, any 7 employees can form a trade union. While situations can be envisaged in which any 7 workers should be allowed to form a union to over-come an employers hostility to the formation of the trade union, it is impossible to justify the unfettered right to form unions once a union has been formed and is functioning in a given establishment or industry.
3. Under the existing law union shop and closed shop are not said to be permissible, thus in the name of the freedom of Association tables are turned against the very purpose of trade union organisation namely workers' unity. There is an implied recognition that a majority of the employees should support a union in order to enable the union to sponsor an industrial dispute and particularly to enable it to terminate a settlement or award. The Code of Discipline in Industry and the Bombay Industrial Relations Act do not envisage Union Shop or closed shop. They seek to achieve the benefits of closed shop and Union shop by other means. The said Code and the said Act shun even a secret ballot to determine the representative character of the Unions, and prescribe elaborate methods for verifying the membership of the Unions. These methods have never worked satisfactorily. It is common experience that recognised unions would be under great pressure from unrecognised unions when-ever they do collective bargaining. It is also often the case that while a recognised union enters into a settlement an unrecognised union actually has the support of a majority of the workers. The result is embarrassing, if not disastrous.



4. Check off is supposed to be not an industrial matter, and therefore union incomes widely fluctuate with the situations prevailing at each collection time. As a result, the unions cannot plan their budget, cannot undertake long range commitments and introduce adequate union service to the employees. There are no foolproof legal provisions or machinery to investigate complaints about mismanagement of union funds.
5. From common experience it is also found that there are no proper legal provisions nor legal machinery to institute free and fair periodical elections, to process no confidence motions against union officers and to ascertain the opinion of the members as and when important questions arise. These matters can only be decided by Civil Courts if those holding offices in the unions decide to ignore democratic norms and even written constitution. The result is the democratic functioning of the unions has been less than satisfactory on the whole, though there are exceptions.
6. A persistent complaint voiced about the trade union movement is that it is exploited by the political parties. This complaint is true only in the sense that each major political party patronises a central organisation, and pays considerable attention to the trade union movement. The system of recognition of central organisations of labour by the Central Government has blessed this state of affairs. However, it should be remembered that the existing state of trade union law and political situation have combined to achieve fragmentation of the trade union movement. Existing law provides the scope and politics the motivation for the split in the movement. As far as the political causes of the division in the trade union movement is concerned, it is clear that our society is in a state of flux. Different ideologies are contending for mastery and are trying to recruit the working class which is a very potent lever of social change in their respective causes. There is nothing illegitimate about it. If political parties desire a change in society, they cannot be barred from mobilising those sections of society which are committed to change. But the inter-play and competition of political forces for the loyalty of the workers need not take place through the fragmentation of the trade union movement. It ought to be not only possible but is also necessary to allow them free play within the democratic framework of industrial unions federated into a national organisation. It is possible to recognise and safeguard the legitimate interest of the political parties in the trade union movement and yet maintain organisational unity of workers. In any case, the workers are frequently changing their leaderships at the plant level. There should be no reasonable objection to subject these changes to democratic processes within a single union and maintain organisational continuity.
7. One of the immediate major causes for the plurality of trade unions is the lack of democratic functioning in many unions. The frustrated opposition group often leaves the union and forms the rival union, which is facilitated by the fact that while any seven workers can form a union, even a majority cannot often force democratic solutions if an authoritarian group controls a union. This contributes on the one hand to the removal from the parent union of a vital factor which would have contributed to its democratic functioning and on the other it creates a rival union.

8. It was stated that out of 11,194 or so State unions on the register in 1963-64 only 6,791 submitted returns that year. In Mysore, about 100 out of 700 unions lost registration in a single year recently, on account of non-submission of annual returns. Under the existing law, the registrar can only cancel its registration if a union fails to submit the annual returns. As no inconvenient questions can be asked after the registration has been cancelled, and a new union under the same name can again be registered, this is not a very serious matter. It can be verified from records that a large number of unions lose registration every year and the same groups of workers get the unions registered often under the same name again.

9. At present the voice ——— of the organised Union Movement does not count for much in the affairs of the country, although the leaders of Central organisations are formally consulted periodically. The working class has been so badly divided along political, regional and craft lines that it is unable to assert, sometimes even to formulate, its point of view on questions which affect it vitally in the complex situation developing today. It is legitimate to expect the trade union movement to steadfastly support the rights of the people as well as the democratic processes in the country. This present movement is unable to do. Even from this point of view, reorganisation of trade union movement into a united, massive and democratically functioning national organisation is necessary. In the interest of the country at large no less than in the interest of the worker, the existing Central organisations should be transformed into one national organisation.

10. Under the existing law, important sections of wage earners such as civil servants and teachers are denied trade union rights. This is not justified any longer as ever larger sections of the employees are becoming government servants on account of the expansion of the activities of the State and when the government employees are entitled to the same fundamental rights. In any case, it may be pointed out that the government employees and teachers are exercising the trade union rights de facto and all that is now required to be done is to bring law in conformity with social realities. Other-wise these employees will irresistably continue to function as trade unionists while the law denies them these rights. The clock cannot now be turned back, apart from the fact that it is not justified to turn it back.

11. In view of these considerations, the Indian Trade Unions Act should be drastically amended to provide for compulsory membership of workers in the Unions, check off system, periodical elections to the offices in the union to be conducted by a statutory authority such as bipartite Board (with Government and Trade Union representatives on it) auditing of union finances by auditor attached to the said Board (as the accounts of the Co-operative Societies are now audited), a proper procedure for referendum on important questions etc. There should be only one national federation of trade unions composed of national industrial unions for each industry or trade so that, however, the total number of industrial unions does not exceed above 100. It may be pointed out in this connection that under the Indian Trade Union Regulations, all industries and trades are classified under just 9 divisions and about 100 sub-divisions. Provision should be made for branches of the unions to be established in different local areas.

The existing section 16 of the Indian Trade Unions Act should be suitably amended to enable each political party to have its own club or branch at the plant level, make collections for its party, carry on its propoganda and even contest union elections under the name of the party openly.

As the representatives of the various central organisations are finding no difficulty in functioning together in the Wage Boards and other Tripartite bodies it should not be difficult for them to function in common unions if the unions function on democratic lines. If the foundations of a democratic and forward-looking trade union movement are not laid firmly now, it may be much more difficult to lay them later.

The code of conduct has, by and large, failed to achieve either industrial peace or to strengthen the unions. It is absurd to recognize the majority union at the plant level while recognising a central organisation to which is affiliated the Splinter Union at the same plant. Further more, rival unions necessarily lead to unfair competition in securing the goodwill of the workers by each appearing to be their better champion than the other. There are numerous examples where the majority union lost its membership immediately after signing a settlement, which might have been reasonable, because another union could afford with impunity to challenge the settlement and there is no machinery to verify or confirm that the settlement was fair and best under the circumstances. Therefore, the very idea of recognising the existence of a multiplicity of the union while recognising one of them to be the sole bargaining agent is not satisfactory. Even the system of balloting to determine the representative character of the union suffers from the same defect in as much as it gives an opportunity to different unions to constantly remain at logger heads. Only by creating a system in which both the majority and the minority can co-exist within the democratic frame work of a single union, can a basic solution be found for the problem.

#### IV. INDUSTRIAL RELATIONS

A substantial part of the difficulty in achieving good industrial relations is due to the defects in the trade union law. Another part is due to the defects in industrial relations law.

1. At present, the appropriate government has the sole descretion to refer an industrial dispute for adjudication. There is no reason to vest the authority in the Government under the Bombay Industrial Relations Act, a representative union can make a reference to the Industrial Court directly. Under the existing set up, while the Trade Unions Act keeps the union weak and the workers divided, the Industrial Disputes Act places the power to make a reference at the sole discretion of the Government. This, being an administrative act, is also not capable of being canvassed closely in a writ proceeding. It cannot be said that this right has always been used by the appropriate Government justly. The unions must have the unfettered right to make a reference for adjudication directly.

2. The definition of the workmen under the Industrial Disputes Act should be widened and particularly it should include teachers. It may be mentioned in this connection that private sector has entered the educational field in a big way and there is no difference between the way the educational institutions particularly in the private sector are run and the way the industries are run. As the educational institutions have become industries, the teachers should be governed by the Industrial Disputes Act, apart from the teachers being covered by the definition of workmen.

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3. The industrial matters which concern large numbers or groups of workmen and involve making of a new contract by the industrial tribunals and Labour Courts should be distinguished from grievances of individual workmen which involve termination of service, denial of existing benefits or interpretation of existing contracts etc. An affected worker should be free to approach the Labour Court or the Conciliation Officer directly, in respect of his individual grievance. This is of great importance because industrial disputes should not be lumped together with an individual's grievances. The union must have the freedom not to sponsor a worker's grievance if it so desires and the worker should have the freedom to approach the authorities directly without the offices of the union if he so desires. This position already prevails under the Bombay Industrial Relations Act.

4. All matters which impinge on the employer-employee relations should be considered as industrial matters. At present, matters such as facilities for the union are not industrial matters. In fact the Bombay Industrial Relations Act does provide for these matters also to be taken up by a representative union to the Industrial Courts.

5. At present, there are various authorities under different laws to deal with claims of various kinds. For instance, modification of certified standing orders can be taken to one appellate authority. Claims under the Workmen's Compensation Act, are dealt with usually by some revenue officers. Appeals under Shops and Establishments Act are dealt by officers of the labour department. Applications under the Minimum Wages Act are decided by judicial authorities, usually the magistrates. The claims under the E.S.I. Act and Section 33(C)(2) of the Industrial Disputes Act are dealt with by the Labour Courts. It is necessary to achieve a simple uniformity and provide that all these should be dealt with by one authority, for instance, the Labour Court. The workers are most reluctant to approach the revenue authorities and the judicial authorities to press their claims.

6. It is necessary to scrap the Works Committees for they have failed. The basic reason why they have failed is that there is no common purpose or common understanding in these committees. Usually the employer tries to increase the workload or achieve efficiency and the employees try to improve their conditions through these committees. The Works Committees have failed everywhere for they have no specific powers or sanctions.

7. A point to be very seriously considered is the extent to which bad communications inherent in the Indian industrial situation has contributed to the worsening of the industrial relations in India. Labour laws, standing orders, the entire records concerning the service of the workers, are in a language not understood by the workers. Even the correspondence and discussions between the union and the management are in a language not understood by the workers, as also the communications between the top management and the supervisory staff. Remarkably scanty literature has been produced in the Indian languages on industrial relations to train the worker and to help him to handle his own affairs. It is surprising that the discussion on the worker versus outsider controversy in the unions has also ignored this important aspect. The result is, the worker feels that he is not taken into confidence, and smarts under a sense of being ignored. It would be correct to say that communications between the worker on one hand and all others who deal with him on the other hand are hardly meaningful. It is necessary that

English should be removed from as much area as possible from the field of Industrial relations, and the regional languages should take its place.

8. At present, mediation is not a recognised system to promote settlement of disputes under the law. It should be made part of law and option should be given to the parties to choose either conciliation or mediation. Mediators should be chosen from a panel maintained for the purpose. The panel should be suggested by organisations of workers and employers.

9. One of the causes of frustration among workers is the delay in the settlement of grievances, particularly if the matters have to be decided by a higher courts. Roughly it takes not less than 5 years for a dispute to result in a conclusion from the date the dispute arises to the date it would be finally disposed of if the matter has to pass through the conciliation, adjudication, writ in a High Court and appeal in the Supreme Court. In cases where the matter is finally disposed of against the workers the intensity of frustration can easily be imagined. This will also cost anywhere between 5 to 10 thousand rupees, if the union happens to be the respondent in the High Court and the Supreme Court, and considerably more if it is the petitioner and the appellant in these courts. In these conditions it is natural for the workers to feel that the whole system is against them. The remedy lies in providing for a quick disposal at higher courts by constituting separate benches and adopting ways and means to discourage writs and appeals on insubstantial grounds.

10. The definition of worker now varies from one labour enactment to another. The monetary limit of Rs.500/- prescribed for supervisory staff under the Industrial Disputes Act is not rational because the money value is constantly changing, and because money is not the yardstick to measure the status of a worker. There should be one definition of worker under all the enactments. There may be, if necessary, a separate category of managers between the worker and the employers who may be excluded by definition from the purview of labour enactments.

11. It is often mentioned that public sector should act as the model employer. The way the public sector has conducted itself in the last few years has made it unpopular in the eyes of workers. By and large, public sector is manned by bureaucrats and some times by retired bureaucrats and unemployed politicians. The conditions in the public sector should change and they should act as model employers. No exemption should be given to them from the provision of any of the Acts such as Section A of the Industrial Disputes Act.

12. In the small sector implementation of labour legislation is particularly poor. Even fraud is practised to deprive the workers of the benefits due to them. Only stringent statutory and administrative remedies will help these workers. In all small scale factories or establishments it should be stipulated that the employer should give to every worker an employment card giving particulars of employment, that such workers should be deemed to be in service unless their services are clearly terminated in writing, such employers should file with the department of labour a statement of the names of workers and service conditions at short intervals.

Any change of ownership of the establishment should also be intimated to the authorities. These establishments should pay a levy to the government to create a welfare fund to provide amenities for these workers. The inspectors in respect of these establishment should be made liable if the employers do not adhere to the provisions of law.

13. The question of workers participation in management cannot be considered in isolation as also joint management councils and productions committees etc. This idea can serve some purpose if the set up of the factories is radically changed. Otherwise what results is either open hostility or uneasy co-existence in these committees and councils.

#### V - WAGES

1. The National minimum wage has not been fixed in spite of the question being under consideration for many years. In fact there is not even a national base year for the purpose of fixation of wages adopted. The diet prescribed in the 15th Indian Labour Conference has not been spelled out. The different wage boards have fixed different minimum wages for the same region. It is necessary that the base year for all wage fixation purposes should be a common year, preferably 1960. The National minimum wage should be fixed on the basis of the need based norms.

2. In regard to Dearness Allowance, the All India average consumer price index should be adopted. Dearness Allowance should be revised at quarterly intervals. It should be on a slab basis, related to basic wages as well as to cost of living index. Neutralisation should be to the extent of 100% on the national minimum wage. It is a fact that the wage differentials are being upset as a result of the system of pay and Dearness Allowance. It is necessary to revise the total wage structure every 4 or 5 years so that the differentials are corrected.

3. In the place of the existing Wage Boards for each industry, it is better to appoint national negotiating teams of employers and employees who would negotiate wages and come to quick conclusions. If they fail the dispute should be referred to arbitration. The present system of wage board takes a long time, is not satisfactory and their reports are not easily implemented. There may be continually operating teams of experts for each industry which will collect and keep ready the necessary information on the industry to feed the negotiating teams.

#### X : Labour research and information

1. It has already been pointed out that industrial relations are at least partly impaired due to the bad communication caused by the language barrier. A crash programme for the mass production of industrial relations literature should be initiated. All settlements and awards, standing orders, office orders etc. should be published also in the regional language.

2. Information centres should be set up both at the Central and State levels which will be able to collect and supply information on various aspects of Industrial relations, prevailing wage levels and other services conditions etc. to enable unions and employers to carry on negotiations and reach settlement etc. Such centres should keep proper and adequate literature.

3. At present only awards are published in the gazette and not settlements, though settlements would be more valuable guide lines for negotiators. State Governments should be required to publish, under competent editorship awards, settlements, index numbers laws and amendments and miscellaneous information regularly, in a separate labour gazette.
4. In this country there is practically no rapport between Educational institutions and industrial relations people, University people and industrial relations people should be brought together by instituting programmes of research, seminars, discussions etc., and also by drafting the university people to go as mediators and arbitrators Industrial relations must be also introduced in the university curricula.
5. Activities of unions and matters of industrial relations do not as a rule receive adequate publicity in the press. All that the Government can do is to brief the press through their publicity and information sources on these questions regularly. At present industrial relations information of interest and value, hardly finds a place in press notes issued by the publicity department of the Government.

MYSORE

10.00 A.M.

Record of discussion with the Mysore Branch of the I.N.T.U.C. represented by:-

1. Mr. M.B. Thimmiah (vide our Ref.No.NCL-MY-VI.44)
2. Mr. N. Keshava
3. Mr. D. Venkatesh
4. Mr. K. Sriramulu
5. Mr. V. Hari Rao

Of the total union membership of 1.3 lakhs in the State, the I.N.T.U.C. claims to have about 53,000 members distributed in various industries.

2. The I.N.T.U.C. would prefer a common labour code and a common pattern of labour judiciary; 'labour' should remain in the concurrent list. Members of the labour judiciary should have a fixed tenure with no extension. The appointments to this judiciary should not appear as if they are a gift from Government. The choice should be from amongst the sitting judges.
3. Government should have nothing to do with the appointment of persons to the labour tribunals. The Labour Appellate Tribunal should not be revived.
4. Jurisdiction of High Courts and Supreme Court over labour matters should be done away with. This may require a constitutional amendment. Many disputes arise out of the delay in their final settlement. That is the reason why appeals should be banned. If, for purposes of finality, appeals are necessary the total time required should be minimised.

It should be permissible for trade unions also to use the funds of the company for fighting cases against the employers.

5. Unions, generally, do not have the facility of getting lawyers who work free of charge. A lawyer accepts a free brief, if at all, on political considerations.

6. If the procedure for disciplinary action is spelt out in the Standing Orders, victimisation is likely to be easier. That is why I.N.T.U.C. does not favour such spelling out.



7. In domestic enquiries, the procedure very often becomes a tool to justify the decision already taken.

8. Minimum number of paid holidays and the procedure for leave with pay should be specifically provided for in the Standing Orders. This minimum should be irrespective of region.

9. The tendency among employers to remove workers before they fulfil the qualifying period of 240 days for eligibility to enjoy certain benefits should be checked. The distinction between various categories of workers for eligibility to certain benefits should be removed.

10. There should be a provision for appeal to the labour court against domestic enquiries, especially in cases where dismissal has been awarded as a penalty.

11. Compensation is no substitute for wrongful dismissal. Reinstatement should be the rule. This alone will enable trade unions to function satisfactorily. As a result of reinstatement, discipline is not likely to be affected.

12. There should be appeal on facts to the courts. (A short note showing cases of dismissal; how many of them went to court and in how many workers succeeded during the last two or three years will be supplied to the Commission. There will be no deliberate choice of years).

13. Collective bargaining in its strict connotation will be difficult to operate for a long time to come. It should, however, be given a trial where unions are strong. The organisation would prefer such arrangements in the private sector and not in the public sector.

14. Outsiders will be necessary for a long time to come. As long as the insiders feel that they want the help of outsiders, such help should not be denied to them.

15. Outsiders are those who have no moorings in the labour movement or who have left the movement for a long time or who have no experience of trade union work. A person who is predominantly in politics should be considered as an outsider.

16. Workers themselves can have political orientation. Expression of political opinion by any citizen cannot be barred and, therefore, politics cannot be taken out of labour organisations whether it is manned by insiders or outsiders. Persons engaged in partisan politics do not necessarily harm the trade union movement.

17. The I.N.T.U.C. would prefer the B.I.R. procedure for recognition. The unions have their own elections every year. Since this experience is not unhappy, they do not shun elections as such. At the same time, it is necessary to avoid secret ballot elections where emotions are allowed to prevail. This is because even after the elections, passions continue to be frayed and the working of the union and also of the industry gets affected.

18. In case secret ballot is favoured by the Commission, the electorate should be as suggested by the Central Organisation (I.N.T.U.C.).

19. Implementation is not adequate in public undertakings particularly. This is because people in managerial capacity are new to the industry. Implementation in the State Sector of the public undertakings is weaker than in the Central public sector units. Very often, even after a dispute ends in failure in conciliation, no adjudication is granted. (Information will be sought from State Government on this point). Where a reference is made, it is after a long delay. There is no joint application for adjudication in the public sector.

20. The organisation would prefer to have a direct reference to the court.

(A statement on the State Undertakings' refusal to adjudication as also refusals to go to Tribunals in the private sector will be supplied by the organisation together with a list of delayed references).

21. Even where an award is made in State Undertakings, the State does not implement the same. If it is implemented, it is half-hearted and there are delays in implementation. (The organisation will supply a list of cases to substantiate this point).

22. There is considerable casual employment in the State even in public sector undertakings. Mysore State Electricity Board is an instance on the point.

23. In plantations it is not true that labour is in short supply. Even so outside labour is engaged. In some cases, local labour may find wages in plantations unattractive. Contract labour has, however, been abolished.

24. In Mysore State, Labour Department is an inferior partner in the Government set-up. Labour is considered to be an unwanted portfolio.

In matters where public sector undertakings are involved it is the views of the Departments dealing with Finance, Industries and Commerce etc. which prevail, whether for securing a reference to adjudication or for implementation of a tribunal award.

25. There have been frequent changes (transfers) of officers working in the Labour Department including the Labour Commissioner.

26. The Organisation would prefer compulsory adjudication without Government having powers to enforce the awards.

27. There are no difficulties as a result of the same Minister holding the Home and Labour portfolios.

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NATIONAL COMMISSION ON LABOUR  
CAMP: BANGALORE (23.10.1967)

MYSORE

11.10 A.M.

Record of discussion held with the Mysore Branch of the A.I.T.U.C. represented by:-

1. Mr. M.C. Narasimhan (Vide our Ref. No.NCL-MY-VI.46)
2. Mr. V.S. Venkataraman
3. Mr. M.S. Rama Rao
4. Mr. S. Suryanarayana Rao (Vide our Ref.No.NCL-MY-VI.75)
5. Mr. B.N. Kuttappa

A.I.T.U.C. wants a common labour code, a common judiciary and 'labour' in the Central list.

2. There were two views on the appointment of members to the industrial tribunal; one was that the High Court should make appointments and the other that the High Court should give a panel from which the Government could choose.
3. There should be no retired judges for manning the labour judiciary. If, for some reasons, they are brought in, they should have a fixed tenure.
4. Labour Appellate Tribunal should not be revived.
5. Time limits should be prescribed for various stages of the settlement of disputes through the industrial relations machinery.
6. The Organisation would prefer collective bargaining because this is the only way to make the unions strong. Right to strike should not be denied. There were two views as to whether collective bargaining should be with the employers' right to lock-out.
7. The organisation would not object to collective bargaining with a clause for voluntary arbitration agreed to in advance.
8. The representative union should be named on industry-cum-region basis. The union should be elected by secret ballot. All workers should have the right to vote. There should be no "check off" but facilities for collection of union subscription should be provided by the employer to all unions. If such facilities are denied, "check off" may be introduced. 'Union shop' is opposed.
9. There have been cases of discrimination in employment, particularly discrimination against Muslims and married women. Spinsters who later get married are not continued in employment (The organisation will supply a statement on this point).

10. The organisation will support All-India competition for recruitment to technical jobs. There were two views on recruitment to other jobs. One section wanted exclusive reservation of these jobs for local people. The other view was in favour of only giving a preference to them.
11. There have been cases in the State where local population has been given preference in order to reduce the influence of some unions. In some units, Malayalee labour has been instrumental in unionising the unit. Local recruitment was resorted to not for the sake of being considerate towards local labour but for reducing the influence of the Malayalees in the union.
12. There is a tendency on the part of the Heads of Public Undertakings to bring their own men for employment in the unit. This should be discouraged.
13. The influence which the outsiders wield in a unit is very often exaggerated. Outsiders are necessary in the present Indian context for organising unions. The influence of insiders could as well be increased by leaving it to the process of education, giving respect to the views expressed by insiders etc.
14. At present, employers are not reconciled to workers leading their own unions. Workers should also build up their confidence. The process of weeding out outsiders cannot be hastened by artificially limiting their number.
15. The ranks of outsiders are also dwindling; the organisation feels that this problem will solve of itself.
- It is possible to have a trade union front but currently the trade union pattern obtaining in a unit is more or less dictated by management and Government.
16. Minimum wage should be ensured by statute; on top of that, there could be collective bargaining for skill differentials, incentives, etc. The minimum should be the need-based minimum of the 15th Indian Labour Conference.
17. The National minimum wage as at present has been considered an ideal. Adjudicators do not even consider it. There should be no relationship between the need-based minimum and the per capita income. In sectors where it is possible to ensure need-based-minimum, this should be attempted. Industrial workers as a whole should be considered as a special category even if the fixing of the need-based minimum would mean a jump in their present level of wages.
18. Wages beyond the need-based minimum should be related to productivity.
19. Certain types of unions are favoured in public sector undertakings; they are given facilities. Officers do not like assertive workers.
20. Within the public sector, industrial relations are better in the State sector than in the Central sector.

21. Implementation of legal provisions is weak in these cases i.e. in cases of preventing child labour from working. Factory inspectorate is also lax. (The organisation will supply a statement about child labour being employed in plantations, hotels, beedi and silk industries.)

22. The Labour Department of the State is assuring unions that some steps will be taken for contract labour either in construction or elsewhere. But there being no directive from the Central Government in this behalf the State Government is waiting for taking measures. The State Government should be in a position to take action even without Central guidance in these matters.

23. Women labour is engaged outside the hours it should be normally engaged. Child labour is over-worked. In this respect also the factory inspection is very lax. Exemptions are granted where these are not justified.

24. Minimum wage is fixed but it is only in name. There is no implementation.

25. There should be an inspector not on the basis of the factories to be inspected but on the basis of total number of workers to be protected. There are two inspectors at present for four lakhs of workers in the State. Inspection should be on the basis of about 25,000 workers per inspector.

26. Unions should be authorised to inspect factories and take appropriate action direct in case of non-observance of factory legislation.

27. There should be a special labour court for correcting non-implementation. It should be given powers to execute its decrees and award deterrent punishment to defaulters. Non-implementation should be made cognisable offence. In this case the organisation would accept a mutuality of penalties.

28. There will be resistance from the employees themselves if child labour is prevented. This is because wage level is inadequate.

29. To highlight non-implementation, the organisation will make a special plea that the laws should be implemented at least in the city of Bangalore.

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MYSORE

12.05 P.M.

Record of discussions with the Mysore Branch of the H.M.S. represented by:-

Mr. K. Kannan (Vide our Ref. No.NCL-MY-VI.40)

The H.M.S. has a membership of 20,000 in Mysore State mainly in engineering. 30% of this membership is in the public sector.

2. The experience in Mysore State has been that in recent years unions have grown in number but not in strength. It is, therefore, important that small unions should be eliminated. There should be industrywise unions and not unitwise. 10% of the strength of the industry or 250, whichever is higher, should be a criterion for registering a union.
3. There should be one recognised union elected through secret ballot by all employees. There would be no difficulties in the secret ballot elections because after the election, which may raise temporary emotions, workers settle down to their work. In due course, even temporary emotions may not hamper the leadership contest.
4. There should be both a 'union shop' and 'check off'. 'Check off' may be brought in immediately but 'union shop' may be a somewhat distant goal.
5. Relations with management have been cordial; this does not mean that there are no complaints.
6. Industrial relations are better in the Central public sector undertakings than in the State sector. The management in the former is more responsive to labour.
7. There is no difficulty in the implementation of awards or other provisions of labour laws which have come to the knowledge of the H.M.S. organisation in the State. There is an arrangement for bilateral negotiations with management wherever H.M.S. operates.
8. There should be a common labour code and a common judiciary. Labour should be transferred to the Central list. If there are difficulties in introducing the proposed code, H.M.S. stands for collective bargaining plus an advance agreement on voluntary arbitration in case collective bargaining fails. This will make labour courts unnecessary.
9. If courts have to exist, there should be a provision for appeal and in this context Labour Appellate Tribunal may be revived.

10. There should be proper enforcement of labour legislation and agreements settlements and awards. In the case of breach of award, there should be penal provisions against employer as also against unions. Standing orders should include provisions which lay down the procedure for disciplinary action.

11. Trade Union movement has grown because of outsiders. If they take interest in union and work for it, they should not be considered outsiders.

Union leaders should have nothing to do with partisan politics.

12. Merely reducing the percentage of outsiders from 25 to 10 in Union executives will not help. In practice, the number of outsiders in Union executive is in the neighbourhood of 10%.

13. Smaller trade unions should be eliminated by giving recognition to majority unions. The present structure of the unions should be reorganised. At the top there should be a National Confederation of Trade Unions. Unions should be organised industrywise in a local area. The industrywise unions can form a federation with State branches. The federations can come together as a confederation at the national level.

14. There should be only one union for one industry. Once a union is recognised, other unions may disappear. This will be possible if the recognised union is given rights of 'check off' and 'union shop'. This might be a little difficult in the initial stages but it should be possible to work towards that object. (The representative agreed to give a note on the subject within two months).

15. Labour courts should be given authority to prosecute employers/unions in case of non-implementation.

16. There is not much child labour in the industries with which the H.M.S. is connected. Only in exceptional cases the workers are required to work longer hours.

MYSORE

3.00 P.M.

Record of discussions with the Central Public Sector  
Undertakings represented by:-

1. Mr. Uma Shankar, (Vide our Ref.No.NCL-MY-III.27)  
Managing Director,  
Indian Telephone Industries Ltd.
2. Mr. S.M. Patil, (Vide our Ref.No.NCL-MY-III.24)  
Chairman and Managing Director,  
Hindustan Machine Tools, Ltd.
3. Mr. B.N. Jayasimha, (Vide our Ref.No.NCL-MY-III.53)  
Chief Administrative Officer,  
Hindustan Aeronautics Ltd.
4. Mr. M.H. Parthasarathy, IAS, (Vide our Ref.No.NCL-MY-III  
Managing Director, 44).  
Kolar Gold Mines Undertakings.
5. Mr. B.S. Hanuman, (Vide our Ref.No.NCL-MY-III.43)  
Administrative Manager,  
Bharat Electronics Ltd.
6. Dr. N.S. Sidhu, (Vide our Ref.No.NCL-MY-III.29)  
Assistant Director,  
Central Sericultural Research  
& Training Institute.
7. Mr. K.P. Rabindranathan,  
Chief Administrative Officer,  
Hindustan Aeronautics Ltd.
8. Mr. B.V. Krishniah,  
Kolar Gold Mines Undertaking.
9. Mr. S.A. Changule,  
Hindustan Aeronautics Ltd.
10. Mr. D. Thambiah,  
Personnel Manager,  
Hindustan Aeronautics Ltd.
11. Mr. T.R. Mantan,  
Industrial Manager,  
Indian Telephone Industries Ltd.
12. Mr. Mahavir Swaroop,  
Personnel Manager,  
Indian Telephone Industries Ltd.
13. Mr. K.B.S. Reddy,  
Personnel Manager,  
Bharat Electronics Ltd.



14. Mr. B. Nand,  
Kolar Gold Mines Undertaking.
15. Mr. P.F. Mukundan, (Vide our Ref.No.NCL-MY-III,17)  
Assistant Personnel Manager,  
Bharat Earth Movers Ltd.

Public Sector should be a model employer and the attempt in Bangalore is in this direction. Relations between employers and employees are deteriorating mainly because of the present economic situation. Workers want to share affluence but there is no desire on their part to share the hardship through which the industry has to pass. Workers do not like lay-off, retrenchment nor do they like cut in wages and bonus payments.

2. All labour laws are applicable to public sector undertakings.
3. Unions are recognised on a voluntary basis. The code of discipline is observed. If there is a dispute between two unions for securing a representative status, a reference is made to the State Labour Commissioner for advice as to which union has to be recognised. This reference is irrespective of the affiliation of union which seeks recognition. Existence of only one representative union will help mutual negotiations. Secret ballot for electing a representative union was not favoured. (K.G.F., however, preferred to have secret ballot for choosing a representative union).
4. The only complaint about the State Implementation Committee was that it took long time in deciding on the bargaining agent. If this is expedited, industrial relations will improve.
5. There should be no 'check-off' and 'union-shop'.
6. There should be a common labour code; 'labour' should be in the Central List. (The C.S.R.T. would prefer the existing arrangement).
7. Procedure for disciplinary action should be spelt out in the Standing Orders.
8. There should be a common pattern for the labour judiciary the incumbents for which should have a fixed tenure. They should be appointed by the High Court. One view was that there should be Tripartite Boards for settling labour disputes, as in Belgium. This did not receive much support. There should be no Labour Appellate Tribunal; the present arrangement for appeals should continue.
9. The Hindustan Aeronautics Ltd, and Hindustan Machine Tools favoured the existing adjudication system. The Indian Telephone Industries wanted collective bargaining plus advance agreement on voluntary arbitration when a settlement was not possible through collective bargaining. The latter idea received more support.
10. There should be no outsiders. One who is not employed in a factory is an outsider. A person who has worked in a factory but becomes a trade union worker and who is doing full-time work will still be an insider if he continues to be on the factory muster roll. If he resigns or is removed he becomes an outsider.

11. Office bearers should be from inside the factory. In view of the protection which the office bearers enjoy, cases will be rare where office bearers have to sever connection with the factory for attending to heavier load of work in a union. If, however, an office bearer of the union is dismissed for right cause there can be no harm if he also ceases to be a union office bearer.
12. Union leaders should be given adequate education before they accept their responsibilities.
13. The present programme of workers' education has not made an adequate impact. It should, however, be given time for becoming effective.
14. In order to make the administration of public undertakings more efficient, more humane and more responsive managerial cadre should also have industrial training.
- There is a practice in the undertakings to consult unions in affairs which affect their membership.
15. Unions should be unitwise and not industrywise.
16. Hindustan Machine Tools and Hindustan Aeronautics Ltd. preferred the right to be given to the parties to approach the Tribunals direct. Other undertakings wanted the existing arrangements to continue i.e. reference to tribunals only through Government.
17. There was a general complaint that the union leaders did not participate in the welfare and cultural activities organised by Management in the interest of workers.
18. There was a general complaint about excess of labour legislations from all units.
19. Housing in these undertakings is no problem. 40 to 50 per cent of the workers are provided houses by the factories themselves; for others liberal transport arrangements are provided by the factories. House rent is subsidised to the extent of about 70 per cent.

Hindustan Aeronautics Ltd.

20. One Unit of the Hindustan Aeronautics Ltd. complained of the refusal by State Government to give protection to management personnel. (Reply to Question No.97 will be sent later.)

Bharat Electronics Limited.

21. 25 per cent of workers should be necessarily members of a union even for getting it registered.

Indian Telephone Industries.

22. The Indian Telephone Industries did not want to give preferential treatment for local persons in recruitment. In practice, it is only local people who secure appointments for junior posts. (Others felt that such preference should

be given. It is not true, however, that recruitment to any post was governed by the consideration that the General Manager came from a particular State).

23. There is no need for changing the law in regard to the hours of work for women.

24. Women were better in certain repetitive processes. The Indian Telephone Industries has encouraged the setting up of a Cooperative unit for manufacturing ancillaries required in the establishment. The wives and daughters of I.T.I. employees are given preference to join Cooperatives for producing these ancillaries.

25. There is a similar arrangement for handicapped workers. This arrangement is not for reducing the cost to the establishment. At the same time it helps in improving employer-employees relations.

26. Overtime is one of the general complaints on the managerial side. H.M.T. has banned overtime. (The reasons for overtime are partly humane and partly because there is shortage of technical personnel). The relationship between the I.T.I. and their employees is good.

27. The Management sees to it that the officers and workers mix together in the activities such as sports, fine arts, gymnasium and functions requiring the use of an auditorium etc.

#### Hindustan Machine Tools Ltd.

28. Workers do not want to take responsibility for running transport service, cooperative stores, canteens, other welfare and cultural activities. They prefer to stand aside and criticise what management does.

29. Union affiliations have nothing to do with this attitude. They do not want to accept any responsibility which required handling of finance on their part, even though such finances are provided by the employer. (In Kolar Gold Fields the experience is different).

30. There is a tendency to take disputes to the highest level for settlement. Workers always look to Ministers for getting their grievances redressed. This makes the officer at the lower level completely ineffective.

31. Public sector undertakings work under a handicap because the general tone in the Press is one of criticism. There is also criticism on the side of unions which is somewhat of an inflammatory character. However, in the investigations undertaken on some of our undertakings a fair amount of satisfaction is expressed by Parliamentary Committees.

**NATIONAL COMMISSION ON LABOUR**  
**CAMP: BANGALORE (24.10.1967)**

**MYSORE**

10.00 A.M.

Record of discussions with the Mysore Chamber of Commerce represented by:-

1. Mr. Y.N. Gangadhara Setty, (Vide our Ref.No.NCL-MY-V.40)  
President.
2. Mr. N.W. Gurjar,  
Kirloskar Electric Co., Ltd
3. Mr. M. Krishna Murthy,  
Vice President.
4. Mr. G.N. Krishna Murthy,  
General Secretary.
5. Mr. B.R. Puttananjappa,  
Mysore State Employers' Association.
6. Mr. C.V. Narayan Rao,  
Personnel Officer,  
Binny Mills.
7. Mr. A.V. Sirur,  
The Mysore Spinning Manufacturing Co. Ltd.  
and Minerva Mills Ltd.
8. Mr. M. Kulkarni,  
Personnel Manager,  
The Mysore Spinning Manufacturing Co. Ltd.  
and Minerva Mills Ltd.
9. Mr. Ravi L. Kirloskar,  
Kirloskar Electric Co. Ltd.
10. Mr. Jayant N. Gurjar,  
Kirloskar - ASEA Ltd.
11. Mr. A.T. Akolkar  
Kirloskar Electric Co. Ltd.
12. Mr. V.N. Gopinath,  
Motor Industries Co. Ltd.

**MYSORE CHAMBER OF COMMERCE**

1. The Chamber does not subscribe to denying of minimum wage to workers. For the un-organised sector there can be some variation.
2. The Chamber will favour the 15th Indian Labour Conference formula for the need-based minimum subject to the reconsideration of the number of consumption units which constitute a family.

3. Minimum wage under the statute is below the need-based minimum and this is fixed on the recommendation of minimum wages committee on which workers are represented. Economically we are not yet in a position to fix the need-based minimum.

(A note on the subject will be sent by the Chamber. The note will also state the position with regard to agricultural wages. In the note the Chamber will also examine the question of industrial wages and agricultural wages in relation to earnings of employers in the respective sectors).

4. Productivity considerations should not apply in the fixing of minimum wage but, thereafter, wages should be linked to productivity.

5. Piece rate system has an in-built arrangement for a linkage of wage with productivity. This should be the general pattern.

6. Engineering industry in Mysore pays wages on an hourly/daily basis. There is, in addition, an incentive wage. In fixing incentives the usual difficulty is that at the time when studies are to be undertaken for fixing norms workers deliberately go slow. To avoid over-work by an employee there is also a maximum fixed beyond which incentives will not be permissible.

7. Incentives are, at times, opposed because workers are afraid of potential unemployment. This happens, particularly, in older units. In new units incentives find greater favour.

8. A communication system in terms of informing the rank and file of workers about incentives and other management instructions exists in all units. But in terms of human relations between higher levels of management and workers it is not there. If incentive schemes are drawn up unilaterally it takes a long time to convince the workers. If, however, the principles are settled in a bipartite meeting, the possibility of acceptance is greater.

9. Labour is over-protected. That is why some of the difficulties in fixing incentives and the basis for these incentives arise. Payment of dearness allowance to workers is another difficulty in motivating them to higher production. (The Chamber will supply a note on this subject).

10. If a dismissal is unfair, the employer should be asked to reinstate the worker. (Another view on this point was also expressed). The Courts should not be empowered to reopen cases of dismissal. They should have power only to see whether the prescribed procedure has been properly followed.

11. In certain cases where reinstatement has been effected as a result of Court order, there has been no indiscipline. The experience in Mysore is that reinstatement does not create any special problems. (Mysore Chamber will supply a statement on laws which have affected industrial progress).

12. There should be a common code and a common judiciary appointments to which should be made by the High Court. These should be tenure appointments with no extension.

13. Judges should be familiar with industrial law.

14. The present arrangement of appeals (without the Labour Appellate Tribunal) should be continued.

15. Wage Board decisions should be binding in the same manner as those of National Tribunals. The State Government should not have an authority to revise Wage Board decisions. Workers should not be allowed for a fixed period to agitate on the question of wages which have been decided by Wage Boards.

16. There should be no outsiders in a union. Insiders should, however, be given all facilities to run a union effectively.

17. Political influence should not operate either on the workers' organisations or employers' organisations in regard to industrial relations.

(A statement on Ram Kishore Mills will be supplied by the Chamber.)

18. Standing orders should lay down a procedure for disciplinary action.

19. Strike without notice should be banned.

20. Hospitals, water supply and electricity establishments should be excluded from the purview of the Industrial Disputes Act.

21. Over-time in the Factories Act is permissible only under certain exigencies. These exigencies should also include catching up with production losses. (A note will be supplied by the Chamber on this subject).

(The Chamber will also send to the Commission a note on a formula for fixation of bonus).

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NATIONAL COMMISSION ON LABOURCAMP: BANGALORE (24-10-1967)MYSORE11.25 A.M.

Record of discussions with the M.S.E.B. Employees' Union and other unions represented by:-

1. Mr. S. Venkataram. (Vide our Ref. No. NCL-MY-X.13)
2. Mr. A.V. Raju.
3. Mr. K.L. Nandaram.

The Binny Mills Staff Association (Central Office) consists of 120 members. The other union which belongs to the staff of the factory has 500 members.

2. Unions are weak because in majority of cases they are small. They function in an ad hoc manner. Big industrial unions should be preferred.
3. If there is a union in an establishment, another union should not be registered. The existing union should be allowed to get stronger by arrangements like 'union-shop' and 'check-off'. The union finances will improve if the arrangements for 'union-shop' and 'check-off' are agreed to.
4. There should be a secret ballot for choosing a representative union. The arrangements under the B.I.R. are unsatisfactory. Elections should be gone through, and difficulties created in the election process cannot be avoided. Moreover, such elections will take place, if necessary, only once in two or three years.
5. Unions do not take part in the cultural activities initiated by the management because there is no sharing of idealism nor is there a sharing of common goals with or by the management.
6. Unions should not be affiliated with political parties, though individual members can have political views.
7. Civil servants and teachers should be allowed to form unions. The Industrial Disputes Act should be applied to them.
8. The staff and workers in an establishment should belong to the same union. There should be no craft unions. If the union is big, there can be committees to comprehend the problems of different crafts.
9. Not all outsiders are undesirable. Outsiders need not be shut off. It should be possible, in due course, for the insiders to build up their own strength.

10. In Mysore State there has been recently a tendency for formation of unions on linguistic basis. The D.M.K. has been able to organise Tamil workers on this account.
11. There should be common code and a common judiciary to which appointments should be made by the High Court.
12. Standing orders should include procedures for disciplinary action.
13. The Mysore Electricity Board has a large number of casual workers. The union represents about 15,000 members out of the total of 24,000 workers (permanent and casual). M.S.E.B. union has been recognised by the employers. The union consists entirely of insiders. There should be no outsiders in the union. This should be achieved by encouraging insiders in their efforts to form a union and giving them the same respect as is at present given to outsiders.
14. Education of management is important just as much as education of workers.

(The M.S.E.B. union will supply a statement about its experience as to why unions find it difficult to associate themselves with the welfare and cultural activities organised by management).

(The union will supply a statement about the present position with regard to conditions and terms of work common to casual labour).

15. The general approach of the management towards workers is one of indifference. There is no meeting of minds between the employer and workers.



MYSORE

11.50 A.M.

Record of discussions with the Bharatiya Mazdoor Sangh represented by:-

1. Mr. S. Krishnaiah, (Vide our Ref.No. NCL-MY-VI.76)  
President.
2. Mr. Allampalli Venkataram,  
Vice-President.

There are 6,000 members belonging to the Sangh in Mysore State. They are mostly in Silk, Engineering and Hotels. In the Silk Industry the Sangh concerns itself with employees in the handloom and power-loom factories.

2. There is a large employment of children in all these industries.
3. In many units labour is required to work for long hours on low wages.
4. The Sangh was established in 1960, though the Central Organisation, B.M.S., was set up in 1956. The Sangh does not have any political affiliations. It has a national approach to all problems connected with labour.
5. Partisan politics should be excluded from trade union work.
6. A person who is not actively associated with the party and who, at heart, is interested in the workers employed in an establishment should be considered as an insider for that establishment.
7. The Sangh prefers secret ballot to the present system of recognising the union. If the present method is properly implemented and bogus membership is scrutinised there should be no difficulty in continuing even the present system.
8. The Sangh believes in voluntary arbitration. Such arbitration should be through a Board consisting of persons who are dealing with labour laws; who are interested in labour problems, and who are doing full-time labour work and whose integrity and character is not in question.
9. There could be arrangement for settlement of minor disputes at a lower level, again, on the basis of voluntary arbitration.
10. Trade union should not be a tool in the hands of politicians. Trade union leaders should not offer themselves for election to political posts.

11. Advocates should not be barred from being union executives. But if Section 36 of the Industrial Disputes Act is amended advocates need not be union executives.

12. 'Labour' should be removed from the Concurrent List and brought on to the Central List.

13. There should be no reference to adjudication of disputes in the public sector.

14. Agreements signed in the presence of Conciliation Officer cannot be challenged before a Court of Law even if these agreements are not in the interest of workers. This position should be remedied.

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NATIONAL COMMISSION ON LABOUR  
CAMP: BANGALORE (24.10.1967)

MYSORE

3.00 P.M.

Record of discussions with Secretaries to Government, Heads of Employing Departments and Public Sector Undertakings represented by:-

1. Mr. T.R. Jayaraman, (Vide our Ref.No.NCL-MY-IV.11)  
Secretary to Government,  
Education Department.
2. Mr. N.S. Ramachandra,  
Secretary to Government,  
Municipal Administration.
3. Mr. D.J. Balraj, (Vide our Ref.No.NCL-MY-IV.25)  
Secretary to Government,  
Industries & Commerce Department  
and Chairman, Mysore Sugar  
Company Ltd.
4. Mr. M. Subramanyam,  
Director,  
Industries and Commerce.
5. Mr. M.A. Sriram,  
Director of Printing & Stationery.
6. Mr. A.R. Adinarayanaiah,  
General Manager,  
Mysore State Road Transport Corporation.
7. Mr. K. Balasubramanyam,  
Administrator,  
City Municipal Corporation,  
Bangalore.
8. Mr. M.D. Shivananjappa, (Vide our Ref.No.NCL-MY-IV.5)  
Managing Director,  
Bhadravati Iron & Steel Works.
9. Mr. M. Sachindranath Murthy,  
Managing Director,  
New Government Electric Factory.
10. Chairman, (Vide our Ref.No.NCL-MY-IV.13)  
Mysore State Electricity Board.
11. Mr. A.B. Datar,  
Secretary, M.S.E.B.

PRINTING PRESS

1. The employees in the printing presses get the privileges of Government servants as well as those

under the Factories Act. There have been no strikes in the last thirty years, though there have been some minor work stoppages because of misunderstandings between the manager and workers.

2. The press has a union of its employees. All facilities are given to the union for representing grievances of workers to management. The provisions of the Industrial Disputes Act should not be made applicable to the printing press employees.

3. The employees have got the benefit of the awards of the Pay Commission in respect of wages and service conditions; on other grievances where they did not have satisfaction, labour courts were approached.

MYSORE SUGAR CO., LTD.

4. There is no casual labour employed in the sugar factory. The occasion for laying-off workers have been rare. There have been very few accidents; workers have shown no resistance to use safety equipment.

5. Workers take full advantages of hospital facilities.

6. There have been no major disputes in the factory because it had a strong organisation of workers with a substantial membership. About three years back a rival union has been set up. Some troubles did take place thereafter.

7. The stronger union is affiliated to the I.N.T.U.C., the other is an independent union. Practically all labour is unionised in one or the other of the two unions.

8. A claim was made for displacing the recognised union by the rival union. The Mysore High Court has rejected the claim.

9. Union recognition should be on the basis of secret ballot.

10. There is no formal delegation of power to lower levels of management but sufficient latitude is given to officers to settle labour matters.

11. The approach to labour in all undertakings of the State Government is based on human considerations. In a number of concerns, bonus and provident fund benefits were given to workers long before the Central Government introduced such facilities for their workers. Workers have been responding adequately to these facilities.

12. Workers have the facilities of taking their grievances to the General Managers' Office and even to his residence. (This was mentioned by the Managing Director of Bhadravathi Iron and Steel Works also.)

13. Usually, public sector undertakings of the State Government err on the safer side in regard to their relations with labour.

14. Works Committees need to be vitalised. At present, workers bring in matters which should form the subject matters of collective bargaining. This is not desirable. In many cases the works committees are considered redundant by the unions themselves.

15. Bonus arrangements have been developed on a wrong concept. It should be on the basis of profit sharing and should not be treated as deferred wage. All sections of the Bonus Act are rational except the one relating to minimum and maximum bonus. These clauses in the Act should be deleted.

(The Bhadravathi Iron & Steel Works will give a note on a workable bonus formula).

16. There should be a uniform labour code and a common judiciary.

#### BHADRAVATHI IRON & STEEL WORKS

17. The undertaking has an arrangement for check off. At present there are two unions and check-off facilities are made available to both. This arrangement also prevails in Mysore Sugar Co., Ltd. There has been, however, a dispute in the latter concern about the check-off arrangements because some members of one union have changed over to the other union.

18. There should be a uniform labour code with a common judiciary. Mysore Tribunals have been independent in their approach but the common complaint among the employers is that they are biased in favour of labour.

19. All public undertakings will prefer sitting judges for settling labour disputes. There can be a provision for appeal.

20. Appeals in respect of dismissal as a result of disciplinary action should be permitted on facts also. (In this respect the Managing Director of Bhadravathi Iron and Steel Works has gone beyond what other employers have said so far).

21. The undertaking does not agree to secret ballot.

The Director of Industries and Education Secretary expressed a view in favour of secret ballot. The argument that secret ballot will rouse passions will remain but such passions will be only temporary. A union selected on the basis of secret ballot should hold its sway for two years. If the workers have made a wrong choice, they must live with it. The argument against the present procedure was that verification of membership becomes difficult since a number of workers are members of more than one union.

22. Disciplinary procedure should be spelt out in standing orders.

23. There is indifference amongst employees to use masks, goggles and safety devices.

24. While making recruitment, persons recommended by the Employment Exchange as well as those who apply direct are considered. All vacancies are notified to the employment exchanges.

26125. Delegation of powers in the matter of recruitment does not lead to mal-practice.

For all posts upto Junior engineers, preference may be given for local men but others need not necessarily be excluded.

26. Absentecism is highest (about 30%) in the months of December, January, June and July. This is because 50% of the workers own some land and they want to work there also.

27. The level of productivity is satisfactory. There is no built-in hostility towards management or towards its attempts to increase productivity. There is, however, lethargy among workers.

28. The management personnel are sent for training in industrial matters; workers are also sponsored for training under the Workers Education Scheme. This has had considerable impact on the attitudes of both workers and management. (The management will give a note on this point.

M.S.E.B.

29. The predominance of casual labour in the M.S.E.B. was due to the fact that while a large number of workers are required for construction, only a small number is required for maintenance. It is, therefore, not possible to decasualise even 50 per cent of casual labour. Casual labour is being gradually absorbed in the regular labour force when vacancies arise. (A statement for the last five years showing how many workers were absorbed in this manner and also distribution of casual labour according to length of service will be furnished).

30. Some of the benefits which are available to the regular workers could be given to casual labour also but the matter is being decided by a tribunal. (Copy of the award will be furnished when available).

31. M.S.E.B. gives free electricity to its employees; at times this is misused. A ceiling should be fixed to check such misuse.

32. The right to strike and lock out should be postponed in the present state of our economy.

Right to strike may be taken away from all public utility services. In return the management in public utilities should agree to voluntary arbitration if there is an unresolved dispute.

33. There should be a separate code for electricity undertaking.

34. Retirement age for field staff such as lineman and helpers should be brought down to 45 as it involves physical labour which cannot be performed after that age; such work is also more hazardous in case of older persons. The question of giving liberal pension to such workers can be considered. (A statement will be given on the number of accidents and the age of persons involved in such accidents during the last five years. It was feared that this may not reflect the correct position since an old regular worker has a tendency to give his work to a younger casual worker).

NATIONAL COMMISSION ON LABOUR  
CAMP : BANGALORE (25.10.1967)

MYSORE

3.00 P.M.

Record of discussions with

1. Mr. M.V. Rama Rao, (Vide our Ref.No.NCL-MY-I-5)  
Hon'ble Minister for Home and Labour.
2. Mr. R. Anandha Krishna, IAS,  
Secretary to Government,  
Food, Civil Supplies & Labour Department.
3. Mr. V. Hanumanthappa, (Vide our Ref.No.NCL-MY-I.5A)  
Labour Commissioner.
4. Mr. R. Sampath Kumaran,  
Director of Employment and Training.

'Labour' is a concurrent subject. Most of the legislation which is administered in the Mysore State at present is Central legislation. Mysore State had no occasion to amend it. The State would have, therefore, no objection to having a common labour code.

2. It should be possible to have, in the districts where complaints on labour matters are usual, an additional officer of the status of District Judge notified as industrial tribunal. He should try in his original jurisdiction all labour cases in the District. His appointment would then naturally be controlled by the High Court. Such an arrangement will help in the labour judiciary having a broader perspective in its pronouncements on labour.

3. Labour judges in the State are, at present, appointed by the High Court or in consultation with it. Even if there is a retired Judge to be appointed, High Court makes the appointment.

4. Labour Appellate Tribunal should not be revived. The judgment on facts should stand. Appeal should be only on points of law.

5. Standing orders should spell out the procedure to be adopted in disciplinary cases.

6. Collective bargaining should be given full scope but in case disputes still remain, compulsory arbitration should be provided. The country cannot afford collective bargaining with all its consequences.

7. There should be industry-wise unions and also industry-wise employers' organisation. Disputes between them should be settled industry-wise.

8. For giving union a representative status the arrangements under the B.I.R. should be adequate. To bring in election, will result in extraneous factors having their say in the choice of representative union. (There was a separate view expressed in the Department's memorandum. Labour Secretary and Labour Commissioner revised their view in the light of Labour Minister's statement).
9. There should be check-off for strengthening the finances of unions.
10. The present position about outsiders is that they are needed because there are inadequate facilities for training insiders to take their place. If such facilities are provided, outsiders, in the long run, may be redundant. At the same time, even if there are only insiders holding office they can also be as difficult as outsiders.
11. Partisan politics should not influence union work. A labour front will ultimately be possible if politics is not allowed to intervene in the traditional activities of trade unions constituting the labour front.
12. The 15th Indian Labour Conference has, perhaps, gone too far in defining the need-based minimum. The norms should be revised.
13. Over the last few years the country has done well by industrial labour. There should be no extra solicitude for it now.
14. A statutory fixation of minimum wage would mean responsibility on the State for implementation. This would also mean creation and setting up of extra staff. All this creates problems for every state. A way out requires to be found out.
15. The effect of dearness allowance so far has been to raise the level of prices. Without adequate supply, mere increase in purchasing power will result in price rise. This has had a bad effect on the economy. There should be some check in this respect.
16. It is true that price rise comes first and wages have to be raised later and unless the prices are frozen wages cannot be frozen. But the process has to start some time.
17. The fixation of wages should be attempted on the basis of job evaluation. In new factories this is being done. Work-load is ascertained and on that basis payment for a job is fixed. This system requires to be extended.
18. The combination of the Home and Labour portfolios in one minister as in this State has not created any difficulties for labour so far. In fact it helps labour.
19. Disputes in Central public sector undertakings not decided between the undertaking and its workers, either directly or through the conciliation machinery take a long time for final settlement. In some cases it is true that labour takes extreme positions and conciliation



fails. This happens in spite of labour being warned that over-statement of claims will not help in the settlement of disputes. When the matter is referred to the Central Government there is long delay in the consultation between the Centre and the State and usually there is a refusal on the part of the Central Government to agree to refer the matter to a tribunal. The Mysore Government will, therefore, not respect this convention of consulting Central Government any longer if a dispute in the Central Public Sector undertaking requires to be referred to adjudication. (A statement about the number of disputes referred by the State Government to adjudication and those not so referred will be supplied to the Commission according to the category of employers. It will show a break-up of the disputes referred and not referred according to the nature of disputes and nature of employers.)

20. Children do work in the establishments about which complaint has been made by labour's representatives. It is, however, difficult to establish that they work in a factory. Mysore Government feels that child labour is not as big a problem as made out.

21. There have been certain anomalies in the employment of casual labour in the Mysore State Electricity Board. These are a legacy of the past, and they require to be examined. It should be possible to decasualise labour after making a reasonable assessment of future requirements of such labour.

22. Works Committees fail because unions consider them as rivals. The management's attitude is also not helpful. At times, labour is certainly at fault. There is some agitation or the other every day. This is because labour does not regard its place of employment as an enterprise where it is necessary for it to cooperate. There is no sense of partnership even in the units belonging to the public sector. If things are looked at in their proper perspective there should be little cause for grievance at least in such undertakings. However, the handling of labour disputes by civil servants, who do not have industrial experience, requires to be avoided. A separate cadre of trained managers for the public sector requires to be set up.

23. There should be linking of wages with productivity but this should be effective only after a minimum is assured. (Labour Commissioner will give a note on the subject to the Commission).

24. Either side should be permitted to approach the court direct in case of unsettled disputes. It is likely that there will be a large number of cases in the initial stage but ultimately parties will not take frivolous cases to the Court. Non-implementation should be treated as a penal offence. It should be cognizable on a complaint made by either party.

(A statement about the tenure of Industrial Tribunals has been supplied by Mysore Government).

25. The complaint that access to the Ministerial level by either side has undermined the effectiveness of officers is largely exaggerated. It is important that the authority and jurisdiction of officers at different levels should be respected. This is the policy of the Mysore Government.

Camp: Bangalore - 25.10. 1967

I

Visits to Plants: Hindustan Aeronautics Ltd. (at 8.45 A.M.)

Some Members of the Commission party were taken round the various sections of HAL factory where the process of the manufacture of HJT-16 and the Gnat fighter was explained. In the course of discussions with the General Manager, the following points emerged:

(1) There is no difficulty in getting labour - skilled or unskilled - at lower levels. The HAL recruits trained persons from IIT's. It has its own training programmes as well. Promotion to higher jobs is based on seniority and merit. Regular competitive examinations are also held. At the time when the unit was set up it was felt that labour cost in Bangalore was favourable as the labour was not expensive. Since then conditions have changed. There is, however, scope for increase in productivity but limitations of raw-materials and demand create difficulties. Group incentives are provided in the unit and they have been working well. They are based on annual output on a set formula.

(2) Production has been falling recently as the atmosphere in which labour works is against higher productivity. Facilities provided to workers are increasing but their contribution to total production is on the decline. Even so, labour in the HAL is better than that in neighbouring industries.

(3) Workers are provided with many facilities. Important among them are housing, transport and canteen. A modest lunch is provided for 19 paise and a full lunch for 41 paise. The canteen costs the factory nearly Rs. 14 lakhs per year. On a rough basis, all the above welfare facilities cost per worker works out to Rs. 60 per month. The management is feeling a difficulty in providing cheap transport as the taxation per seat is as high as Rs. 20 per month.

(4) In addition, dearness allowance is given. The pattern of dearness allowance is not the same as elsewhere as they have changed their basis wages.

(5) There is no incentive to produce indigenous goods as the import duty of finished products is very low and that on raw materials as high as 60 percent. This takes away the advantage of cheap labour.

(6) The workers have organised a cooperative society and a house building society. Management provides them some facilities as free transport for carrying foodgrains.

(7) All over the factory one can notice safety posters and exhortations to work better. A few of them read as follows:-

" Use only those tools you are authorised to do"

" A clean shop is a safe shop".

" You are a soldier. What are you doing to meet the challenge".

(8) There is little possibility of sub contract in the Hindustan Aeronautics Ltd. work as the standards of inspection have to be very exacting.

## II

### Indian Telephone Industries - (9.50 A.M.)

Number of workers: 13,000

(1) Workers are honoured for valuable suggestions. At the entrance of the factory, photographs of the members of the staff whose suggestions have been accepted under the Company's Suggestion Scheme are exhibited (Two photographs every month).

(2) There is no bar for appointing women employees but their number is on the decline because some of the work which women were doing is now being done by Cooperatives of women workers organised by the Indian Telephone Industries.

(3) There is a scheme for incentive bonus. The percentage of wastage is very low.

(4) After recruitment, workers are given training for six months with a stipend. An SSLC when appointed is paid Rs. 130 as basic wage and Rs. 58 as D.A.

(5) Research facilities also exist. Suitable persons are sent abroad for higher studies.

(6) The factory provides a large number of amenities to the workers and their families, like hospital, children's park, general park, cooperative shop, stadium and a school building. The important one among them is detailed in para 10 below.

(7) Import content for the product is very low - about 7 to 8 percent; but the imports for the factory as such are to the extent of Rs. 7 crores. Copper, zinc, transistors, high quality steel and colouring powder have to be imported. Efforts are being made to substitute the indigenous for the imported, e.g., aluminium is being used for copper.

(8) The equipment manufactured in the factory is being supplied to developed countries like the U.K., Belgium, New Zealand, etc. This is because the I.T.I. costs are the lowest in the world. In many cases, our exported products are re-exported as in the case of U.K. with their stamp. U.K. imports our machines for being exported to Australia.

(9) The factory is now manufacturing a new design of the telephone. The new design will be lighter and brighter.

(10) Ancillary Unit. The work in the ancillary unit is organised on cooperative basis. There are two such units, one having 93 members and the other 210 members - all women workers. These workers are the dependents of the factory workers. Membership of the cooperatives is in great demand. Selection is from the comparatively poorer families.

(11) The workers in the ancillary unit are paid on piece rates. They are able to earn Rs. 2.50 to Rs. 3.00 per day. In addition, Group incentives are provided.

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(12) The provisions of the Factories Act apply to them.

(13) The members are provided with ESI facilities. Provident Fund Scheme would be introduced shortly.

(14) All the workers are permanent; there is no employment of casual labour. Workers don't have to work overtime. They are given 12 days of casual leave and 15 days of privileged leave in a year.

(15) There are no canteen facilities at present.

### III

#### Hindustan Machine Tools - Watches Section ( 11.40 A.M.)

Production is at the rate of 800 to 1000 watches every day. 84 percent of the parts are indigenous.

(2) All the technical staff is Indian.

(3) A worker who has passed S.L.C. gets Rs. 75 as monthly wage. After 9 months of training and work an increment of Rs. 10 is given. After 3 years there is another increment of Rs. 15.

(4) There is a scheme of group and individual production bonus. Attendance bonus is also paid.

(5) The unit employs all female hands. The experience with women worker is very good though in India they are not yet a part of industrial society. Parents of the working girls want them to be back at home before sun set. Presently the working hours are upto 6.00 P.M. but because of pressure from guardians, they are now being advanced to 4.30 P.M.

(6) In matter of recruitment preference is given to the daughters of workers in the HMT factory.

(7) Most of the work is done through bare eyes. There is no system of insurance of the eye-sight of the workers. However, eyes are tested every six months. Insuring eyesight can be a desirable reform.

(8) They are trying to export watches at a subsidised rate of Rs. 30 in international markets.

( 26. 10. 1967 )

### IV

#### Visit to Kolar Gold Field - (8.00 A.M.)

A party of the Commission paid a visit to the Undertaking and the workers' colony established by management. Workers live in one roomed tenements with a small kitchen attached. They have common bath-rooms and latrines. Houses are provided by the company

at a nominal rent of 50 paise per month.

2. There is a system of informal rationing. Workers get wheat, jowar, rice and sugar in their rations. The workers' unions are running the cooperative society wherein rice is sold. Samples of rice supplied were shown to the party. Rice appeared to be of very poor quality. The management explained that the variety of rice supplied was locally known as parboiled rice. This variety is in demand in some areas of the State but Tamil labour which is employed in the mines does not like the variety. The market price of rice is about 50% higher.

3. Family Planning measures are not very popular. Three workers interviewed had 4, 14 and 10 children respectively. The Company was very conscious of this problem but could do precious little because of workers apathy.

4. The company is providing facilities for running a school, a welfare club and a hospital with 240 beds - another 50 beds to be added. The welfare measures cost the company about Rs. 30 lakhs a year. In spite of large families, workers interviewed stated invariably that their sons and daughters were sent to school.

5. The underground workers get a clothing allowance of Rs. 10 per year. The inadequacy of the allowance was complained of. The Company is conscious of the inadequacy but it has not been able to persuade Government about revising the allowance.

6. The age of superannuation for underground workers is 55 years while for surface workers 60 years.

7. An underground fitter who had been working in the Mines for the last 10 years was interviewed. He is being paid Rs. 2.00 per day and a D.A. of Rs. 72/- per month. The lowest paid worker gets Rs. 1.25 per day as basic and Rs. 3/- per day as D.A. One of the common complaint was about high prices. These affected larger families particularly. Rations were inadequate for them.

Talk with Mr. K.S. Murti, Superintendent - Kolar Gold Field.

1. We have gone beyond 10,000 feet in depth. We were the deepest in the world until about three years ago but now some mines in Africa have gone down to 13,000 feet. We can go even deeper but then there will be problems of ventilation, temperature and water flooding, etc. Normal rainfall in this area is 25" but last year it was 40" just in two months. It upset the plans for further digging.

2. The rock temperature at this depth is as high as 150%. With the help of cooling plants the temperature is brought down but even then the workers have to work at a temperature of 130-135 degree. According to Mr. Murti, it is amazing how human body gets acclimatised to such high temperature, as also to temperature variations. There is however nothing that can be done to give relief to them in terms of lower working temperatures. It becomes so expensive that the whole operation become extremely uneconomic. However, workers work in shifts, they do not work for more than 3 hours at one place and then they shift to a cooler

place. Workers continue to go from one mine to another but they do the same type of job. Non interchangeability of jobs is a big problem for the management. There should be only one class of miner who may be employed for doing all sorts of jobs.

3. All workers are on time rate; there is an incentive bonus scheme. There is no bonus scheme for workers who are on timbering job.

4. About 20,000 to 25,000 tonnes of stone is cut every month. This produces only 4000-5000 ounces of gold. The working is not economical from any angle.

5. The existing mines would last for 15 years if we do not go further down. The experimentation department is continuously looking for more mining areas. On current geological showing there are some gold bearing seams which could be discovered and developed.

#### Comment by Member-Secretary

The general complaint from workers was about the availability of foodgrains in adequate quantity. This has its recent origin when food conditions were not so difficult as have been for some time now. Labour relations, according to some workers who were interviewed, were more cordial than they are today.

Some of the workers' houses inspected by me showed marginal improvement as compared to workers' houses elsewhere. This improvement was more in the nature of the up-keep of the houses occupied by workers.

The cooperative shop attracted the attention of all of us. It had in it items which are in general use by persons in somewhat higher income group. We inspected the cash memos of the shop. Items like tooth paste, face powder, stationery, toilet soap have been mentioned in a fair number of these memos.

The real problem in Kolar appear to be large family size. There is no effective family planning programme in this area.

Camp: Mysore - 26. 10. 1967)

V

7.00 P.M.

Record of informal discussions which some Members of the Commission had with -

#### (1) M.S.R.T.C. Employees' Union represented by:-

Shri Vedant Hamege,  
President.  
(Also President P.W.D. Employees Association).

#### (2) Shri Krishna Rajendra Mills represented by:-

1. Shri S. Chikkanarasiah,  
Assistant Secretary.

2. Shri D.A. Subutt.

3. Shri N.S. Sanjeeviah.

(iii) S.K. Mills Workers' Union, Mysore, represented by:-

Shri G.B. Laxminana Rajurs,  
Vice President.

(iv) Mysore Lac & Paints Workers' Unions, Mysore,  
represented by:-

Shri Hanumaiah,  
President.

(v) Mysore Beedi Mazdoor Association, represented by:-

Shri Aziz Sait,  
Vice-President.

} Vide our Reference

Shri S.N.R. Khaleel,  
Secretary.

} No. NCL MY VI. 79

(vi) Shri Srikanta Sharma representing:-  
Government Text Book Press Employees Association,  
Mandya National Paper Mills Staff Association;  
Ideal Jawa Employees' Union.

(vii) Shri M. Shivanna - representing S.K. Mills  
Union; Mysore Hospital Employees Union, Ideal  
Jawa Employees Association; Mysore District  
General Employees Association; Mandya National  
Paper Mills Employees Union; Government Sandalwood  
Oil Factory Employees Association.

Bidi workers.

In the Bidi industry there has been no change in the working conditions since Independence. Bargaining capacity has, however, increased in small pockets in the cities. In rural areas the conditions are the same.

2. Most of the work is done on contract basis and the employer-employee relationship has not been established.

3. Though an Act has been passed for the workers employed in the Bidi industry it has not so far been implemented.

4. The L-2 licence system needs modification as it empowers not only the sale but also the manufacture of tobacco to the licence holder. This gives rise to the contract system.

5. The organisation of industry on a co-operative basis would be successful only if the Government treats it as monopoly business.

6. Minimum wages have been revised for the workers working in the bidi industry. (details to be obtained from Labour Commissioner, Mysore).

7. The P.W.D. workers are working in the department for 20 to 25 years in a temporary capacity. An unskilled worker gets Rs. 1.50 and a skilled worker gets Rs. 1.75 as daily wages. They do not get benefits of provident fund or gratuity etc. The whole of the department comes under works charged category. The unions have not been successful despite a good membership as the workers are afraid of dismissal.

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However, they have been able to get a few agreements with the management and have been able to secure a weekly holiday.

8. The department (MSRTC) does not supply uniforms to the drivers and as such they are fined by the policemen for not observing the traffic rules.
9. The drivers have to work for 10 to 11 hours in a day. The spread over of work is between 6.00 A.M. to 6.00 P.M. with an hour's wbreak. They are not paid over-time wages.
10. A driver gets Rs. 185/- per month. So far as wages are concerned, the drivers are in a better condition.
11. The recognition of the representative union should be by election. Only those workers who are members of a union should be given the right to vote.
12. 'Check off' system would be better.

## VI

Record of informal discussions with:-

- (i) Mr. M.S.V. Raghavan,  
Vice-President,  
Chamber of Commerce & Industry,  
Mysore.

Vice President, District  
Small Scale Industries' Association.

- (ii) Mr. A.S. Ganesh Murthy - also representing  
District Small Scale Industries' Association  
vide our Reference No. NCL-MY-V.50.

- (iii) Mr. C.B. Mahaveera,  
Raja Oil & Rice Mills - vide our Ref.No.  
N.C.L. MY.VII.18;  
Chamber of Commerce and Industry, Mysore  
Small Scale Industries Association.

- (iv) Mr. A.S. Ganesh Murthy,  
Hon. Secretary, District Small  
Scale Industries Association,  
vide our Ref. No. NCE MY-V.50.

1. The Bonus Act should be amended. Both maximum and minimum clauses should be eliminated. In other respects the Act is all right. Bonus should be linked with profit.
2. There should be only one representative union.
3. Excluding the President, the other office bearers of the union should be the employees of the factory. The General Secretary of the union should be an insider so that he may get the pulse of the workers.
4. The recognition of the representative union should be by election. All the workers should be allowed to vote. The workers



do not become union members either to please the employer or to please their colleagues.

5. 'Check off' system is better.

6. (Mysore Chamber of Commerce and Industry promised to give a note on the system of 'close shop').

7. Wage should be linked with productivity.

8. Small scale industry is facing a big crisis as the bigger units take their trained workers. The small scale units have become a sort of training ground for the bigger units. Wages in bigger units are not better than in the small scale units but workers have a fascination for bigness and there they feel more secure. Some arrangement should be made for checking this exodus. The coverage of the Factories Act should be restricted. Only units employing 40 workers without power and 20 workers with power should be covered. The small scale units are started by technical persons and they are not in a position to maintain all the records as are required under the Factories Act.

(Camp: Mercara - 27.10.1967)

VII

2.30 P.M.

Record of informal discussions which some Members of the Commission had with Workers' Unions represented by:-

1. Shri B.N. Kuttappa,  
Secretary,  
Coorg Distt. Estate Workers' Union,  
Mercara. (A.I.T.U.C.).

2. Shri B.N. Venkataramana,  
Assistant Secretary,  
Coorg Distt. Estate Workers' Union,  
Mercara. (A.I.T.U.C.).

3. Shri P. Koraga,  
Coorg Distt. Estate Workers' Union,  
Mercara. (A.I.T.U.C.).

4. Dr. I.R. Agranna,  
Coorg District General  
Workers' Union.

5. Shri P. Balakrishna,  
Coorg District General  
Workers' Union.

6. Shri Krishnagiri Gajdu Rao,  
Estate Workers' Union of South India,  
Coorg Branch.

7. Shri N.B. Poovaiyah,  
Vice President,  
The Mysore Plantation Labour Union  
Congress (I.N.T.U.C.).

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8. Shri T. Moidu Kunli,  
The Mysore Plantation Labour  
Union Congress (I.N.T.U.C.).

2. The P.W.D. workers are treated as casual even after putting in 20 to 30 years of continuous service. They are treated as fresh recruits every year.

3. Workers are treated as on contract even in Government mills. In the carpentry section of the Government Saw Mills, workers are treated on contract. There are twenty five persons in this section. Here also the work is of permanent and continuous nature. Though wages are given to individual workers, on record they are shown in the name of one person only. Workers are paid Rs. 4.50 per day but there is no muster roll and as such, they are not entitled to other benefits like bonus, D.A., leave with wages etc. An industrial dispute has been raised and conciliation proceedings are going on for two months. (The Deputy Labour Commissioner explained that the management in their explanation have stated that the workers in the carpentry division are paid on piece-rate basis, and as such there is no dispute.)

4. The private motor transport management are exploiting the labour by treating them casual. Workers continue to work all the time but every six months they are served a notice and their services are terminated. The conditions of these workers would improve if the Government takes over the transport management. The Co-operative Society of transport also does the same, because it is a society of ex-servicemen and the workers' membership therein is only nominal.

5. The workers on octroi posts are made to work continuously for 24 hours without any shift or break. The worker has to be in the office for all the time. The Coorg District General Workers' Union has raised a dispute with the management but the management have refuted the charge. (Union promised to give a statement on this).

6. The conciliation proceedings are unduly delayed.

7. On failure of conciliation after 14 days; there should be a right of direct reference to the court.

8. A.I.P.U.C. representatives do not want any conciliation. They want collective bargaining i.e. the workers should have the right to go on strike or adopt any other methods.

9. There has been a dismal failure as far as the implementation of labour laws is concerned.

(The Unions will furnish a list of cases where the Government refused to look into the complaints of non-implementation).

10. Under Section 33(c) of the Industrial Disputes Act, revenue authorities are authorised to collect the dues from the management. Revenue authorities are already over-burdened with their work, and they do not pay the necessary attention to labour matters.

11. In the Mysore Shops and Commercial Establishments Act there is a special provision regarding dismissals. Accordingly the High Court has held that the workers need not be reinstated. This needs correction.

12. Child labour is not a problem in Plantations but they work in busy season. This practice should be stopped whether workers like

it or not.

13. Social security benefits should be provided for sweepers and scavengers.

### VIII

#### Visit to Coffee Plantations - Gaettolli Estate (Area 115 acres)

##### Interview with proprietor Mr. C.P. Appayya.

1. The output per worker is going down. The employer cannot do anything except to charge-sheet the workers which is also very difficult. The workers are indifferent and the overseers are helpless.
2. Relationship between workers and the employers is good.
3. There is no union in the Estate. Once a union was enrolled but the workers felt embarrassed and left it.
4. The workers had been staying on the farms from childhood to death. But after the introduction of the Provident Fund and Gratuity Scheme they want to run away after every seven years. They are in fact tempted by the gratuity money. They spend the money in a few months and want to come back again but feel shy. Seven-eight such workers have been employed in this estate. Re-employment poses a problem as the employer has to give a certificate that the worker has not been employed elsewhere and this has to be certified by village Patel.
5. Mr. Appayya gave an instance of a worker who has been with him for the last 30 years. The worker came as a boy of 7-8 years. He got him married and he has been working with him very satisfactorily. Last year he asked for a loan for buying land. He gave him the money and he purchased four acres of land. Now this year he wants to go away with the provident fund and gratuity money.
6. He buys cloth at whole-sale prices and forces his workers to buy it. Payment is through instalments. Mr. Appayya said that he does so otherwise the workers would be half naked.
7. The planters have their own dispensary and workers are sent there.
8. Workers are not enthusiastic about the education of their children. Mr Appayya has been threatening them but without use. In his estate out of 30 school going children only 4-5 are going to school. This is because these children are employed for nursing the children of others. Out of this they get Rs. 2/- per week and two meals a day.
9. He gives to the workers rice at controlled price i.e. 90 paise per kilo. This he is doing to save the workers from the clutches of the money lenders. In spite of this 25 per cent of his workers do not take rice from him and go to the market where they get loans from the money lender.

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Comments by Member-Secretary:-

Housing provided by the employer appear to be neat. The general attitude of the employer with whom the above points were discussed appear to be patternistic. Discussions with workers revealed that they were not members of any union, nor did they desire to be unionised. The houses which were shown to us were near the employers' bungalow. This was neater than the one we saw at Kolar. The employer mentioned that most of his workers have such housing. When I asked one of the workers to take me to his house the worker was willing to take me there. The employer intervened and wanted us to see some other house. When I explained to him the implications of this diversion he did not have any objection to see the house I wanted to see. Though somewhat lower in the standard of cleanliness this house also was better than Kolar but worst than the one which was shown to us.

The workers who were interviewed had small families. None of them reported to have more than three children. This explained a somewhat better standard of living than Kolar Miners. On being questioned whether they noticed any improvement in recent years they said that there were difficulties in securing food supplies. Cloth had become more expensive. At the same time they admitted that they had better medical facilities, better facilities for educating their children. Occasionally they could even think of entertaining themselves by going to a picture. On the whole the workers appear to me more contented.

## IX

5.50 P.M.Consolidated Coffee Limited

Total area: 10,000 acres

Under cultivation - 8,000 acres

Workers - 3,600 (permanent)

Interview with Mr. G.A. Appanna, General Manager and the Doctor in the Estates Hospital.

1. In the busy season (November-January) casual labour is employed.
2. Payment is made on weekly basis.
3. As compared to Coffee, cultivation of tea is more profitable but the land here is suitable only for coffee.
4. There are four unions in the Estate. The AITUC union has been recognised by the management.
5. Children are not employed in the Estate. However, they work during harvesting season with their parents as they are on piece rates. The parents themselves encourage this practice because they contribute towards family income.
6. In the harvesting season workers are paid at Rs. 2.20 per 80 litres.

7. Over the last 10-15 years there has been some improvement in the living conditions of workers. They are better fed and better clothed. They have got medical facilities, gratuity and provident fund under the Act. Their wages have doubled in the last 10 years. Their children are better clothed. In the last 10 years there is an improvement in the weight of the workers and the protein content of their food has also increased. Occasionally they go to see a picture and at that time one cannot distinguish between a labour and any other person. Their attitude towards clothing and medicine has undergone a remarkable change. Even for minor diseases they go to the Estate Hospital. Their children go to the school.

8. A small reading room and a library has been provided for the workers. This has been organised by the Works Committee to which the company contributes at the rate of Rs. 1.50 per worker. The Works Committee organises games and sports and has provided a Radio set for the workers.

9. The workers are sent for Workers' Education Scheme.

10. The workers do not have taste for things like cycles or radios; they go in for watches or torches. They are very fond of going to restaurants and cinemas.

11. Average annual income of a Coffee plantation worker is about Rs. 1,400 with rent free quarters provided by the management.

12. Absenteeism is very high and is a constant problem. The workers take their money on Saturday and usually do not return on Monday. To encourage them to work regularly the management sells them paddy at the rate of 60 paise per kilo per day per worker.

13. Most of the workers have got small pieces of land wherein they grow vegetables.

14. There has been no general strike in the Estate. However, there have been difficulties in certain spots. Dismissals are very rare, only 3-4 in a year.

15. In the domestic enquiry the full procedure is followed. The enquiry is made by the Manager on complaints by the supervisory staff.

Comments by Member-Secretary:-

The discussion was mainly with the main representative of the management and with the Doctor who had over 26 years experience of that area. Even the conditions of living in the Estate represented by these proprietors were the same as those in 8 above and if these could be considered as an improvement over those 15 years back, one could as well imagine how the workers used to live then. But some of the evidence which the Doctor gave for indicating improvement appear to be plausible. Part of the improvement certainly is due to the steps taken by Government for controlling malaria and other diseases endemic to that area. Though the way in which the Doctor narrated his experience with workers over the last 25 years left something to be desired and could create an impression of lack of sympathy with the working class, one cannot deny that some of the impressions which he

gave seemed to have in them an element of his firmness.

Observation on bidi workers: (Comments by Member-Secretary )

On the way to Mangalore, we stopped at a place called Pali Mangalore to see the work of Bidi rolling. The practice appear to be of getting work done in some cases through agents or sub-agents. Though the rates fixed for rolling 1000 bidis were somewhat higher than that fixed in bidi establishments in Nagpur which were visited by us, in actual practice workers were getting a lower rate: they had to pay more or less a commission to the agents through whom they get work. Most of the work that we saw was being done in small shops. The shopkeeper himself would do his own quota of work by preparing bidis and look after the shop. Other persons who help him in this work were members of his family. Whatever he earns through bidis added to his income from the shop. Since he could do his work at leisure and since no employer-employee relationship was involved between him and the persons from whom he got work nor between him and the members of his family, there was no further scope for any detailed examination.

( CAMP: MANGALORE - 28.10. 1967 )

X

Record of informal discussions which some members of the Commission had with:-

S.K. Tile Workers' Union (AITUC), represented by:

1. Mr. P. Ramachandra Rao - Vice President      Vide our Ref.No.NCL MY -VI. 83.
2. Mr. B. Konagappa Rai - Secretary.

Dakshina Kannada Gorubeeja Shramika Sangha, represented by:

1. Mr. B. Prabhakar Ghate - President
2. Mr. B.K. Suvarna - Secretary.

Cashew Industry Staff Association, represented by:

1. Mr. G.N. Kuloor - President.
2. Mr. U.G.K. Kini - General Secretary.

Cashewnut Workers' Union (AITUC), represented by:

1. Mr. B.V. Kakkilaya - President
  2. Mr. H. Umanath Nayak.
- } Vide our Ref. No. NCL  
ME-VI. 80

Dakshina Kannada Hamechina Keelasagarara Sangha (AITUC), represented by

1. Mr. H. Umanath Nayak - President      Vide our Ref.No.NCL.MY-VI.85
2. Mr. B. Sheena - Secretary.

S.K. Coffee, Cardamom and allied Workers' Union (AITUC), represented by

- Mr. Shivananda Kamath - Secretary      Vide our Ref.No.NCL.MY.VI.82.

Cashewnut and Allied Workers' Union (AITUC), represented by:

- Mr. A.K. Narayana - General Secretary      Vide our Ref.No.NCL.VI.84

S.K. Cashew and Coffee Workers' Union (AITUC), represented by:

Mr. P.S. Tellicherikar - Secretary.

Bhartiya Mazdoor Sangh, Mangalore, represented by:

- |   |                                     |
|---|-------------------------------------|
| 1. Mr. M. Mahabala Mat - President      | } Vide our Ref.No.<br>NCL MY-VI-81. |
| 2. Mr. B.K. Suvarna - General Secretary |                                     |

S.K. General Labour Union, Mangalore, represented by:

Mr. D. Mohan Rau, Vide our Ref.No. NCL.MY-VI.86

11.40 A.M.

1. There should be a common labour code. The laws should be simple and uniform.
2. The salary limit of Rs. 500/- is too low, in view of the rise in prices. All those employees who are not part of the management should be covered, that is, only executives should be excluded. Foreman and supervisory staff should also be treated as workers.
3. The procedure under the Industrial Disputes Act is very cumbersome. Reference to adjudication and conciliation takes months and years in cases of dismissals. Emphasis should be on settlement of disputes across the table in the presence of a Conciliation Officer.
4. The powers of the Conciliation Officer should be widened. He should be empowered to call both the parties for discussion across the table and call for all relevant documents.
5. There should be a limit of one month for conciliation proceedings. There should be right of direct access to the court after failure of conciliation. At present political considerations are a factor in referring disputes to adjudication.
6. The Labour Appellate Tribunal should be revived. (The INTUC and B.M.S. did not favour this). Collective bargaining may be good for organised sectors of the economy. But in our country, workers are mostly in unorganised industries.
7. Recognition of the representative union should be through secret ballot election. (I.N.T.U.C. not in favour). A.I.T.U.C. wanted the voting rights to be restricted only to union-members but the B.M.S. wanted this to be extended to all workers.
8. 'Check off' system was not favoured.
9. In fixing minimum wages the increase in cost of living is not taken into account. The revision in fixing minimum wage is very much delayed. For workers in cashew industry, the minimum wage was revised after 7 years.
10. The attitude of management in recent years has hardened. In the tile industry, there have been settlements

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in the past but now in the name of recession managements have become adamant.

11. There has been a perceptible improvement in the workers attitude towards work. They have become more conscious and responsible. There is a change in their food habits; they appear to be better clothed and fed now.

12. Relations between workers and management have been quite good in the last decade but the economic situation and some decisions of the Supreme Court have affected them badly.

13. There is no child labour in Cashewnut industry.

14. Implementation of awards takes long time. The Government do not look into complaints of non-implementation. If after a persistent effort a complaint does get registered with Government, it takes a long time to get redress. (They promised to furnish a list of such cases.)

Record of informal discussions which some Members of the Commission had with:-

Western India Tile Manufacturers' Association, represented by:-

- |  |                                    |
|--|------------------------------------|
| 1. Mr. K. Visvanath Kamath, President. | } Vide our Ref.No.<br>NCL-MY-V.51. |
| 2. Mr. G.D. Rego, Vice-President.      |                                    |
| 3. Mr. M. Sadanand Pai, Secretary.     |                                    |
| 4. Mr. F.M. Lobo, Treasurer.           |                                    |
| 5. Mr. F.X.D. Pinto, Committee Member. |                                    |

(ii) Cashew Manufacturers' Association, represented by:-

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| 1. Mr. S. Damodar Nayak, Secretary. | } Vide our Ref.<br>No. NCL-MY-V.52. |
| 2. Mr. Ram Fernandes.               |                                     |
| 3. Mr. N.S. Ramaswamy.              |                                     |

Western India Tile Manufacturers' Association covers 60 factories employing 8,000 workers. The Association is affiliated to A.I.M.C. Cashew Manufacturers' Association covers six factories, employing 7,000 workers - not affiliated to any central body.

1. There should be an All India labour code with provision for differences in regional patterns.

2. Definition of 'worker' under the Factories Act should be amended. The definition should be linked to duty and not to any salary limit. Those who are engaged in managerial and supervisory duties should be excluded. For the tile industry the salary limit should be Rs. 200 as the wage standards in this industry are very low.



3. The relations between the workers and management have been very good in the tile industry. However, increase in the cost of living index has upset this peace. D.A. is something which is external to the Industry. Workers should also be made to share a part of the burden of increase in prices.
  4. D.A. has proved to be a disincentive to produce more. The workers who were producing 30 pounds earlier are now producing only 20 to 22 pounds as they get almost the same basic wages with less work.
  5. There should be uniformity in the wage structure and work-load in a region.
  6. Wage should be linked with productivity. (The Mangalore Cashew Manufacturing Association promised to furnish a considered note on this).
- In the Cashew Industry wages form 20% of the cost of production. Ten years back they formed a substantially smaller proportion of cost of production (To give a statement on this).
7. Unions should be recognised on industry basis.
  8. Outsiders should be eliminated. Even the educated workers want outsiders to exert influence. To look after the trade union work an office bearer of the union - President or General Secretary - may be permitted to work whole time for the union and be paid by the management. (The management promised to give a considered note on this.)
  9. Unions should not be affiliated to political parties.
  10. Multiplicity of unions should be avoided. There should be only one recognised union and disputes should not be allowed to be raised by other unions.
  11. (The Management promised to give a note on collective bargaining and the present system of adjudication).

## XII

Record of informal discussions which some members of the Commission had with the officers of the Labour Department, Mysore State:-

1. Mr. Ahmed Ramlan,  
Provident Fund Inspector,  
Mangalore, District South.
2. Mr. Narayana,  
Provident Fund Inspector,  
Mangalore, District North.
3. Mr. B.B. Hedge,  
Workers Education Centre,  
Mangalore.

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4. Md. Basheeruddin,  
Labour Inspector,  
III Road Circle,  
Mangalore.
5. Mr. K. Hameed,  
Labour Inspector,  
Mangalore,  
II Circle.
6. Mr. K.T. Ramachar,  
Workers Education Centre.
7. Mr. B.A. Shariff,  
Labour Inspector,  
I Circle.
8. Mr. M. Narayanaswamy,  
District Employment Officer  
Mangalore (SF).
9. Mr. K. Prahalada Rao,  
Inspector of Factories.
10. Mr. M.A. Siddiqui,  
Assistant Labour Commissioner,  
Mangalore.

8.00 P.M.

1. There is no provision in the Minimum Wages Act to check the accuracy of the weights. There is no remedy under the Act for short payment and malicious sorting as may result in the case of cashew and bidi industries.
2. There are very few complaints under the Minimum Wages Act. The workers come with their grievances only when the inspecting staff goes out for inspection. The inspectors go to workers along with employers and also inspect wage registers and job cards.
3. Workers are generally ignorant about the minimum bonus clause under the Bonus Act.
4. Enforcement is not satisfactory due to lack of inspecting staff and lack of cooperation from higher officers. The officers are placed in a very difficult position when cases launched by them are withdrawn by the Government. This undermines their authority and discourages them to take action.
5. There are large number of cases where provident fund money has been collected by the management from the workers but has not been deposited. Before they are produced before the Magistrate they deposit all the money and the Magistrate takes a lenient view. The employers who are short of capital are prepared to pay the fine. The revenue authority also does not take care of dues recovery cases of workers. (The officers promised to give a statement of provident fund defaults upto 31st October, 1967).

## XIII

Visit to Fernandes Bros. Cashew Factory,4.00 P.M.

They employ all female hands.

Shelling Department - number of workers - 450.

1. Wages are paid at the rate of 9 paise per pound for the wholes - no wages are paid for broken kernels. The percentage of broken nuts is 8 for local and 14 for the African nut. In addition they are paid 50 paise as dearness allowance.
2. On an average a worker is able to shell 16-18 pounds in a day. Efficient workers go upto 28 pounds and slow workers are able to shell only 11-12 pounds.

Peeling Department - number of workers - 450.

1. The peeling is done by the workers here with hand. This reduces the value of the nuts as it makes scratches on them. The Kerala workers do it with hands and they are very quick. This puts the Mangalore industry at a disadvantage.
2. Wages are paid at the rate of 9 paise per pound for the wholes and half this rate for the broken. The percentage of broken nuts is 10.

Grading Department - number of workers - 100.

1. Here the work is done on time rates. Workers are paid Rs. 1.36 per day in addition to the dearness allowance of 50 paise a day.
2. There is a creche for the children of the women workers. About 50 children are left there in the care of three nurses. The management supplies milk and clothings to the children free of cost. The mothers are allowed to take care of their children during the day.

Comments by Member-Secretary:

The visit to Cashew factory revealed some interesting points.

1. The weightment on the basis of which workers were paid was done at the fag end of the day when women were anxious to get back to their families. Hardly any woman questioned the weight recorded by the proprietor's agents on the basis of which their wages were calculated. On every card that we inspected the weight was shown in terms of integer of parts. No fractions were noticed on any of the cards. The inference would be that the fractions were left out. While there were no evidence to show that the weight recorded was the nearest integer; it could be by dropping the fraction irrespective of the size of the fraction.

2. One could assume that the weights and balances which were used were inspected by the concerned Government authorities. But whether the recording of weight at a time when women workers are anxious to go home was proper cannot be vouchsafed. There is no guarantee against it in the Payment of Wages Act.

3. The rate for cashewnut is fixed on the basis of full kernel. Broken nuts, though so, are not paid for. Whether in fixing the rate the breakages and the amount they fetch to the employer is taken into account or not is not known. But on the analogy of bidi making, where also a similar system prevails it may be presumed that this breakages/rejections are not taken into account in fixing the rate.

4. Interview with some women workers showed that for the last few years the conditions of work have changed for the better. Education of their children which were not common earlier has now become quite common. Most of the women working had their husbands/sons working. Their income was supplementing the income of other earners in the family. In one occupation (Sorting) was paid on time rates. Most of the ladies working in this job were better educated than those who did other jobs in the factory.

5. The Tile factory which was visited was not at work. Various processes in the factory were explained to us. Some sections of the factory where breaking of tiles was done could be uncomfortable for workers but according to the proprietor the rate for working in these sections for the same type of work was high. According to him and the Inspectors with us, there were no complaints of the nature of bad working conditions in this factory. Both these factories, the cashew and the tile were reported to be good factories - above average. The average conditions could, therefore, be more difficult for workers.



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Basic Statistics - MysoreTable 1.1 Area, Population and Allied Data-Census of India, 1961.

1. Area(in sq.km)	1,92,204
2. Population	2,35,86,772
3. Density of population (persons per sq.km)	123
4. Rural population	1,83,20,279
5. Urban population	52,66,492
6. Percentage of workers	45.5

Table 1.2 Population of workers and Non-workers by sex and Industry Divisions-Census of India, 1961.

Particulars	Males	Females	Total
Population	1,20,40,923	1,15,45,849	2,35,86,772
<u>Total Workers</u>	70,29,602	36,96,744	1,07,26,346
Cultivators	37,50,685	20,55,979	58,06,664
Agricultural Labour	8,86,072	8,75,038	17,61,110
Minning, quarrying, livestock, forestry, fishing, hunting, plantations, orchards and allied activities.	2,43,595	92,481	3,36,076
<u>Household Industry.</u>	4,51,206	2,57,504	7,08,710
Employee	57,883	17,943	75,826
Others	3,93,323	2,39,561	6,32,884
Manufacturing other than Household Industry	3,59,351	62,529	4,21,880
Construction	1,53,479	36,459	1,89,938
Trade and Commerce.	3,27,869	63,151	3,91,020
Transport, storage and Communications	1,05,077	1,241	1,06,318
Other services	7,52,268	2,52,362	10,04,630
Non-Workers.	50,11,321	78,49,105	1,28,60,426

Table 1.3 Persons in Non-Household Industry, Trade, Business, Profession or Service by sex and by class of Worker - Census of India, 1961.

Particulars	Males	Females	Total
Total	19,41,639	5,08,223	24,49,862
Employer	1,03,916	7,036	1,10,952
Employee	11,12,028	2,26,418	13,38,446
Single Worker	6,10,155	2,27,659	8,37,814
Family Worker	1,15,540	47,110	1,62,650

#### 1.4 Finance

##### 1.41 Revenue and Expenditure

(Rs.lakhs)

Particulars	1962-63 (Account)	1963-64 Revised Estimates)	1964-65 (budget)	1965-66 (budget)
Revenue	9,181	10,386	11,706	12,152
Development Expenditure	6,584	6,908	7,667	8,979
Other Expendi- ture	2,806	3,258	3,432	3,564

Source:- Statistical Outline of Mysore, 1966:  
1.42 State Income and Per capita Income

Year	State Income (Rs.crores)		Per Capita Income (Rs)	
	At current prices	At 1956-57 prices	At current prices	At 1956- 57 prices
1958-59	587.64	541.68	263	243
1959-60	669.79	558.51	295	246
1960-61	671.08	558.82	290	242
1961-62	714.29	581.46	301	245
1962-63	747.02	615.23	309	255

Source:- Central Statistical Organisation.

Contd....5.



Table 1.43 Plan Outlay

Plan	Expenditure (Rs.crores)
First plan	94
Second plan	141
Third plan(provision)	250

Source:-Five year plans.

## 1.5 Production

Table 1.51 Agricultural Production ('000 tonnes)

Year	Rice	Jowar	Ragi	Pulses	Sugar cane (interms of gur	Ground- nut(in shells)	Cott- on ( '000 bales)
1957-58	1,178	1,148	708	339	367	716	511
1958-59	1,314	1,014	828	305	398	546	441
1959-60	1,346	1,087	744	325	429	388	369
1961-62	1,452	1,114	834	369	579	449	463
1962-63	1,512	1,357	868	388	581	500	408
1963-64	1,517	1,428	889	353	698	540	367
1964-65P	1,625	1,463	772	322	623	759	410

P - Provisional

Source:-(1) Statistical Abstract  
of Mysore, 1960-61

(2) Statistical Outline  
of Mysore, 1966

Contd.....6.

Table 1.53 Minerial Production

Year	Iron ore ('000 tonnes)	Manganese ore('000 tonnes)	Gold (Kg)	China clay (tonnes)	Magnesite (tonnes)	Quartz (tonnes)
1957	380	358	5,574	23,866	1,020	11,515
1958	765	258	5,291	27,083	2,182	14,642
1959	1,073	264	5,144	13,478	3,684	17,636
1960	2,133	333	4,995	28,037	4,558	18,574
1961	1,855	287	4,868	17,823	6,651	16,330
1962	2,435	295	5,079	14,124	6,293	21,993
1963	2,579	247	4,305	20,335	6,157	32,027
1964P	2,584	259	4,604	17,355	6,116	35,974

P-Provisional

Source:- Statistical Abstract of Mysore, 1960-61  
 Statistical Outline of Mysore, 1964 and 1966.

Contd.....8.

Table 1.52 Industrial Production.

Item	(Tonnes)									
	1957	1958	1959	1960	1961	1962	1963	1964	1965	
<u>Iron and Steel</u>										
Pig iron and Ferro-alloys	90,057	94,223	92,400	83,391	92,934	86,804	99,718	1,01,980	99,847	
Ingot, Semi and Finished Steel } } structural	35,758	44,254	47,809	43,490	49,297	47,432	45,904	47,577	42,340	
Sugar *	64,816	78,434	94,015	95,522	122,338	11,578	1,78,051	1,16,276	1,87,694	
Paper	6,512	7,695	22,672	33,441	32,752	38,616	48,107	51,221	70,758	
Vanaspati	4,023	4,107	4,099	3,977	3,811	3,523	4,588	4,290	5,383	
Cotton yarn	NA	NA	NA	29,240	32,350	31,446	33,446	36,205	NA	
Cotton cloth ('000 metres)	NA	NA	NA	69,607	75,000	68,148	67,161	88,306	NA	
Electro-porcelain Products	293.1	1,314.5	1,831.8	1,421.8	2,689.1	2,429.2	2,706.4	2,916.5	3,497.1	
Sulphuric Acid(ordinary)	1,537.7	4,934.2	6,985.0	7,627.3	8,250.4	5,935.6	5,599.2	5,253.9	14,513.8	

\* Relates to crop year (November to October)

NA - Not available.

Source:-(1) Statistical Abstract of Mysore, 1960-61

(2) Statistical Outline of Mysore, 1964 and 1966.

Table 1.6. Area under Principal Crops.

in ('000 hectares)

Year	Rice	Jowar	Ragi	Pulses	Sugarcane	Groundnut	Cotton
1957-58	949	2,715	895	1,303	58	979	1,094
1958-59	956	2,664	1,047	1,242	57	821	1,027
1959-60	925	2,622	898	1,201	58	848	999
1961-62	1,057	2,950	1,028	1,304	78	902	994
1962-63	1,086	3,050	1,047	1,292	74	870	996
1963-64	1,108	3,017	1,044	1,282	81	892	1,031
1964-65P	1,049	2,883	974	1,189	77	870	1,035
P- Provisional							

Source: (1) Statistical Abstract of Mysore, 1960-61.

(2) Statistical Outline of Mysore, 1964 and 1966.

Contd.....9.

Table 2.1 Number of Working Factories and Estimated Average Daily Employment

Year	Govt. and Local Fund Factories		Other Factories		All Factories	
	No.	Employment (000)	No.	Employment (000)	No.	Employment (000)
1957	-	-	1,278	113 (839)	1,278	113 (839)
1958	NA	NA	NA	NA	NA	NA
1959	112	35	2,131	152	2,243	187
1960	124	41	2,126	131	2,250	172
1961	127	43	2,184	135	2,311	178
1962	152	63	2,264	129	2,416	192
1963	141	81	2,304	143	2,445	224
1964 P	149	87	2,560	149	2,709	236
1965 P	143	83	2,374	216	2,523	299

Source:- Indian Labour Statistics

P-Provisional  
NA-Not available.

Note:- Figures in brackets show the number of factories for which information on employment is not available.

Contd.....10.

**Table 2.2 Wage Employment of Adult Male Agricultural Labourers during 1956-57.**

Type of Employment	Average number of days worked on wages during the year.
<u>All Labourers</u>	
Agricultural Labour	198.49
Non-agricultural Labour	18.65
Total	217.14
Attached Labourers	269.46
Casual Labourers	208.14

Source:- Indian Labour Statistics, 1967.

**Table 3.1 Average daily employment, total wage bill and per capita annual money earnings of employees earning less than Rs200 per month in Manufacturing Industries.**

Year	Average daily employment ('000)	Total wage bill (Rs.'000)	Average annual earnings (Rs)
1956	26	21,924	853
1957	11	10,753	967
1958	NA	NA	1,064E
1959	NA	NA	1,093E
1960@	49	54,538	1,107
1961	77	98,315	1,278
1962	65	78,487	1,210
1963	101	1,44,985	1,436
1964P	101	1,53,585	1,518

NA-Not available      E-Estimated      P-Provisional

Note:- The above figures exclude those for Railway workshops and groups of industries of seasonal nature consisting of Food, Beverages, Tobacco and Gins and Presses. The figures of per capita annual money earnings have been obtained by dividing the actual wage bills by the corresponding figures of average daily employment. Figures of average daily employment given above are as obtained from returns received under the payment of Wages Act, 1936 and hence are different from those collected under the Factories Act, 1948. @-Excludes figures relating to industry group Machinery except Electrical Machinery.

Source:- Indian Labour Statistics.

**Table 3.2** Average daily employment, total wage bill, per capita annual money earnings and Index Numbers of money earnings of employees earning less than Rs.400 per month in Manufacturing Industries.

Year	Average daily employment ('000)	Total wage bill (Rs. '000)	Per capita annual money earning (Rs.)	Index numbers of money earnings (Base 1961=100)
1961	81	1,10,879	1,375	100.0
1962	67	86,104	1,284	92.8
1963	108	1,68,894	1,567	110.2
1964	109	1,85,034	1,696	116.5
1965	-	-	1,696E	-

E - Estimated

For limitations, please see foot note under Table 3.1

Source:- Indian Labour Statistics, 1967

**Table 3.3** Per capita Annual money earnings of employees earning less than Rs.400 per month in Manufacturing Industries by Industry groups.

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
01 Processes Allied to Agriculture (Gins and Presses)	1961	-	191	191
	1962	341	754	1,095
	1963	-	225	225
	1964	-	445	445
"20. Food Except Beverages	1961	1,730	417	2,147
	1962	1,574	512	2,086
	1963	1,611	646	2,257
	1964	929	857	1,786

Contd.....

Table 3.3 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
21. Beverages	1961	-	-	-
	1962	-	1,476	1,476
	1963	-	208	208
	1964	-	287	287
22. Tobacco	1961	-	294	294
	1962	-	381	381
	1963	-	507	507
	1964	-	1,384	1,384
23. Textiles	1961	-	1,241	1,241
	1962	565	1,232	1,215
	1963	653	1,329	1,307
	1964	623	1,328	1,292
24. Footwear, other Wearing Apparel and Made-up Textile Goods	1961	-	832	832
	1962	-	667	667
	1963	-	1,191	1,191
	1964	-	982	982
25. Wood and Cork (except Furniture)	1961	-	789	789
	1962	572	923	890
	1963	1,255	790	835
	1964	804	924	922

Contd.....



Table 3.3 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
26. Furniture and Fixtures	1961	1,705	704	1,344
	1962	1,785	1,277	1,517
	1963	1,729	782	1,165
	1964	1,823	878	1,324
27. Paper and Paper Products	1961	-	570	570
	1962	-	-	-
	1963	-	1,368	1,368
	1964	-	1,659	1,659
28. Printing, Publishing and Allied Industries	1961	-	924	924
	1962	774	-	774
	1963	1,593	1,045	1,080
	1964	2,352	1,170	1,202
29. Leather and Leather Products (except Foot- wear)	1961	-	678	678
	1962	-	-	-
	1963	-	523	523
	1964	-	793	793
30. Rubber and Rubber Products	1961	-	944	944
	1962	-	1,110	1,110
	1963	-	1,400	1,400
	1964	-	1,451	1,451

Contd.....

Table 3.3 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
31. Chemical and Chemical Products	1961	-	948	948
	1962	2,290	870	1,438
	1963	1,229	885	931
	1964	1,475	951	1,021
32. Products of Petro- leum and coal	1961	-	2,273	2,273
	1962	-	2,331	2,331
	1963	-	2,147	2,147
	1964	-	1,281	1,281
33. Non-Metallic Mineral Products (except Products of Petroleum and coal)	1961	-	1,066	1,066
	1962	-	1,166	1,166
	1963	1,626	1,087	1,134
	1964	1,898	1,118	1,180
34. Basic Metal Indus- tries	1961	-	761	761
	1962	-	-	-
	1963	1,488	1,123	1,468
	1964	2,400	1,017	1,055
35. Metal Products (except Machinery and Transport-Equip- ment)	1961	-	848	848
	1962	-	813	813
	1963	-	1,045	1,045
	1964	-	868	868

Contd.....

Table 3.3 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
36. Machinery (except Electrical Machinery)	1961	-	3,241	3,241
	1962	2,447	873	1,988
	1963	1,638	1,362	1,386
	1964	2,333	1,383	1,810
37. Electrical Machinery, Apparatus, Appliances and Supplies	1961	2,211	1,618	1,896
	1962	1,319	1,698	1,357
	1963	2,231	1,664	2,199
	1964	2,298	1,806	2,254
38. Transport and Trans- port Equipment	1961	1,879	1,658	1,680
	1962	1,113	1,782	1,324
	1963	2,035	1,944	2,019
	1964	2,260	1,986	2,206
39. Miscellaneous Indus- tries	1961	-	1,145	1,145
	1962	-	1,093	1,093
	1963	1,523	739	1,130
	1964	1,578	1,259	1,452
51. Electricity, Gas and Steam	1961	2,094	747	1,782
	1962	1,168	1,653	1,404
	1963	1,288	1,459	1,385
	1964	1,200	1,672	1,519

Contd.....

Table 3.3 (Contd.)  
Industry Group

Industry Group	Year	Govt. and Local Fund Factories	All other Factories	Total Factories
52. Water and sanitary services	1961	1,856	-	1,856
	1962	2,467	-	2,467
	1963	2,484	-	2,484
	1964	2,370	-	2,370
83. Recreation Services	1961	-	-	-
	1962	-	-	-
	1963	-	-	-
	1964	-	-	-
84. Personal Services	1961	-	867	867
	1962	-	775	775
	1963	-	1,353	1,353
	1964	-	1,922	1,922

Note:- All the figures given in this table are provisional.

Source:- Indian Labour Statistics.

SA/-

**Table 3.4. Average annual money earnings of employees earning less than \$200 per month in Manufacturing Industries - by Industry Group.**

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
10. Processes Allied to Agriculture (Gins and Presses)	1960	-	283	283
	1961	-	189	189
	1962	48	754	752
	1963	-	221	221
	1964	-	443	443
20. Food Except Beverages	1960	651	502	503
	1961	1,685	385	397
	1962	1,518	496	518
	1963	1,569	609	627
	1964	929	815	815
21. Beverages	1960	-	-	-
	1961	-	-	-
	1962	-	148	148
	1963	-	208	208
	1964	-	262	262
22. Tobacco	1960	-	319	319
	1961	-	283	283
	1962	-	360	360
	1963	-	491	491
	1964	-	883	883

Contd.....

Table 3.4 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
23. Textiles	1960	416	1,037	1,016
	1961	-	1,206	1,206
	1962	565	1,176	1,160
	1963	653	1,271	1,251
	1964	623	1,250	1,218
24. Footwear, other Wearing Apparel and Made-up Textile Goods	1960	-	864	864
	1961	-	832	832
	1962	-	667	667
	1963	-	1,156	1,156
	1964	-	914	914
25. Wood and Cork (except Furniture)	1960	-	721	721
	1961	-	788	788
	1962	572	920	887
	1963	1,255	782	829
	1964	804	918	918
26. Furnitures and Fixtures	1960	1,710	570	807
	1961	1,705	869	1,342
	1962	1,785	1,277	1,511
	1963	1,729	764	1,154
	1964	1,823	835	1,307

Contd.....

Table 3.4 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
27. Paper and Paper Products	1960	-	-	-
	1961	-	570	570
	1962	-	-	-
	1963	-	1,211	1,211
	1964	-	1,421	1,421
28. Printing, Publishing and Allied Industries	1960	-	878	878
	1961	-	916	916
	1962	-	754	754
	1963	1,593	998	1,037
	1964	2,352	1,058	1,094
29. Leather and Leather Products (except Footwear)	1960	-	1,041	1,041
	1961	-	678	678
	1962	-	-	-
	1963	-	486	486
	1964	-	793	793
30. Rubber and Rubber Products	1960	-	894	894
	1961	-	870	870
	1962	-	941	941
	1963	-	1,304	1,304
	1964	-	1,355	1,355

Contd.....

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
31. Chemicals and Chemical Products	1960	1,108	823	872
	1961	-	907	907
	1962	833	850	847
	1963	1,144	836	876
	1964	1,475	878	960
32. Products of Petroleum and coal	1960	-	2,391	2,391
	1961	-	2,050	2,050
	1962	-	2,292	2,292
	1963	-	1,925	1,925
	1964	-	1,105	1,105
33. Non-Metallic Mineral Products (except Products of Petroleum and coal)	1960	-	876	876
	1961	-	705	705
	1962	-	1,164	1,164
	1963	1,566	1,072	1,114
	1964	1,869	1,111	1,170
34. Basic Metal Industries	1960	-	696	696
	1961	-	761	761
	1962	-	-	-
	1963	1,345	1,087	1,330
	1964	2,133	902	934

Contd.....



Table 3.4 (Contd.)

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
35. Metal Products (except Machinery and Transport Equipment)	1960	-	1,114	1,114
	1961	-	792	792
	1962	-	800	800
	1963	-	976	976
	1964	-	840	840
36. Machinery (except Electri- cal Machinery)	1960	-	-	-
	1961	-	1,500	1,500
	1962	2,261	866	1,827
	1963	1,616	1,312	1,340
	1964	2,128	1,296	1,658
37. Electrical Machinery, Apparatus, Appliances and Supplies	1960	1,486	1,717	1,661
	1961	1,872	1,538	1,146
	1962	1,183	1,475	1,212
	1963	2,139	1,568	2,104
	1964	1,978	1,688	1,950
38. Transport and Transport Equipment	1960	1,455	898	1,275
	1961	1,743	1,473	1,500
	1962	1,057	1,582	1,215
	1963	1,788	1,738	1,779
	1964	1,984	1,758	1,937

Contd.....

Table 3.4 (Contd.)

305

Industry Group

Year

Government and  
Local Fund  
Factories

All other  
Factories

Total  
Factories

39. Miscellaneous Industries

1960

-

851

851

1961

-

1,145

1,145

1962

-

1,093

1,093

1963

1,215

686

940

1964

1,306

1,160

1,246

51. Electricity, Gas and  
Steam

1960

2,045

894

997

1961

1,969

1,591

1,631

1962

1,130

1,736

1,402

1963

1,219

1,419

1,334

1964

1,187

1,379

1,308

52. Water and Sanitary  
Services

1960

1,766

1,766

1961

1,730

1,730

1962

2,399

2,399

1963

2,400

2,400

1964

2,370

2,370

83. Recreation Services

1960

-

-

1961

-

-

1962

-

-

1963

-

-

1964

-

-

Contd.....

-23-

Table 3.4 (Contd.).

Industry Group	Year	Government and Local Fund Factories	All other Factories	Total Factories
84. Personal Services	1960	-	971	971
	1961	-	867	867
	1962	-	775	755
	1963	-	1,327	1,327
	1964	-	1,911	1,911

1. All figures given in this table are provisional.

2. The series has since been discontinued.

Source:- Indian Labour Statistics.

Table 3.5 Average wage of casual agricultural labour during 1956-57.

operations	(in Paise)	
	Men	Women
Ploughing	88	-
Sowing	-	66
Weeding	66	47
Transplanting	108	87
Harvesting	77	53
All agricultural operations	84	55
Non-agricultural operations	112	59

Source :- Indian Labour Statistics, 1967.

SA/-

Contd.....

Table 4.1 Average annual income and expenditure of agricultural labour households (casual and attached during 1956-57.

Particulars	Amount (Rs.)
<u>Annual Income per household</u>	
<u>Percentage of income from</u>	
Agricultural Labour	71.03
Non-agricultural Labour	5.89
Cultivation of land	5.44
Others	17.64
Total	486
<u>Annual Expenditure per household</u>	
<u>Percentage of expenditure on</u>	
Food	74.5
Clothing, bedding & Footwear	7.2
Fuel & Lighting	7.7
Services & Miscellaneous including house rent	10.6
Total *	679

\*. Exclusive of expenditure incurred on ceremonials.

Source:- Indian Labour Statistics, 1967.

Table 4.2 Average size and number of Wage Earners in Agricultural Labour household during 1956-57

Particulars	No. of persons/ Wage Earners
Average size of household	4.5
<u>Average number of wage earners</u>	
Men	1.06
Women	0.95
Children	0.18
Total	2.19

Source:- Indian Labour Statistics, 1967

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Table 4.3 Results of Working Class Family Budget Enquiries - 1958-59

Particulars	Bangalore	Kolar Gold Field	Ammathi	Chickmagalur
1. Size of family	5.55	5.99	3.96	3.26
2. No. of adult consumption units per family	4.38	4.67	3.19	2.71
3. No. of earners per family	1.17	1.14	2.04	2.11
4. Monthly income per family (Rs.)	124.17	124.95	92.15	66.61
5. Monthly total expenditure * per family (Rs.)	150.75	132.54	87.32	71.89
6. Monthly consumption expenditure per family (Rs.)	144.20	123.28	85.53	70.67
7. Percentage of expenditure on food to consumption expenditure	56.84	59.58	63.64	62.98
8. Monthly income per capita (Rs.)	22.37	20.88	23.23	20.76
9. Monthly expenditure per capita (Rs.)	27.16	22.09	22.05	20.98

\* includes expenditure on taxes, interest, litigation and remittances to dependents.

Source:- Indian Labour Statistics, 1967.

\*BEDI\*

Table 5.1

Number of Workers' and Employers' Trade Unions on Register, Unions submitting returns and their membership

Year	Workers' Unions			Employers' Unions		
	No.	Submitting returns	Membership of unions submitting returns (000s)	No.	Submitting returns	Membership of unions submitting returns (000s)
1956-57	223	223	114	-	-	-
1957-58	408	201	108	-	-	-
1958-59	459	185	104	1	1	(a)
1959-60	459	185	104	1	1	(a)
1960-61	442	185	90	5	1	(a)
1961-62	504	215	104	3	3	(a)
1962-63	500	293	142	6	6	(a)
1963-64	305	305	142	7	7	(a)

(a) - Less than 500

Source: Indian Labour Statistics.

Table 5.2

Number of Workers' Unions submitting returns and their membership in the Public Sector by State and Central spheres.

Year	State sphere		Central sphere	
	No.	Membership	Number	Membership
1960-61	53	35,281	15	8,708
1961-62	46	11,942	23	30,631
1962-63	56	21,806	22	37,872
1963-64	59	15,981	27	38,794

\*BEDI\*

-21-  
Table 6.

Coverage under the Employees' Provident Fund Act, 1952 in Mysore Region.

Reference Date	Number of factories/establishment covered.			No. of workers working in * the factories/establishment			Number of subscribers* covered		
	Exempted	Unexempted	Total	Exempted	Unexempted	Total	Exempted	Unexempted	Total
28th February, 1958	15	846	861	40,580	99,419	1,39,999	36,904	67,386	1,04,290
31st October, 1960	44	817	861	58,181	1,40,877	1,79,058	48,120	1,18,284	1,66,404
31st October, 1961	70	1,593	1,663	1,13,849	1,11,986	2,25,835	1,01,268	95,694	1,96,962
30th September, 1962	78	1,605	1,683	1,22,336	1,19,513	2,41,849	1,09,009	1,05,221	2,14,230
30th September, 1963*	88	1,686	1,774	1,32,023	1,27,090	2,59,113	1,14,393	1,11,891	2,26,284
30th September, 1964*	88	1,777	1,865	1,43,838	1,41,587	2,85,425	1,27,562	1,17,319	2,44,881
30th September, 1965*	364	5,569	5,933	3,77,948	7,10,680	10,88,628	3,18,151	5,42,982	8,61,133
30th September, 1966*	101	2,650	2,751	1,69,675	1,81,779	3,51,454	1,57,571	1,36,305	2,93,876

\*Statistics relate only to factories/establishments submitting returns.

Source:- Indian Labour Statistics.

\*EEDI\*

Table 7.1

Number of Industrial Disputes Resulting in Work-Stoppages, Workers Involved and Man-days lost.

Year	No. of Disputes	No. of Workers involved	No. of man-days lost.
1957	93	49,954	3,65,309
1958	72	41,745	4,16,260
1959	78	56,274	3,11,265
1960	80	24,181	42,812
1961	71	30,582	80,895
1962	78	32,128	67,928
1963	68	25,644	74,703
1964	110	53,431	2,17,393
1965	75	59,657	7,26,777
1966P	97	67,002	3,98,697

P-Provisional

Source:- Indian Labour Statistics.

Table 7.2

Industrial disputes in the Public Sector

Year	No. of disputes	Maximum No. of Workers involved	No. of man-days lost.
1963	27(16)	13,542(9,789)	15,472( 6,972)
1964	37(24)	36,133(16,478)	62,849(22,038)
1965	22(16)	30,226(26,566)	3,15,442(3,02,483)

Source:- Indian Labour Statistics.

Note:- Figures in brackets indicate the figures for the Central Sphere and are already included in the respective total figures.

\*BEDI\*



Table 7.3

Number of Man-days lost due to Industrial Disputes - by Months:-

Month	(Figures in thousands)					
	1960	1961	1962	1963	1964	1965
January	7	-	5	(a)	11	22
February	2	12	13	1	5	51
March	6	3	2	2	3	35
April	7	16	5	19	12	38
May	1	1	2	5	8	95
June	4	9	3	7	3	50
July	-	11	2	10	5	12
August	1	1	5	4	23	86
September	1	3	18	1	38	39
October	1	1	9	15	27	50
November	2	11	3	9	20	79
December.	11	13	1	3	61	170
<b>Total</b>	<b>43</b>	<b>81</b>	<b>68</b>	<b>75</b>	<b>217</b>	<b>727</b>

(a) less than 500

Source: Indian Labour Statistics.

\*BEDI\*

New Series of consumer price index numbers.

(Base 1960 = 100)

Year	Bangalore	Kolar Gold Field	Chickmagalur	Amathi
1961	105	102	102	105
1962	108	104	102	114
1963	111	109	108	118
1964	124	121	125	128
1965	159	133	148	147
1966	156	150	180	173

Source:- Indian Labour Statistics

Table 9.

Average Annual rates of absenteeism in selected Industries

Year	Cotton mill Industry	Gold mining	Plantations
1951	11.8	10.2	18.3
1952	11.2	11.5	18.6
1953	11.4	11.6	16.4
1954	12.1	10.6	15.3
1955	11.5	13.5	16.9
1956	12.2	10.0	18.2
1957	16.3	12.2	20.5
1958	17.9	9.7	20.5
1959	19.4	10.0	19.5
1960	19.2	9.7	18.8
1961	20.9	10.3	20.2
1962	27.3	8.6	21.5
1963	26.4	9.5	20.4
1964	18.6	10.2	21.6
1965	18.4	9.8	19.2
1966 P*	20.2	8.1	19.9

\* January to August      P - Provisional

Source:- Indian Labour Statistics.

\*BEDI\*

Table 10.1

Injuries in Factories.

Year	Fatal		Non-fatal		Total	
	No.	Rate per 1000 workers	No.	Rate per 1000 workers	No.	Rate per 1000 workers
1957	18	0.1643	2,698	24.6340	2,716	24.797
1958	14	0.0152	1,780	12.0550	1,794	13.688
1959	12	0.1345	2,065	23.1310	2,077	23.355
1960	10	-	2,202	-	2,212	-
1961	20	0.1150	3,302	18.9855	3,322	19.1005
1962	28	0.2	4,967	26.3	4,995	26.5

Source:- 1. Statistical of Mysore, 1960-61  
2. Statistical outline of Mysore, 1966

Table 10.2

Accidents and injuries in Mines.

Year	No. of accidents		No. of injuries		Rate per 1000 workers	
	Fatal	Serious	Fatal	Serious	Fatal	Serious
1957	48	312	24	325	0.46	6.24
1958	14	355	15	360	0.32	7.66
1959	18	318	24	330	0.53	7.30
1960	18	592	18	604	0.37	12.57
1961	12	728	12	737	0.28	17.61
1962	21	807	29	824	0.70	19.98
1963	15	832	21	846	0.57	22.85
1964	13	569	20	582	0.58	16.81

Source:- 1. Statistical Abstract of Mysore, 1960-61  
2. Statistical outline of Mysore, 1966.

\*BEMM\*

Table 10.3

Number of compensated injuries and amount of compensation paid.

Year	No. of compensated injuries				Amount of compensation paid (Rs)			
	Deaths	Perma- nent Dis- ability	Temporary Disability	Total	Deaths	Permanent Disability	Temporary Disability	Total
1957	48	281	4,023	4,352	83,557	2,96,772	1,02,573	4,82,902
1958	66	249	5,331	5,646	1,01,551	2,86,092	1,34,883	5,22,526
1959	61	206	5,052	5,319	1,43,654	2,77,689	1,24,995	5,49,038
1960	89	63	4,215	4,367	1,73,254	65,284	74,628	3,13,166
1961	87	61	4,107	4,255	1,52,012	72,294	79,482	3,03,788
1962	106	71	4,691	4,868	2,10,646	73,729	98,514	3,82,889
1963	122	194	4,928	5,244	3,76,855	1,97,279	1,33,493	7,07,627

Source:-1. Statistical Abstract of Mysore, 1960-61

2. Statistical Outline of Mysore, 1966.

Table 11.

Some Important Economic Indicators.

Year	Money earnings (Base 1961=100)	Mineral Production (Base 1951=100)	Agricultural* Production (Base 1952-53=100)	Per capita income ** at constant prices (Base 1956-57=100)
1957	-	103.76	137.4	NA
1958	-	97.72	146.5	NA
1959	-	108.52	154.6	104.51
1960	-	125.02	162.1	105.78
1961	100.0	118.12	157.1	103.95
1962	92.8	138.69	120.1	105.38
1963	110.2	119.7	127.9	109.68
1964	116.5	123.29	125.7	
1965	-	-	135.1	

\*Relate to agricultural years 1956-57 etc. \*\*Relate to financial years 1956-57 etc

Source:- 1. Statistical Abstract of Mysore, 1960-61

2. Statistical outline of Mysore, 1966

3. Central Statistical Organisation

\*RENT\*

C O F F E E B O A R D

To

The Statistical Officer  
Bangalore,

The Regional Secretary,  
Estates Staffs' Union  
of South India,  
"Erusi House",  
Vijayapura Extension,  
Chiknagalur P.O.

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Ref.No.ST.1-9-1-6/2895 Station Bangalore-1. Date 26-2-1965.

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Dear Sir,

Sub:- Coffee Statistics - information requested.  
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With reference to your letters No.17:367:64 and 17:369:64 dated 21st January 1965, addressed to the Secretary, Coffee Board, Bangalore and Asstt.Coffee Marketing Officer, Chiknagalur respectively, I am enclosing herewith a statement giving the particulars regarding (1) Area under Coffee Cultivation (According to the Revenue Districts) (2) Estimated Production of Coffee (According to Districts of Growth) in Mysore State for 1961/62, 1962/63 and 1963/64 seasons.

2. Information regarding the number of coffee estates (holdings) in Mysore State is at present available only as on 31-7-1961, and a table containing this information is also enclosed herewith.

Yours faithfully,

Sd/-  
for STATISTICAL OFFICER.

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Production of coffee (in Tonnes)

Mysore States.

S E A S O N

Sl. No.	District of growth.	1961/62			1962/63			1963/64		
		Ar.	Rob.	Total	Ar.	Rob.	Total	Ar.	Rob.	Total
1.	Mysore including Bababudans (Chikmagalur, Hassan and Shimoga Distts).	13350	4370	17720	15690	5445	21135	18105	8185	26290
2.	Billigiris (Mysore Dist)	400	-	400	835	-	835	655	-	655
3.	North Coorg.	5835	805	6640	7680	1010	8690	10400	1135	11535
4.	South Coorg.	2065	5075	7140	2965	7265	10230	3700	10465	14165
Total Production in Mysore State.		21650	10250	31900	27170	13720	40890	32860	19785	62645

Production figures for Chikmagalur and Hassan Districts seperately are not available.

Table showing the number of Registered Estates as on 31st July 1961 according to States, Districts within each State and size of holdings.

Sl. No.	State/ District.	No. of Registered Estates as on 31st July 1961										Total No. of Regis- tered Estates	No. of un-re- gistered Estates as on 31st July 61	Total No. of Estates as 31st July 1961.
		Below 5 acres	Between 5&10 acres	Between 10&25 acres	Between 25&50 acres	Between 50&100 acres	Between 100&150 acres	Between 150&200 acres	Between 200&250 acres	Between 250 &above	Between 250 &above			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
<b>I. MADRAS STATE:</b>														
1.	Nalgiris.	3714*	206*	193*	33	24	12	8	6	12	4206	302	4510	
2.	Madurai.	3015	793	560	49	26	8	1	2	55	4459	778	5237	
3.	Tirumalveli.	-	-	-	-	-	-	-	1	1	2	-	2	
4.	Coimbatore.	31	5	1	2	-	1	-	2	4	46	-	46	
5.	Salem.	2193	29	59	17	10	16	11	1	77	2343	16	2359	
6.	Kanyakumari.	2	3	4	2	-	-	-	-	-	11	7	18	
Total for Madras State		8955	1036	817	103	60	37	20	12	29	11069	1103	12172	
<b>II. ANDHRA STATE:</b>														
7.	Mishakapatnam	1896	-	1	-	1	-	-	-	-	1898	-	1898	
<b>III. MYSORE STATE:</b>														
8.	Chikmagalur.	3049*	614*	610*	157	127	68	30	18	56	4729	272	5001	
9.	Hassan.	1772%	351%	319	96	53	15	11	4	9	2630	56	2686	
10.	Mysore (billigiris)	-	-	-	-	-	-	2	4	-2	5	-	5	
11.	Shimoga	-	2	-	3	-	-	-	-	-	5	12	17	
12.	South Canara.	15	-	-	-	-	-	-	-	-	15	3	18	
13.	North Coorg.	2129	306	265	54	45	15	20	9	20	2863	33	2896	
14.	South Coorg.	4553	767	962	52	20	9	8	11	20	6402	66	6468	
Total of Mysore State:		11518	2040	2156	262	245	107	71	43	107	14649	442	17091	

Planted Area (in acres) Under coffee,  
Mysore State

Sl. No.	District.	SEASON								
		1961/62			1962/63			1963/64		
		Ar.	Rob.	Total	Ar.	Rob.	Total	Ar.	Rob.	Total.
1.	Shivamogalur ..	58620	17936	76556	58557	17851	76408	59006	17889	76895
2.	Hassan ..	20440	5235	25675	20525	5116	25641	21484	5238	26722
3.	Mysore (Billigiris).	1328	-	1328	1328	-	1328	1328	-	1328
4.	Shikoga.	179	81	260	177	111	288	177	111	288
5.	South Kanara..	24	16	40	24	16	40	24	16	40
6.	North Coorg..	25340	4705	30045	25372	4750	30122	27501	4891	32392
7.	South Coorg..	8595	32067	40662	8729	31859	40588	9508	33006	42514
Total acres in Mysore State.		114526	60040	174566	114712	59703	174415	119028	61151	180179

NOTE: The figures for the years 1962/63 and 1963/64 are provisional and subject to revision.



1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
<b>IV. KERALA STATE</b>													
15. Kozhikode	4788	838	429		56	26	6	12	6	7	6168	988	7156
16. Palghat	66	2	-			3	-	4	2	8	85	-	85
17. Cannanore	3479 <sup>⊙</sup>	379 <sup>⊙</sup>	134		15	13	15	2	1	-	4028	345	4375
18. Kottayam	2256	132	38		11	4	1	2	-	1	2445	615	3060
19. Ernakulam	873	7	1		-	-	-	-	-	-	881	450	1331
20. Quilon	116	1	-		1	-	-	-	-	-	118	33	151
21. Trivendrum	15	1	-		-	-	-	-	-	-	16	16	32
22. Allepy	=	=	=		=	=	=	=	=	=	=	37	37
<b>Total for Kerala State.</b>	<b>11593</b>	<b>1360</b>	<b>602</b>		<b>83</b>	<b>46</b>	<b>12</b>	<b>20</b>	<b>9</b>	<b>16</b>	<b>13741</b>	<b>2484</b>	<b>16225</b>
<b>V. MADHARASHTRA STATE</b>													
23. (Amravathi Dist)	6	-	-		-	1	1	-	-	-	8	-	8
<b>VI. ORISSA STATE</b>													
24. (Koraput)	10	-	1		-	-	-	-	-	-	11	-	11
<b>VII. ASSAM STATE</b>													
25. (Goalpara)	1	-	-		-	-	-	-	-	-	1	-	1
<b>GRAND TOTAL:</b>	<b>33979</b>	<b>4436</b>	<b>3577</b>		<b>548</b>	<b>353</b>	<b>157</b>	<b>111</b>	<b>64</b>	<b>152</b>	<b>43377</b>	<b>4029</b>	<b>47406</b>

NOTE: 1\* figures as on 31.7.1959

2% figures as on 31.7.1960

3. The districtwise figures are tabulated according to the re-organised set up of the Indian States and hence the districtwise and state-wise figures are not comparable with those published earlier.

4. The number of estates shown in respect of the districts in Kerala State are not comparable with the figures shown previously against these districts owing to the formation of new districts in the State.

5. <sup>⊙</sup> Decline in the number compared to last year is due to the inclusion of estates under Kozhikode district consequent on the formation of separate districts viz-Cannanore & Kozhikode.

- 134. No.
- 135. No comments.
- 136. -do-
- 137. "
- 138. "
- 139. Regional Minimum wages are to be fixed.
- 140. No change is called for.
- 141. D.A. should be a separate component to be ultimately absorbed in the basic pay.
- 142. No comments.
- 143. a) Regional basis.  
b) Half yearly.  
c) Slab of 10 points.
- 144. No comments
- 145. Yes.
- 146. No comments.
- 147. -do-
- 148. "
- 149. "
- 150. The existing differentials continue.
- 151. No comments.
- 152. -do-
- 153. "
- 154. "
- 155. "
- 156. "
- 157. "
- 158. "
- 159. Not known.
- 160. No remarks.
- 161. -do-
- 162. "
- 163. No comments.
- 164. -do-

VI. INCENTIVE SCHEMES AND PRODUCTIVITY.

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- 165. Direct link with production.
- 166. a) Yes.  
b) Yes.  
c) "  
d) "  
e) "  
f) "  
g) "  
h) Ceiling may be put.  
i) Yes.  
j) Financial incentives are the most favoured.
- 167. Mutual co-operation to gain the common objective.
- 168. No comments.
- 169. -do-
- 170. No information.
- 171. It is good in principle.
- 172. Labour absenteeism has increased after the introduction of E.S.I. Schemes resulting in decreased productivity.
- 173. Motivation is an important factor for the working of these schemes.
- 174. Morale is shattered resulting in loss of production.
- 175. No remarks.