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**REPORT
OF THE
WORKING GROUP
ON
LABOUR ADMINISTRATION
(Southern Region)**



NATIONAL COMMISSION ON LABOUR

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FOREWORD

The National Commission on Labour appointed the Regional Working Group on Labour Administration for Southern Region consisting of the States of Madras, Andhra Pradesh, Mysore and Kerala in its attempt to understand the changes in Labour Administration in this region since Independence. This was one of the five Groups set up for the study of Labour Administration. The group was required to analyse available information and project its thinking on Labour Administration for the years to come taking into account the possible changes in the economy of the country.

The views expressed in the report are the views of the Working Group. In examining them for framing its final recommendations, the Commission will attach due importance to these views coming as they do from knowledgeable persons connected with the Labour Administration. In the meanwhile, the report is being published by the Commission with a view to seeking comments on it from persons/institutions interested in the subject.

The Commission is grateful to the Chairmen and Members of the Working Group individually for completing their work within the time limit fixed for them. The Commission is also grateful to all persons/institutions who may have helped the Working Group in reaching conclusions.

P. B. Gajendragadkar,
Chairman.

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INTRODUCTION

The Regional Working Group on Labour Administration (Southern Region) covering the States of Madras, Andhra Pradesh, Mysore and Kerala was constituted in terms of Office Memorandum No. 3(49)/2/67-NCL dated 28.12.1967 of National Commission on Labour, Government of India which is reproduced below:

“The National Commission on Labour appoints the following person to constitute the Regional Working Group on Labour Administration (Southern Region)—areas covered by the States of Madras, Andhra Pradesh, Mysore and Kerala :

1. Shri T. S. Sankaran,
Labour Commissioner, Member
Govt. of Madras,
Madras.
- *2. Shri K. B. Lal,
Labour Commissioner, Member
Govt. of Andhra Pradesh,
Hyderabad.
3. Shri V. Hanumanthappa,
Labour Commissioner, Member
Govt. of Mysore,
Bangalore.
4. Shri N. Kochukrishnan,
Labour Commissioner, Member
Govt. of Kerala,
Kerala.
- **5. Shri Y. Sivasankara Reddy,
Regional Provident Fund Commissioner, Member-Secretary
Andhra Pradesh.

The Working Group will hold one meeting in each of the headquarters of the States of Madras, Andhra Pradesh, Mysore and Kerala. The Labour Secretary of the State, where the meeting is held, will preside over the meeting.

The Working Group will examine the papers prepared by the Commission on the subject of Labour Administration, covering

the present administrative set-up for implementation of Labour laws, its effectiveness and related problems. It will add to/amend/modify/or reject the conclusions reached in the light of experience in the States in the Southern Region (Madras, Andhra Pradesh, Mysore and Kerala). The Working Group will submit its report within three months.

The Regional Working Group held one meeting in each of the headquarters of the States. The first meeting was held in Hyderabad on 29th January, 1968. The Working Group met at Madras on 24th February, 1968. In view of the Budget Sessions in different States during the months of March and April it was not possible to hold any meeting of the Working Group till the end of April. The third meeting was held at Trivandrum on 30th of April. No meetings were held in the months of May and June, since some of the members were away on leave. The fourth meeting was held at Bangalore on the 3rd and 4th of July, 1968. The fifth and the last meeting was convened at Hyderabad on the 2nd and 3rd of August 1968.

The main task of the Working Group was the examination of the Note prepared by the National Commission. @ The Group further considered the administrative set-up in each of the States and the functioning of the administrative machinery. The Working Group also took note of the problems faced by the States in the Southern Region in respect of the implementation of the labour laws and the effectiveness of the implementation machinery.

Since the Note circulated by the National Commission is an exhaustive one, representing all the aspects in respect of each issue, the Group thought its report could be presented in the form of comments wherever required in respect of each para of the Note confirming or modifying or adding to the suggestion made in the Note.

*Shri Bharatchand Khanna was originally nominated as member. Later, consequent on his transfer from the post of Labour Commissioner, Shri K. B Lal was named as member on his assumption of charge as Labour Commissioner.

**Shri Y. Sivasankara Reddy was nominated as Member-Secretary by virtue of his position as Deputy Labour Commissioner. Subsequently he took over as Regional Provident Fund Commissioner and he continued to be the Member-Secretary of the Working Group.

@ Please see Annexure VI.

REPORT

*1 to 3. The Note refers to the Five Year Programme for Labour drawn up in 1946 by the Interim National Government, the incorporation in the subsequent legislative enactment of many of the essential points contained in this Plan and also the enlistment of some of these provisions as Directive Principle of State Policy in the Constitution. No comments are called for on these paragraphs.

4 to 6. Most of the enactments that are in force in the Southern States are Central enactments. Some of the pieces of legislation enacted by the States and now in force are indicated below and are classified according to their dominant coverage.

Legislation on Working Conditions

ANDHRA PRADESH

The Andhra Pradesh Shops and Establishments Act.

MADRAS

The Madras Shops and Establishments Act.

The Madras Catering Establishments Act.

**The Madras Beedi Industrial Premises Conditions of Work Act.

The Madras Industrial Establishments and Festival Holidays Act.

MYSORE

The Mysore Shops and Establishments Act.

The Mysore Labour Welfare Act.

The National & Festival Holidays Act.

The Mysore Beedi Workers Industrial Premises Act.

KERALA

The Shops and Commercial Establishments Act.

The Kerala National and Festival Holidays Act.

The Group considers that with regard to the wages, earnings, social security, welfare and other miscellaneous subjects,

*These numbers & the numbers against the subsequent paras refer to the paras in Annexure VI.

**Now replaced by the Central Act.

the existing labour legislation should be codified so that similar provisions under different Acts could be brought together and dealt with and if any special rules are necessary in any particular category, powers might be vested in the appropriate Government to frame such special rules under the codified legislation. Further, at the moment, there are variations in the definitions of various terms under the different Acts. It is desirable to have uniformity (i) in the definitions of the various terms, (ii) in the matter of the leave provisions, (iii) in the regulation of conditions of service etc.

7. The Group is of the view that in terms of the range and content of legislation, the Indian labour law framework could compare favourably with what is available for workers in many advanced countries and that there should not normally be need for further legislation. The Group feels that a just and efficient administration of the provisions of labour laws would go a long way in improving the conditions of labour and establishing a climate for improved labour-management relations. It is also recognised that to the extent labour and management co-operate with each other in ensuring proper implementation of the labour laws, especially in view of the fact that there is a large area of legislation where such co-operation is possible and desirable, the burden on the administrative machinery would be lightened.

8 & 9. No comments.

10. The Group agrees that the passing of legislation and accepting certain resolves in bipartite or tripartite meetings and parcelling them out to different agencies for implementation hardly provide the desired effect in real terms to the working class if the spirit of legislation is inadequately understood and the resolves accepted at the national level do not reach the units where they are expected to operate.

11 to 16. The varying emphasis laid on some of the aspects of the labour policy during the different Five Year Plan periods and also the policy followed by the Government during the period is indicated in the Note and no specific comments are called for regarding these general aspects.

17. The Group agrees that there is room for improvement in the administration of the legislation which has been enacted

for the protection, safety and welfare of industrial workers. In future, the emphasis should be more on effective enforcement of the existing labour legislation rather than on the enactment of new labour laws. Secondly, the Group finds that bodies like the Works Committees and Joint Management Councils are not functioning properly, and therefore, some rethinking is necessary in respect of these institutions. Thirdly, execution of programmes which have large bearing on the welfare and prospects of workers such as workers' education, provision of facilities for imparting higher skills and training to workers, social security and labour-research would go a long way in securing labour welfare and in improving the prospects of workers.

18. The Group feels that it is desirable to retain the present nomenclature of the Department. Though industrial relations might form a very important part of the work of the Labour Department, the Department has other items of work, such as regulation of working hours, social security, etc. Even the International Body has its nomenclature as "International Labour Organisation" and the Government of India has also named the present Commission as "National Commission on Labour". Further, with the increasing emphasis on collective bargaining in matters of industrial relations, governmental role in this regard would be gradually minimised. It is, therefore, felt that no change is called for in the present nomenclature. The position in respect of each State regarding the combination of Labour and other subjects at different levels is indicated below:—

Ministerial Level

Madras :	Labour, Law and Co-operation.
Andhra Pradesh :	Labour, Information and Public Relations.*
Mysore :	Labour, Information and Fisheries.**
Kerala :	Labour, Employment and Training.

Secretariat Level

Madras :	Industries, Labour, Nationalised Transport and Housing.
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* According to recent change, Labour & Commerce.

** According to recent change, Labour & Municipal Administration.

Andhra Pradesh : Home, Labour and Transport.
 Mysore : Labour, Food and Civil Supplies.
 Kerala : Labour and Health.***

19. No comments.

20. The Group is of the view that an institution to give training to the Officers of the Labour Department should be started and located in any one of the States of the Southern Region, and the cost of such a scheme should suitably be apportioned between them. Such an institution would give an opportunity to the Labour Department Officers, Labour Commissioners, Secretaries and Ministers of all the States to give lectures to the trainees and to exchange views on several problems.

21. No comments.

22. The Group is of the opinion that a separate Statistical Cell should be created in the Labour Commissioner's Office under a Statistical Officer.

The general pattern in the Southern States is that the Chief Inspector of Factories is subordinate to the Commissioner of Labour and he functions independently only in respect of certain technical matters. In Kerala, however, the Chief Inspector of Factories is functioning as an independent Head of the Department and is also administering independently non-technical Acts like the Payment of Wages Act etc., so far as it relates to factories.

The Factories Act itself provides as per Section 8 (vii) a superior authority to the Chief Inspector of Factories. Apart from a few technical matters, the Chief Inspector of Factories is concerned with so many other matters relating to welfare, that it is proper that the Commissioner of Labour should be in the know of all these things and should have control over him in the administration of these welfare measures for labour. According to the experience in some States, a purely technical person like the Chief Inspector of Factories would not be in a position to deal with some of the administrative matters in consonance with the provisions and objectives of the legislations.

*** Recently it has become Labour & Social Welfare.

The Group is of the unanimous opinion that the Chief Inspector of Factories should function as a subordinate to the Commissioner of Labour.

The Group also notes that the position of the Chief Inspector of Boilers in the Southern States varies from State to State. In Kerala and Mysore, the Chief Inspector of Factories is also the Chief Inspector of Boilers, while in Andhra Pradesh and Madras the Chief Inspector of Factories and the Chief Inspector of Boilers are separate. The Group feels that a similar arrangement as recommended in respect of the Chief Inspector of Factories should also obtain in the case of the Chief Inspector of Boilers *vis-a-vis* the Labour Commissioner and the Labour Department.

23. It is agreed that the task of the labour administrator in an industrial democracy is not merely to see to the compliance with the legal provisions under the various Acts, but also to create the necessary atmosphere in which the obligation and responsibilities under law are understood and accepted and further to create the necessary consciousness for the observance of these provisions.

The general consensus of the Group is that employers' organisations and the trade unions should be encouraged to sort out their problems and to make efforts mutually to resolve them without the intervention of the Government.

24. No comments.

25. Information showing the responsibilities of various designations and the structure of labour administration at present, as well as in 1946 is indicated in Annexures I and II.

26. No comments.

27. No comments.

28. The Working Group also is of the view that a factor which is important in getting full benefits of labour legislation for workers and which is missing in the Indian situation, is a strong and united trade union movement. The working conditions rarely come in as the area where unions are prepared to argue with employers for getting redress, and their strength is currently used for securing more and more real benefits to the workers. Only in cases where a demand is made by an employer for adjusting workload will complaints regarding working conditions

from unions come to the employers notice. It is also noticed by the Working Group that excepting cases of non-implementation where money or employment is involved, trade unions are often reluctant to approach employers for enforcing compliance.

29. Regarding the general problems of communication and limits of acceptance by the unions, certain difficulties are faced because of shifting loyalties to a union among the rank and file of workers and also because of independent unions or unions-affiliated to federations other than the four Central Organisations of employees. It is the opinion of the Working Group that in view of the limit placed by Central Government on federations for a minimum membership to qualify for consultations, this problem will continue to remain, unless trade union unity, which has eluded union leaders so far becomes a future reality.

30. In tripartite conferences like the Indian Labour Conference, Standing Labour Committee, Industrial Committees etc., the State Government representatives generally play a passive role. The general experience has been that these meetings are mainly dialogues between the representatives of major Employers' Federations and the Central Organisations of trade unions. Therefore, if such meetings are preceded by a meeting at an official level of the representatives of State Governments and Central Ministries, it would provide an opportunity for detailed discussion and expression of views on the subjects to be discussed at the subsequent Labour Ministers' Meeting and at the Tripartite Meetings.

31. The Group accepts the view that labour legislation being mostly social in character, it should develop its sanctions through the process of education. It is felt that persuasive methods yield better results and they should be adequately used. Regarding the other view, that penalties should be deterrent enough, the Group feels that in the matter of implementation of Labour Legislation sometimes the very threat of prosecution will have the desired effect than the actual prosecution itself. Particulars are furnished regarding the number of prosecutions launched, cases where default has been established and the nature of penalty imposed for such default in Annexure III.

32. The Group finds that in this Region there have not been

many cases of withdrawal of prosecution by the Government or by the authority competent to sanction such withdrawal.

33. The role of Government will continue to be important particularly in the matter of creating/strengthening a permissive type of machinery to which complaints could come for redress. In the case of small units where un-organised sections of workers are found, the Group offers the following comments in respect of their special problems detailed below :

(i) The Group feels that in the matter of exemption given to small units on the basis of the number of employees engaged, some employers could exploit such exemption by showing a worker-strength below the exemption limit even when the number of employees is such as would take them outside the exempted category. As a result of such action by some of the small managements, some extra burden is thrown on the Labour Machinery.

(ii) The Working Group accepts the findings in the Note.

(iii) The Inspecting staff is inadequate. This issue can be viewed from two angles viz., concentrated workload and diffused workload and accordingly the staff requirements can be assessed.

(iv) & (v) No comments.

(vi) This does not contribute to the problem of labour administration. This may mean problem for the employer, but this cannot be helped. The only manner in which this may have some bearing on labour administration is that because of several functions involved, the Manager may not be able to devote much attention to matters connected with labour and consequently it may mean additional problems in labour administration.

(vii) & (viii) The Working Group accepts the statements indicated in the Note.

34. Cases of sub-division for genuine reasons might not be construed as evasion. But in cases where the employer is wanting to deny the workers the benefits available under law by sub-dividing his unit into smaller parts, the department should be alert to notice such evasions. The Group does not have sufficient information before it to come to any conclusions on the magnitude of such sub-divisions, malafide or genuine. The Group also considers that to prevent such malafide sub-division.

a provision similar to the one incorporated in the Plantation Labour Act may be thought of in respect of factories and other establishments.

35 & 36. There may be lapses in public sector undertakings and criticisms also may be there about them. But it cannot be said that there is deliberate action by the managements regarding these lapses.

There should be no discrimination or preferential treatment between public sector undertakings and private undertakings. Penal action should be taken as and when it is required. The Group feels that the recommendation that there should be an annual review, stems, perhaps, from the feeling that penal action is not being taken against the public sector undertakings. It does not appear to be necessary that such reviews should be conducted by the State Labour Department or Central Labour Department, especially, in view of the fact that no such reviews are undertaken in private sector undertakings and there is no need to distinguish between public and private sector undertakings. Such review can be had at the plant level by the managements in consultation with union/unions.

37. Instances are not wanting where managements of certain public sector undertakings have, instead of approaching Labour Department in the first instance, have taken up the matter at the higher level. Approaching conciliation machinery in the first instance will avoid any delays in the possible settlement of dispute. There have also been cases where representatives of the management in respect of public sector undertakings who appeared before the conciliation machinery are not authorised or competent to commit the management in respect of matters as they arise during conciliation. It is, therefore, desirable that the persons appearing before the conciliation machinery must be persons who are duly authorised to take decisions on behalf of the management. The following suggestions are made on the various points contained in the Note of the Commission.

(i) The Personnel Department should be strengthened, wherever necessary, with duly qualified and experienced persons.

(ii) As already stated, recourse must be had, in the first instance, to the conciliation machinery

(iii) There should be prompt attention to the grievances of the workers based on well-established grievance procedures.

(iv) There must be increasing recourse to voluntary arbitration as a method of settling industrial disputes. In this context the group feels that there is reluctance particularly on the part of the managements to agree to voluntary arbitration even in the case of non-employment.

(v) It is recognised that promotion is a management's function. But while promotion is being considered, there should be satisfactory assessment by the Committee constituted for this purpose. In this Committee, representatives of various departments concerned with the work of the individual and also of the personnel department should find a place and in the assessment of the candidate, arbitrariness must be eliminated.

(vi) The machinery of joint consultation has not been tried on a wide basis to assess the efficacy of the system and it is noticed that even within this restricted sphere this machinery has not been very popular with the managements or even with the workers, and so it has a very limited scope in the foreseeable future.

38. A reference is made in the Note that to avoid complications which are likely to result in the event of non-uniformity in the working conditions according to the practices in different States, the industrial relations in multi-unit industries should be brought under the Central jurisdiction.

It is not known how a change from the State industrial relations machinery to the Central machinery would result in any advantage. One way of resolving disputes is by settlements. If the settlements are under 18(1) of the Industrial Disputes Act, it is the business of the authorities themselves to look to the fact whether uniformity in working conditions is ensured with reference to the other units in other States. If the settlements are under 12(3) of the Industrial Disputes Act it would not make any difference whether settlements are effected by the State machinery or by the Central machinery, because the management would not enter into settlements without reference to their head-office. Even when the Central conciliation officer takes up the matter, the managements might introduce an All-India perspective and the Labour Officer might do so, but the local union might not have such a perspective.

If this principle is conceded, then it should be extended

private sector undertakings also which have branches in other States. Once this principle is accepted then it would lead to a difficult situation, because at a given time we might not be able to know what are the multi-unit undertakings, as these might be going on changing. Hence it would be better to maintain the status quo with some marginal adjustments. One way of approach to this problem would be to adopt some conventions like referring the issues of such multi-unit undertakings to National Tribunals.

The Law and Order problems and the location of industries are the two aspects which are interdependent. Since the States are responsible for the maintenance of law and order and are ready at hand to handle the law and order situation, only the State Governments are the proper authorities to handle the disputes of the undertakings situated in their respective jurisdictions.

Only a few subjects like Railways, Posts and Telegraphs, and Life Insurance Corporation, which are predominantly of all-India character and where the operations have to be carried on at an all-India level can be handled by the Centre.

It is not a valid principle to hold that, because some subjects are in the Central list, the industrial relations pertaining to those subjects should also be with the Central Government. It is also not valid to proceed on the assumption that the multi-unit undertakings should be with the Central Government.

39. No comments.

40. The general view of the Group is that as far as this Region is concerned the view that the Labour Department is helpless is not correct.

41. Labour is a specialised subject calling for specialised knowledge. Therefore, persons functioning as Labour Commissioners should be appointed for fairly long periods. They should also be senior officers.

Information about the changes which have taken place both at the level of Labour Secretary and the Labour Commissioner in the last 10 years is indicated in Annexure IV.

42. Experience has shown that these Courts have functioned satisfactorily and that the delays are not the creation of the Tribunals alone, but of the contending parties also, including labour.

43. No comments.

44. The staffing is not adequate at present. Each State could evolve a proper yard-stick with reference to existing workload.

45. No comments.

46. Some delays do occur because of lack of adequate staff. One suggestion is that generally not more than two adjournments should be given while handling the disputes. The Group feels that intensive training to the officers and bifurcation of the machinery into conciliation unit and enforcement unit would mitigate the problem of delay.

47. The Group is of the view that the conciliation officer should not be clothed with any such powers. If such powers are given, he would cease to be a conciliator. The Group considers that the assessment of the work of the conciliator merely with reference to delays in conciliation or the settlements through conciliation will not be a correct index as delays might have been unavoidable in certain cases and in certain other cases the matter might have been delayed deliberately for valid reasons relevant to the dispute.

The Group also feels that it is not possible to find out the number of cases where the conciliation officer did not get credit for settlement because the time limit worked against him.

48. The Group does not agree with the view that the width of interest and depth of understanding which can make conciliation a success is conspicuous by its absence in the personnel handling conciliation proceedings. This is an unduly harsh assessment of the pains which the conciliation officer takes in settling a dispute.

49. The Group does not agree with the observation in this paragraph, though it cannot be denied, that there have been a few cases of this type. The Group would also stress that as far as this Region is concerned, the parties generally approach the conciliation machinery with a genuine desire for settlement. Failures of conciliation cannot also be attributed to lack of genuine desire on the part of the parties for a settlement.

50. If the legal position is that the managements do not get tax relief in the case of settlements through conciliation, which they would under the awards of tribunal or labour court, then the

Group would strongly recommend that settlements arrived at during conciliation should also be placed on the same footing as that of awards in respect of tax relief. Examples could be given where the managements or trade unions by not accepting certain suggestions made during conciliation have lost or gained by the award of the labour courts/tribunals. But no inference can be drawn from such instances.

51. The Group agrees that in this important area of implementation of labour legislation, inadequacy of officers should not be allowed to continue. The Group feels that there is need for the bifurcation of the machinery into conciliation and enforcement units. After such bifurcation the workload could be fixed up, depending upon the average number of cases and the number of cases that one can do during a given time.

The Group after examining the position in the various States in this Region considers that 300 to 400 disputes including the complaints could be a reasonable workload per year for conciliation officer.

52. Improvement could be effected in several ways, for example, (i) proper selection of persons, (ii) adequate training before he is put on the job, (iii) periodical in-service training, (iv) refresher course, seminars and other study groups, (v) departmental conferences (vi) avoidance of frequent transfers, (viii) avoidance of high level intervention at the first instance etc.

53. The Group is not in agreement with the view that a part of the alleged failure of the conciliation machinery is attributable to lack of powers of conciliation officer and inadequacy of his pay and status within the hierarchy of Government vis-a-vis the parties which are required to appear before him. The Group feels that the pay of the officers has no relevance to the success in conciliation.

54. The number of settlements brought about by a conciliation officer could not always be the measure of his worth. In spite of best efforts, no settlement may be possible sometimes, while in some cases without much effort, settlements may result. An assessment of the workload of the conciliation officers is given in Annexure V.

55. The Group feels that (a) conciliation officer should not have powers to adjudicate in regard to disputes, (b) the officers

assessment about the reference of a dispute to adjudication should be respected, and (c) the implementation of settlement reached in conciliation should not be the responsibility of the same officer. This would mean that the conciliation officer should not combine in himself the functions of a conciliator, adjudicator and implementator.

56. The practice obtaining in the Southern States excepting Kerala is that the conciliation officer sends his failure report to the Government either directly or through the Commissioner of Labour and also marks copies to the parties. The confidential reports are sent to the Labour Commissioner and the Government only. In Kerala, copies of conciliation failure reports are not marked to the parties. The Group considers that conciliation failure report as well as the confidential report should be sent to the Government through the Labour Commissioner and not directly. The Group also considers that it will be desirable to send copies of the failure report to the parties also.

The Group is unanimous that even in respect of Government undertakings the confidential reports should not be marked or made available to the employers.

57. It is not correct to say that the Department uses its discretionary powers to protect trade unions of a particular brand. It is also not correct to say that in the case of other unions, Governments have on many occasions reserved for themselves the right of judging the merits of each demand and referring only some of them to industrial tribunals and withholding others. The implication, that, in the case of unions which do not find favour with the Government, it is only the minor demands which go for adjudication, if at all, is also not borne out by facts. The Group does not also agree with the view that before deleting any demand from a reference, unions should be allowed an opportunity to say before the highest Governmental level, why the demand was made.

58. No comments.

59. The Group is of the view that the alleged misuse of discretion is not a reality. If certain demands get left out, it is because there may be existing agreements/settlements/awards governing them. It may also be that as a matter of prestige such demands are put forward again by the rival unions even before

awards/agreements etc., run their course. Since questions of prestige of this type cannot be a guide for governmental action, selective references may take place and with justification.

60. There may be cases of Government not accepting Labour Commissioner's recommendations. If there is disagreement at the secretariat level, it is because there can be different views. But this disagreement should not be basis for generalising the policy followed at the Government level. The existence of feeling among the workers that it is always wise to approach Government for references through persons known to those in power has no basis.

61. The Group feels that the convention of consulting Centre before making references to adjudication in Central Public Sector undertakings located in the States can be adopted only in the case of charter of demands which are likely to have repercussions elsewhere, subject to certain time-limit, say, one month. In other cases like non-employment, discharge, removal of existing facilities etc., no consultation should be necessary.

62. The Working Group is not aware of any instances where discretion has been used against registration of unions, or where issues which are not germane to registration, like observance of the Code of Discipline, Industrial Truce Resolution etc., are raised in order to delay the issue of a certificate and even to deny it. The experience in the Southern States is that there have been generally no delays or refusal in the registration of the trade unions.

63. It is not correct to say that administrative discretion is used very liberally and sympathetically at the level of the Registrar of Trade Unions to accommodate the unions by and large. The possibilities of subjective manipulation in the scrutiny for a membership certificate are also rare. It is also difficult to point out instances where the same demands put up by two or more unions have been referred only in the name of a "favoured union".

64. The qualitative character of administrative discretion may vary from region to region depending upon the nature of administrative traditions prevailing there. It is neither feasible nor practicable to codify discretion.

65. That there is need for increasing the administrative

machinery for the implementation is not in dispute. The suggestion in the Note will to an extent lighten the burden of the administrative machinery in its work.

66. A good deal of labour legislation may not be self-enforcing and labour organisation may not be equally strong everywhere to enforce compliance. This would naturally throw the burden on the implementing authorities. But it will not be desirable to consider the possibility of giving workers' organisation the statutory authority to approach courts direct for redress, because of the multiplicity of the unions etc. The statement that Government discretion is used in its political interest is not correct because in the generality of cases it is only the lower cadres that sanction prosecution.

67. The Group feels that in the present context of multiplicity of unions and rivalries among them, it is not worthwhile to give to the unions the power to approach the tribunals direct. It would not be appropriate for the Government to divest itself of its responsibility in this matter.

68. The position in the Southern States is that the Shops and Commerical Establishments Act is being implemented by the administrative machinery of the Labour Department and this should be continued. It is not desirable to leave the implementation of the Minimum Wages Act in agriculture in the hands of Panchayats.

69. Section 11 (4) of the Industrial Disputes Act already gives powers to the conciliation officer for compelling production of documents considered relevant to the department. As regards compelling attendance of parties to conciliation meetings, the Group strongly feels that no such provisions need be made, where a party does not come to a conciliation meeting of his own accord on receipt of a notice no useful purpose is likely to result by compelling him to attend.

As regards the other problems, i.e., delays due to inadequate staff, over-burdening of the existing staff with multifarious duties, difficulties of transportation, accessibility to premises, etc., the basic remedy, in the opinion of the Group, would lie in sanctioning adequate staff for the purpose. It will also be necessary at least in certain areas in each State to provide transport at Government costs, so as to enable mobility of the staff. The

Study Group notes that in the States of Madras and Kerala some plantation inspectorate staff have been provided with Government vehicles. It will be necessary to provide such facility for the plantation inspectorate staff in the other States also. Similar Government transport will have to be provided for other inspection staff also in all the States. Provision of Government transport in adequate numbers would also obviate the criticism, sometimes made, that the inspecting staff make use of transport provided by employers.

While on the subject of administrative set-up, the Study Group would like to refer to an important aspect. It is seen that in the four States in the Southern Region different authorities are performing quasi-judicial functions relating to cases under the Payment of Wages Act, Workmen's Compensation Act, etc. In Mysore, the Revenue Assistant Commissioners are functioning as Commissioner for Workmen's Compensation in their areas, while the Payment of Wages Authorities are the local Municipality Magistrates. In Kerala, the Payment of Wages Authority is the Industrial Tribunal or Labour Court and there is a separate Commissioner for Workmen's Compensation in the Labour Department.

In Andhra Pradesh, all the Regional Assistant Commissioners of Labour are functioning as authorities under the Payment of Wages Act and one Assistant Commissioner deals with the work relating to the Workmen's Compensation Act. In Madras, the three Regional Deputy Commissioners of Labour are functioning as Additional Commissioners for Workmen's Compensation and authorities under the Payment of Wages Act. In addition to these items of work, there are certain other quasi-judicial functions like hearing appeals against non-employment under the Shops and Establishments' Act and in Madras, under Madras Catering Establishment Act.

The Study Group is of the view that all these quasi-judicial functions should be necessarily done by functionaries of Labour Department, so as to enable the department to have a first-hand knowledge of the working of these enactments. In the light of this, the Study Group would recommend that all these items of quasi-judicial work might be entrusted to officers of the appropriate seniority and experience from the State Labour Depart-

ment, and they can function under a separate "Judicial" wing of the Department. Such an arrangement would also relieve the other officers of the Department from the regular quasi-judicial work and leave them free to concentrate on conciliation or enforcement work as the case may be. Provisions could also be made for periodical inter-change of officers between the "judicial" and the administration wings.

The Study Group had carefully considered possibility of fixing appropriate work-load for the officers in the "Enforcement" wing of the Labour Department, but in view of the different administrative pattern in the various States, it has not been possible for the Group to evolve any common workload. However, the Study Group would recommend that the individual State Governments should examine this problem of appropriate workload, jurisdiction etc., in the context of the conditions obtaining in each State and sanction the appropriate staff necessary for the purpose. It would facilitate the task of State Government in this direction if the National Commission on Labour could also in the light of the evidence collected by them indicate what could be considered as appropriate norms for the proper enforcement of the various Labour Laws.

There is one other aspect of the Labour administration which the Study Group would like to touch upon. In all the Southern States excepting in Kereala, the post of the Commissioner of Labour is included in the I.A.S. cadre of the State Government.

This, naturally, denies opportunities to the officers of the Labour Department to aspire to the highest posts in the Department. The Study Group, therefore, suggests that the promotion prospects of the officers of the labour department are taken care of by creating senior posts like Joint Commissioners and also by increasing the number of posts of Deputy Commissioners and Assistant Commissioners so that due recognition can be given to the hard and sustained work put by officers in the lower grade.

70. The Study Group agrees fully with the suggestion that the Central Government should share a substantial part of the expenditure involved in the implementation of labour legislation. Care should however be taken to ensure that the Central assistance agreed upon is actually made available and not

denied on the pleas that such Central assistance has already been included in the overall assistance received from the Central Government by the State Governments for all Plan Schemes. Unless the Central assistance for this purpose is separately provided and ear-marked, it is most unlikely that any State Government would be in a position to find the necessary funds for strengthening the labour administration machinery.

71. The Study Group is wholly opposed to the suggestion and does not also accept the premises that the State Industrial Relation Machinery is subject to political influence.

72. The Study Group places on record its deep sense of appreciation and gratitude to Shri Y. Sivasankara Reddy, Member-Secretary of the Group who had spared no pains in making the task of the Study Group easy and in preparing this report. Members of the Study Group are also thankful to his organisation who have extended their full co-operation in connection with work of the Study Group.

73. The members of the Study Group are grateful to the National Commission on Labour for having provided this opportunity to the Labour Commissioners of Southern States to meet together and discuss common problems. This experience has been most rewarding to all of us and we would, therefore, recommend that opportunities must be provided in future also to enable the Labour Commissioners of the region to meet periodically for exchanging views and discuss common problems.

Sd/- T. S. Sankaran

Sd/- K. B. Lal

Sd/- V. Hanumanthappa

Sd/- N. Kochukrishnan

Sd/- Y. Sivasankara Reddy

ANNEXURE-1

MADRAS

Statement Showing the Responsibilities of Various Designations of Officers in Position at Present.

Sl. No.	Name of the Post	Duties and Responsibilities.
1	2	3

MADRAS

1. Commissioner of Labour Commissioner of Labour is the head of the Labour Department which comprises two sections viz., Labour and Factories Sections. He is the Chief Conciliation Officer under the Industrial Disputes Act, Commissioner for Workmen's Compensation Act, Certifying Officer under the Standing Orders Act, Registrar under Trade Unions Act, Inspector under Payment of Wages Act and Working Journalists Act. Authority to grant extension of the time under Section 19 and to effect settlements under Section 34(3) of the Payment of Bonus Act.
2. Deputy Commissioner of Labour (I). He is also designated as Controller of Weights and Measures.
He is also notified as the Chief Inspector of Plantations and Chief Inspector under the Motor Transport Workers Act

1	2	3
		and Rules made thereunder. He assists the Commissioner of Labour in regard to the enforcement of Metric System of Weights and Measures, Plantation Labour Act, and the Motor Transport Workers Act and Rules made thereunder. He is having jurisdiction over the whole State.
3. Special Dy. Commissioner of Labour.	His work is connected with rationalisation in Textile Industry. Apart from the above work, he is also assisting the Commissioner in settling disputes in Textile Industry and also the work connected with Evaluation and Implementation. He is notified as Conciliation Officer under the Industrial Disputes Act, 1947 for the entire State of Madras for all Industries.	
4. Deputy Commissioners of Labour.	Deputy Commissioners of Labour, one each at Madras, Coimbatore and Madurai, assist the Commissioner of Labour. They exercise administrative control and supervision of the work of the Labour Officers and Inspectors of Labour in their regions. They are all notified as Conciliation Officers under the Industrial Disputes Act for the entire State of Madras and Additional Commissioners for Workmen's Compensation, Certifying Officers	

1	2	3
		under the Standing Orders Act, Additional Registrars of Trade Union under the Trade Unions Act.
5. Asst. Commissioner of Labour.		He is notified as Conciliation Officer under the Industrial Disputes Act, 1947, for the entire State of Madras. He assists Commissioner in the processing of Conciliation reports received from the Labour Officers. He is also hearing cases under the Payment of Wages Act and appeals under the Madras Shops and Establishments Act.
6. Asst. Commissioner of Labour (Estt. & General).		He is also notified as Conciliation Officer under the Industrial Disputes Act, 1947, for the entire State of Madras. He is assisting the Commissioner in the administration of the department. He is also attending to the appeals under the Payment of Wages Act and the Madras Shops and Establishments Act.
7. Gazetted Assistant to Commissioner of Labour.		He is in charge of the Publication of Labour Gazette and also matters relating to the Industrial Housing Scheme and also compilation of statistical reports received from the Deputy Commissioners of Labour and other subordinate officers.
8. Gazetted Non-Technical Personal Asst. to Controller of Weights and Measures.		He assists the Controller of Weights and Measures in the enforcement of the Metric system of weights and measures and office administration.
9. Labour Officers		Labour Officers are notified as Conciliation Officers under the Industrial

1	2	3
10. Inspectors of Labour.	Disputes Act for the respective jurisdictions and are also notified as Inspectors under the Payment of Bonus Act. They are also notified as appellate authorities under the Madras Catering Establishments Act.	They are the enforcing authorities to all non-technical Acts viz., Madras Shops and Establishments Act, Minimum Wages Act, Payment of Wages Act, Madras Catering Establishments Act, Beedi Industrial Premises and Regulations Act, Working Journalists (Conditions of Service) Act, Motor Transport Workers Act, National and Festival Holidays Act, Employment of Children Act, and Weights and Measures (Enforcement) Act. They are also conducting dependents' enquiry under the Workmen's Compensation Act.
11. Deputy Inspectors of Labour.	They are enforcing authorities of the Madras Shops and Establishments Act., Beedi Industrial Premises (Regulation of Conditions of work) Act, Motor Transport Workers Act and Weights and Measures Act, in their respective jurisdictions.	
12. Asst. Inspectors of Labour.	They are also enforcing authorities under the Madras Shops and Establishments Act, Madras Catering Establishments Act, Beedi Industrial Premises Regulation of Conditions of Work Act, Motor Transport Workers Act, Minimum Wages Act, Payment of Wages Act and Weights and Measures Act within their respective jurisdictions.	

ANNEXURE - I (Contd.)

ANDHRA PRADESH

Statement Showing The Responsibilities of Various Designations of Officers in Position at Present.

Sl. No.	Name of the Post	Duties and Responsibilities.
1	2	3
1.	Commissioner of Labour	<p>The Commissioner of Labour is the Head of the Department. In addition to his administrative and executive duties as Head of the Department, the Commissioner is notified as :</p> <ol style="list-style-type: none">1. Conciliation Officer under the Industrial Disputes Act for whole of the State.2. Certifying Officer under the Industrial Employment (Standing Orders) Act.3. Registrar under the Indian Trade Unions Act.4. Inspector under the Shops and Establishments Act.5. Commissioner under the Workmen's Compensation Act.6. Authority under Payment of Wages Act.7. Authority to hear and decide cases under the Shops and Establishments Act.8. Authority for issue of certificate under section 33(c) of the Industrial Disputes Act.9. Additional Inspector of Factories under the Factories Act.

1	2	3
		<p>10. Inspector under the Working Journalists (Conditions of Service and Miscellaneous Provisions) Act.</p> <p>11. Inspector under Maternity Benefit Act.</p> <p>12. Inspector under the Minimum Wages Act.</p> <p>13. Inspector under the Payment of Wages Act.</p> <p>14. Inspector under the Payment of Bonus Act.</p> <p>The Post of Labour Commissioner is borne on the I.A.S. Cadre.</p>
2. Deputy Commissioners of Labour (3)	Com- missioners of	<p>The Dy. Commissioner assists the Commissioner of Labour in the administration of different Laws. One of the Deputy Commissioners is in charge of Trade Unions, Industrial Employment (Standing Orders) Act, Industrial Housing and Payment of Bonus Act. He also functions as Additional Registrar of Trade Unions. Another Deputy Commissioner of Labour is in charge of Industrial Relations and Administration. The third Deputy Commissioner of Labour is in charge of Evaluation and Implementation, Wage Boards, Planning and Labour Welfare Centres.</p>
3. Research Officer (1)	Officer	<p>He is entrusted with collection and analysis and also processing critically the various data and other statistical information received both on a voluntary and statutory basis under</p>

1	2	3
4. Assistant Commissioners of Labour (2)	different labour enactments. He is entrusted with the Publication of Labour Bulletin, preparation of various returns to the Government of India and other Authorities and examination of International Labour Organisation reports. Notified as Authority under Payment of Wages Act and hears cases in respect of cases under Shops and Establishments Act in Hyderabad City.	One Assistant Commissioner is in charge of Administration, O & M Section, Accounts and Records. He undertakes inspections of all the subordinate officers. The other Asst. Commissioner of Labour attends to the Workmen's Compensation cases. He hears and decides cases under the Workmen's Compensation Act in the State.
5. Regional Asst. Commissioners of Labour (3)	The State is divided into 3 regions for administrative purposes and each Regional Assistant Commissioner of Labour is incharge of one region. They are having administrative control over the Labour Officers and Inspectors, Evaluation & Implementation in their jurisdiction. They are also notified as Authorities to hear and decide cases under the Payment of Wages Act and Shops and Establishments Act. They attend to the Conciliation work in the industrial establishments employing 100 or more workers.	There are 15 Labour Officers at the district level, some in charge of one
6. Labour Officers (15)		

1	2	3
		<p>or two districts depending on the concentration of industries. Their main function is to attend to the industrial relations. They are also required to supervise the activities of the Labour Welfare Centres in their jurisdiction. They enquire into all disputes at the initial stages and send preliminary reports in respect of establishments where 100 or more workers are employed to the Regional Assistant Commissioners of Labour.</p>
7. Superintendent, Welfare Centres (1)		<p>The Superintendent, Welfare Centres, co-ordinates and supervises the activities of the Labour Welfare Centres established in the different places in the State. He is directly incharge of 4 Labour Welfare Centres situated in the Hyderabad city.</p>
8. Inspectors, Evaluation & Implementation (5)		<p>The Inspectors are entrusted with the work of implementation of the Code of Discipline. They verify the membership of trade unions. They also attend to the work of implementation of awards and agreements and the recommendations of the Wage Boards.</p>
9. Administrative Officer, Industrial Housing (1)		<p>The Administrative Officer is in charge of the Subsidised Industrial Housing Scheme having statewide jurisdiction. He works under the supervision and control of the Deputy Commissioner of Labour. The work of allotment of houses and collection of rent, etc., of the houses situated in the city of Hyderabad is entrusted to him.</p>

1	2	3
10. Welfare Organisers (11)	The Welfare Organisers function as the Heads of the Labour Welfare Centres. They supervise the activities of different sections like games, handicrafts, cinema programmes, adult education and Nursery Schools etc.	
11. Chief Inspector of Establishments	The Chief Inspector of Establishments is incharge of the administration of the following enactments and is notified as the Inspector for the whole State.	
	<ol style="list-style-type: none"> 1. Andhra Pradesh Shops and Establishments Act, 1966. 2. Minimum Wages Act. 3. Motor Transport Workers Act. 4. Beedi and Cigar Workers (Conditions of Employment) Act, 1966. 	
12. Asst. Chief Inspector of Establishments.	-do-	
13. District Inspectors of Labour (20)	Notified as Inspectors under the Minimum Wages Act, Andhra Pradesh Shops and Establishments Act/in their respective jurisdictions /and Motor Transport Workers Act.	
14. Asst. Inspectors of Labour.	-do-	
15. Chief Inspector of Factories:	The Chief Inspector of Factories is in charge of the administration of the following enactments.	
	<ol style="list-style-type: none"> 1. Factories Act, 1948. 2. Payment of Wages Act, 1936. 3. Maternity Benefit Act. 4. Cotton Ginning and Pressing Act.. 	

1	2	3
		5. Employment of Children Act.
16. Dy. Chief Inspector of Factories (1)		-do-
17. Technical Assistant to the Chief Inspector of Factories.		-do-
18. Regl. Inspectors of Factories (5)		Notified as the Inspectors under : 1. Factories Act, 1948. 2. Payment of Wages Act, 1936. 3. Maternity Benefit Act. 4. Cotton Ginning and Pressing Act and 5. Employment of Children Act in their respective jurisdictions.
19. Inspectors of Factories (11)		-do-

ANNEXURE—I (Contd.)

MYSORE

Statment Showing the Responsibilities of Various Designations
of Officers in Position at Present.

Sl. No.	Name of the Post	Duties and Responsibilities
1.	Commissioner ² of Labour	<ol style="list-style-type: none">1. Conciliation Officer under the Industrial Disputes Act, 1947—State-wide jurisdiction.2. Empowered under section 3 of the Industrial Disputes Act, 1947, to notify establishments as being required to form works committees under Rule 58 of the Industrial Disputes (Mysore) Rules, 1957, to enquire into and pass orders relating to election to Works Committees.3. Empowered under Section 33-c (1) of the Industrial Disputes Act, 1947 to issue certificates to the Deputy Commissioners for recovery of amounts assessed by Labour Courts.4. Empowered to prosecute for offences under section 29 of the Industrial Disputes Act for any breach of settlement and award.5. State Commissioner for Workmen's Compensation Act, 1923.

1	2	3
1. Commissioner of Labour— <i>contd.</i>		6. Chief Inspector under the Plantation Labour Act, 1951.
		7. Chief Inspector under the Factories and Boilers Act.
		8. Authority for collection of labour statistics under the Indian Statistics Act.
		9. Certifying Officer under the Industrial Employment (Standing Orders) Act.
		10. Registrar under the Trade Unions Act, 1926.
		11. Chariman under the Iron Ore Cess.
		12. Chief Inspector under the Mysore Shops and Commercial Establishments Act, 1961.
		13. Inspector under the Payment of Bonus Act, 1965.
		14. Chief Inspector under the Mysore Beedi Industrial Premises (Regulation of conditions of work) Act, 1964.
		15. Chief Inspector under the Payment of Wages Act in respect of Plantations.
		16. Inspector under the Minimum Wages Act, 1948.
		17. Inspector under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.
2. Deputy Labour Commissioner		1. Conciliation Officer under the Industrial Disputes Act, 1947—Statewide.

1	2	3
		2. Commissioner under the Iron Ore-Cess Act.
		3. Inspector under the Payment of Bonus Act.
3. Asst. Labour Commissioner (Motor Transport)		1. Industrial Relations Board.
		2. Motor Transport Workers Act.
		3. Beedi Industrial Premises Act.
		4. Employers' Liability Act.
		5. Labour Welfare Fund Act.
		6. Factories Act.
		7. Boilers Act.
4. Asst. Labour Commissioner (Technical)		1. Industrial Disputes.
		2. Mysore Industrial Establishments (National & Festival Holidays) Act.
		3. Plantation Labour Act.
		4. Minimum Wages Act.
		5. Employment of Children Act.
		6. Working Journalists Act.
		7. Petitions concerning more than one Act.
5. Asst. Labour Commissioner (Implementation & Evaluation)		1. Bonus Act.
		2. Shops and Commercial Establishments Act.
		3. Awards and Settlements.
		4. Code of Discipline.
		5. Wage Boards.
		6. Consumers' Co-operative Stores.
		7. Welfare Centres.
		8. State Tripartite Committees.
		9. State Implementation and Evaluation Committee.
		10. Industrial Employment (Standing Orders) Act.
		11. Payment of Wages Act.
		12. Maternity Benefit Act.
		13. Dock Workers Act.

1	2	3
6. Asst. Labour Commissioner (Publicity).		1. Publicity. 2. Review of Diaries. 3. Workmen's Compensation Act. 4. Statistics. 5. Trade Unions Act. 6. Personal Injuries Act.
7. Labour Officer (Motor Transport)		1. Industrial Relations Board. 2. Motor Transport Workers Act. 3. Beedi Industrial Premises Act. 4. Employers' Liability Act. 5. Labour Welfare Fund Act. 6. Factories Act. 7. Boilers Act.
8. Asst. Labour Commissioners working in Divisions.		1. Conciliation Officers under the Industrial Disputes Act, 1947 (in respect of establishments employing more than 200 workers). 2. Additional Registrars under the Indian Trade Unions Act, 1926. 3. Certifying Officers under the Industrial Employment (Standing Orders) Act, 1946. 4. <i>Inspectors under the following Acts.</i> (a) The Payment of Wages Act, 1936. (b) The Minimum Wages Act, 1948. (c) The Plantation Labour Act, 1951 (d) The Factories Act, 1948. (<i>Note</i> : Additional Inspectors) (e) The Working Journalists (Conditions of Service) Miscellaneous Provisions Act, 1956. (f) The Mysore Beedi Indus-

1

2

3

trial Premises (Regulation of condition of work) Act, 1964.

(g) The Payment of Bonus Act, 1965.

(h) The Motor Transport Workers Act, 1961.

5. Appellate Authority under the Mysore Shops and Commercial Establishments Act.

6. Competent authority under the Mysore Beedi Industrial Premises Act.

9. Labour Officers

1. Conciliation Officers under the Industrial Disputes Act, 1947, in respect of establishments employing less than 200 workers.

2. Inspecting Officers under the Indian Trade Union Act, 1923 (including verification of registration papers of trade unions.)

3. *Inspectors under the following Acts.*

(a) Payment of Wages Act, 1936.

(b) Minimum Wages Act, 1948.

(c) Plantation Labour Act, 1951. (in Mysore, Coorg, Hassan and Chickmagalur Dists).

(d) Factories Act, 1948.

(e) Weekly Holidays Act, 1946.

(f) Working Journalists (Conditions of Service) Miscellaneous Provisions Act, 1956.

(g) Mysore Beedi Industrial Premises Act.

1	2	3
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(h) Payment of Bonus Act, 1965.

(i) Mysore Industrial Establishments (National & Festival) Holidays Act, 1963.

4. Authority to receive Diaries of Labour Inspectors under Rule 23 of the Mysore Shops & Commercial Establishments Rules.

5. Appellate Authority under Rule 36 of the Mysore Beedi Industrial Premises Rules.

10. Labour Inspectors.

Inspectors under the following Acts :

1. The Mysore Shops & Commercial Establishments Act, 1961.

2. The Minimum Wages Act, 1948.

3. The Payment of Wages Act applicable to Shops and Commercial Establishments.

4. The Mysore Beedi Industrial Premises (Regulation of conditions of work) Act, 1964.

5. The Plantation Labour Act, 1951 (notified Labour Inspectors).

ANNEXURE—I (Contd.)

KERALA

Statement showing the responsibilities of various designations of Officers in position at present

Sl. No.	Name of the Post	Duties and responsibilities
1	2	3
1	Labour Commissioner	Labour Commissioner functions as the Conciliation Officer under the Industrial Disputes Act for the entire State, Registrar of Trade Unions and as Inspector under the Payment of Wages Act (in respect of establishments other than factories), Minimum Wages Act, Kerala Shops and Commercial Establishments Act, the Working Journalists (conditions of service and Miscellaneous Provisions) Act, 1955 and Payment of Bonus Act. In addition to the above statutory functions, he is the Chairman of more than a dozen Industrial Relations Committees.
2	Deputy Labour Commissioners.	Deputy Labour Commissioners have all the above statutory powers within their jurisdic-

1	2	3
		tion. Further they are Inspectors under Kerala Maternity Benefit Act also within their jurisdiction. Deputy Labour Commissioners also function as Appellate authorities under the Kerala Shops and Commercial Establishments Act, 1960.
3	Commissioner for Workmen's Compensation.	The Commissioner for Workmen's Compensation is entirely for the administration of the above Act for the entire State.
4	Deputy Registrar of Trade Unions.	The Deputy Registrar of Trade Unions functions as Deputy Registrar of Trade Unions under Trade Unions' Act and also functions as the Chief Inspector under Motor Transport Act, 1961 and Certifying Officer under Industrial Employment (Standing Orders) Act, 1946.
5	Asst. Labour Commissioner (Awards)	He is a Conciliation Officer under the Industrial Disputes Act, 1947.
6	The Chief Inspector of Plantations.	He functions as the Chief Inspector under the Plantation Labour Act and he has been authorised to exercise powers under sections 14 to 18 of the Personal Injuries (Compensation Insurance) Act in respect of Plantations.

1	2	3
7 District Labour Officers	<p>The District Labour Officers are Controlling Officers in respect of Asst. Labour Officers under their control. They are Conciliation Officers under the Industrial Disputes Act, Inspectors under Payment of Wages Act, Minimum Wages Act, Kerala Shops and Commercial Establishments Act, Kerala Maternity Benefit Act, Industrial Establishments (National and Festival Holidays) Act, 1958, Working Journalists' Act, 1955, Motor Transport Workers Act, 1961 and Payment of Bonus Act.</p>	
8 The Deputy Labour Officers.	<p>The Deputy Labour Officers have all the above statutory powers of the District Labour Officers in their jurisdictions.</p>	
9 Asst. Labour Officers	<p>They are Inspectors under Payment of Wages Act, Motor Transport Workers Act, Minimum Wages Act, Kerala Shops and Commercial Establishments Act, Kerala Maternity Benefit Act, Kerala Industrial Establishments (National and Festival Holidays) Act, 1958. Some of the Asst. Labour Officers are Inspectors under Plantations Labour Act also. They also intervene in minor</p>	

1	2	3
		industrial disputes and try to settle them.
10	Plantation Inspectors	They are Inspectors under the Plantation Labour Act, 1951. Further they have been authorised to exercise powers under sections 14 and 15 of the Personal Injuries (Compensation Insurance) Act, 1963.
11	Medical Inspectors of Factories.	Inspector under the Factories Act for the whole State with particular reference to safety provisions in the Act.
12	Regional Inspectors of Factories.	Inspectors under the Factories Act within their respective factory divisions in respect of factories coming under section 2(m) of the Factories Act. Authorised to supervise the work of the Inspector of Factories and Additional Inspectors of Factories, Inspectresses of Factories for Women Welfare and Inspectors of Boilers within their respective regions, Inspector under the Payment of Wages Act.
13	Inspectors of Factories.	Inspectors under the Factories Act and Payment of Wages Act within their respective factory divisions in respect of Factories coming under section 2(m) of the Factories Act.

1	2	3
14 Additional Inspectors of Factories.	They are Inspectors under the Factories Act in respect of Factories notified under section 85 of the Factories Act and such other non-power factories as may be allotted by the Chief Inspector.	
15 Inspectresses of Factories for Women Welfare.	Inspectors under the Kerala Maternity Benefit Act, 1957, in respect of Factories.	
16 Inspectors of Boilers.	Inspectors under the Boiler Act.	
	<p>The Medical Inspector of Factories, Regional Inspectors of Factories, Inspectors of Factories, Additional Inspectors of Factories, Inspectresses of Factories for Women Welfare and Inspectors of Boilers are under the direct administrative control of the Chief Inspector of Factories & Boilers and Deputy Chief Inspector of Factories & Boilers.</p>	
	<p>The Factory and Boiler Inspectorate attached to the Department was separated from the Labour Department and it began to function as a separate Department from 1962 onwards. The present strength of the Inspectorate of Factories and Boilers is as follows:—</p>	

1	2	3
		Chief Inspector of Factories & Boilers 1
		Dy. Chief Inspector of Factories & Boilers 1
		Regl. Inspectors of Factories 2
		Inspectors of Factories 7
		Addl. Inspectors of Factories 8
		Medical Inspector of Factories 1
		Inspectresses of Factories for Women Welfare 3
		Inspectors of Boilers 3
		The duties of the Officers are furnished below:
17 Chief Inspector under the Factories Act.		Authorised to sanction prosecutions, authorised to allocate non-power factories to Additional Inspectors of Factories, authorised to suspend the operation of an order served by an Inspector, authority to approve plans of the factory buildings, licensing authority under the Factories Act, authorised to approve forms and registers in lieu of those prescribed under the Rules, authority to grant exemptions as provided under the Factories Act, Appellate Authority under the Kerala Factories (Welfare Officers) Rules, 1957, authority

1**2****3**

**18 Deputy Chief Inspector of
Factories & Boilers.**

under the Payment of Wages Act to approve acts and omissions in respect of which fines may be imposed and the purposes on which the proceeds of fine shall be expended, Chief Inspector under the Indian Boilers Act.

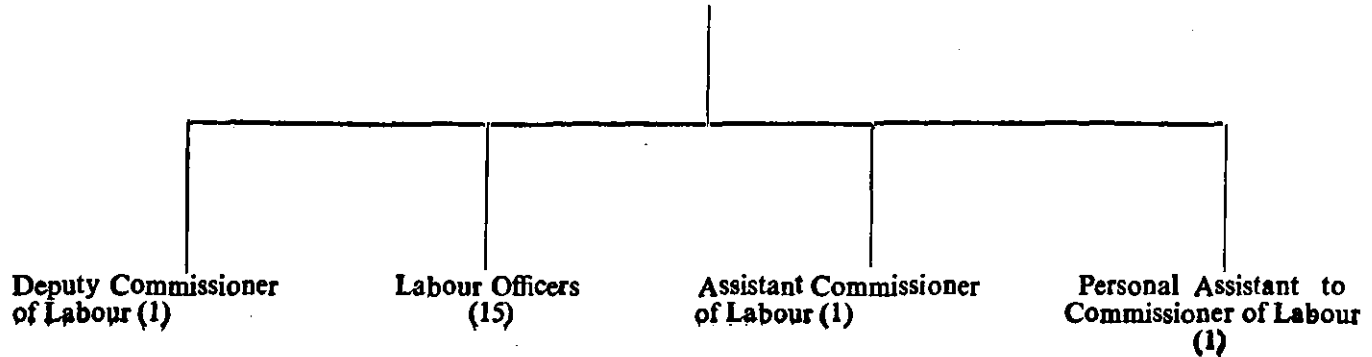
Inspector under the Factories Act and Boilers Act for the whole State, officially subordinate to the Chief Inspector and to assist the Chief Inspector in administrative matters.

ANNEXURE—II

[MADRAS

Structure of the Labour Department (Labour Wing) as on 1st October 1948

COMMISSIONER OF LABOUR

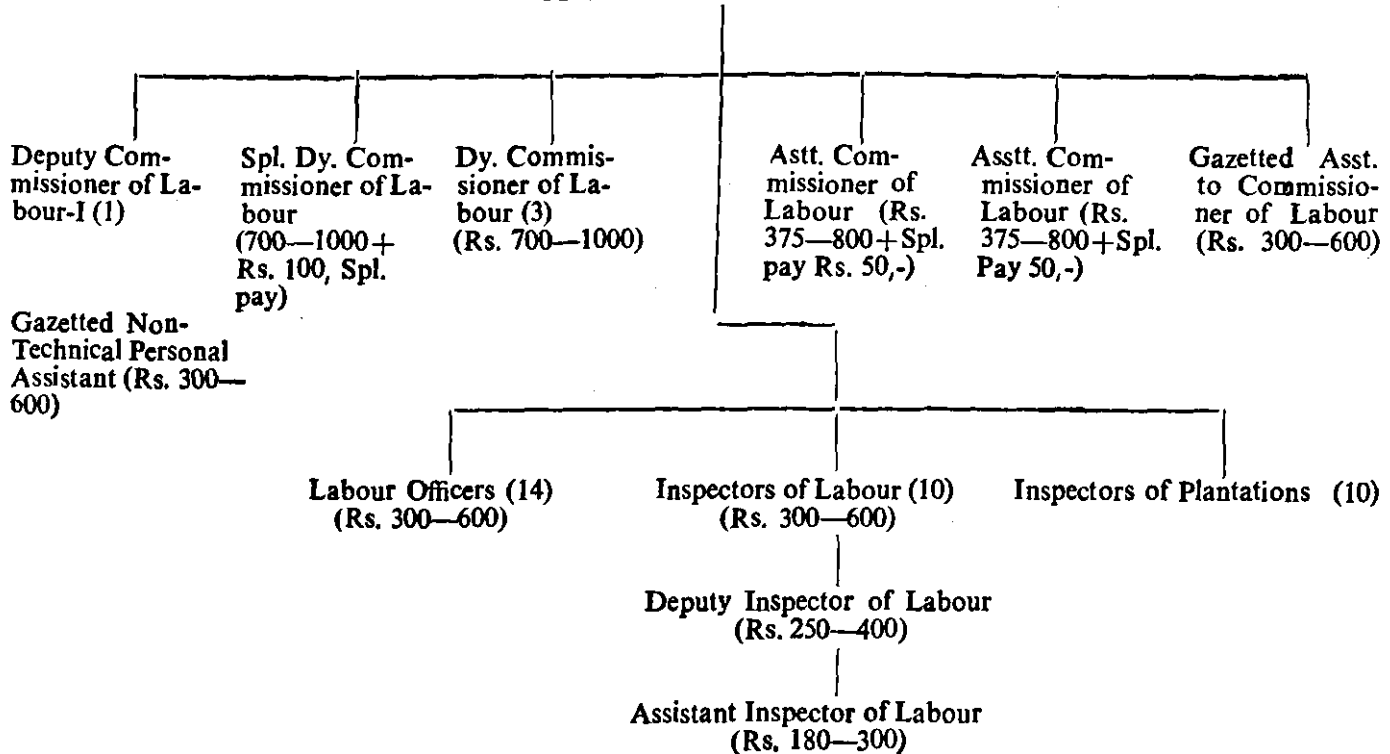


ANNEXURE—II (contd.)

MADRAS

Present Structure of the Labour Department (Labour Wing)

COMMISSIONER OF LABOUR



ANNEXURE—II (contd.)

MADRAS

Structure of Inspectorate of Factories—Position in 1947

COMMISSIONER OF LABOUR & CHIEF INSPECTOR OF FACTORIES

Deputy Chief Inspector of Factories

Inspectors of Factories (22)

Inspectress of Factories (3)

ANNEXURE—II (contd.)

MADRAS

Present Structure of the Inspectorate of Factories—Position in 1966

COMMISSIONER OF LABOUR

CHIEF INSPECTOR OF FACTORIES

DEPUTY CHIEF INSPECTOR OF FACTORIES (1)

Inspector of Factories Grade-I
Regl. Inspectors of Factories (6)

Inspector of Factories (Productivity)/
Superintending Inspector of Facto-
ries (Productivity) (1)

Inspector of Factories/Superintend-
ing Inspector of Factories (Acci-
dents) Statistics Research (1)

Statistical Inspectors (9)

Inspector of Factories Grade II (23)

Inspectors of Factories (1)

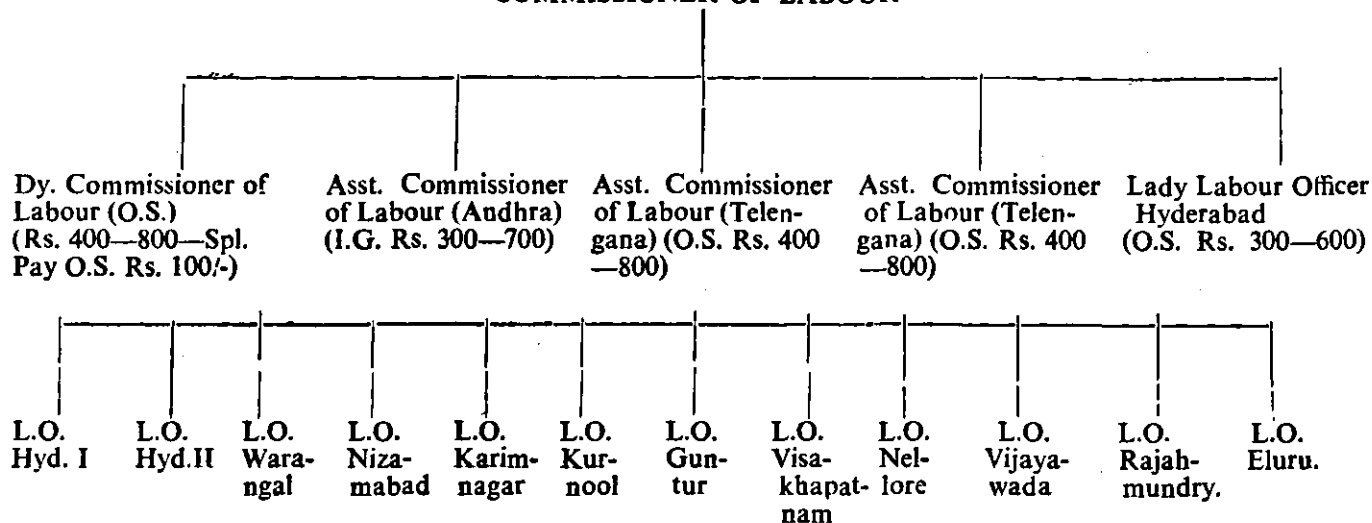
Assistant Inspector of Factories.

ANNEXURE—II

ANDHRA PRADESH

Structure of the Labour Department as on 1st November 1956*

COMMISSIONER OF LABOUR



L.O.: Labour Officer.

Scale of Labour Officers (Telengana) 1. O.S. Rs. 300—600
2. I.G. Rs. 250—450

Scale of Labour Officers (Andhra) 1. I.G. Rs. 250—300

*Figures are available only from 1956.

ANNEXURE—II (Contd.)

ANDHRA PRADESH

Present Structure of the Labour Department (Establishment)

COMMISSIONER OF LABOUR

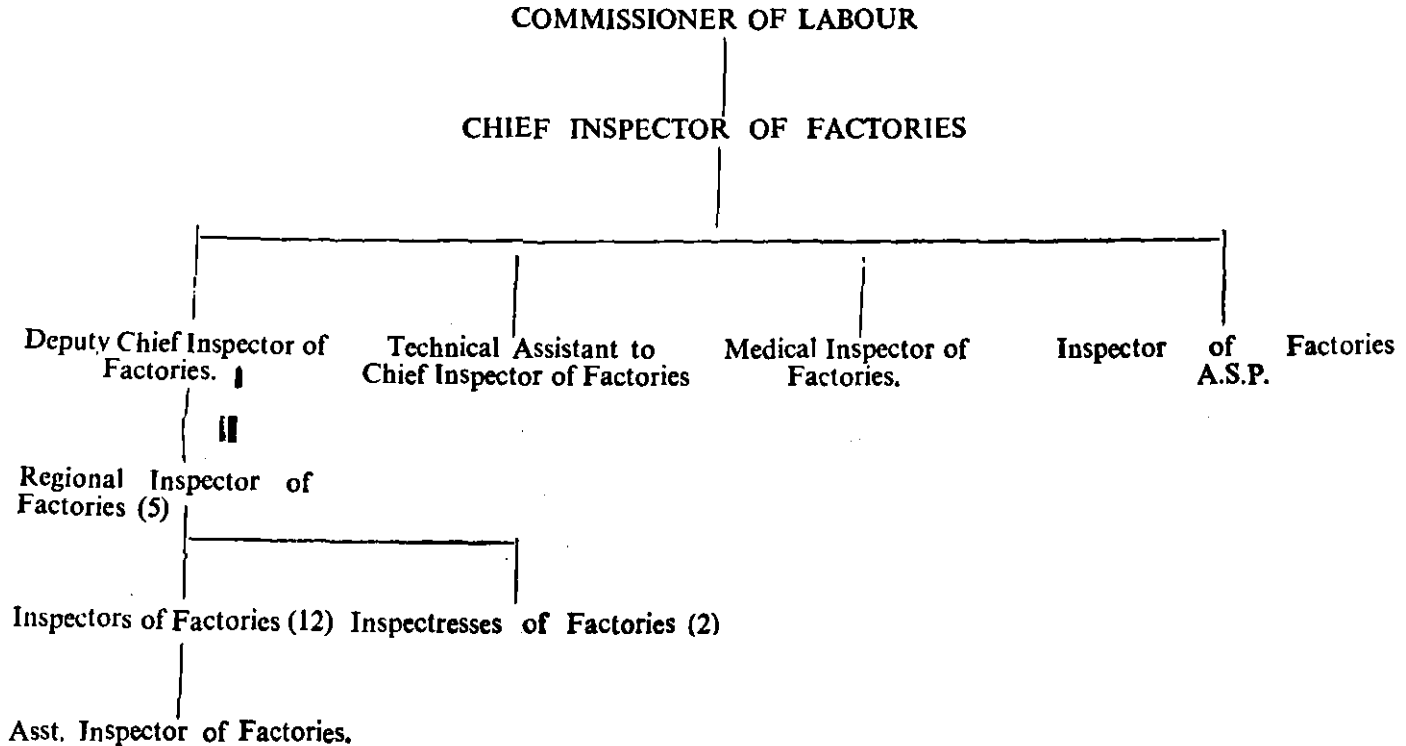
CHIEF INSPECTOR OF ESTABLISHMENTS (1)

ASSISTANT CHIEF INSPECTOR OF ESTABLISHMENTS (1)

DISTRICT INSPECTORS OF LABOUR (20)

ASSISTANT INSPECTORS OF LABOUR (103)

ANNEXURE—II (Contd.)
ANDHRA PRADESH
Present Structure of the Factories Inspectorate

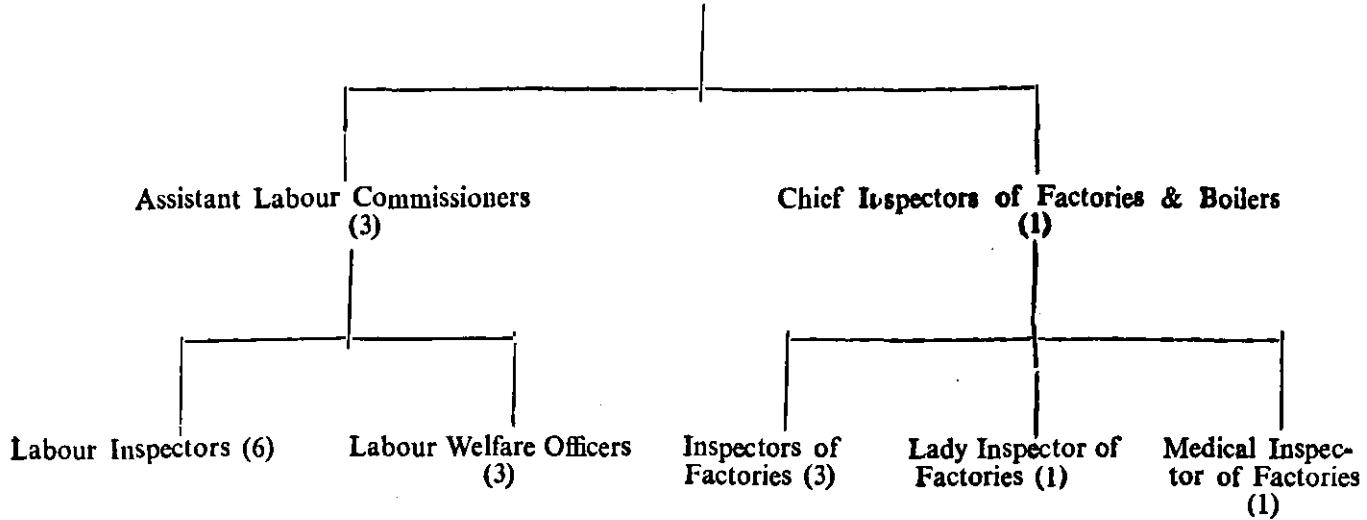


ANNEXURE—II

KERALA

Structure of the Labour Department—Position in 1947

LABOUR COMMISSIONER

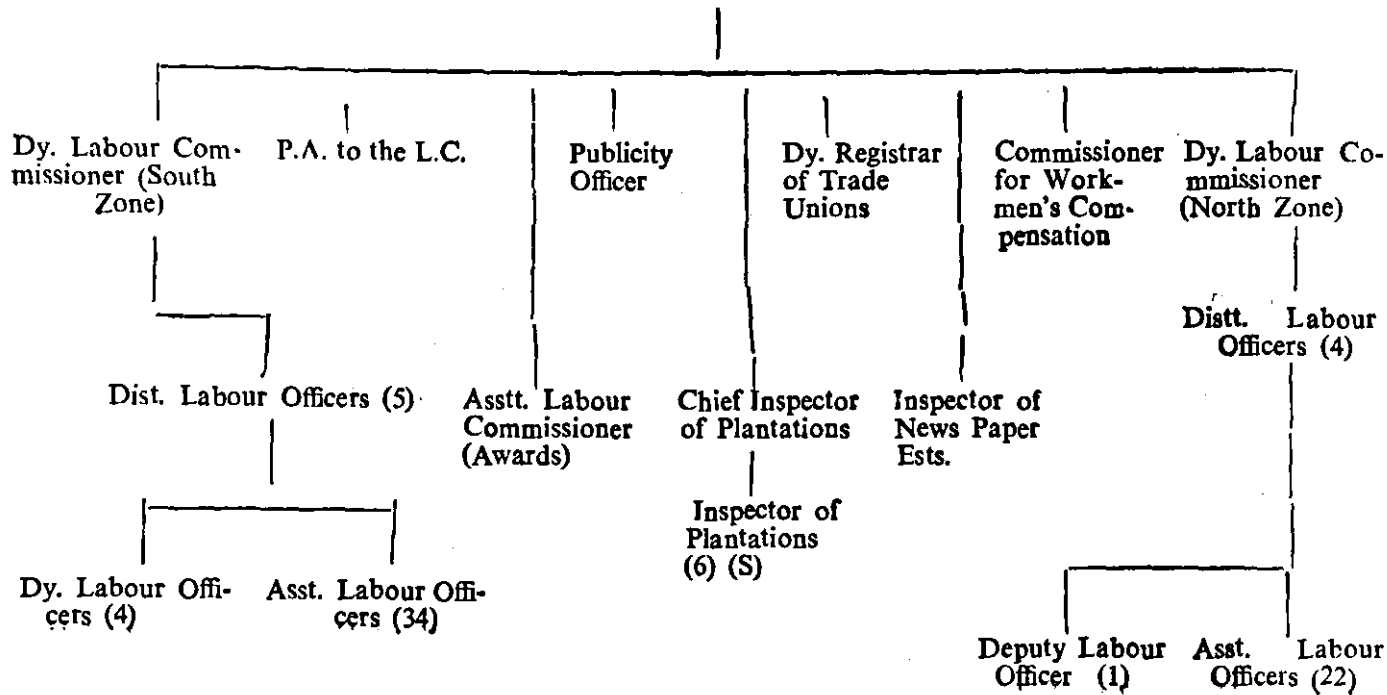


ANNEXURE—II (contd.)

KERALA

Structure of Labour Department—Position in 1968

LABOUR COMMISSIONER



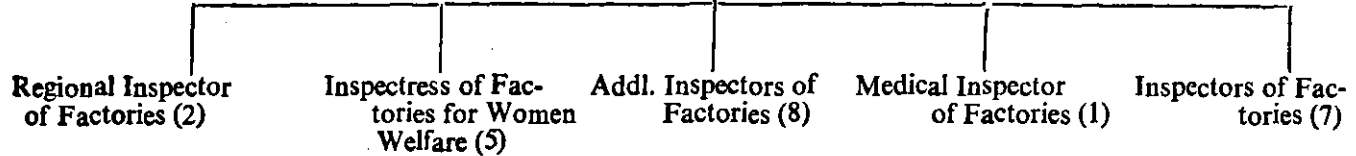
ANNEXURE—II (Contd.)

KERALA

Structure of Inspectorate of Factories And Boilers—Position In 1968.

CHIEF INSPECTOR OF FACTORIES & BOILERS

DEPUTY CHIEF INSPECTOR OF FACTORIES AND BOILERS



ANNEXURE—II

MYSORE

Set-up of the Labour Department in 1947.

COMMISSIONER OF LABOUR

Headquarters Assistant

Divisional Offices

Assistant Commissioner
of Labour, Bangalore.

Assistant Commis-
sioner of Labour,
Mysore.

Assistant Commis-
sioner of Labour,
K.G.F.

Assistant Commis-
sioner of Labour,
Bhadravathi.

Assistant Commis-
sioner of Labour,
Chickmagalur.

Note:

The Mysore Labour Act of 1942 was being administered by the Labour Department in the year 1947 in respect of Registration of Trade Unions, Conciliation of Industrial Disputes and Certification of Standing Orders.

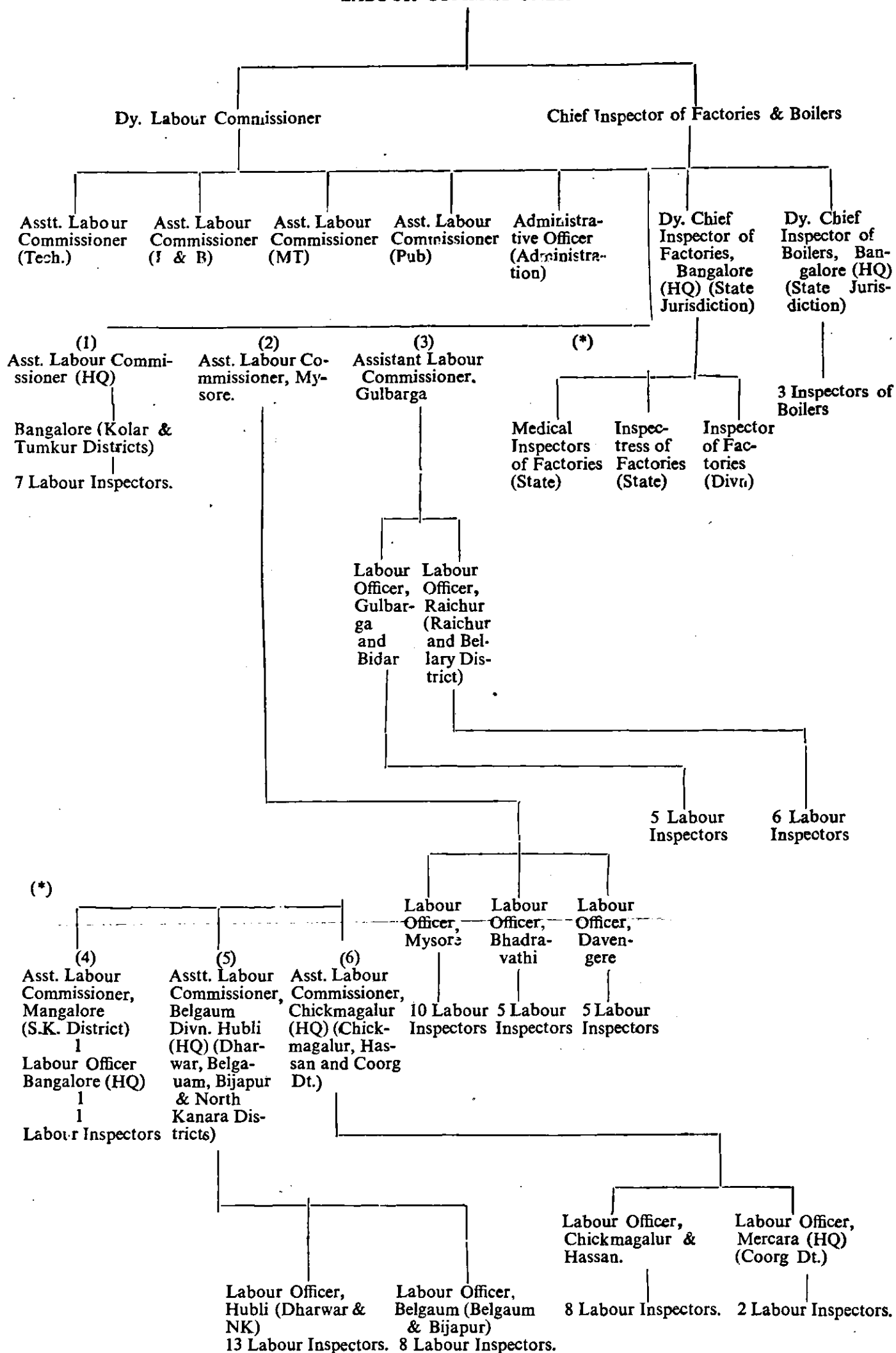
The Chief Conciliation Officer was the Excise Commissioner of the State who was also Ex-Officio Registrar of Trade Unions.

The Assistant Commissioners of Labour were Industrial Relations Conciliation Officers in 1947.

MYSORE

Set-up of the Labour Department in 1966-1967

LABOUR COMMISSIONER



ANNEXURE—III

ANDHRA PRADESH

Statement showing the number of prosecutions sanctioned, the nature of penalties imposed etc.

Industrial Disputes Act

Year	No. of prosecutions sanctioned	Nature of the default	Result
1	2	3	4
1956	3	Non-implementation of the awards.	Convicted and fined
1959	2	Non-implementation of the awards	Withdrawn in 1962 since the concern was closed.
1960	1	Strike illegal. Prosecution of the Presidents of the Union.	Result not known.
1961	6	(i) Non-implementation of Awards and agreements. (ii) Non-payment of re-trenchment compensation-Contravention of Section 25 FFF Violation of Sec. 3 of Industrial Disputes Act.	(i) As the parties implemented in 2 cases prosecution withdrawn, and cancelled. (ii) In one case the Court acquitted. (iii) In two cases withdrawn due to the closure of the concern. (iv) In one case convicted and fined Rs. 80/-

1	2	3	4
1962	6	Non-implementation of awards	<p>(i) In two cases the employers were convicted and fined Rs. 100/- each (3 persons)</p> <p>(ii) Two cases were acquitted since benefit of doubt was given to the employer.</p> <p>(iii) One case mutually settled and none appeared in the Court. Accused accordingly discharged.</p> <p>(iv) In the other case details are not available.</p>
1963	13	<p>(i) Non-implementation of Awards:</p> <p>(ii) For conducting illegal strikes.</p> <p>(iii) For contravention of sec. 3 etc.</p>	<p>(i) In one case, the employer was convicted and fined Rs. 50/- for non-implementation of Award.</p> <p>(ii) In one case the Union leaders were convicted and fined Rs. 10/- each for conducting illegal strike, etc.</p> <p>(ii) In one case, parties mutually agreed to settle the matters and filed compromise agreement and accordingly Government cancelled original order.</p> <p>(iv) In one case Government withdrawn prosecution orders as the employer complied with</p>

1	2	3	4
			<p>the provisions of Sec. 3</p> <p>(v) In one case the Government cancelled the prosecution order since the establishment was wound up.</p> <p>(vi) In one case the employer was convicted and fined. But details are not available.</p> <p>In respect of the remaining seven cases result of the prosecutions not available.</p>
1964	2 Non-implementation of Award.		<p>(i) In one case the Employer was convicted and fined Rs. 150/-.</p> <p>(ii) In the other case, since the parties had a compromise of the issue, Government cancelled the prosecution order.</p>
1965	1 Non-implementation of Agreement.		<p>File closed by the Court due to non-appearance of the party.</p> <p>(Further details awaited).</p>
1966	7 1. Non-implementation of award. 2. Non-implementation of Award.		<p>Pending in the Court. Prosecution was withdrawn due to non-availability of the workmen as witnesses. Prosecution cancelled as the employers had implemented the agreement.</p>

ANNEXURE—III

MYSORE

Industrial Disputes Act

1	2	3	4
1964-65	1	Non-implementation of the Order of Labour Court, Bangalore.	Government have been addressed to authorise the Government pleader to conduct the case.
1964-65	1	Non-implementation of order of the Labour Court, Hubli.	The management was convicted and fined Rs. 75/-.
1963-64	1	Non-implementation of the Award of the Industrial Tribunal, Bangalore.	Matter is pending.
1965-66	1	Non-implementation of terms of the Memorandum of settlement dated 16-3-66.	The Labour Officer, Mercara has to file complaint before the Court.
1965-66	1	Non-implementation of the terms of the award of the Labour Court, Hubli.	The Management has paid the awarded amount to the worker. The matter is pending with the Govt.
1955 to 1963			—Information not available—
1967	19	Not reported.	<ol style="list-style-type: none"> 1. One case. Fine to the tune of Rs. 20/- imposed. 2. One case. Fine to the tune of Rs. 5/- imposed. 3. 17 cases are pending with the Court as on 31-12-1967.

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ANNEXURE—III

KERALA

Industrial Disputes Act

(Not Furnished)

ANNEXURE—III
ANDHRA PRADESH

Factories Act

Year	No. of Cases of non-compliance reported to the Government and the No. of prosecutions by Government.		No. of cases where default has been established in Court	No. of acquittals.
	Present Year	Pending of previous year		
1	2	3	4	5
1950	262	25	197	—
1951	1292	90	1193	32
1952	602	150	569	38
1953	172	9	172	2
1954	325	5	308	2
1955	450	19	455	...
1956	392	11	346	6
1957	381	48	342	12
1958	363	75	350	12
1959	430	70	473	22
1960	935	...	874	7
1961	497	35	474	4
1962	467	43	483	2
1963	520	21	535	5
1964	679	...	503	17
1965	379	122	458	20
1966	413	...	292	19

ANNEXURE—III

MYSORE

Factories Act

1		3	3	4	5
1962	—	44	...	31	Not reported
1963	—	29	...	27	-Do-
1964	—	31	...	31	-Do-
1965	—	261	...	60	-Do-
1966	—	51	..	28	-Do-

ANNEXURE III

KERALA

Factories Act

1		2	3	4	5
1950-51	—	5	12	Nil	Nil
19 1-52	—	7	15	—	...
1952-53	—	7	12	1	—
1953-54	—	27	14	2	...
1954-55	—	20	35	3	...
1955-56	—	11	48	15	1
1956-57	—	50	25	20	2
1957-58	—	24	36	11	—
1958-59	—	55	49	70	5
1959-60	—	84	23	78	8
1960-61	—	73	16	48	6
1961-62	—	106	27	34	1
1962-63	—	46	95	47	5
1963-64	—	100	84	101	4
1964-65	—	78	71	75	2
1965-66	—	177	61	114	5

ANNEXURE III
ANDHRA PRADESH

Maternity Benefit Act

Year	No. of cases of non-compliance reported to the Govt. and the No. of prosecutions by Government.		No. of cases where default has been established in Court	Nature of penalty imposed for each Default	No. of acquittals.	Cases of frequency of with drawal of prosecutions. No. filed & No. of with-drawals
	Present year	Pending of previous year				
1	2	3	4	5	6	7
1947	10	..	10	250-00	--	..
1948	--	--	..
1949	13	..	11	65-00	--	..
1950	13	2	12	290-00	--	..
1951	22	3	21	152-00	--	..
1952	14	3	15	380-00	--	..
1953	--	--	--	--	--	--
1954	--	--	--	--	--	--
1955	2	--	2	25-00	--	--
1956	2	--	2	50-00	--	--
1957	1	--	1	25-00	--	--
1958	--	--	--	--	--	--
1959	--	--	--	--	--	--
1960	--	--	--	--	--	--
1961	--	--	--	--	--	--
1962	--	--	--	--	--	--
1963	--	--	--	--	--	--
1964	--	--	--	--	--	--
1965	--	--	--	--	--	--
1966	--	--	--	--	--	--

62

ANNEXURE—III

MYSORE

Maternity Benefit Act

(Not furnished)

ANNEXURE—III

KERALA

Maternity Benefit Act

(Not furnished)

ANNEXURE—III
ANDHRA PRADESH
Payment of Wages Act

Year	No. of cases of non-compliance reported to the Government and the No. of prosecutions sanctioned by Govt.		No. of cases where default has been established in Court	Nature of Penalty imposed for each default	No. of acquittals	Cases of frequency of withdrawals of prosecutions No. filed and No. of withdrawals)
	Present Year	Pending of Previous year				
1	2	3	4	5	6	7
1961	—	—	—	—	—	—
1962	3	—	3	55-00	—	—
1963	6	—	6	100-00	—	—
1964	—	—	—	—	—	—
1965	—	—	—	—	—	—
1966	—	—	—	—	—	—

ANNEXURE—III

MYSORE

Payment of Wages Act

1	2	3	4	5	6	7
1961	22	—	—Information not available—			
1962	—	—	—	-Do-		—
1963	1	—	—	-Do-		—
1964	—	—	—	—	—	—
1965	2	—	—	—	—	1
1966	2	—	—	—	—	1

ANNEXURE—III

KERALA

Payment of Wages Act

((Not reported))

ANNEXURE—III
ANDHRA PRADESH

Minimum Wages Act, 1948

Year	No. of cases of non-compliance reported to the Govt. and the No. of prosecutions sanctioned by the Government	No. of cases where default has been established in the Court	Nature of penalty imposed for each default	No. of acquittals	Cases of frequency of withdrawal of prosecutions	
					No. filed	The No. withdrawn & reasons for withdrawal
1	2	3	4	5	6	7
1963	128	114	Convicted and fined Rs. 3740.50 (7 cases admonished)	—	—	—
1964	151	125	Convicted and fined Rs. 2586.00 (6 cases admonished)	—	—	—
1965	171	155	Convicted and fined Rs. 1829/- (1 case admonished)	3	2	2
1966	171	154	Convicted and fined Rs. 5636/-	3	—	—

Note: The information from the year 1947 to 1962 is not available; hence the particulars from 1963 onwards are furnished.

ANNEXURE—III

MYSORE

Minimum Wages Act, 1948

1	2	3	4	5	6	7
1963	290	200	Fined Rs. 2810-75	Not available.	Nil	Nil
1964	200	149	Fined Rs. 2298-00	Do.	Nil	Nil
1965	124	107	Fined Rs. 728-00	Do.	Nil	Nil
1966	93	60	Fined Rs. 1105-00	Do.	Nil	Nil
1967	Not available.	117	Fined Rs. 1623-00	Do.	Nil	Nil

—o—

ANNEXURE—III

KERALA

Minimum Wages Act, 1948

1	2	3	4	5	6	7
1963-64	139	116	Not reported	—	—	—
1964-65	103	69	Do.	—	—	4
1965-66	170	129	Do.	9	—	—

ANNEXURE—III

ANDHRA PRADESH

Shops & Establishments Act

Year	No. of cases of non-compliance reported to the Govt. and the No. of prosecutions sanctioned by the Government.	No. of cases where default has been established in the Court.	Nature of penalties imposed for each default	No. of acquittals	Cases of frequency of withdrawal of prosecutions.	
					No. filed	The No. withdrawn & reason for withdrawal
1	2	3	4	5	6	7
1963	3469	3246	Fines were imposed	28	57	57
1964	2836	2407	Do.	25	123	123
1965	2036	1880	Do.	37	18	18
1966	1768	1588	Do.	24	10	10

ANNEXURE— III

MYSORE

Shops & Establishments Act

1	2	3	4	5	6	7
1963	446	410	Amount of Rs. 2655 - was imposed as fines	Not available	Not available	
1964	439	428	Rs. 2791-00	"	"	
1965	1012	914	Rs. 9534-00	"	"	5
1966	746	677	Rs. 8631-75	"	"	6
1967	1154	1151	Rs. 14186-00	"	"	2

*The managements have rectified the defects and complied with the requirements under the provisions of law before settlement of cases. Then Govt. have withdrawn the cases.

—○—

ANNEXURE III

KERALA

Shops & Establishments Act

1	2	3	4	5	6	7
1963-64	14+79	70	Not reported	6	—	—
1964-65	17+72	63	Do.	1	—	—
1965-66	25+203	470	Do.	6	—	—

—○—

ANNEXURE—III
ANDHRA PRADESH

Motor Transport Workers Act)

Year	No. of cases of non-compliance and the No. of Prosecutions sanctioned by the Govt.	No. of Cases where default has been established in the Court	Nature of Penalties	No. of acquittals.	Cases of frequency of withdrawal of prosecutions.	
					No. filed	No. of withdrawals giving reasons for withdrawals
1	2	3	4	5	6	7
1963	25	—	—	—	—	—
1964	88	88	Convicted and fined Rs. 1,433/-	—	—	—
1965	124	78	Convicted and fined Rs. 3,461/-	4	—	—
1966	170	117	Convicted and fined Rs. 1,853/-	—	—	2

—o—
ANNEXURE—III

MYSORE

Motor Transport Workers Act

(Not furnished)

—o—
ANNEXURE—III

KERALA

Motor Transport Workers Act

(Not furnished)

—o—

ANNEXURE—III
ANDHRA PRADESH

Payment of Bonus Act

Year	No. of cases of non-compliance reported to the Govt. and the No. of prosecutions sanctioned by the Govt.	No. of Cases where default has been established in the Court.	Nature of penalties imposed for each default	No. of acquittals.	Cases of frequency of withdrawal of Prosecutions	
					No. filed	The No. withdrawn and reasons for withdrawals.
1	2	3	4	5	6	7
1965	Nil	Nil	Nil	Nil	Nil	Nil
1966	8	Nil	Nil	Nil	—	8 (8 withdrawn since employers have paid the bonus for the year 1964-65 in question)

—o—
ANNEXURE—III

MYSORE

Payment of Bonus Act

(Not furnished)

—o—

ANNEXURE—III

KERALA

Payment of Bonus Act

(Not reported)

—○—

ANNEXURE—III

ANDHRA PRADESH

Weekly Holidays Act

(The State has no such Act)

—○—

ANNEXURE—III

MYSORE

Weekly Holidays Act

Year	No. of cases of non-compliance reported to the Govt. and the No. of prosecutions sanctioned by the Government.	No. of cases where default has been established in the Court.	Nature of penalties imposed for each default.	No. of acquittals.	Cases of frequency of withdrawals of prosecutions.	
					No. filed.	No. withdrawn and reasons for withdrawals
1	2	3	4	5	6	7
1963	11	—	—	—	—	—
1964	27	—	—	—	—	—
1965	11	—	—	—	—	—
1966	18	—	—	—	—	—

—○—

ANNEXURE—III

KERALA

Weekly Holidays Act

(The State has no such Act)

—o—

ANNEXURE—III

ANDHRA PRADESH

Plantation Labour Act, 1951

(Not in force in the State)

—o—

ANNEXURE—III

MYSORE

Plantation Labour Act, 1951

(Not furnished)

—o—

ANNEXURE—III

KERALA

Plantation Labour Act, 1951

1	2	3	4	5	6	7
1959-60	18	4	—	—	—	—
1960-61	14+11	11	—	—Not reported—		
1961-62	14+14	10	Not reported.	—	—	—
1962-63	18+11	5	Do.	7	—	1
1963-64	16+27	28	Do.	—	—	3
1964-65	12+10	9	Do.	6	—	5
1965-66	2+17	10	Do.	1	—	—
1966-67	8+6	7	Do.	—	—	—

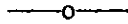
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ANNEXURE—III

ANDHRA PRADESH

Kerala Industrial Establishments (National and Festival) Holidays Act,
1958

(No such Act in the State).

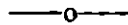


ANNEXURE—III

MYSORE

Kerala Industrial Establishments (National and Festival) Holidays Act,
1958

(Not reported)



ANNEXURE—III

KERALA

Kerala Industrial Establishments (National and Festival) Holidays Act,
1958

1	2	3	4	5	6	7
1957-62	—	—	—	—	—	—
1962-63	8	6	—	—	—	—
1963-64	2	2	—	—	—	—
1964-67	—NIL—					



ANNEXURE—III

MADRAS STATE

Statement showing the Number of Prosecutions sanctioned and launched under various Acts during 1947-1966.

Name of the Act.	Period	No. of Prosecutions sanctioned	No. of prosecutions withdrawn.
1	2	3	4
1. Factories Act and Allied Act.	—	9339	28
2. Madras Shops & Establishments Act.	1955-67	5738	34
3. Payment of Wages Act.	1952-67	529	—
4. Madras Catering Establishments Act.	1959-67	6771	—
5. Minimum Wages Act.	1956-67	299	—
6. Madras Industrial Establishments (National and Festival Holidays) Act.	1962-67	231	—
7. Madras Beedi Industrial Premises (Regulation and Condition of works) Act.	1961-67	744	—
8. Plantation Labour Act.	1961-67	114	—
9. Workmen's Compensation Act.	1959-67	2	—

N.B.: No prosecution was withdrawn under the other Acts referred to above.

Explanation : The Prosecutions were withdrawn for the reasons "whereabouts of the persons not known, summons could not be served" etc. In certain cases, the managements rectified the defects and requested to withdraw the cases (Under the Factories Act).

ANNEXURE IV

MADRAS

PARTICULARS OF LABOUR SECRETARIES WHO WORKED
DURING THE PERIOD
FROM 1.11.1956.

Labour Secretaries :

S.No.	Name of the Secretary	Duration	Remarks
1	2	3	4

The changes that have taken place at the level of Labour Secretary have not been furnished.

ANNEXURE—IV

ANDHRA PRADESH

Labour Secretaries:

1. Sri K.N. Anantaraman, I. C. S. —
2. Sri Mirza Najaf Alikhan, I. A. S. —
3. Sri J. P. I. Gwynn, I. C. S. from
4. Sri V. Rajeswara Rao, I. A. S. from 27.7.1958 to 7.1.61
5. Sri I. Ramachander Rao, I. A. S. from 8.1.1961 to 9.12.1962
6. Sri S. A. Iyengar, I. C. S. from 10.12.1962 to 12.11.67
7. Sri A. Krishnaswamy, I. A. S. from 13.11.1967 onwards.

—o—

ANNEXURE—IV

MYSORE

Labour Secretaries :

The changes that have taken place at the level of Labour Secretary have not been furnished.

—o—

ANNEXURE—IV

KERAL A

Labour Secretaries :

Including the present Labour Secretary 7 persons held the post of Labour Secretary in the State during the last 10 years. Particulars have not been furnished.

—o—

ANNEXURE—IV

MADRAS

Particulars of Labour Commissioners who worked during the period from 1.11.1956 onwards

Labour Commissioners:

S.No.	Name of the Labour Commissioner	Duration	Remarks
1	2	3	4
1.	Sri V. Balasundram, I.A.S.	from 21.10.54 to 23-3-59	
2.	Sri P.V. Viswanathan (Addl. charge)	from 23-2-59 to 13-5-59	
3.	Sri T. N. Lakshminarayan, I.A.S.	from 13-5-59 to 24.5.61	
4.	Sri P. V. Viswanathan (Addl. charge)	from 24.5.61 to 24.11.61	
5.	Sri T. N. Lakshminarayan, I.A.S.	from 14.11.61 to 4.5.63	
6.	Sri R. Balasubramaniam, I.A.S.	from 4.5.63 to 16.3.64	
7.	Sri M. G. Balasubramaniam, I.A.S., Director of Employment and Training (Addl. charge).	from 16.3.64 to 25.4.64	
8.	Sri M. G. Balasubramaniam, I.A.S., full charge.	from 25.4.64 to 10.2.67.	

1	2	3	4
9.	Sri T. S. Sankaran, I. A. S.	from 10.2.67 to 9.5.67.	
10.	Sri G. Kamalaratnam, M.A.B.L., Spl. Dy. Commissioner of Labour (Addl. charge)	from 10.5.67 to 24.5.67.	
11.	Sri T.S. Sankaran, I.A.S., (Vacant)	from 24.5.67 to 8.5.68. from 8.5.68 to 23.6.68.	
12.	Sri T. S. Sankaran, I.A.S.	from 24.6.68 onwards.	

—o—

ANNEXURE—IV,

ANDHRA PRADESH

Labour Commissioners:

- | | | |
|----|--------------------------------|---|
| 1. | Sri V. Rajeswara Rao, I.A.S. | One month from 1.11.1956
(One month) |
| 2. | Sri A. Ramamurthy | |
| 3. | Sri T. Prabhakararao, I.A.S. | from 4.1.57 to 5.5.59 (2 years
& 4 months) |
| 4. | Sri N. Bhagawan Das, I.A.S | from 6.5.59 to 14.10.59
(5 months) |
| 5. | Sri N. E. Guruswamy, I.A.S. | from 15.10.59 to 20.10.60
(1 year) |
| 6. | Sri E.V. Ram Reddy, I.A.S. | (from 21.10.60 to 31.10.63
(3 years) |
| 7. | Sri Bharat Chand Khanna, I.A.S | from 4.11.63 to 10.1.68
(4 years and 2 months) |
| 8. | Sri K. B. Lal, I.A.S. | from 11.1.68 onwards. |

—o—

ANNEXURE—IV

MYSORE

Labour Commissioners :

1. Sri B. M. Abu Baker, I.A.S. Early part of 1958.
2. Sri M. S. Meccai, B. A. from 28.4.58 to 23.11.58.
3. The Headquarters Assistant held
the post on in-charge basis. from 27.11.58 to 12.58.
4. Sri K. B. Karudeva
Gowda, I.A.S. from 1.12.58 to 11.1.1961
5. Sri C.S. Seshadri, I.A.S. from 11.1.61. to 26.6.61
6. Sri L. Lingaiah, B.Sc. from 26.6.61 to 6.5.64
7. Sri B.C. Bhannaraj Urs
I.A.S. from 8.5.64 to 13.7.64
8. Sri D.J. Balaraj, I.A.S. from 13.7.64 to 26.9.64
9. The Deputy Labour
Commissioner held in-
dependent charge of
the post. from 26.9.64 to 5.11.64

—o—

ANNEXURE—IV

KERALA

Labour Commissioners :

1. Sri A. Kunjukrishna Pillai from 1955 to April 1962
2. Sri N. Kochukrishnan from August, 1961 onwards.

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ANNEXURE V

An Assessment of the Workload of Labour Officers of
Madras State

	1966	1967
1. No. of conciliations	1208	1194
2. No. of individual complaints under the Industrial Disputes Act and other allied Acts.	7880	8173
3. No. of inspections under the Payment of Bonus Act 1965.
4. No. of enquiries made and complaints disposed of under the Wage Boards.	Not available.	
5. No. of enquiries and investigations under the Code of Discipline.	62	85
	34	46
6. No. of enquiries under the Trade Union Act.	Not available.	
7. No. of cases in which dependants' enquiry under the Workmen's Compensation Act was conducted.	Not available.	
8. No. of visits to Labour Welfare Centres and the work relating to them.
9. No. of visits to Sub-subsidised Industrial Housing Colony and the work relating to it.	<p>The Labour Officers hold meetings of the Managing Committees only in their offices. As they are only allotting the houses and the maintenance of these colonies is under the control of the State Housing Board, visits to the colonies by them do not arise. Formerly, collection of rent was done by the Labour Officer.</p>	

10. Work connected with Madras Shops and Establishments Act (Sec. 41 appeals) 517 512
Shops and Establishments Act and Weights and Measures, if any.

Madras Catering Establishments Act (Sec. 19(8) appeals)

424 458

Payment of Wages Act (claims)

902 558

The Dy. Commissioners of Labour are appellate authorities under Section 41 of the Madras Shops and Establishments Act. The Labour Officers are appellate authorities under Section 19(2) of the Madras Catering Establishments Act. The Deputy Commissioners of Labour and the Assistant Commissioners of Labour are additional Commissioners for Workmen's Compensation and disposing of claims under the Payment of Wages Act.

11. Appearance in courts in connection with prosecutions etc. Generally the Labour Officers and the Deputy Commissioners do not appear in courts. Apart from the conciliation of disputes and other work statutorily allotted to the Labour Officers and the Deputy Commissioner of Labour, they are giving lectures to the worker-teachers under the auspices of the Workers' Education Centres and in All-India Radio, Productivity Councils etc.

12. Miscellaneous

13. No. of days on tour This depends upon the individual officer's jurisdiction and also the No. of disputes arising outside his headquarters.

ANNEXURE V

ANDHRA PRADESH

An assessment of the Workload of Regional Assistant Commissioners of Labour and Labour Officers of Andhra Pradesh for the year 1965.

	Regl. Asst. Commissioners of Labour.			Labour Officers					
	Visa-kha-pat-nam.	Gun-tur.	Hyde-rabad	Visa-kha-pat-nam.	Sri-kaku-lam.	Elu-ru.	Rajah-mundry	Gun-tur.	Vija-ya-wada.
	1	2	3	4	5	6	7	8	9
1. No. of conciliations.	9	5	40	9	13	7	17	37	10
2. No. of individual complaints.									
a) Under I. D. Act	11	152	46	32	13	109	66	185	56
b) Other Labour enactments.	10	97	—	62	82	82	73	146	70
3. No. of Inspections under Payment of Bonus Act.	2	—	—	—	—	—	—	—	—
4. No. of enquiries made and complaints disposed of under the Wage Boards	2	—	—	1	4	3	1	1	—

	1	2	3	4	5	6	7	8	9
5. No. of enquiries and investigations under the Code of discipline.	—	3	—	—	1	—	1	—	—
6. No. of enquiries under Trade Unions Act.	—	—	—	3	4	4	30	19	21
7. No. of cases in which dependants enquiry under Workmen's Compensation Act was conducted.	—	—	—	—	—	—	—	—	—
8. No. of visits to the Labour Welfare Centres and work relating to them.	1	3	—	2	—	—	—	7	16
9. No. of visits to subsidised industrial housing colony and the work relating to it.	1	—	—	5	—	—	11	—	40
10. Work connected with Shops and Establishments Act.	92	97	50	—	—	—	—	—	—
11. Appearance in courts in connection with prosecutions etc.	—	—	3	—	—	2	—	—	2
12. Miscellaneous	12	—	13	7	27	—	11	2	37
13. No. of days on tour.	127	114	31	71	77	156	85	109	37

ANNEXURE V—ANDHRA PRADESH '65

LABOUR OFFICERS

	Anan- tapur 10	Nel- lore 11	Hyde- rabad 12	Hyde- rabad 13	Karim- nagar 14	Mza- mabad 15	War- rangal 16	Kur- nul 17
1. No. of Conciliations	3	14	33	24	1	17	7	2
2. No. of individual complaints.								
a. Under I . D. Act.	3	16	38	28	4	17	8	61
b. Other Labour enactments.	65	70	74	111	51	90	95	57
3. No. of inspections under pay- ment of Bonus Act.	—	—	—	—	—	—	—	—
4. No. of enquiries made and complaints disposed of under the wage board.	—	—	—	—	—	1	—	—
5. No. of enquiries and investiga- tions under the code of Discipline	—	—	—	—	—	—	—	1
6. No. of enquiries under Trade Unions Act.	5	21	7	23	11	10	9	23
7. No. of cases in which dependents Enquiry under Workmen's Com- pensation Act was conducted.	—	—	—	—	—	—	—	—
8. No. of visits to Labour Welfare Centres and the work relating to them	—	—	—	—	—	7	5	14
9. No. of visits to subsidised indust- rial housing colony and the work relating to it.	2	6	—	—	8	4	4	5
10. Work connected with Shops and Establishments Act.	—	—	—	—	—	—	—	—
11. Appearances in courts in connec- tion with prosecutions etc.	17	22	—	2	—	4	—	—
12. Miscellaneous (in days)	39	62	4	21	13	20	20	24
13. No. of days on tour .	43	137	—	2	190	76	48	116

ANNEXURE-V
ANDHRA PRADESH

An assessment of workload of Regional Assistant Commissioners of Labour and Labour Officers of Andhra Pradesh for 1966.

	Regl. Asst. Commissioners of Labour			Labour Officers					
	Visa-khapatnam 1	Gun-tur 2	Hydera-bad 3	Visa-khapatnam 4	Srika-kulam 5	Eluru 6	Rajah-mun-dry 7	Gun-tur 8	Vija-yawa-da 9
1. No. of conciliations.	17	16	43	5	8	4	23	30	25
2. No. of individual complaints									
a) Under I.D. ACT.	36	129	47	5	10	82	34	237	126
b) Other Labour enactments	34	103	—	89	67	66	123	166	34
3. No. of inspections under Payment of Bonus Act.	—	—	—	—	—	—	—	—	—
4. No. of enquiries made and complaints disposed of under the wage boards.	—	—	—	—	2	2	—	—	—

	1	2	3	4	5	6	7	8	9
5. No. of enquiries and investigations under the Code of Discipline.	—	—	—	—	—	1	2	—	1
6. No. of enquiries under Trade Unions Act.	—	—	1	20	7	24	22	22	3
7. No. of Cases in which dependants enquiry under workmen's compensation Act was conducted.	—Not available —								
8. No. of visits to Labour Welfare Centres and the work relating to them.	5	—	1	9	—	—	—	4	7
9. No. of visits to industrial housing colony and the work relating to it.	3	—	1	3	—	—	8	3	5
10. Work connected with Shops and Establishments Act. (days).	84	35	39	—	—	—	—	9	—
11. Appearances in courts in connection with prosecutions etc. (days).	—	2	1	3	—	—	—	—	1
12. Miscellaneous (days).	21	5	8	19	18	14	16	15	10
13. No. of days on tour.	120	131	82	69	92	90	99	144	78

ANNEXURE—V

ANDHRA PRADESH

Assessment of workload of Regional Assistant Commissioners of Labour and Labour Officers of Andhra Pradesh for the year 1966.

	Labour Officers							
	Ananta- pur	Nel- lore	Hyde- rabad	Hyde- rabad	Karima- nagar	Nizama- bad	Waran- gal	Kur- nul
	10	11	12	13	14	15	16	17
1. No. of conciliations.	1	12	21	42	5	30	9	2
2. No. of individual complaints.								
(a) Under I. D. Act.	1	151	36	61	15	36	12	46
(b) Other labour enactments.	80	124	149	232	53	82	125	26
3. No. of Inspections under Payment of Bonus Act.					—Not available—			
4. No. of enquiries made and complaints disposed of.					—Do—			
5. No. of enquiries and investigations under the Code of Discipline.	—	—	—	—	—	—	—	1

	10	11	12	13	14	15	16	17
6. No. of enquiries under Trade Unions Act.	2	10	5	8	13	8	19	21
7. No. of cases in which dependents' enquiries under workmen's Compensation Act was conducted.	—Not available—							
8. No. of visits to Labour Welfare Centres.	—	—	4	—	—	6	13	5
9. No. of visits to industrial housing colony and the work relating to it.	—	3	—	—	—	6	4	8
10. Work connected with Shops and Establishments Act.	—Nil—							
11. Appearances in courts in connection with prosecutions etc.	—Nil—							
12. Miscellaneous (days).	—	7	8	12	20	8	18	17
13. No. of days on tour.	107	94	1	6	96	47	75	57

ANNEXURE—V

ANDHRA PRADESH

**An assessment of the workload of the Regl. Asst. Commissioners of Labour and the Labour Officers
for the year, 1967**

	Regl. Asst. Commis- sioners of Labcur			Labour Officers					
	Visa- khat- nam	Gun- tur	Hyde- rabad	Visa- khat- nam	Srika- kulam	Eluru	Rajah- mun- dry	Gun- tur	Vija- yawada
	1	2	3	4	5	6	7	8	9
1. No. of conciliations	23	12	33	6	17	11	30	41	19
2. No. of individual complaints									
(a) Under I. D. Act	23	86	38	7	18	77	38	165	20
(b) Other labour enactments	12	45	—	103	85	52	127	33	32
3. No. of Inspections under Payment of Bonus Act									

—Not available—

	1	2	3	4	5	6	7	8	9
4. No. of enquiries made and complaints disposed of under the wage board	—	—	—	1	—	—	1	—	3
5. No. of enquiries and investigations under the Code of Discipline	—	—	—	—	—	1	3	—	1
6. No. of enquiries under Trade Unions Act	1	—	—	16	6	11	30	32	2
7. No. of cases in which dependents' enquiry under Workmen's Compensation Act was conducted	—Not available—								
8. No. of visits to Labour Welfare Centres	1	—	1	6	—	—	—	3	9
9. No. of visits to Industrial Housing Colony	—	—	1	5	—	—	6	4	4
10. Work connected with Shops and Establishments and Payment of Wages Act (days)	58	56	53	—	—	—	—	—	—
11. Appearance in courts in connection with prosecutions (days)	—	—	—	—	—	2	—	—	12
12. Miscellaneous (in days)	18	9	9	9	14	54	13	9	19
13. No. of days on tour	34	78	50	43	86	70	66	92	24

ANNEXURE—V

ANDHRA PRADESH

An assessment of the workload of the Labour Officer for the year 1967.

	Labour Officers							
	Ananta- pur	Nel- lore	Hydera- bad I	Hydera- bad II	Karim- nagar	Nizama- bad	Waran- gal	Kur- nul
	10	11	12	13	14	15	16	17
1. No. of conciliations	2	20	48	37	14	4	11	4
2. No. of individual complaints								
(a) under I. D. Act	2	300	68	88	15	4	12	53
(b) Other labour enactments	69	237	137	188	40	68	97	19
3. No. of Inspections under payment of bonus Act								
				—Not available—				
4. No. of enquiries made and complaints disposed of under the wage board	—	—	1	2	—	2	1	2

	10	11	12	13	14	15	16	17
5. No. of enquiries and investigations under the Code of Discipline	—	—	—	—	—	—	1	4
6. No. of enquiries under Trade Unions Act	—	1	7	13	2	10	13	1
7. No. of cases in which dependants' enquiry under Workmen's Compensation Act was conducted	—Not available—							
8. No. of visits to Labour Welfare Centres	—	—	—	—	15	9	13	11
9. No. of visits to Industrial Housing Colony	1	1	—	—	—	—	5	9
10. Work connected with Shops and Establishments Act	—	—	—	—	—	—	3	—
11. Appearances in courts in connection with prosecution (in days)	—	—	—	—	—	—	21	—
12. Miscellaneous (in days)	9	9	2	—	13	7	53	17
13. No. of days on tour	90	176	2	2	101	37	50	99

**An assessment of the workload of the Regional Asst. Commissioners of Labour and Labour Officers of
MYSORE, 1965.**

	Labour Officers									
	Banga- lore	Mysore	Manga- lore	Coorg	Chick- magalur	Bhadra- vati	Devan- gere	Belga- um	Gul- barga	Raichur
	1	2	3	4	5	6	7	8	9	10
1. No. of Concilia- tions	86	30	20	38	9	32	—	14	—	8
2. No. of individual complaints (a) Under I. D. Act and (b) Other Labour enactments	277	139	12	No whole- time L.O.	—	131	40	173	29	20
3. No. of Inspections under Payment of Bonus Act	—	—	—	—	—	—	—	—	—	—
4. No. of enquiries made and complaints dis- posed under Wage Boards	—	—	3	—	—	—	—	—	—	—
5. No. of enquiries and investigations un- der the Code of Discipline	3	—	11	—	—	1	—	—	—	—
6. No. of enquiries under Trade Unions Act	42	—	3	—	—	3	—	—	—	4

	1	2	3	4	5	6	7	8	9	10
7. No. of cases in which dependant's enquiries under Workmen's Compensation Act were conducted.	—	—	5	—	—	—	—	—	—	—
8. No. of visits to Labour Welfare Centres and the work relating to them	5	3	18	3	2	—	—	—	—	3
9. No. of visits to Subsidised Industrial Housing Colony and the work relating to it	—	—	—	—	—	—	—	—	—	—
10. Work connected with Shops and Establishments Act (& Weights & Measures, if any)	227	24	—	131	—	—	47	—	—	—
11. Appearances in Courts in connection with prosecutions etc.	—	—	—	—	—	1	—	—	—	—
12. Miscellaneous	42	—	—	—	—	16	15	—	—	—
13. No of days on tour.	54	127	—	89	The post of L. O. was vacant during January '65 to May, '66.	42	17	85	48	107

**An Assessment of the workload of the Regional Asst. Commissioners of Labour and Labour Officers
of MYSORE for the year, 1968**

	Labour officers									
	Banga- lore	Mysore	Manga- lore	Coorg	Chick- magalur	Bha- dravati	Deve- nagere	Bel- gaum	Gul- barga	Rai- chur
	1	2	3	4	5	6	7	8	9	10
1. No. of Conciliations	231	65	101	75	291	7	30	40	10	19
2. No. of individual complaints										
(a) Under I. D. Act										
& (b) Other La- bour enactments	155	89	27	143	37	65	61	270	21	59
3. No. of instructions under Payment of Bonus Act	—	3	—	7	16	1	—	64	—	180
4. No. of enquiries made and complaints disposed of under Wage Boards	—	—	11	—	10*	—	—	—	—	—
5. No. of enquiries and investigations under the Code of Discipline	—	2	36	—	—	5	—	—	—	—
6. No. of enquiries under Trade Union Act	13	—	17	—	—	4	—	—	—	6

*Enquiries in respect of small estates, which are not covered under the Plantations Labour Act,

	1	2	3	4	5	6	7	8	9	10
7. No. of cases in which dependant's enquiries under Workmen's Compensation Act were conducted	—	—	7	—	—	—	—	—	—	2
8. No. of visits to Labour Welfare Centre and the work relating to it.	1	2	24	3	3	—	—	—	—	8
9. No. of visits to Subsidised Industrial Housing Colony and the work relating to it.	—	—	—	—	—	—	—	—	—	—
10. Work connected with Shops & Establishments Act (& Weights and Measures, if any)	19	22	23	6	122	—	88	—	—	—
11. Appearances in Courts in connection with prosecution etc.	—	—	—	5	—	2	—	—	—	—
12. Miscellaneous	8	—	—	—	—	44	57	—	—	2*
13. No. of days on tour	11	81	26	52	53	65	54	87	69	75

*Enquiries under Employment Standing Orders Act.

**An Assessment of the workload of Regional Asst. Commissioners of Labour and Labour Officers of
MYSORE STATE for the year, 1967**

	Labour Officers									
	Banga- lore	Mysore	Manga- lore	Coorg	Chick- magalur	Bhadra- vati	Deva- ngere	Bel- gaum	Gul- barga	Rai- chur
	1	2	3	4	5	6	7	8	9	10
1. No. of Conciliations	65	45	314	54	118	16	24	80	12	16
2. No. of individual complaints										
(a) Under I. D. Act										
(b) Other Labour enactments	230	122	38	193	11	93	53	379	19	59
3. No. of Inspections under Payment of Bonus Act	38	134	86	87	88	55	47	154	9	180
4. No. of enquiries made and complaints disposed of under Wage Boards	—	—	26	—	15*	—	1	—	—	—
5. No. of enquiries and investigations under the Code of Discipline	—	3	47	—	—	3	—	—	—	—
6. No. of enquiries under Trade Unions Act	10	1	9	—	—	8	—	—	—	3

	1	2	3	4	5	6	7	8	9	10
7. No. of cases in which dependants's enquiry under Workmen's Compensation Act was conducted	—	—	11	—	—	—	—	—	—	1
8. No. of visits to Labour Welfare Centres and the work relating to them	—	2	24	2	3	—	Visited often to equip all the facilities	—	—	5
9. No. of visits to Subsidised Industrial Housing Colony and the work relating to it	—	—	—	—	—	—	—	—	—	—
10. Work connected with Shops and Establishments Act (& Weights & Measures, if any:	349	201	335	29	150	—	562	—	—	—
11. Appearance in Court in connection with prosecutions etc.	—	—	28	2	3	275	358	—	—	—
12. Miscellaneous	159	—	—	—	—	—	—	—	—	—
13. No. of days on tour	57	120	93	88	83	89	85	73	59	10

ANNEXURE—V

KERALA

An assessment of the workload of Labour Officers of Kerala for the years 1965, 1966 and 1967.

	1965	1966	1967
1. No. of conciliation-mediations	309	390	368
2. No. of individual complaints under the Industrial Disputes Act and other labour enactments	163	197	229
3. No. of inspections under Payment of Bonus Act	22	23	24
4. No. of enquiries made and complaints disposed of under the wage boards	16	14	17
5. No. of enquiries and investigations under the Code of Discipline	6	8	3
6. No. of enquiries under Trade Unions Act	5	6	8
7. No. of cases in which dependants' enquiry under Workmen's Compensation Act was conducted	7	6	6
8. No. of visits to labour welfare centres and the work relating to them	6	6	4
9. No. of visits to subsidised industrial housing colony and work relating to it	—	—	—
10. Work connected with Shops and Establishments Act (and weights and measures if any)	308	228	332
11. Appearance in courts in connection with prosecutions etc.	10	11	13
12. Miscellaneous	—	—	—
13. No. of days on tour	320	288	331

ANNEXURE—VI

LABOUR ADMINISTRATION

In recognition of its duty to protect the working class and promote its welfare, a blueprint on labour policy—A Five Year Programme for Labour—was drawn up in 1946 when the interim National Government came to power at the Centre. In the course of a debate in the Central Legislative Assembly in 1946, Shri Jagjivan Ram, the Member in-charge of Labour, revealed that Government had formulated a plan for bringing about essential reforms in the interest of the working classes of India. The main features of the proposed Programme were :

“Statutory prescription of minimum wages in sweated industries and occupations and in agriculture.

“Promotion of ‘fair wage’ agreements.

“Steps to secure for workers in plantations a living wage..

“Reduction in the hours of work in mines to bring the working hours in line with the hours of work in factories which have been recently reduced from 54 to 48 a week.

“Legislation to regulate hours of work, spread-over, weekly rest periods and holidays with pay for other classes of workers not now subject to regulation, e.g., those employed in shops and commercial undertakings, road transport services, docks and municipal labour.

“Overhaul of the Factories Act with a view to the prescription and enforcement of right standards in regard to lighting, ventilation, safety, health and welfare of workers. Conditions of work are to be improved, particularly in unorganised industries and work places to which the present Factories Act does not apply.

“Revision of the Mines Act to bring about similar improvements in the working conditions in mines.

“Organisation of industrial training and apprenticeship scheme on a large scale with a view to improving the

productive and earning capacity of workers and enabling them to qualify for promotions to higher grades.

“Provision of adequate housing for workers to the extent of the resources, both of man-power and materials, that can be made available for this service.

“Steps to secure for workers in plantations, mining and other categories provision of housing.

“Organisation of the Health Insurance Scheme, applicable to factory workers to start with, for the provision of medical treatment and monetary relief during sickness, maternity benefit on an extended scale, medical treatment in the case of disablement and the substitution of pensions during periods of disablement and to dependents, in case of death, in place of the present lump-sum payments.

“Revision of the Workmen’s Compensation Act with a view to extending to other classes of workers the benefit provided for under the Health Insurance Scheme in respect of disablement and dependent benefits.

“A central law for maternity benefits to secure for other than factory workers the extended scale of benefits provided under the Health Insurance Scheme.

“Extension to other classes of workers, the right, within specified limits, to leave with allowance during periods of sickness.

“Provision of creches and canteens.

“Welfare of the coal mining labour and welfare of the mica mining labour.

“Strengthening of the inspection staff and the Inspectorate of Mines.”¹

2. As would be seen from subsequent events, many elements of the programme were given legislative support in the years 1947 to 1952. The Constituent Assembly which was set up soon after Independence took note of the Plan in its deliberations. The Constitution finally adopted, contained several articles which reflect the general desire of the community to stand by

1. Indian Labour Gazette—April 1947—PP. 461-62.

the working class. The Directive Principles of State Policy stated in the Constitution which have a bearing on labour, are contained in the articles reproduced below :—

“39. The State shall, in particular, direct its policy towards securing—

- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age or strength;
- (f) that childhood and youth are protected against exploitation and against moral and material abandonment.

“41. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

“42. The State shall make provision for securing just and humane conditions of work and for maternity relief.

“43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.”

3. Under the Constitution, the legislative powers in different fields of Government activity are shared by the Central and State Governments, in accordance with the lists which form a part of the Constitution : the Union List, the Concurrent List and the State List. The Parliament has exclusive powers to make laws on matters enumerated in the Union List. The State

Legislatures have powers to legislate for the State or any part thereof on any matter enumerated in the State List. Both the Parliament and the State Legislatures have powers to make laws with respect to matters enumerated in the Concurrent List. To avoid a possible conflict, certain safeguards are provided for subjects on which both Centre and States can legislate.¹ Labour is a subject which is included in the Concurrent List.

II

4. The legislative support for the Programme referred to in para 2 above was given partly by (i) strengthening the then existing legislation through suitable amendments, (ii) overhauling some of it and (iii) supplementing it by new statutes where none had existed before. The important pieces of labour legislation which evolved through all these processes could be divided into the following main groups :—

- (i) **Legislation about employment & training** such as Dock Workers (Regulation of Employment) Act, 1948, (some of its provisions fall under (ii) below), Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, Apprentices Act, 1961, Tea District Emigrant Labour Act, 1932 etc.
- (ii) **Legislation on working conditions** :—This covers the Factories Act, 1948, the Plantations Labour Act, 1951, the Mines Act, 1952, the Motor Transport Workers Act, 1961 and legislation relating to workers in shops and commercial establishments and legislation relating to safety of workers like Indian Dock Labourers Act, 1934. There have been Acts like the Children (Pledging of Labour) Act, 1933; Employment of Children Act, 1938, the Madras Bidi Industrial Premises (Regulation of Conditions of Work) Act, 1958, the Kerala Bidi

1. In actual practice, so far as labour is concerned, the Labour Ministers' Conferences and the Tripartite Forums like the Indian Labour Conference, the Standing Labour Committee and Industrial Committees are used to iron out difficulties.

and Cigar Industrial Premises (Regulation of Conditions of Work) Act, 1961, etc.

- (iii) **Legislation on labour-management relations** : This covers the Indian Trade Unions Act, 1926; the Industrial Employment (Standing Orders) Act, 1946; the Industrial Disputes Act, 1947 and legislation enacted in some States like the Bombay Industrial Relations Act, 1946; the U.P. Industrial Disputes Act, 1947; the Madhya Pradesh Industrial Relations Act, 1960 and so on.
- (iv) **Legislation on wages, earnings and social security**: which covers the Payment of Wages Act, 1935; the Employees' State Insurance Act, 1948; the Coal Mines Provident Fund and Bouns Act, 1948; the Minimum Wages Act 1948 ; the Employees' Provident Fund Act, 1952; the Assam Tea Plantations Provident Fund Scheme & Act, 1955; Working Journalists (Conditions of Service and Miscellaneous Provisions) Act; the Payment of Bonus Act, 1965; Workmen's Compensation Act and the Maternity Benefit Acts, Central and States.
- (v) **Legislation on welfare** like the Mica Mines Labour Welfare Fund Act, 1946; the Coal Mines Labour Welfare Fund Act, 1947; U.P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950; Bombay Labour Welfare Fund Act, 1963; the Assam Tea Plantation Employees Welfare Fund Act, 1959; Iron Ore Mines Labour Welfare Cess Act, 1961.
- (vi) **M'scellaneous legislation** : The Industrial Statistics Act 1942, the Collection of Statistics Act, 1953, Industrial Development and Regulation Act, 1951, the Companies Act, 1954 and so on.

5. The legislation mentioned above is illustrative and not exhaustive. It is possible that many State Acts have not figured in the above list. They may be shown by the respective States under different heads. Since the main objects of the pieces of legislation cited above are known, it is unnecessary to provide a gist of it against each Act. The arrangement followed in

presenting the legislative framework is more or less the same as is adopted in the Commission's questionnaire. It is possible that some pieces of legislation cover more topics than one from among the headings under which the entire ground is covered. They have, therefore, been classified according to their dominant coverage.

6. In addition to this labour code, voluntary arrangements which are evolved in tripartite discussions have added to the benefits which are expected to accrue to labour. In this category fall the recommendations of the Indian Labour Conference, the Standing Labour Committee and Industrial Committees. The benefits which workers got out of the Wage Board awards so far owe their origin to the tripartite decision that the unanimous recommendations of Wage Boards will be given effect to. The Code of Discipline which has given recognition to some unions, provides for the setting up of a grievance procedure, and generally promotes constructive co-operation has also been the result of a tripartite agreement. The arrangements for housing in plantations were evolved out of an agreement in the Industrial Committee on Plantations. The introduction of the workers' education scheme, the setting up of fair price shops in industrial establishments and the agreement on guidelines for introduction of rationalisation are some other important matters which have merged out of tripartite agreements.

III

7. These and other legislative measures/tripartite decisions continue to provide the main structure for protecting workers and improving their working and living conditions. Many employers and independent observers consider that this amounts to a "plethora" of labour legislation. Some Governmental pronouncements also support this view. Workers, on the other hand, feel that the legislative protection could be improved further by extending the coverage and deepening its operations. Without entering into this controversy, it could be said that in terms of the range and content of legislation, the Indian labour law framework could compare favourably with what is available for workers in many advanced countries. It is, however, possible to argue that

if labour policy had in the course of years helped the development of strong unions, part of the legislation would have been redundant. Accepting the statement for what it is worth, one does feel that a just and efficient administration of the provisions of labour laws would go a long way in improving the conditions of labour and establishing a climate for improved labour-management relations.¹ If such administration had been secured, some of the difficulties which labour is currently facing may not have been there; it would have also gone some way in the direction of reducing the clamour for more legislation. It is true that a very large area of labour legislation lends itself to a co-operative effort on the part of labour and management which could help public administration in its functions of enforcing legislation. This co-operative effort has, by and large, been lacking in our context.² The problem, therefore, is to find out ways as to how labour administration could be made to yield better results to those for whose benefit laws have been enacted.

8. The administrative arrangements envisaged for implementing the legislation enacted by the Parliament/State Legislatures and decisions taken by tripartite bodies at the Centre/States fall broadly under the following agencies :—

- (i) The Central Government;
- (ii) The State Governments;
- (iii) Local Bodies; and
- (iv) Statutory Corporations.

9. In the classification showed in paragraph 4, the Dock Labour (Conditions of Employment) Act is administered by a Statutory Board. The Employment Exchanges (Notification of Vacancies) Act and the Apprenticeship Act are administered by State Governments though there is active effort at laying down standards and co-ordination of activities by the Centre. Under working conditions, the Centre has assumed responsibility for the

1.&2. This should not be taken to mean that the Commission has reached any conclusion on the point. It is merely an expression of what is being stated before the Commission in oral evidence.

Mines Act, the Indian Dock Labourers Act and other similar Acts. The States administer the Factories Act, the Plantations Labour Act, the Motor Transport Workers Act, the Employment of Children Act and other protective legislation passed by State Legislatures. Local Bodies in most cases are entrusted with the administration of the Shops and Commercial Establishments Act. Legislation on labour management relations again has been the Centre's responsibility in regard to industries specifically mentioned in the Industrial Disputes Act, 1947. The Indian Trade Unions Act, the Industrial Employment (Standing Orders) Act and a major part of the Industrial Disputes Act is again administered by the State Governments apart from the legislation passed by the State Legislatures for improving the labour management relations in the State. Legislation on wages, earnings and social security provides a varying pattern for its administration. For industries for which Centre is the appropriate Government for labour management relations, the Payment of Wages Act and the Payment of Bonus Act are its responsibility. So is the administration of Minimum Wages Act in relation to the scheduled industries which are under the supervision of the Centre. For a larger area under all these pieces of legislation, however, implementing arrangements have to be made by State Governments. Statutory Corporations administer the Employees' State Insurance Act, the Employees' Provident Fund Act and the Coal Mines Provident Fund & Bonus Act. The legislation on welfare is administered partly by organisations specially created by the Central or State Governments by respective statutes. Administrative Departments also share this responsibility in many cases. For instance the funds created for the benefit of workers in mica, coal, iron ore and manganese mines etc. are utilised on the advice of Committees, specially set up for the purpose and so are the arrangements under State Governments for the administration of labour welfare, where similar funds have been built up under the statute. Miscellaneous legislation is mainly the responsibility of the Central and/or State Governments.

IV

10. The passing of legislation and accepting certain resolves in bipartite or tripartite meetings and parcelling them out to

different agencies for implementation can hardly provide the desired benefit in real terms to the working class if the spirit of legislation is inadequately understood and the resolves accepted at the national level do not reach the units where they are expected to operate. This fact has been recognised from time to time in the reports presented to Parliament by the Central Government and presumably also in similar reports presented to the respective State Legislatures. The Planning Commission in presenting its plans to the country has emphasised this crucial aspect in almost every report. These statements require to be reviewed.

11. The First Plan, while laying down the framework of labour policy, referred specifically to the administrative aspects of enforcement and implementation. The Plan called for proper equipment and training of supervisory staff, the technicians and labour welfare officers and a review by joint committees at various levels of "developments in industry and working conditions and other matters of common interest." It recommended the appointment of standing conciliation boards for cases involving major issues² and stressed the need of employing sanctions for securing due observance of awards/decisions of the tribunals. On working conditions the First Plan stated:

"In order to get the best out of a worker in the matter of production, working conditions require to be improved to a large extent. The Factories Act, 1948, the Indian Mines Act, the Plantations Labour Act, 1951 and the proposed Central legislation for regulating conditions of work in shops, establishments and motor transport services, have this common object and are sufficient for the purpose. The emphasis in the next five years should, therefore, be on the administrative measures needed for the implementation of such legislation."⁴

The Plan then gives details of the steps to be taken for improving conditions in factories and plantations. No mention

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| 1. | First Five Year Plan—page | 576 |
| 2. | „ „ „ „ —page | 578 |
| 3. | „ „ „ „ —page | 579 |
| 4. | „ „ „ „ —page | 586 |

was made about the mines since it was presumed that what was said for factories would apply *mutatis mutandis* to mines also.

12. The Second Plan in commenting generally on the operation of its predecessor showed satisfaction about the changes which took place in labour conditions and in the process gave credit to employers and workers in this respect. While taking note of low industrial unrest it went on to state,

“Much of what has been said in regard to labour policy in the First Five Year Plan holds good as a basis for the future. However, in the light of the socialist pattern of society, within which setting the Second Five Year Plan has been framed, suitable alterations in labour policy require to be made.”¹

At the same time it brought to surface somewhat inadequate implementation and enforcement of awards and agreements. It commented on the absence of provision for enforcing compliance of directives contained in awards other than those involving financial recoveries. Reinstatement of an employee or provision of an amenity awarded by a tribunal could be flouted by the employer.

“The only remedy against employer in such cases is to prosecute him under the Industrial Disputes Act, 1947, but this remedy is ineffective as the maximum punishment is only Rs. 200/- for the first offence and Rs. 500/ for subsequent ones.”²

Thus while the approach in the First Plan was on persuasion, the Second talked of deterrent penalties. This change in approach was probably because, though improvement did take place in working and living conditions of labour between 1951 and 1956 partly as a result of increasing consciousness among workers, favourable price situation and not too difficult an employment situation and partly because of enlarging the base of labour legislation, implementation was not as effective as it should have been.

1. Second Five Year Plan—page 572.

2. “ ” ” ” ” —page 575.

Many useful suggestions were made in the First Plan for giving a social content to the requirements of law in the process of implementation. It would appear that this hope of planners could also not be fulfilled during the period the plan was operative.

13. When the new Government took power after the second general election in 1957, the Minister for Planning, Labour and Employment made a statement to the effect that the policy of his Government would be oriented to implementing adequately the legislation which has been already passed and avoiding as far as possible passing new legislation. In his inaugural address at the 15th Indian Labour Conference which followed shortly and which recommended a package deal for workers, the Labour Minister referred to the growing indiscipline in industry, the cause for which could be traced to "the sins of omission and commission of the management concerned."¹ In the meeting of the Standing Labour Committee, which followed, the Minister reiterated the emphasis on implementation; the committee recommended the setting up of implementation and evaluation cells in different States to supplement the work of a similar cell proposed to be set up at the Centre.² Code of Discipline was also hammered out in the meanwhile to its final shape through tripartite discussions. And yet as this constructive task was being undertaken, industrial unrest was showing a marked rise.

14. By about the end of 1959 the Code of Discipline, as adopted by the central organisations of employers and workers, was debated on various platforms interested in finding out ways for improving industrial relations. Implementation and Evaluation Cells were set up at the Centre and in a number of States. This machinery consists of an Evaluation and Implementation Division and a Tripartite Implementation Committee at the Centre and Evaluation and Implementation Committees in the States. The important functions of the E and I Committee are to examine the extent of the implementation of the various laws, agreements and awards, to fix responsibility in cases of their

1. Proceedings of the Indian Labour Conference, 15th Session pp 4-5

2. Tripartite Conclusions—1942-62—page 109

violations, to consider cases for out-of-court settlements, to review the working of the Code of Discipline and to maintain a two-way exchange of experience between State level committees and the Central Committee. While the functions as envisaged for the cells were wider, in its actual operation, mainly because of complaints about non-observance of the Code, the cells directed their activities more to see that the Code was implemented in its proper spirit. It is possible that this emphasis on the progress of the Code was mainly because under the Code any case of non-implementation could be taken up for discussion. Whatever the reasons, the general impression was that the Implementation and Evaluation Machinery was meant only for the supervision of the Code. Public forums also devoted their ire or praise to the working of the Code. It is in this atmosphere that the thinking on labour policy in the Third Plan began. In taking note of the criticism the Third Plan stated :

“The failure to implement awards and agreements has been a common complaint on both sides and if this were to continue, the Codes would be bereft of all meaning and purpose. A machinery for implementation and evaluation has therefore been set up at the Centre and in the States to ensure observance by the parties of the obligations arising from the Code and from laws and agreements.”¹

A somewhat inconsistent statement appears on the next page, though it is possible to reconcile it by widening the obligations under the Code. The Plan states :

“The development of industrial relations in the Third Five Year Plan rests on the foundations created by the working of the Code of Discipline which has stood the strain of the test during the last three years. A full awareness of the obligations under the Code of Discipline has to extend to all the constituents of the Central organisations of employers and workers, and it has to become more a living force in the day-to-day conduct of industrial relations.”²

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1. Third Five Year Plan—page 252.
 2. Third Five Year Plan—page 253-54.

15. The Industrial Truce Resolution adopted in November, 1962 during the Chinese aggression was a further attempt to strengthen the bipartite arrangements over the whole area of industrial relations. The tripartite discussions in the last five years have, therefore, been both in relation to the Code of Discipline and the Industrial Truce Resolution.

16. Towards the end of 1965 the Panel on Labour Policy constituted by the Planning Commission discussed various aspects of labour problems with a view to recommending to the Commission the approach to labour in the Fourth Plan. One of the sub-committees appointed by it considered the area of administration and welfare. Arising out of its recommendations the paper endorsed by the Labour Panel stated :

“In future emphasis should be laid more on effective enforcement of existing labour legislation rather than on enactment of new labour laws”¹

This means that a full circle was completed in about 9 years, because exactly the same sentiment was expressed by the Labour Minister in 1957. Elucidating the points the Panel added that there was need for a comprehensive examination of the whole question of labour administration in the country because :

“the problems of labour administration have not been reviewed in a detailed manner in spite of the marked changes which have occurred in the size and the composition of the labour force and legislative measures undertaken to protect the labour interests.”²

17. Following this thinking the Draft Outline of the Fourth Plan stated more specifically that the analysis of labour administration problems should be in the following direction :

“Three sets of problems of implementation will call for special attention during the Fourth Plan. Firstly, there is room for considerable improvement in the administration of the legis-

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1. Planning Commission paper (not published).
 2. Planning Commission paper (not published).

lation which has been enacted for the protection, safety and welfare of industrial workers. In the second place, important schemes such as works committees and joint management councils have made very limited progress. It is necessary to orient both workers and employers to these changes and find ways of meeting the practical problems which have been encountered. Finally, there are several directions in which execution of programmes which have a large bearing on the welfare and prospects of workers need to be strengthened, for instance, workers' education, provision of facilities for imparting higher skills and training to workers, social security and labour research."

V

18. The arrangements made by the Central and State Governments for the enforcement of the legislation may not be discussed. At the highest policy level, Labour and Employment is an independent Department at the Centre. In the States the pattern varies: at times Labour is tagged on with Industry and in some cases it goes with other Departments. There is no uniformity in the pattern, though in the evidence recorded by the Commission so far a plea is made by employers, that wherever possible, the Minister for Industries should also hold the Labour portfolio. If for some reasons this is not possible, at the level of Secretary to Government at least, the Department of Industry and Labour should be under one charge. There is also a suggestion that since a greater part of the work of Labour Department is concerned with industrial relations or matters which have a bearing on the subject, the name 'Labour Department' should be changed to 'Industrial Relations Department'. The logic for the suggestion of changing the name is that by calling it 'Labour Department' the staff of the Department is so conditioned psychologically that it has to look to the interests of labour first. This conditioning is at times harmful to promoting better industrial relations. *How the change in nomenclature of the Department or its combination with the Department of Industries will affect labour administration is a matter on which the Working Group may like to make suggestions.*

19. For administering the policies laid down and offering advice from time to time for modification in policy, the State pattern may differ from place to place. That is why the arrangements at the Centre are discussed in some detail.

20. In a majority of cases, as pointed out earlier, administration of labour laws is the responsibility of the State Governments, the Central Government exercising advisory and co-ordinating functions. Thus, while factory inspectorates are appointed by the States, the Director-General, Factory Advice Service and Labour Institutes (who was till recently designated as 'The Chief Advisor of Factories') deals with all matters which help him to understand the working of the Factories Act and the rules made thereunder. The Directorate seeks to keep itself posted with problems of implementation from the State Factory Inspectorates and on that basis advises Governments about the action to be taken, keeping in mind the all-India picture. The Central Labour Institute and its regional counterparts which have now started functioning are expected to strengthen the technical content of the advice rendered by the organisation. The Directorate General of Employment and Training has the same functions in regard to the administration of the Apprentices Act, 1951 and the Compulsory Notification of Vacancies Act, 1959. Both in the training and employment aspects, the organisation has been given research wings, which help the Directorate General in understanding the latest developments in India and in other countries. Labour Bureau, Simla, helps in setting standards for socio-economic enquiries to be undertaken to understand labour conditions as also co-ordinating information on Consumer Price Index Numbers which have for some time become an important area of debate in industrial relations, not so much between employers and workers but between Government on one side and employers and workers on the other. The Chief Labour Commissioner's Organisation stands on a different footing. Though it has no co-ordinating or advisory functions, it has recently started training courses for State Government officials concerned with the settlement of industrial disputes.

21. The machinery for enforcement of labour laws at the

Centre consists of the following Departments/Organisations. These deal with the implementation of various statutory and other provisions in the undertakings coming within the purview of the Central Government:—

- (i) *Directorate General of Employment and Training*: which deals with the administration of Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 and the Apprentices Act, 1961;
- (ii) *The Office of the Chief Labour Commissioner*: which deals with a variety of labour Acts like the Industrial Disputes Act, 1947; Industrial Employment (Standing Orders) Act, 1946; Minimum Wages Act, 1948; Payment of Wages Act, 1936; Payment of Bonus Act, 1965 and administers the Workmen's Compensation Act, 1923; Maternity Benefit Act, 1961 etc. Apart from these the Office has responsibility of verifying the membership of registered unions to determine the representative character of All-India trade union federations;
- (iii) *Office of the Coal Mines Welfare Commissioner, Dhanbad*: which administers the Coal Mines Labour Welfare Fund and Bonus Act, 1947; there is a similar set up for Mica and Iron Ore Mines;
- (iv) *Office of the Chief Inspector of Mines*; which implements the Mines Act, 1952.

Apart from these, the Statutory Corporations set up by Government like the Employees' State Insurance Corporation and the Office of the Central Provident Fund Commissioner have their respective responsibilities for administration of social security arrangements.

22. All States have set up organisations for the administration and enforcement of the various labour laws which are in force within their territories and for the collection, compilation and dissemination of statistical and other information relating to labour. All States have appointed Labour Commissioners for

the purpose of administration of labour laws and welfare activities in their respective areas. In the discharge of their functions, Labour Commissioners are generally assisted by Joint Labour Commissioners, Deputy Labour Commissioners and/or Assistant Labour Commissioners and Labour Officers. Most of the States have also appointed (i) Chief Inspector of Factories and his inspectorate; (ii) Chief Inspector of Boilers and his inspectorate; (iii) Commissioner for Workmen's Compensation under the Workmen's Compensation Act, 1923 and (iv) Registrar of Trade Unions under the Indian Trade Unions Act, 1926 for administering the respective pieces of legislation. The Labour Commissioner often combines the functions of some of these officers enumerated above. In several States, the Labour Commissioner is also the Registrar of Trade Unions under the Trade Unions Act, and the Chief Inspector of Factories. But the practice of separating the posts of Labour Commissioner and the Chief Inspector of Factories has now been increasingly in vogue. In some States the Chief Inspector of Factories is an authority independent of the Labour Commissioner and in others the latter exercises his supervisory jurisdiction over the former. Under the Industrial Disputes Act, appropriate Government are required to set up the conciliation and adjudication machinery. The conciliation machinery consisting of the Labour Commissioner, Deputy Labour Commissioner and Assistant Labour Commissioners plays a vital role in maintaining industrial peace and prevention and settlement of disputes. The pattern of this part of the administrative machinery differs from State to State depending upon the industrial development in the State as also the stage of development of employers' and workers' organisations.

23. In the current context as also of the future when industrial development is likely to acquire a tempo and labour is likely to become more and more aware of its rights and privileges, persons required for manning the labour administration machinery may have to be equipped for new tasks; there will have to be an increasing number of them. This is one of the warnings being sounded in the evidence before the Commission. It is also being mentioned that the task of the labour

administrator in industrial democracy is not merely to see to the compliance with the legal provisions under the various Acts. It is more to create the necessary atmosphere in which the obligation and responsibility under law are understood and accepted, and to create the necessary consciousness for the observance of these provisions. It should also promote the activities and arrangements which aim at improving the efficiency of implementation of statutory obligations. While it is true that in this area more than any other, the social and political environments in the community as a whole will be reflected in the attitudes of employers and workers, it is equally possible that with increasing organisation of labour, it will set pace as to what should happen in the community. And it is this possibility that will have to be kept in mind in equipping personnel for labour administration.

24. Yet another part, but a separate one, of the industrial relations machinery will be industrial tribunals at various levels. It is not the intention to cover them in this discussion.

25. For reasons stated, *it will be useful if each Working Group, for States which it would cover, supplies information about the present structure of labour administration in a chart showing responsibilities of various designations and the number of officers in position. In the same chart if the 1967 position is also indicated, a view can be taken as to how the machinery has been developed in response to the needs of the situation between 1947 and 1966.*

26. Barring the Indian Trade Unions Act, 1926 the provisions of most of the labour laws impose one obligation or the other primarily on the employer. These obligations may be in regard to conditions of service, working conditions, maintenance of sanitation and hygiene, up-keep of the work place, remuneration to workers, welfare facilities, safety measures, notification of vacancies, training of apprentices and the like. Each one of these obligations affects different employers differently. Implementation of the legislation in this field particularly depends on the willing acceptance or otherwise of such obligations by the employer. To understand the limits of this acceptance an analysis of the procedure for evolving labour policies by the Central and State

Governments is necessary. The Central arrangements are discussed below in some detail, since it is understood that these obtain with some minor variations in different States also.

27. In the Indian system, the evolution of most of labour legislation or voluntary arrangements has been through tripartite consultations. Certain measure of willingness on the part of Governments, Central and States, employers, public sector and private sector, large or small, and workers could thus be presumed. Since as stated earlier, a major responsibility for implementation is rightly fixed on the employer, it may be useful to discuss that component of the tripartite first. Communications within an employers' organisation being what they are, it is possible that the limits of acceptance or compliance with the provisions of the law will vary depending upon the nature and extent of consultation within the employers' organisation, the size of the employing unit, its location, the closeness of the employer with the central organisation, apart from his capacity to provide the minimum facilities required by the Act. Specifically it may also mean, approaching the employer group sectorwise or according to size, and also according to whether the sectors and sizes excluded from the tripartite could say that obligations accepted by employers' organisations need not be necessarily binding upon them. Since this argument was at one time heard from the public sector, arrangements have recently been made to give the units under it a proper representation in the tripartite. The problem of size has however not been solved. Small units can still argue that obligations cast on them on the same basis as those on large size units make their working uneconomic. Even so, a majority of employers would accept these obligations, though, in their assessment the obligations, at least some of them, may be an avoidable burden. No one, presumably, wants to be on the wrong side of the law. In a minority of cases it is possible that law is objected to both in its letter and much more so in spirit. It is these cases which make news and create an impression of ineffective implementation. At least this is the impression which employers wanted to convey to the Commission so far. (The problems of small units and the public sector are separately discussed later).

28. A factor which is important in getting full benefits of labour legislation for workers and which is missing in the Indian situation is strong and united trade union movement. Even where unions are strong, their strength is currently used for securing more and more real benefits to workers. It is doubtful whether working conditions come in as an area where unions are prepared to argue with employers for getting redress. Only in cases where a demand is made by an employer for adjusting work-load will complaint regarding working conditions from unions come to the employers' notice. Excepting cases of non-implementation, where money or employment is involved, trade unions are often reluctant to approach employers for enforcing compliance.

29. This apart, there is the general problem of communication and limits of acceptance in unions also, somewhat more complicated perhaps because of shifting loyalties to a union among the rank and file of workers. Also as in the case of employers, many workers' organisations are either independent or affiliated to federations other than those invited for tripartite consultations. With the limit placed by Government on federations of a minimum membership to qualify for consultations, this problem will continue to remain unless trade union unity which has eluded union leaders so far becomes a future reality.

30. On the side of Government again, the problems posed can be discussed in a similar way. Certain obligations are accepted by Government but when it comes to giving a concrete shape to them, there have been cases where Government has faltered giving the impression that what has been suggested by one Ministry cannot necessarily be the view of the Government, though in tripartite meetings the Ministry is looked upon as the representative of the Government. This may happen within a Government, Central or State. But the problem of communication may also be as between the Labour Ministry at the Centre and Labour Departments of State Governments. But by and large this latter problem has not been faced so far in any significant form, though one need not take it for granted that this will not arise at all.

31. It is within these limits of acceptability that implementa-

tion of labour policy i.e., labour administration, has to be viewed. Legislation and voluntary agreements have to be treated differently in this context. Whether there is acceptability or not, legislation has to be followed, since most of the legislation does contain provisions for imposition of penalties and prosecution for non-observance of obligations; not so is the case with the latter. A view is often expressed that the writing of penalties in a legislation gives it the character of persecution—prosecution in case of non-compliance. Labour legislation being mostly social in character, it should develop its sanctions through the process of education. According to this view, persuasive methods yield better results and they should be adequately used. The other view is also equally strongly put forward, namely, that irrespective of penalties which exist in the law today, legislative requirements have been bypassed; penalties laid down not being deterrent enough. Employers and agencies for implementation are often alleged to be hand in glove with each other. And in this allegation, because of the light penalties imposed by judges when a default against an employer is established, even officers of the judiciary are not excluded. *It may be useful to examine in each State how many of the cases of non-compliance reported to Government are actually sanctioned for legal action; and in cases where default has been established in the court, the nature of penalties imposed for such default.* The general impression one gets particularly in discussions with the labour groups is that for various reasons prosecutions are not frequent nor are penalties such as would deter the recipients of these penalties from defaulting again.

32. Cases have been brought to the notice of the Commission where after legal action has been initiated by officers in consultation with Government, Government has for unknown reasons, changed its mind and officers have been asked to withdraw prosecution. Such cases may be rare, but their occurrence is disturbing. Apart from the impression of *vaccillation* on the part of Government, which such withdrawals create, they have a bad psychological effect on the officers at whose instance the prosecution was initially launched. A plea on behalf of such officers that prosecution when sanctioned should be allowed to take its

course unhampered if the implementing authority has to retain its respect in the public eye would presumably have weight. *It will be useful to know from Governments in the region the frequency of such withdrawals.*

33. But whatever be the machinery for detecting non-implementation and the nature of penalties, once non-implementation is established, it goes without saying that Just as the framework of legislation and voluntary arrangements is developed through a tripartite effort, supervision over implementation should also have a tripartite character, though of a different type. This aspect is now being increasingly realised by the consultative institutions created by Governments. Indeed, tripartite discussions are, in recent years, devoting much more time to implementation than they used to before. The main responsibility for observing compliance with law/awards/settlements/agreements, as stated earlier, will be of the employer, though such of it as is required to be borne by workers' organisations will acquire significance in time to come. The role of Government will continue to be important particularly in the matter of creating/strengthening a permissive type of machinery to which complainants could come for redress. While such an arrangement will work where the industry, both labour and management, is organised, in small units and in unorganised sections of workers, greater vigilance on the side of Government will still be necessary. Problems of labour administration in such units, as have been brought to the notice of the Commission so far, arise for the following reasons :--

- (i) In many matters small units are given exemption based on the number of employees engaged. Such exemption is reported to be exploited by the employer by showing a worker-strength below the exemption limit even when the number of employees is such as would take him outside the exempted category.
- (ii) In small units breaches of the Factories Act, particularly, are quite common. It is alleged that at every step some provision or the other of the Act gets involved. There may be violations even without the management being conscious of it. Workers either

do not care about the violation of these provisions. As a consequence, there is no pressure from workers for their implementation.

- (iii) The inspecting staff as referred to earlier is inadequate.
- (iv) In many cases smaller units are dispersed over a wide area making inspection difficult.
- (v) Financial difficulties at the employers' end also come in the way of implementing labour legislation. As most of these units operate with limited funds, there is a pressure on the management to utilise these funds in more productive channels.
- (vi) Because of different laws being administered by different authorities, the entrepreneur-manager has to satisfy these diverse authorities. On many occasions this becomes difficult, as the time involved can be put to better use by the manager.
- (vii) The employer may try to evade inspections and often obstruct the work of the inspectorate. Records may not be maintained properly. In many cases, because of the standard of the education of the entrepreneur, the significance of maintenance of records may not even be understood.
- (viii) Except in the case of a dispute with management, workers rarely bring to the notice of the labour inspectorate violations of legislative provisions. Workers themselves are ignorant of the statutory protection they have; in many cases where this is known they may not care to avail of it.

34. It has also been urged that the Commission should distinguish between cases of genuine hardship in small establishments and those where an employer is wanting to deny workers the benefits available under the law by sub-dividing his unit into smaller parts in order to evade legal provisions. In the former case an employer may be wanting to operate on a smallscale as a matter of necessity; in the latter, the intentions of the employer

are not above board. It should be the responsibility of labour administration to see that remedies should be tried out for avoiding such evasions.

35. Another area where difficulties are alleged to have been experienced is units in the public sector. The argument that public sector undertakings are not based on profit motive and are socially oriented has been advanced to seek exemptions from certain legal obligations. In some cases the argument is that the privileges enjoyed by workers in totality are better than those enjoyed elsewhere. Neither of these arguments can be a valid justification for seeking exemptions from specific legal requirements, which in most cases lay down the minimum requirements only. If what the undertaking has already provided more than meets the legal requirement, the question of seeking exemption would not arise at all in the case of provisions relating to safety, working conditions, welfare, sanitation etc., nor can exemptions be justifiably sought²⁹ from certain specific provisions on the ground that in regard to certain others, the establishment has provided much more than the legal requirement. Profit or loss has to be worked out on the basis of costs which take into account the requirements of legislation. The argument that public sector units should operate on no-profit basis itself is also untenable on the consideration that public undertakings are expected to create a surplus which helps them to develop further. In fact the surpluses from such undertakings have been considered to be one of the sources of plan finance. The social-orientation argument again cannot be stretched too far in favour of claiming exemption under labour legislation because by hypothesis labour legislation itself has a social orientation. The stretching of this argument would mean that what is given to labour as a matter of right by legislation is denied under the spacious argument that the total output of the public sector has to be generated on socially oriented considerations and labour should not claim what is due to it under statute. Also when this differential treatment was advanced on behalf of the public sector at the time when a total view was taken in the Second Plan, it was made clear that ".....administrators handling such undertakings have

to be specially watchful of labour interests".¹ This emphasis was reiterated in the Third Plan.²

36. In spite of the declared objectives of Government, public sector plants appear to have been managed in such a way as to attract a good deal of criticism in this respect. This matter came up for discussion in a number of meetings which the Labour Ministry held with the Heads of public sector undertakings in 1962, 1963 and 1964. The Estimates Committee in its 52nd Report (1963-64) recommended that a periodical review by the administrative Ministries and the Ministry of Labour and Employment is necessary to ensure that the undertakings comply with labour laws. The Heads of the public sector undertakings also, conscious of the need to give special attention to this problem, recommended in 1963 that "there should be an annual review of the position regarding the implementation of labour laws in the public sector undertakings. At the plant level such reviews should be conducted by the State Labour Commissioner or the Chief Labour Commissioner in cooperation with the General Manager and at the Government level, jointly by the Ministry of Labour and the Employing Ministries concerned."

37. Case studies of industrial relations and implementation of labour laws in public sector undertakings undertaken by the Implementation and Evaluation Division of the Ministry of Labour and Employment³ suggest that the position concerning implementation of labour legislation in public sector undertakings has been generally satisfactory, but some instances of inadequate observance of safety and welfare provisions have been noticed. It was found that the defects noted are neither intentional nor were they major lapses; they could be rectified with some more attention. While these arrangements are

1. p. 572—Second Five Year Plan. Also see p. 577.

2. pp. 253 and 273.

3. Such case studies have been completed in 20 public sector undertakings. Five studies are in progress. To provide a comparative picture the Implementation and Evaluation Division has conducted similar studies in a few selected units in the private sector also.

expected to improve the situation over time, the fact that investigations were necessary to establish whether public sector units observe their statutory obligations is itself a comment on the state of affairs in them. It is reported that managements are faced with procedural difficulties in obtaining financial and other sanctions from their principals in distant places, a disadvantage not suffered by private undertakings. There is also the difficulty of following a policy suitable in one area for fear of its repercussions elsewhere. The managements are therefore a bit hesitant to take early decisions and often express their helplessness. It is stated that given the necessary authority and the will on the part of local officers to exercise that authority, a great deal can be done to eliminate causes of conflict. In addition, among the suggestions which have been made to improve the situation are (i) strengthening of personnel departments, (ii) fuller use of the services of labour officers and conciliation officers, (iii) prompt attention to the grievances of workers, (iv) greater recourse to voluntary arbitration in the settlement of disputes, (v) satisfactory promotion procedures and (vi) effective working of the machinery of joint consultation. *On the basis of information available, the Working Group may examine the suggestions and advise how they could be implemented.*

38. The responsibility for administration of labour laws is shared between the Centre and State Governments. As mentioned earlier, at present, the administration of labour laws for Mines, Railways, Banks, Life Insurance Corporation, etc. falls in the sphere of the Central Government, whereas all undertakings other than those coming under the Central sphere will be under the State jurisdiction. The growth of new industries like steel and oil, mostly in the public sector and located in several States, has given rise to certain new problems in labour administration. Some of these industries fall in the State sphere, but are under the management of Central Government or of a Corporation set up by the Centre. To avoid complications which are likely to result in the event of non-uniformity of working conditions according to practices in different States, a demand has arisen that industrial relations in these industries should be brought within Central jurisdiction. It is also suggested that certain fields now falling under the jurisdiction of

the Centre should appropriately be transferred to the State machinery. For instance, mica mining is an industry for which the appropriate Government will be the Central Government, but a factory processing mica under the same management and in the same neighbourhood will be supervised by the State Government. It has been contended that bringing both these within the purview of the same authority, preferably in the State sphere, would make the enforcement more effective. Under the present arrangement, it is possible in the case of disputes arising in the case of such composite units that industrial relations machinery set up by the Centre and the concerned State may take a different view and create conditions under which management would be difficult. Cement/iron and steel is another instance where authorities can be different; cement/ steel factory will be under State jurisdiction whereas the raw material for the factory i. e. quarry/ore, a part of the composite unit, will be under the Central authority. *The Working Group may consider how problems in labour administration of this nature can be best handled.*

VII

39. One may now deal with more specific areas of labour administration. Realising the importance of the subject, Shri Ram Centre for Industrial Relations devoted its Second National Seminar on Industrial Relations in a Developing Economy to 'The Administrative Dimensions of Labour Laws'. The Seminar had a fair representation of employer and trade union groups with participation by Central and State Government officials and persons academically interested in labour problems. Since the conclusions of the Seminar may be of interest to the Working Group, they have been appended to this paper (Appendix I).

40. In discussing the problems of administration, apart from from the working of the various offices under the Ministry / Department of Labour, the Ministry/Department itself has been a subject of some comment. Some observations on this point have already been made. It has been suggested in the evidence before the Commission so far that Labour Ministry/Department, though it may have the last word in labour matters in theory, has to bow down very often to the dictates of Ministries which

are considered to be of a more prestigious type. Conflicts arise due to the very nature of the functions of the Labour Ministry Department with either the employing departments or departments of Finance, Industry etc. The experience in States narrated mainly by trade unions is that in such conflicts the Labour Department is helpless. In matters where departmental undertakings are involved, the Department of Labour is singled out for criticism as if it is not a part of the Government. It is also claimed that in many cases the Labour portfolio is held by a junior Minister and in case a senior holds it, he will be given other portfolios. In either case, interest of labour suffers because of lack of weight attached to the views of a junior or inadequate attention paid by the senior Minister to the work of the Department.

41. Two important functionaries in Government at the official level dealing with labour are (i) the Secretary to the Department and (ii) the Labour Commissioner. In many States, Labour Secretary also attends to the work of other departments entrusted to him. Here again, because of the somewhat heavier responsibilities in these other departments, labour matters at that level acquires secondary importance. Added to this, the entrusting of Labour Commissioner's office to a service officer makes it difficult to establish a continuity in that office because of the officer's eligibility for transfer which again is detrimental to problems of labour administration. What is true of the labour portfolio at the Ministerial level is also alleged to be true at the level of Labour Secretary/Commissioner. Because of the thankless task which the Labour Secretary/Commissioner is required to perform, this has turned out to be an unwanted responsibility. It is possible that in many States continuity is maintained of the person who has been entrusted with Labour Commissioner's responsibility. *But it would be useful if the State Governments provide information about the changes which have taken place both at the level of Labour Secretary and the Labour Commissioner in the last 10 years. If such information establishes the point that Labour Commissioner is under frequent orders of transfer, could the Working Group make suggestions as to how continuity should be maintained?* It is also claimed that as a result of the inadequate sta-

tus given to Labour Commissioner within the hierarchy of services, the officials dealing with labour develop somewhat of an inferiority complex in dealing with matters connected with other Ministries/Departments. *It will be useful to examine this point also.*

42. Apart from the Labour Department proper, there have been comments/criticisms regarding the working of industrial tribunals, delays involved in getting disputes settled thereon, the personnel of tribunals and the manner of appointment of these tribunals and also the authority which should be mainly concerned about these appointments. Since these are matters which are being examined separately, no detailed reference seems to be necessary.

43. Another aspect which is organisationally more connected with the office of Labour Secretary and Labour Commissioner is the working of the Factory Inspectorates. In this case also, the comments range from inadequacy of the inspectorate, and this is accepted on all sides, to the basis on which the inspectorate should function in the years to come. Since this matter also is under a detailed discussion separately, the Working Group may not deal with it. A separate paper is being drawn up on the basis of material supplied by Chief Inspectors of Factories of different States. This will be sent to the Working Group for such comments as it would like to make.

44. Then there is the larger area of comment/criticism which more directly concerns the office of the Labour Commissioner—the work relating to settlement of disputes and registration/recognition of unions. Observations have been made on the inadequacy of inspectors under the Payment of Wages Act and the ineffective way in which Minimum Wage legislation has been administered. But, by and large, the major portion of criticism is on the working of the conciliation machinery. This aspect requires to be gone into in some detail.

45. The comments on conciliation machinery—which have been brought before the Commission—fall mainly under the following heads: (i) delays; (ii) attitude of parties towards conciliation; (iii) the inadequacy of conciliation machinery; (iv) the quality

of personnel; (v) the powers of conciliation officers; (vi) the assessment of the working of the machinery; and (vii) suggestions for improvement. These are discussed below in that order—

(i) Delays.

46. Ineffectiveness of conciliation machinery is sought to be established both by employers and workers because of delays involved in the process. For workers "justice delayed is justice denied". On the employers' side delay becomes objectionable because it allows pressures to be built up and in a way coerces the employer into a settlement. This question requires to be examined from all angles. There is, on the other hand, the argument that all delays may not necessarily be bad. It is possible that even as a dispute is pending before a conciliator, parties get together and try to settle it outside the conciliator's chamber. Whether the fact, that the dispute is with the conciliator, itself encourages parties to get together and settle the matter will have to be decided in the light of the generality of such settlements. But the various causes of delay require to be gone into. It often happens that when a conciliator handles a case, he has to seek information from the parties. On many occasions, the compilation of such information disturbs the time schedule of the conciliator. On other occasions adjournments are sought both by employers and workers. Such postponement is by mutual consent, and probably the period of postponement is not taken into account for counting the period during which conciliation has to be compulsorily completed. There are, however, a fair number of cases where one of the parties seeks time and the other acquiesces into this adjournment though without formally agreeing to it. *When delays are thus analysed according to causes, it may be possible for the Working Group to take a view of how such delays could be avoided.*

47. A conciliation officer does not have any authority to give something which is in the nature of a binding on both the parties. Clothing him with such powers may attract other consequences which are detrimental to his functions on the one hand and the dislike by the parties which appear before him

on the other. He has, therefore, to use his powers of education, persuasion, identification and transformation to see whether he could effect a reasonable determination of the points in dispute. In many cases he has to educate both sides, and equally himself, about the real nature of the demand and all educative processes do involve an element of delay. Attempts have been made through tripartite decisions and also through instructions by Governments from time to time to reduce these delays. *It may be worthwhile to examine the consequences of this pressure for reducing delays on the efficacy of conciliation. Of the cases handled by conciliators will it be possible to say in how many the officer did not get credit for settlement because the time element worked against him ?*

(ii) Attitude of parties towards conciliation :

48. The common complaint has been that conciliation proceedings are merely a hurdle to be crossed over for reaching the next stage of the industrial relations machinery. This attitude to conciliation is not uncommon, it is argued, within the conciliation machinery itself. It is also stated that the width of interest and depth of understanding which can make conciliation a success is conspicuous by its absence in the personnel handling conciliation proceedings. This is a comment coming both from employers and workers and is somewhat inconsistent with the argument on delays put forward by them. It seems to be an unduly harsh assessment of the pains which the conciliation officer may be taking in settling a dispute, though it may happen that by judging the attitude of parties the officer may be closing a case too soon for the liking of one party or the other.

49. It often happens that since conciliation is a formality to be gone through, parties do not send persons who have a final say in the termination of a dispute. Very often representatives who attend on behalf of either side are briefed merely to bring the officer's suggestions to higher seats of authority in the respective organisations to seek further instructions and act merely as postmen. This frustrating experience can go on endlessly, all the time parties themselves suggesting adjournments for valid reasons. On occasions as pointed out earlier,

labour organisations enter conciliation and delay proceedings merely to build up public pressure for their demands or for resisting demands made by the other side. Same may be the case with employers.

50. There are also instances when parties have their genuine internal difficulties for reaching settlement in conciliation. While the award of an industrial tribunal can be a sufficient justification for claiming relief under the tax laws, voluntary agreements with the unions or settlements through conciliator's effort do not have the same immunity from taxes. Shareholders also may accept more readily a tribunal award than an agreement by management or settlement in conciliation. A trade union with a marginal advantage over its rival in terms of its influence on workers may find it convenient not to agree to a fair compromise which is liable to be exploited by its rival. It is also on record that awards by tribunals are preferred to 'consent awards' for the same reason. There may be cases on both sides where an employer by insisting on going to the next stage in the industrial relations machinery has actually incurred a heavier burden on himself than what the conciliation officer had suggested by way of compromise or a union had to remain satisfied with a more unfavourable contract than the one which it rejected at an earlier stage. *It may be useful for assessing the real nature of the attitude of parties to cite instances within the knowledge of the Working Group where these may have occurred.*

(iii) The inadequacy of conciliation machinery :

51. The inadequacy of conciliation machinery has been complained of on all sides—Government, employers and workers. The obvious difficulties of strengthening the machinery are mentioned by Government, whereas the approach on the side of employers and workers has been that in this important area of implementation of labour legislation inadequacy of officers should not be tolerated. As pointed out earlier, if it is possible to indicate for each State how the industrial relations machinery has been strengthened in response to the number of cases to be handled by this machinery, some conclusions could possibly be reached. In suggesting this course, its limitations have been

recognised. It is accepted, for instance, that mere comparison of cases can be no guide to increasing the number of officers. Workload has also to be judged in relation to the increase in other responsibilities of these officers as well as the intricacy of cases they have to handle as well as the demand content of each. *If some assessment of this aspect is readily available, it will be useful.*

(iv) The quality of personnel:

52. Apart from the question of numbers, the quality of personnel engaged in this work has also been a subject of comments. It has been argued that conciliation tends to be mechanical, because the officer does not have any important suggestion to offer during the course of the proceedings. He has inadequate knowledge of the industry as also of law, though in fairness to conciliation officers it has been said that for the law which they are required to administer i.e. the labour law in general, the knowledge of the officers is not inadequate. What is deficient, according to employers, is legal discipline which an officer will get only if he has undergone legal training. It is a point for consideration whether this is a very serious handicap in appreciating the weight of facts tendered in evidence. In many cases conciliation officers have been found wanting, it is said, in the philosophy of conciliation itself. In this region of comment, there can be considerable amount of vagueness and the so-called philosophical aspect of the officer's work can as well be ignored. But a more far-reaching criticism has come from some employer and worker groups. In their view, even where conciliation officers are in adequate numbers, have the right qualifications, and proper perspective in judging matters they have to deal with, the machinery has proved ineffective. This may be out of deep-seated prejudice for Government interference on the part of a section of employers on the one hand as also because of the advocacy of direct action on the side of many unions. Whether there should be some intervention or not by a public agency is, at this stage, an open question. *But if it is ultimately decided that some intervention is necessary, it would be useful if the Working Group could suggest some steps for improving the quality of conciliation machinery.*

(v) The powers of conciliation officers.

53. A part of the alleged failure of the conciliation machinery has been attributed to lack of powers of a conciliation officer and inadequacy of his pay and status within the hierarchy of Government vis-a-vis the parties which are required to appear before him. It has been suggested that apart from enhancing his powers by way of securing attendance of parties at the proceedings and production of documents and the like, the status of the officer requires to be enhanced. And one way to judge the status is through his pay packet. In considering this latter argument, it may be worthwhile assessing the effect of any recommendation about salary adjustment on the resources available to Government for labour administration. It is likely that these will continue to remain inelastic for a long time. Possible success of special pleading on behalf of a set of officers will depend on Government's assessment of the total repercussions of the steps it will take on other comparable services. The other consideration to be taken into account may be that even if Government is in a position to improve pay scales of these officers, will this improvement by itself bring the parties the officer is dealing with, to the discussion table? If lower salary is the main consideration, there will always be persons, with whom the officer wants to negotiate, beyond the reach of his improved emoluments. The same argument can be advanced in case of additional powers to be given to conciliation officers. Perhaps production of relevant documents could be secured through this process as also the presence of an unwilling person. But whether the mere presence of the latter will be of any help in conciliation is again doubtful.

(vi) The assessment of the working of the machinery.

54. About the assessment of the utility of conciliator's [work, there has been a mixed reaction. In this connection, statistics can be a better guide. A detailed analysis of the working of the industrial relations machinery at the Centre undertaken recently (Appendix II) shows how arguments about the ineffectiveness of the machinery can be untrue. In reply to [the statistical argument, it has been suggested that in many

cases where success is reported through conciliation, parties themselves reach an agreement outside the conciliator's chamber and seek his endorsement in order to make it binding on workers who may not be parties to the agreement through the union which has hammered it out. *While this cou'd be an important limitation in understanding the weight of the statistics as may be available with Governments, it will be useful to bring them together just the same in order to see whether some assessment of conciliator's work cou'd be made on that basis.*

(vii) Suggestions for improvements.

55. Some of the suggestions for improving the machinery have already been referred to. Others which have been repeatedly mentioned are : (a) the conciliation officer should have powers to adjudicate in regard to disputes in small units or in matters which do not involve high stakes ; (b) the officer's assessment about reference of a dispute to adjudication should be respected ; (c) the implementation of settlement reached in conciliation should also be the responsibility of the same officers. (b) and (c) would mean that a conciliation officer should combine in himself the functions of a conciliator, adjudicator and implementator. *These are also points which the Working Group may like to consider.*

56. There seems to be a practice in some States to seek conciliation officer's confidential reports about the attitude of the parties towards his effort to bring about a settlement. In some cases these reports are brought to the notice of the parties. The result is that a frank assessment of the case at conciliation stage through reports which are not to be made public becomes difficult; and so does the future work of the officer because his attitude towards one party or the other, howsoever objective it may be, gets known and the party commented against nurses a grievance which is not healthy for future settlement of disputes. Even a more difficult situation is created when a conciliator seeks to settle a dispute in a public undertaking. In such cases when the dispute is not settled, the officer's comments on the attitude of management or trade union concerned in it are sent through the Labour Department and the Employing Department to the

same officer, about whose attitude the report is made, for comments. If the report is in favour of management, conciliator's comment on workers' representatives is made known to workers to buy peace. In some cases, it is complained by workers that the officer against whose attitude conciliator has taken a stand is given a chance to plead his case without the knowledge of the conciliator and this plea gets accepted *ex parte* because of the alleged weakness of the Labour Department/Ministry. In the process, the position of the conciliation officer gets weakened still further. *Working Group may consider whether this situation prevails in the region and if it does how it could be remedied.*

57. Discretionary powers which vest with Government have come in for a major share of criticism. Their misuse has been commented so adversely by trade unions that some went even to the extent of suggesting that existing powers of Labour Department should be curtailed. Their claim is that the discretion which vests in the Labour Department is used to labour's disadvantage. A more general complaint, however, seems to be that the Department uses its discretionary powers to protect trade unions of particular brand. In the case of other unions, Governments have on many occasions reserved for themselves the right of judging the merits of each demand and referring only some of them to industrial tribunals and withholding others. The implication is that in case of unions which do not find favour with Government, it is only the minor demands which go in for adjudication, if at all. They also feel that either the entire charter of demands should be sent to adjudication or none. In any case, before deleting any demand from a reference, unions should be allowed an opportunity to say before the highest Governmental level why the demand was made.

58. At pre-conciliation level, the administrative discretion is involved in the matter of treating the dispute, whether to encourage informal mutual settlement or without such encouragement even decline conciliation proceedings or accept the dispute in conciliation. At higher levels of Government, there is discretion whether to declare a particular industry a public utility service for the purpose of Industrial Disputes Act and the discretion to amend/modify an award. Reference or non-reference

of a dispute to a particular agency has its impact on industrial relations, influencing union policies, employers' attitudes, problems of inter-union rivalries, nature of political influence of trade unions, employers and so on. In a number of cases there are demands for instituting a Court of Enquiry. But these are generally rejected, the grievance in such case being that the public is not adequately educated about the merits of the case. This, however, does not appear to be a serious argument.

59. It has been argued with equal force that the alleged misuse of discretion is not a reality. If certain demands get left out, it is because there may be existing agreements/settlements/awards governing them. It may also be that as a matter of prestige such demands are put forward again by rival unions even before the awards/agreements etc. run their course. Since questions of prestige of this type cannot be a guide for governmental action, selective references may take place and with justification. The argument about "favoured" unions is also not reported to be valid. In every debate on demands for grants, this point is made in the Parliament by members of the opposition and refuted by Government with statistics at its command. (The same may be the case with State Legislatures.) In fact, many trade unions have put forward a plea that the so-called "favoured" unions have been getting a raw deal at the hands of Government in the sense that because of the instrument of agitation which is always in the hands of unions alleging step-motherly treatment, Governments have, at times, found themselves shy of granting references to tribunals where they are due in case of the "favoured" unions. Some statistics have already been received from the States which have been visited so far by the Commission. *It should be possible for others also to supply information which will put the alleged discrimination in its proper perspective.*

60. One argument which has been put before the Commission from the Government side is that at the secretariat level decisions have been taken purely on merit. The rules of the game which have been settled in tripartite meetings are followed. Cases where discretion is wrongly used at a level higher than the secretariat are indeed rare. But it is such rare

cases which perhaps strike headlines, so to say. They become more an issue of prestige. The situation is made worse by public men, who are near the seats of power, claiming that their word will be listened by Government more readily and improving their popularity thereby. There is also a feeling among workers, justified perhaps, that it is always wise to approach Government for references through persons known to those in power. In fact, when rise in membership of one trade union federation in a State was brought to Government's notice, the reason mentioned for this rise was precisely this. *It may be necessary for the Working Group to examine this issue on the basis of facts available with different State Governments.*

61. Discretionary powers with Government operate, it is alleged, more harshly against labour in the case of public sector undertakings, especially where the Central Government is involved. Delays in Central Government in processing such cases by the concerned State Government, if it happens to be the appropriate authority, add to dissatisfaction inherent in the situation. Many cases arise where the State Governments do not act without a signal from the Centre. And at the Centre, the procedures of consultation are so rigid that the formalities take a long time. In the last three years, the Ministry of Labour at the Centre have taken steps to expedite the process of clearing such references, but the full effect of these steps is yet to be felt. Even after these formalities are gone through, unions allege that in a majority of cases, it is the view of the employing Departments which prevails. Merely to cut out delays, one State Government has suggested to the Centre that the convention of consulting the Centre before making references to adjudication in central public sector undertakings located in that State will not be respected if delays occur beyond a certain limit.

62. Cases have been reported that discretion has been used even against the registration of unions, though such registration does not give any special powers in terms of recognition to persons who seek to come together. On occasions, issues which are not germane to registration, like the observance of the Code of Discipline, Industrial Truce Resolution, etc. are raised in

order to delay the issue of a certificate and even to deny it. This refusal to register seems to be, if true, going beyond the provisions of law and much more so against its spirit.

63. Administrative discretion is stated to be used very liberally and sympathetically, according to some employers, at the level of the Registrar of Trade Unions to accommodate unions by and large. Another area of implied administrative discretion is in the verification of union membership before deciding whether a dispute may or may not be taken into conciliation. For a union, a reference to conciliation is a matter of great concern as this gives it a lease of few years. But the scrutiny for a membership certificate being done at a low level and with all possibilities of subjective manipulations entering in it leaves room for discontent. - Also, instances would not be lacking, it is alleged, where the same demands put up by two or more unions have been referred only in the name of a favoured union. This might have had its effect on the growth of only a certain brand of trade unions in the country.

64. The qualitative character of administrative discretion may vary from region to region depending upon the nature of administrative traditions prevailing there and the political group in power. *A pertinent question in this regard is : "How far would it be satisfactory to leave important and strategic areas of industrial relations to the subjective factor of individual official/governmental discretion?"*. *A corollary of this would be : How far could this be codified, if at all?*

65. Even against the background of inadequate interest shown by unions for enforcing compliance with awards/agreements etc. which are of a non-monetary character, there is a plea that unions should function as supervisors for implementation of labour laws and enforcing compliance with awards. If this plea is accepted, situation will perhaps improve only in the organised sector of industries and it is this sector which has a comparatively better record of compliance with legislation and the obligations consequent on such legislation than units which fall into the category of unorganised sector of industry. The problems of this sector have already been posed earlier. *Ari-*

sing out of this need, can a solution be the expansion of the administrative set-up for enforcement commensurate with the growth of the small scale or unorganised sector of industry and concentrating on this area in preference to the comparatively larger units where by assumption the workers should be expected to take care of themselves. The guidance of Working Group on this point will be useful.

66. A point mentioned in the course of evidence before the Commission so far is that a good part of labour legislation may not be self-enforcing. Labour organisations may not be equally strong everywhere to enforce compliance. But for reducing the burden on implementing authorities, the Commission should consider the possibility of giving workers' organisations the statutory authority to approach courts direct for redress. The present arrangement under which the parties have to approach courts only through Government causes avoidable hardship to unions. It also leaves room for a charge that Government's discretion is used in its political interest.

67. Argument about giving unions an authority to approach tribunals direct rests on the assumption that unions can successfully play this role. A point which requires consideration is *whether in the present context of multiplicity of unions and rivalries among them this power will lead to vexatious prosecutions. Also assuming that trade union unity will be secured, will it be worthwhile to give this power to parties?* The possible argument against this is that one may have to pass even through this process to make the parties realise that in terms of organisational build-up, such vexatious proceedings do not pay. There will have to be an arrangement by which such powers could be exercised only by the representative union, except in case of individual complaint, but this again raises the basic question of how the representative union should be named. Also, it would not be appropriate for the Government to divest itself of its responsibilities in this matter. It is therefore understood that the arrangement by which unions should go to tribunals direct should be permissive and not exclusive.

68. The inadequate compliance with the provisions of

Shops and Commercial Establishments Act has been voiced everywhere by workers. The complaint is that because of its administration by local bodies, where the voice of owners of these establishments is stronger than that of workers, prosecutions are hard to come by. This complaint received a mild support from officials of some Corporations also. The same objection is valid *a fortiori* to the proposition that the implementation of the Minimum Wages Act in agriculture should be left in the hands of Panchayats. *The Working Group may examine these points also.*

69. For several years now, there have been periodic discussions about the working of the implementation and enforcement machinery and the best method of improving it. These discussions have revealed certain common factors which are responsible for inadequate implementation of labour laws in most of the States. While evaluating the working of the labour administration and enforcement machinery, one has to distinguish between two types of problems faced by the administrator. Firstly, there are certain difficulties which are due to the prevailing legal provisions themselves; then, there are problems which arise not out of the legal provisions, but due to other physical and environmental factors. Lack of power to call for certain records or to compel attendance at proceedings etc., fall in the former category and so do cases where delays occur as a result of differences in interpretation of awards/settlements/agreements as between employers and workers. The remedy in such cases is amendment of law or some expeditious arrangement for interpreting disputed points. On the other hand, delays due to inadequate staff, over-burdening of the existing staff with multifarious duties, difficulties of transportation, accessibility to premises etc. fall in the second category and can be remedied at least partially by administrative action. *It is this kind of general administrative problems that will be discussed in the Working Group.*

70. Most of the State Governments have been complaining of lack of financial resources to augment their inspection and enforcement staff. Although the need for such strengthening has been fully appreciated by the labour department as well as

the other departments, Central or State, it has not been possible in most cases to translate this need into reality because of financial stringency everywhere. The inadequacy of staff and their being over-burdened with several duties has resulted in delay in completing conciliation proceedings and the inspectors not being able to inspect the undertakings as frequently as may be necessary. At present conciliation proceedings drag on interminably, causing hardship to and discontent among the parties, particularly the workers; the Factory and Minimum Wage Inspectors are hardly able to visit each factory even once in a year and a large proportion of the total number of establishments do not get visited even once in 2 or 3 years. Such a state of affairs is admittedly unsatisfactory, but can be remedied only if adequate additional staff is appointed. It has been suggested by some of the States that the Central Government should share a part of the expenses involved in the implementation and enforcement of labour legislation. *This point may be examined in the broad national setting.* It has an important bearing on many points which have been made on improving the tone of labour administration viz., improving the status of officers, providing them with adequate transport, facilitating frequent exchange of ideas between and within the Central and State cadres comprising the implementation machinery, training arrangements for them, and so on.

71. Finally there is a suggestion that in order to minimise political influence on the industrial relations machinery, it may be advisable to have a Central Cadre of industrial relations service to which the Central and State officials should belong. These officers could be transferred from the State to the Centre and vice-versa. *This point should be considered in the Working Group in all its facets.*

APPENDIX I

Conclusions of the Seminar on Administrative Dimensions of Labour Laws.

The first session was devoted to the *Working of Government Organisation that administer Labour Laws*. In this session, the Seminar took five sets of problems that may be summarised under the broad heading of (i) the use of discretion, (ii) delay in labour judiciary, (iii) the implementation of the Minimum Wages Act, (iv) the implementation of some of the provisions of the Factories Act, (v) the effectiveness of conciliation machinery, and (vi) the social aspects of labour legislation.

2. The use of discretion is unavoidable. Even in case of judicial decisions, discretion plays an important part. In the administration and executive field, it assumes an even greater role. It was clear that discretion cannot be taken away from the administering authority, especially when the human element, as in the case of industrial disputes, is pronounced.

3. However, administrative discretion should be used in as objective a manner as possible. Full disclosure of facts which form the basis of the decision for reference or non-reference of a dispute may bring a check on the arbitrariness in the exercise of discretion. The very fact that all the facts are to be made public will encourage precision and objectivity.

4. One of the unintended consequences of full disclosure of facts may be increased litigation. Many of the facts which may form the basis of report and the reasonableness of the opinion itself would be justifiable, and there would be greater tendency to move the courts. The danger of increased litigations cannot be minimised, but for the sake of greater objectivity, this risk is worth taking.

5. With regard to the fear that many a time the conciliation officer's report is not complete, it is possible that an individual officer has his own worries and limitation. However, if in practice the parties are heard by the Government before a decision on the conciliation officer's report is taken regarding reference of a dispute to adjudication, the risk of some facts being missed or misrepresented will be lessened, although discretionary element in this decision itself would be there.

6. The Government must follow a consistent policy in the exercise of discretion. The intention of the law is not peace at any cost, but a consideration for equity and fair play. The best industrial relations situation is one where a fair balance is maintained between the parties. If this objective is not fulfilled, the purpose of the law is defeated. Difficulties in striking a balance between the objective of the situation and political objectives may sometimes be serious and Government should, in such a case, rise above political objectives.

7. Where discretion rests in the officer, he should be free to use it. There should be no extraneous pressure or consideration while exercising this power. Some guidelines for use of discretion may be evolved. Some measure of consistency in the manner of exercise of discretion in similar situations may be a good guide, though for a variety of reasons similarity of situations itself may not be so obvious. In the exercise of discretion, a wrong emphasis must be avoided. Most often, there is an obsession with immediate peace, and this may lead to miscarriage of justice.

8. On the question of delay, four issues were posed for discussion: (i) Can judicial procedures be improved to minimise delays? (ii) Will improvement of the personnel of the tribunal reduce delay? (iii) Should the right of appeal be controlled to reduce delay? (iv) Can we suggest, that without going to the courts, disposal of the cases can be speeded up?

9. A study of the cases which are disposed of quickly may be fruitful in this connection. Also the attitude of the conten-

ding parties themselves towards the reference of disputes is an important area for enquiry.

10. About the procedures, improvement may be brought about by (1) prescribing a time limit for disposal by the tribunals; (2) requiring the tribunals to deal with the cases on the lines of sessions trials; and (3) giving appellate powers to the High Courts. It would also help if the parties in disputes were induced to cooperate in speedy disposal of cases and not seek adjournments. Besides there also appeared to be a need for an increase in the number of judges.

11. The practice of appointing retired judges and the lack of attraction for these positions on account of status and remunerations offered account a great deal for slow pace of work. This situation can be improved by (1) elevation of the status of the tribunal personnel to that of a High Court Judge; (2) appointment of persons in the active service only and (3) provisions for technical assistance to the tribunals to help arrive at scientific decision. Persons from active service would be under the joint control of the High Court as well as the State Government. They would also have an incentive for going up through good performance.

12. If the Courts are associated in the framing of rules for the working of the Tribunals, the working may improve.

13. A significant point that emerged related to the possibility of expeditious disposal of cases even under the present procedure. Instances were cited where many quick disposals were made, as contrasted to excessive delays and it was pointed out that the rate of disposal is improving. This laid a focus on the personnel of the tribunals.

14. The implementation of the Minimum Wages Act was considered under three heads : (a) delay in fixing minimum wages, (b) administration of minimum wages and (c) measures for expediting both the decision-making process and implementation of the wage norms.

15. In as much as the Act is meant to cover the sweated and unorganised industry, its extension to the organised industries may be avoided. This will have the effect of reducing the burden on administration. However, the Act does not provide for de-notification of an industry, once it is included in the schedule.

16. Delay in wage fixation can be reduced through (a) a judicious selection of committee members, (b) extending adequate secretarial aid through data collection and (c) fixing a time limit for arriving at a decision. Use of the notification provision of the Act in certain cases may also reduce delay.

17. The enforcement of the Act suffers due to inadequate staffing in the Labour Commissioner's Office, faulty work assignment to the inspecting staff and the problems inherent in covering a vast area by the enforcement machinery of minimum wages.

18. A set of separate inspectors exclusively for the administration of the Minimum Wages Act may improve matters. The need for some such arrangement was especially felt in the case of agricultural labour. Local village agency or block development staff can suitably be employed for the implementation of this Act.

19. Trade Unions can fruitfully collaborate with the Government machinery in helping the enforcement of notified wages. In general the usefulness of educating the employees, the employers and others concerned, and inducing them to abide by the norms was stressed. Instances were cited in support of successful working of this process.

20. Skilled workers get more than the minimum due to their bargaining power based on skill. In case of semi-skilled and unskilled workers, the lack of economic power forces them to accept less than the minimum. It might, therefore, simplify matters if the minimum wages are fixed for the unskilled category only. This by itself would not lighten the task of the enforcing machinery, though it will ease the task of the wage fixing machinery.

21. Even prosecution may not help as penalties are not heavy.

22. Despite limitations of varied character, conciliation machinery was rendering a very useful service. A large number of cases referred to it were settled by the conciliation officers. Nevertheless, they could and should be enabled to achieve more. Indeed if the pressure on the labour judiciary is to be reduced to any significant extent, the conciliation officers must assume greater responsibility for settling disputes referred to them. The status of conciliation officers should be fully commensurate with the important tasks they were performing. They should be provided with training and educational opportunities for improving their skill in human relations and other fields of interest. Frequent exchange of experience among conciliation officers in different States might lead to gradual improvement in their overall performance.

23. The basic goal towards which the administration should move is the strengthening of collective bargaining based on stable bipartite negotiations between unions and management. Ultimately the objective of industrial peace can be achieved in a framework of industrial democracy and when both parties develop ability of mutual confidence and reassurance in their ability to handle problems without third party interference.

24. There was evidence of unevenness in the compliance to its provisions in different parts of the country. In some States the violations of the Factories Act were rather infrequent. This was probably due in part to strong trade unions and partly to the practice of giving wide publicity to the prosecution proceedings against the defaulting firms.

25. The Factories Act was reformatory rather than punitive in character and the function of the administration was to gradually enforce it through a combination of persuasion, pressure and prosecution. However, the problems of implementing the Factories Act are of an entirely different nature for small firms. Sometimes the enforcement of this Act bristled with practical difficulties of a rather intractable nature. The Seminar was therefore

unable to recommend positive measures for speedy enforcement of the Factories Act on small firms.

26. In the session devoted to the *Problems covering Implementation of Labour laws at the Enterprise Level*, several interesting problems were discussed. The legislative framework had prescribed procedures which encouraged their use and to that extent hindered the growth of vountarism. Thus the trend would be the growing effectiveness of one method at the expense of the other. The facile assumption that the two could be mutually complementary at best and neutral at worst was open to serious doubts.

27. The personnel departments in large concerns have grown immensely in size and status. This trend is likely to continue and will probably be conducive to better compliance with labour laws. Accordingly it merited further encouragement.

28. The Labour Welfare Officer under the Factories Act had to perform difficult chores and frequently found himself caught between opposite fires. A person appointed by the management must remain loyal to it. Indeed he cannot do otherwise. Therefore the Government might consider the desirability of modifying the legal provisions for the appointment of such an officer.

29. Though absolute compliance costs of labour laws may have increased, the rise has not been of a nature which would pose a problem to the industry. In fact, the percentage of labour costs as compared to other costs may have even become lower.

30. Trade unions can be the watchdogs for the implementation of labour laws. Accordingly, it might be desirable to develop a suitable organisational structure for co-ordinating the interests of trade unions with those of the Governmental machinery.

31. Strikes are not always bad. While these have to be avoided in the interest of production, often strikes have laid the foundation of sound bipartite relationship. Indeed the sanction of strike has traditionally been used in support of agreements reached between the two parties. Without the former, the latter are unlikely to thrive.

32. Trade union rivalry cannot be attributed entirely to the legal system. The latter no doubt permits it, but its causes lie deep. Under the present circumstances the phenomenon of inter-union rivalry is not likely to be eliminated, nor is it desirable to suggest either legal or administrative measures for suppressing it. All the parties concerned should search for practical ways and means for living with it. The remedy lies in developing sanctions from the side of law, administration and public opinion for recognising unions which are known to have the largest membership of workers without curbing the constitutional rights of minority unions in any way. This is necessary for strengthening the collective bargaining system in this country which alone can in the long run mitigate the severity of this problem.

33. The verification procedure for union membership followed by the Centre came in for some detailed discussion in another session. While there was a general satisfaction about the verification procedure, internal evidence, at times, revealed that verification machinery could be more objective and the investigation that is undertaken in respect of some federations could be more impartial. If complaints against the verification are few, it is because in the initial stages of verification, some federations found the machinery to be somewhat irresponsive. To some extent lack of response in the Government machinery was due to the vastness of the machinery through which the work was done, but it was the experience that if complaints were brought to central authority, they were investigated.

34. However, the larger question was in regard to verification which would lead to recognition of unions at the plant level. Many instances were quoted as to how the administrative arrangements in this are a were defective.

35. While certain elements of the code of discipline had given satisfaction, there were others where the experience was not happy. The code specified certain 'do's' and 'don'ts'. In regard to 'don'ts', most of these were provided in legislation and perhaps because of these, there was a satisfaction, but in respect of specific performance of others the experience was not happy. A basic question which came in for mention was whether the parties to the

code had entered into those arrangements with all the frankness that was required to make it a success. Each party saw some advantages in the code and agreed to it, but in course of implementation difficulties arose mainly because of other clauses the effects of which were different for different signatories to the code.

36. In the area of voluntary arbitration, a considerable educative effort was needed. There is not only a paucity of literature on the subject but also inadequacy of persons who will enjoy confidence of both the parties. In this context, the efforts made by the academy of arbitration as also by Central Government in arranging to have a tripartite body set up for promotion of voluntary arbitration were taken note of.

37. There should be strong emphasis on the building up of such voluntary arrangements at the unit level and thereafter seeking suitable instruments at the top. A part of the failure of voluntarism is due to the fact that this aspect has been ignored. Some defects in the evaluation and implementation machinery that has been set up at the State level were mentioned and a general point which was accepted was that a person invited for the membership of this machinery should have a representative status.

38. Voluntary arrangement can succeed only in an atmosphere where voluntarism has been "built in" in the industrial relations system. To expect the voluntary approach to work in an atmosphere of mutual distrust will not be proper. This is at the root of the problem of failure of voluntary efforts by the parties whether it is at the level of Government, the employers or workers.

39. Cases arise where parties had reached an agreement, but for securing the acceptance of all workers it was necessary to bring in the conciliation machinery. This inhibited the voluntary approach. This again links with the general question of recognition of representative union to which adequate reference has been made elsewhere in the report.

40. It is important to recognise that the J.M.Cs. are not a

substitute for bargaining. A recognition that a union has a role in representing the workers will go a long way in the healthy development of such councils. The basis for the successful working was that both the management and the union should enter into the J.M.C. arrangement in the spirit of working it. The unanimous decisions of the council should be implemented and it was a pre-condition of success that the terms and conditions of employment must be settled to the satisfaction of parties before the J.M.Cs start operating. This again links up with the question of union recognition.

41. The effective operation of Joint Management Councils in the Public Sector was an area where adequate effort has not been forthcoming from the Government.

42. In the context of future for improving working and living conditions, the efficiency of the unit concerned, and in general, of both management and workers, voluntarism can play an important part. In the sphere of productivity it has a significant role, but even here a mere emphasis on voluntarism in a situation where the basis for it does not exist will not be proper.

43. Whether it is a piece of legislation or a voluntary arrangement between parties, its effectiveness seems to vary with the time for which it maintains its novelty to the users. The conciliation machinery set up under the law, industrial tribunals and other instruments in the earlier stages of the work went on unhampered till they reached a point when employers/workers felt the need for introducing a change in their outlook through intervention by superior seats of justice. Voluntary arrangements have had the same fate.

APPENDIX II

WORKING OF THE CENTRAL INDUSTRIAL RELATION MACHINERY

In many cases the conciliation machinery has succeeded in bringing the parties together to the negotiation table and settling matters even without reference to formal conciliation proceedings. The parties concerned have generally been satisfied with the functioning of the conciliation machinery. However, some complaints have been voiced regarding the delay involved in conciliation proceedings, lack of objectivity etc.* In this connection it may be useful to study the working of the conciliation machinery as on the basis of available data. In the absence of detailed information from State Governments, generalisation has to be avoided, but fairly complete records are available about the working of conciliation machinery at the Central level i.e. of the work done by the office of the Chief Labour Commissioner and his regional counterparts. The object of presenting this analysis is by no means to generalise on the basis of the Central experience about the utility or otherwise of the Conciliation Machinery at work, but to provide in a limited way a framework within which, information when available from the States, could be usefully presented. Also since the Central Machinery caters to the needs of a substantial section of the industrial workers, a study of its functioning would by itself be useful in understanding the utility of the set-up.

The Central Conciliation Machinery was set up in 1945 in pursuance of the recommendations of the Royal Commission on Labour. Its main functions were to prevent and settle industrial

* Similar complaints have been voiced in the memoranda sent by employers' and workers' organisations to the Planning Commission to help it in the task of evolving labour policy for the Fourth Plan.

disputes, to enforce labour laws and also to look after the welfare of the workers falling within the purview of the Central Sphere which includes, *inter alia*, major ports, railways, mines, oil fields, banks and insurance companies. It administers the following labour laws in so far as their enforcement is a Central responsibility:

- (a) The Industrial Disputes Act, 1947.
- (b) The Industrial Employment Standing Orders Act, 1946.
- (c) Payment of Wages Act 1936 (Railways and Mines).
- (d) Chapter VI-A of the Indian Railways Act (Hours of Employment Regulations)
- (e) The Minimum Wages Act, 1948 in respect of scheduled employments falling within the Central Sphere.
- (f) The Employment of Children Act, 1938 in Railways & Major Ports.
- (g) The Coal Mines Provident Fund and Bonus Schemes Act, 1948.

A function which has been added on to this organisation is to advise Government on representative character of trade union federations.

The Central machinery verifies the membership of the different federations for purpose of giving them representation on National and International Conferences and Committees. The promotion of statutory and non-statutory welfare measures in central sphere undertakings (excluding coal and mica mines) as well as the fixation and revision of Minimum Wages under the Minimum Wages Act are taken care of by the Central machinery.

In what follows a series of tables are presented to enable the reader to draw his own conclusions. No attempt is made to interpret the tables except where some write-up is necessary

for a proper understanding of figures or for avoiding misunderstandings.

Taking the question of industrial disputes first, the following table gives the number of disputes handled by the Central Industrial Relations Machinery (C.I.R.M.) during the period 1959-64 in the various Central Sphere undertakings:

TABLE I

Number of Industrial Disputes referred to the Central Conciliation Machinery in 1959-64

	1959	1960	1961	1962	1963	1964
1	2	3	4	5	6	7
Major Ports	496	504	560	426	543	761
Mines	2618	2728	2828	2594	2868	3906
Banks	866	610	427	431	636	491
Insurance Companies	103	89	72	88	108	109
Defence Establishments	106	75	31	29	17	16
Others	248	250	265	177	150	130
Total:	4437	4256	4183	3745	4322	5413

The number of disputes handled by the Central Machinery has shown a substantial rise only in 1964. It has increased by nearly 22% in 1964 as compared to 1959. In the intervening years it was less. During 1962 the number of disputes was particularly low for reasons which are now well-known. Further, more than 50% of the disputes handled related to mines. The number of disputes relating to major ports and banks range between 10

Note:—The figures for the years 1959 and 60 are for financial years 1959-60 and 1960-61. For others, unless otherwise stated, it is Calendar Year. There is thus an element of incomparability and overlapping for entries in columns 2, 3, & 4 but this is not of much consequence for the present analysis.

to 15 per cent each in each year. There is also evidence to show that the number of disputes in mines and ports have a tendency to increase over the years, whereas in banks the tendency is towards a decline.

Not all the disputes that are referred to the C.I.R.M. are fit for intervention by the C.I.R.M. In 1959, nearly 1,005 disputes (as much as 23 % of the total number of disputes) were considered unfit for intervention by C.I.R.M. But in subsequent years the number of such frivolous disputes declined considerably. It was about 7 % in 1960 and 2 % in 1961, 62, 63 and was less than one per cent in 1964. This is an indication of the restraint being exercised by the parties concerned before rushing to the C.I.R.M. with their problems.

Of the disputes in which the I.R.M. intervened, some were settled without reference to formal conciliation proceedings, while in some others formal conciliation proceedings had to be instituted. In a majority of cases, the disputes are settled without legal formality. The disputes that were settled both formally and informally at conciliation proceedings during 1959-64 have been tabulated below:

TABLE II

No. of disputes settled through Conciliation Proceedings, both formal and informal

Industry	1959	1960	1961	1962	1963	1964
1. Major ports	283	435	458	337	432	641
2. Mines	1586	2038	2194	2158	2314	3091
3. Banks	369	425	290	327	498	366
4. Insurance Companies	66	61	43	62	79	87
5. Defence Establishments	51	39	27	22	16	13
6. Others	182	198	203	143	120	104
7. Total	2537	3196	3215	3049	3459	4252

Industry	1959	1960	1961	1962	1963	1964
8. Total number of disputes in which IRM intervened (excludes those considered unfit and pending)	3047	3802	3765	3514	3944	4914
9. 7 as % of 8	83	84	85	87	88	87

A perusal of the above table would show that nearly 85 to 90 per cent of the disputes are settled through conciliation. The case studies have also revealed that in quite a number of cases the conciliation machinery has succeeded in amicably settling the disputes. This is indicative of the major role that is being played by the industrial relations machinery in bringing about peace in industry. Judging by the number of disputes settled by the C.I.R.M., it is safe to conclude that it has maintained its effectiveness over the years under study.

The following table gives the number of cases where formal conciliation proceedings were held, the number of cases where it was unsuccessful, and of the cases where it was unsuccessful the numbers which were referred to adjudication:

TABLE III

Number of cases settled without reference to formal conciliation proceedings, number referred to formal conciliation proceedings, the number of failure and the number referred to adjudication.

Number of cases	YEARS					
	1959	1960	1961	1962	1963	1964
1. No. of disputes settled without reference to formal conciliation proceedings	1916	2503	2395	2353	2658	3246

Number of cases	YEARS					
	1959	1960	1961	1962	1963	1964
2. Referred to formal Conciliation Proceedings	1131	1299	1370	1161	1286	1669
3. Out of (2) those which ended in a failure at conciliation stage	510	606	550	465	485	661
4. Of those in (3), the number referred to adjudication	64	49	161	129	137	244
5. (3) as % of (2)	45.1	46.7	40.1	40.1	37.7	39.6
6. (4) as % of (3)	12.5	8.1	15.8	27.7	28.2	36.9

The above table indicates that the number of cases settled without reference to formal conciliation proceedings is substantially more, in many cases as much as 12% more, than the number of cases referred to formal conciliation proceedings. The percentage of cases where conciliation was not successful has generally declined in recent years as compared to the earlier years. Of those where conciliation was reported to have failed, the percentage of cases that were referred to adjudication has shown an increasing trend. This is significant in the light of the emphasis being laid in recent years on the need for settling disputes through mutual conciliation and without recourse to adjudication. While the increase in the number of disputes referred to adjudication may bring some satisfaction to the workers in their quest to get disputes referred to adjudication, how far the liberal attitude of the I.R.M. in recommending disputes to adjudication is in line with the policy of promotion of collective agreements is open to debate. The number of disputes referred to adjudication under the joint application of the parties concerned under Section 10 (b) of the Industrial Disputes Act, (1947) has increased. But side by side with the increase in the percentage of disputes referred to adjudication,

there is also an increase in the number of disputes in which arbitration was acceptable to parties. But much of this increase in the number of disputes referred to arbitration, is under the voluntary agreements like the Code of Discipline and the Industrial Truce Resolution rather than under the provisions of Section 10A of the ID Act. The number of disputes referred to arbitration under the Code increased from 5 in 1962, to 149 in 1963 and 185 in 1964.

Another way of judging the performance of the CIRM is through a study of the time taken for the settlement of disputes. The following table gives the relevant data :

TABLE IV

Time taken for Disposal of Disputes 1960—64

Percentage of disputes disposed of	Within one month	Between 1 & 2 months	Between 2 & 4 months	Beyond 4 months	Total number of disputes
YEAR					
1960	57.1	37.9	4.5	0.5	3802
1961	82.9	15.0	1.8	0.3	3765
1962	92.8	6.5	0.6	0.1	3514
1963	87.2	11.6	1.6	0.1	3944
1964	71.1	22.5	6.0	0.4	4914

It will be seen that nearly 95% of the disputes are settled within the course of just two months. The percentage of disputes settled within a month was only 57.1 in 1960. It went up to 92.8 in 1962. In 1964 it has gone down to 71.1 per cent.

Apart from conciliating in disputes, the I.R.M. has succeeded in a number of cases in intervening in strikes and in bringing about settlements or in averting strikes by timely action. In 1964, the CIRM intervened in 315 cases of actual or threatened strikes and succeeded in bringing about settlement of strikes or prevented strikes from taking place in 281 cases. The corresponding figures for 1960-63 are given below:—

TABLE V

Year	No. of cases in which IRM intervened either to prevent work stoppages from taking place or bringing to a close stoppages where they already happened.	As against (2) the No. of cases where the I.R.M. succeeded in preventing or bringing them to a close work stoppages.
1	2	3
1959	293	259
1960	143	143
1961	186	181
1962	232	224
1963	135	133

Another aspect of work of the I.R.M. is to examine complaints about the non-implementation of awards and settlements arrived at under the provisions of the I.D Act. The following table gives information on the number of awards received each year, the percentage of awards implemented or in the process of implementation and the percentage of the awards not implemented due to appeal to higher courts.

TABLE VI
Implementation of awards and settlements requiring implementation

Year	No. of awards received	Percentage of awards settled or in the process of settlement	Not settled due to appeals to higher courts
1959	191	85.9	11.0
1960	174	85.6	10.3
1961	187	86.1	7.0
1962	202	80.2	7.9
1963	202	84.7	8.9
1964	267	75.7	4.1

It will be seen that a major portion of the awards received, nearly 85% (except for 1962 where it was 80 and 1964 when it was 76), are implemented during the year itself. In some cases implementation is not possible because of appeal before high

courts. As against 11 per cent of the cases going in for appeals in 1959, the corresponding percentage in 1964 was 4.1. It is not possible to discern any trend in the percentage of cases in which appeals were filed although in recent years the percentage of such cases is less as compared to 1959-1960. Almost all cases of settlements are implemented during the year itself.

Often complaints have been voiced that the implementation machinery is not impartial in its dealings with different Central Trade Union Federations. To understand the strength of the complaint, it will be useful to analyse the number of disputes raised by the various unions and how they have been dealt with. The following table gives the number of disputes raised by the various Central Trade Union Federations as percentages of the total number of disputes in which the IRM actually intervened in the different years.

TABLE VII

No. of disputes raised by various Trade Union Federations as percentage of Total Number of Disputes enquired into by the IRM in 1959-64.

Union	Years					
	1959	1960	1961	1962	1963	1964
1. Total No. of disputes enquired into by IRM (Excludes cases not fit for intervention)	3432 (100)	3972 (100)	3926 (100)	3669 (100)	4231 (100)	5367 (100)
2. The disputes raised by A.I.T.U.C., I.N.T.U.C., etc. as % of total No. of disputes at (1)						
I.N.T.U.C.	31.1	29.1	32.0	32.6	28.3	31.6
A.I.T.U.C.	19.7	21.2	18.9	20.8	14.2	21.7
H.M.S.	8.5	9.8	10.9	10.7	13.9	13.4
U.T.U.C.	3.5	3.9	3.7	2.9	3.1	3.5
Unaffiliated unions	36.5	33.4	33.2	32.5	40.3	25.2
Individual members	0.7	2.7	1.3	0.5	0.2	4.5

From the table it will be seen that a majority of the disputes handled by IRM have been raised by unions not affiliated to any of the central trade union federations. Except for the year 1963, it seems there is a tendency for the share of disputes raised by the unaffiliated unions to decrease. On the other hand the share of disputes raised by H.M.S. affiliated unions is on the increase. The percentage of disputes raised by I.N.T.U.C. and A.I.T.U.C. have remained more or less constant, the former accounting for about a third of the total number of disputes and the latter for about a fifth. However, between the A.I.T.U.C. and I.N.T.U.C., in relation to the verified membership of the Federations the disputes raised by A.I.T.U.C. are more. The percentage of disputes raised by individual members who are not members of any trade unions is quite small except for 1964, when it accounted for 4.5 per cent.

An idea about how the trade union federations have fared in conciliation proceedings can be had from the following table which gives the number of cases which were settled at conciliation proceeding, either formally or informally, as % of total number of cases handled by I.R.M. for the years 1959-64.

TABLE VIII

No of disputes settled informally or formally at conciliation proceedings as percentage of total No. of disputes (excludes pending cases unfit for intervention) handled by Industrial Relations Machinery 1959-64.

Unions	Years					
	1959	1960	1961	1962	1963	1964
I.N.T.U.C.	85.5	85.4	85.8	86.9	84.4	89.5
A.I.T.U.C.	88.7	83.6	84.9	86.7	89.4	85.5
H.M.S.	69.2	87.5	88.3	94.1	91.9	92.4
U.T.U.C.	71.8	64.2	66.2	82.4	86.2	86.0
Un-affiliated unions	82.8	83.5	86.2	84.5	88.2	86.0
Individual workers	95.8	96.9	95.7	88.9	83.3	100.0

The percentage of cases settled through conciliation is generally the highest in the case of disputes raised by individual workers and minimum in the case of disputes raised by U.T.U.C. affiliated unions. In the case of H.M.S., the percentage of cases settled at conciliation level shows a tendency to increase. To some extent this is also true of U.T.U.C. unions. In respect of others no trend is discernible. To understand the extent to which the various Trade Union Federations rely on formal procedures it will be useful to see the number of disputes where formal conciliation was resorted to. The position is as revealed by the table below:

TABLE IX

No. of disputes where formal conciliation was resorted to as percentage of total number of disputes (excludes pending and disputes unfit for intervention) handled by I.R.M.—1959-64.

Unions	Years					
	1959	1960	1961	1962	1963	1964
I.N.T.U.C.	36.8	36.2	40.0	32.4	33.8	31.0
A.I.T.U.C.	23.4	29.9	46.3	29.0	32.9	33.1
H.M.S.	62.7	30.8	29.0	28.3	31.4	34.6
U.T.U.C.	34.5	46.4	46.9	35.3	24.8	26.9
Unaffiliated unions	38.9	36.8	29.4	37.7	32.7	43.9
Individual workers	12.5	6.1	6.4	38.9	33.3	3.3

As compared to the unions, individual workers seem to take lesser recourse to formal procedures (except in 62 and 63). Otherwise no definite conclusion emerges in respect of others.

An idea about the extent to which the I.R.M. has succeeded with the various Trade Union Federations in bringing about settlements in formal conciliation proceedings can be had from the following data: