

GOVERNMENT OF BIHAR
LABOUR DEPARTMENT

THE PROBLEM OF GO-SLOW

1959



**PRINTED BY THE SUPERINTENDENT
SECRETARIAT PRESS, BIHAR, PATNA
1960.**

List of Agents for the year 1960.

1. Messrs. Etwari Sahu and Sons, Mahendru, Patna.
2. Messrs. Western Law House, Station Road, Patna.
3. Messrs. Motilal Banarsi Das, Bankipur, Patna.
4. Secretary, Dealers Welfare Syndicate, 12-Anant Ram Lane, Bhagalpur.
5. Messrs. K. L. Mathur and Bros., Dewan Mohalla, Patna City.
6. Messrs. Laxmi Trading Co., Padri-ki-Haveli, Patna City.
7. Messrs. Choudhry and Sons, Law Book-sellers, Mahendru, Patna.
8. Messrs. Amar Kitab Ghar, Jamshedpur—1.
9. Messrs. Pustak Mahal, Ranchi.
10. Messrs. Oxford Book and Stationery Co., Scindia House, New Delhi.
11. Sri K. L. Mukhopadhyaya, 6/1 A, Banchbaram Akur Lane, Calcutta—12.
12. Messrs. B. S. Jain & Co., 71-Abupura, Muzaffarnagar, U P.
13. Proprietor, Tilak Press, Giridih, Hazaribagh.

FOREWORD.

Complaints were made to the Government of Bihar that go-slow tactics were being adopted by workers from time to time particularly at the establishments where the employer-employee relationship was strained for one reason or the other. In one case of the sugar factory at Motipur, a Court of Enquiry was set up by the State Government in 1950 to go into the question of the go-slow alleged to have been adopted by the workers. It was recommended by the Court of Enquiry that pending the enactment of the Labour Relations Bill in which provisions were made for dealing with the problem of go-slow, the State Government should take measures for prevention of such tactics in consultation with the representatives of the employers and employees.

2. In view of the serious situation prevailing at the time a draft Bill was prepared and placed before the State Labour Standing Committee in March, 1951, which recommended that a suitable amendment should be made in the definition of strike as given in the Industrial Disputes Act, 1947, so as to include the go-slow in the definition of the term 'strike'. As the Government of India were thinking of having a common policy for all the States and were considering their Labour Relations Bill, the State Government had to drop the idea of enacting a suitable legislation for dealing with the problem of go-slow.

3. In pursuance of the recommendations of the Court of Enquiry and the demand on behalf of the industries, particularly the sugar industry, which was vulnerable to go-slow tactics, the matter was placed before the Bihar Central Labour Advisory Board at its meetings held in September, 1950 and April, 1951. The Board appointed a Committee consisting of equal number of representatives of both the industry and the labour with the Labour Commissioner as its Chairman to go into the question and present its report.

The Committee presented its report with unanimous recommendations which were considered at a meeting of the Board held in September, 1951. The report was discussed and after some modification was unanimously accepted by the Board. Those recommendations of the Board were accepted by the State Government, and commended to the employers and employees to give their unqualified support.

4. In April, 1953, the said Board recommended to the State Government to appoint another Committee to review the scheme for dealing with go-slow and to recommend to this Government if the existing scheme and procedure needed any change. The report of this Committee was placed before the Board at its meeting held in October, 1954, and the recommendations made by the Committee were accepted by the Board and it was decided by the Board that the modified scheme for dealing with go-slow should be put in operation for a period of two years. Accordingly, the modified scheme was accepted by the State Government and commended to the employers and the employees.

5. In April, 1957, the Board recommended to the State Government to constitute a Seven-man Sub-Committee to report on the question as to whether the existing procedure on "go-slow" be retained or not or modified. The Government of Bihar in their Resolution no. III/D1-12/31/57-L-11539, dated the 22nd June, 1957, appointed a Seven-man Committee to go into the whole problem of "go-slow" in all its aspects and submit its report within six months. Unfortunately, the workers' and employers' representatives in the committee were sharply divided in their views, and so the committee could not make any definite recommendation. The employers' representatives wanted a complete scrapping of the go-slow procedure whereas workers' representatives insisted on the continuance of the scheme subject to necessary modifications in view of the successful and fruitful results of the working of the scheme so far. The State Government tried to ensure a minimum agreement between the representatives of the employers and the employees in respect of the go-slow procedure but with no fruitful result. Ultimately, the State Government, left to take their own decision in the matter, chose not to impose the scheme against the will of either party, and so scrapped the go-slow procedure.

6. The Government, however, trust that despite the scrapping of the go-slow procedure happy employer-employee relations will continue in the larger interests of the economic development and progress of the country.

B. P. SINGH,

*Secretary to the Government of Bihar,
Labour Department.*

PATNA:
The 7th May, 1959.

CONTENTS.

	PAGES.
FOREWORD.	1—9
INTRODUCTION.	...
APPENDICES.	
APPENDIX.	
✓ I. Report of the Court of Enquiry	10—25
✓ II. Report of the Go-slow Committee appointed by the Bihar Central Labour Advisory Board at its meeting held in April, 1951	26—30
III. Government Resolution no. III/D1-12021/51-L—120, dated the 1st December, 1951	31
✓ IV. Recommendations of the Committee appointed in 1953, with notes of dissent from Shri R. L. Nopany and Shri V. Poddar	32—43
V. Government Resolution no. III/D1-12015-55-L—2201, dated the 14th February, 1955	44-45
VI. Shri V. R. Dongray's views on go-slow	46-47
VII. Extracts from the order of the Appellate Tribunal of India dated the 6th April, 1953 in the case of the Firestone Tyre and Rubber Co. of India Ltd., Bombay, <i>versus</i> two of their employees	48
✓ VIII. Report of the Sub-Committee on 'Go-slow' appointed by the 15th meeting of the Bihar Central Labour Advisory Board held in April, 1957	49—61
IX. Note from Shri Ranen Roy and Shri Brajkishore Shastri, workers' representatives	62—64
X. Note from Shri Badri Narayan and Shri P. L. Vardya, employers' representatives	65-66
XI. Note from Shri R. N. Jai, employers' representative	67—70
XII. Details of cases of 'Go-slow' resorted to between 1951 and 1957.	71—80
XIII. Government Resolution no. III/D1-12081/58—12146, dated the 18th July, 1958	81-82

INTRODUCTION.

One of the ways in which workers have been found to give vent to their feeling of dis-satisfaction or dis-agreement with management policies and programmes is the deliberate slowing down of production. Although it is a concerted action by the workers in general or a group of workers, and in many cases is initiated or at least has the tacit approval of the trade union it is not preceded by preparations and propaganda which is generally noticed on the eve of a strike. It is in a way a silent protest, and still intended to bring pressure on the management to concede certain demands or to dissuade it from following certain policies. Though the slowing down of production is aimed at in every case there is no common strategy, and the form and content differs from factory to factory. The Committee appointed by the Government of Bihar in the year 1957 to go into the problem of 'Go-slow' in all its aspects defined 'go-slow' in the following words:—

“ ‘Go-slow’ means anything less than normal work or output by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under the common understanding of any number of persons who are or have been so employed to continue to carry out their work in a normal manner with normal energy; or, in other words, when workers wilfully act in such a way that the production of a factory, or a part thereof, falls below the average normal production, the industrial equipment and levels of the management remaining the same, the workers should be held to have adopted deliberate ‘go-slow’ tactics .”

2. Considerable controversy has raged round the use of the weapon of ‘go-slow’. The employers have always condemned it as immoral, unjustified and illegal. The workers on the other hand regard it as a legitimate weapon in their armoury to fight against unscrupulous employers who fail to carry out their legal obligations and indulge in unfair labour practices. The workers, however, concede that this weapon is not to be lightly used. In a matter like this identity in outlook and unanimity of views can hardly be expected.

3. Though ' go-slow ' tactics can be adopted by workers in any industry the sugar industry in this State has been particularly vulnerable to such tactics. Due to perishable nature of the raw material used by this industry the factories have to work according to a tight schedule, and any dislocation of work during the crushing season causes heavy losses to them. The workers in the sugar industry have, therefore, been prone to adopt ' go-slow ' as a quick method for settlement of their grievances. The nature of production in the sugar industry is such that it takes time to detect that the fall in production is due to ' go-slow ' tactics adopted by workers, and even after such detection it becomes difficult for the employer to fix responsibility on any individual or group of individuals. To the workers in the sugar industry, therefore, ' go-slow ' has been a much safer weapon than strike which involves loss of wages and other penalties.

There were complaints from time to time about adoption of ' go-slow ' tactics by workers in the sugar industry, and when reports reached Government about a determined ' go-slow ' in the sugar factory at Motipur in the 1949-50 crushing season they decided to investigate the malady with a view to adopt preventive measures. The Government appointed a Court of Enquiry with Shri Shivpujan Rai, Chairman of the Industrial Tribunal as its sole member in notification no. D-8011-L-3339, dated the 1st May, 1950. The report of Court of Enquiry was published (Appendix I) with Government notification no. D1-8011/50-L-6778, dated the 30th October, 1950, in which the Court held the workers responsible for the go-slow, and recommended that pending the enactment of the Labour Relations Bill in which provisions were made for dealing with the problems of go-slow, the State Government should take measures for prevention of such tactics in consultation with the representatives of the employers and employees. In pursuance of the recommendations of the Court of Enquiry, the matter was placed before the Bihar Central Labour Advisory Board at its meetings held in September, 1950 and April, 1951. The Board appointed a Committee to go into the question thoroughly, and to submit its recommendations. This Committee submitted an unanimous report which was accepted by the Board with a few modifications. The main recommendations of the Committee as accepted by the Board were as follows:—

- (1) There should be no go-slow without notice. The period of notice should not be less than seven days which will remain in force for four weeks.

The notice should give reasons why the workers threatened to resort to go-slow.

(2) The conciliation machinery of the State Government shall intervene within the notice period. During the pendency of the proceedings before a Conciliation Officer, or a Tribunal the workers must not resort to go-slow, but the conciliation proceedings had to be concluded within four weeks of the notice.

(3) If a go-slow had actually been resorted to and if it is found after enquiry by the Labour Commissioner that go-slow was unjustified, the following action should be taken:—

(a) For unjustified go-slow at the instance of the union, office-bearers of the union should be debarred from holding office for a year and those office-bearers who were employees should be further liable for such punishment as may be provided in the Standing Orders for simple misconduct.

(b) For unjustified go-slow not at the instance of the union, ring-leaders amongst the employees held responsible for the go-slow should be liable for punishment provided for major misconduct including dismissals.

The Government accepted these recommendations and put them in form of a Resolution issued on the 1st December, 1951.

The policy as laid down in the Government Resolution was put to test first during the cane crushing season 1951-52. Out of 29 sugar factories slow-down notices were served on 16. Out of those 16 cases go-slow was resorted to in four cases only. The duration of the go-slow in each case was for a short period. The conciliation machinery could not operate in these cases chiefly on account of late intimation due to postal delays. Other cases were disposed of promptly. As a result of the intervention of the conciliation machinery the duration of go-slow during 1951-52 was half of the corresponding figure for the year 1950-51 and the total production during the year 1951-52 was also higher than the preceding year.

In the Board's meeting held at Jamshedpur in October, 1952 the representatives of the Indian Sugar Mills Association and some other employers wanted to move a resolution

for setting up a Committee to review the working of the go-slow policy as laid down by the Board and to suggest modifications. It was assured on behalf of the Government that the policy would be reviewed by the Board at its next meeting by which time more experience would be gained. Bearing this in mind, the matter was discussed at the beginning of the crushing season of 1952-53 at a conference of the employers in the sugar industry and its different labour federations convened by Mr. R. S. Pande, I.A.S., Labour Secretary to Government as the weapon of go-slow was largely used in the sugar industry. Mr. Pande persuaded the parties to agree to the following modifications in the procedure for dealing with go-slow so far as sugar industry was concerned:—

- (1) The period of notice should be extended from seven days to fourteen days.
- (2) Unjustified go-slow by workers should be deemed to be an act of major misconduct entailing dismissal.

During the crushing season 1952-53 go-slow notices were served on 14 sugar factories, and in one factory (Lohat) go-slow was resorted to for a period of three days without any previous notice. In another factory (at Chanpatia) it was resorted to for a day. The conciliation machinery of the State Government was able to bring about an amicable settlement, and go-slow was completely avoided in the remaining cases.

A study of these cases showed that during the year 1951-52 go-slow notices were given mostly for non-implementation of awards and agreements. But in the year 1952-53 notices were served even in disputes relating to payment of bonus, wages, and retaining allowance, leave and holidays, educational and medical facilities. It was never intended that go-slow notice would be utilised for settlement of ordinary industrial disputes for which the normal procedure prescribed in the law for settlement could be used. It was also felt that the period of one week for giving go-slow notice was inadequate and the period could with advantage be extended to fourteen days to give sufficient time to the Conciliation Officers of the State Government to intervene and settle the disputes amicably. In view of the difficulties pointed out above the confirmation of the views of the Board on the following amendments was sought in its 11th meeting held on the 11th and 12th April 1953:—

- (1) Go-slow notice may be served only on the following grounds and that also when other methods of

redressing the grievances within reasonable time are not available under the law:—

- (a) Non-implementation of any agreement or award.
 - (b) Any mal-practice by the management.
 - (c) Any sudden provocation by the management.
- (2) The period of notice should be 14 days instead of seven days and a copy of the notice should be handed over to the Conciliation Officer of the area.
- (3) Unjustified go-slow by workers would be deemed to be gross misconduct entailing dismissal, because doer is not less responsible than the abettor.

The Labour Advisory Board in its meeting held on the 11th and 12th April, 1953 recommended to Government to appoint a Committee consisting of the following persons with the Labour Commissioner as Chairman to review the scheme for dealing with go-slow and to recommend to Government if the existing scheme and procedure for go-slow required any change, particularly, (a) whether there should be any limitation on the grievances over which either go-slow notices can be served or go-slow can be resorted to; (b) whether the period of notice of go-slow should be increased and (c) whether the punishment for unjustified go-slow should be made more severe:—

Personnel of the Committee.

- (1) Shri B. P. Singh, I.A.S., Commissioner of Labour—Chairman and Convener.

Representatives of the Employers.

- (2) Shri R. L. Nopany—Member.
- (3) Shri V. R. Dongray—Member.
- (4) Shri V. Poddar—Member.

Representatives of the Employees.

- (5) Shri Kedar Pandey, M.L.A.—Member.
- (6) Shri Ranen Roy—Member.
- (7) Shri Braj Kishore Shastri—Member.

In pursuance of the above recommendation made by the Bihar Central Labour Advisory Board the Government of Bihar in their Resolution no. III/D1-1201/53-L—11670,

dated the 28th August, 1953 appointed a Committee consisting of the aforesaid persons with the Labour Commissioner as Chairman.

The Go-slow Committee submitted its report (Appendix IV) recommending the continuance of the go-slow procedure for a further period of two years subject to certain amendments. Shri R. L. Nopany and Shri V. Poddar, however, appended a joint note of dissent. In view of the result achieved thus far the Committee did not consider it desirable to scrap the procedure altogether unless suitable law was enacted by the Government to deal effectively with the problem. The amendments recommended by the go-slow procedure as accepted by the Government in 1951 were to the following effect:—

Clauses (3) to (10) were to be substituted as follows:—

- (3) There shall be no go-slow without a proper notice. A notice for go-slow can be served only on the following grounds and that also when other methods of getting the grievances redressed are not available, and all efforts to settle the disputes by mutual negotiations or discussions have failed:—
- (a) Non-implementation of any agreement or award or continued breach of law by the management.
 - (b) Mal-practice by the management.
 - (c) Sudden provocation by the management.
- (4) The notice expressing the intention of the workers to resort to go-slow and setting forth the reasons for the same should be served on the management with copies to the local Conciliation Officer, the Labour Commissioner and the Government. The date of commencement of go-slow shall not be earlier than fourteen days from the date on which the notice is served on the management.
- (5) Immediately, on receipt of a notice, the management will invite the representatives of the registered and recognised union and shall also notify the Conciliation Officer of the area regarding the service of the notice and commencement of the negotiations, if any.
- (6) If the notice of go-slow is not in accordance with the provisions of clause (3), the Labour Commissioner will immediately advise the union

and the workmen concerned to withdraw the notice with intimation to the management.

- (7) The notice of go-slow will remain in force for a period of four weeks from the date of the service of the notice on the management.
- (8) If the notice of go-slow is held to be in accordance with clause (3), the Conciliation Officer shall take necessary steps for the settlement of the disputes and further action, if any, will be taken, as in case of a notice for strike, under Industrial Disputes Act. The conciliation proceedings must be concluded within three weeks from the date of service of notice.
- (9) If a go-slow is resorted to without notice or during the pendency of any conciliation or adjudication proceedings arising out of such notice or for grounds other than those mentioned in clause (3), the go-slow will be deemed to be unjustified.
- (10) If, on enquiry by the Labour Commissioner, the go-slow is held to be unjustified the workers resorting to go-slow will be liable for punishment prescribed for major misconduct, including dismissal."

The report of this Committee was placed before the Bihar Central (Standing) Labour Advisory Board at its meeting on 29th and 30th October, 1954 and the recommendations made by the Committee were accepted by the Board and it was decided by the Board that the modified scheme dealing with go-slow should be enforced for a further period of two years. Accordingly, the State Government in their Resolution dated the 14th February, 1955 (Appendix V) accepted the modified scheme of go-slow and commended it to the employers and the employees.

The modified scheme worked satisfactorily during the next two years that followed. As in the past 'go-slow' was mostly confined to sugar factories. During 1954-55 there were 17 go-slow notices out of which 14 were withdrawn on the intervention of the conciliation machinery, and in the remaining three cases settlements were brought about on the commencement of the 'go-slow'. In the following year 14 go-slow notices were served but all were withdrawn due to the effective intervention of the conciliation machinery. In 1956-57 also all the 7 go-slow notices that were served were withdrawn at the intervention of the conciliation machinery.

In two cases go-slow was resorted during the year without notice which were held to be unjustified by the Labour Commissioner after due investigation. The three Labour Federations co-operated fully in implementing the scheme, and they did not support go-slow without notice.

The 15th meeting of the Bihar Central (Standing) Labour Advisory Board held on the 10th and 11th April, 1957, at Patna resolved that the question as to whether the existing procedure on 'go-slow' should be retained or not, or modified be referred to a seven-man sub-committee under the Chairmanship of Labour Commissioner, Bihar, with a request to submit its report within six months so that the matter could be placed before the next meeting of the Board for taking a final decision.

In pursuance of this recommendation, the Government of Bihar recorded in their Resolution no. III/D1-1203/57-L—11539, dated the 22nd June, 1957, appointed a Committee to go into the whole problem of 'go-slow' in all its aspects and to present to Government its report within six months. The personnel of the Sub-Committee was slightly modified from the original recommendation of the Bihar Central Labour Advisory Board, as Pandit Binoda Nand Jha subsequently assumed office as a State Minister and was, therefore, replaced by Shri R. L. Verma. The personnel of this committee was as follows:—

(1) Commissioner of Labour, Bihar—*Chairman.*

Members.

- (2) Shri F. L. Vardya.
- (3) Shri R. N. Jai.
- (4) Shri Badri Narayan.
- (5) Shri R. L. Verma.
- (6) Shri Braj Kishore Shastri.
- (7) Shri Ranen Roy.

The Committee deliberated on all the possible aspects of the problem, and reviewed the working of the schemes introduced in the past for dealing with this problem.

The divergence of views between the employers' and workers' representatives on the Committee on the basic approach to the problem was so wide that the Committee could not find its way to make any definite recommendation. The employers' representatives regarded go-slow as immoral, unjustified and illegal and, therefore, strongly advocated total

scrapping of the procedure laid down by the Government on the advice of the Board whereas the workers' representatives favour continuance of the scheme with such modifications as might be necessary in the light of actual experience.

In accordance with the resolution of the 15th meeting of the Bihar Central Labour Advisory Board held at Patna on April, 1957, the report of the Committee on go-slow was placed before the 16th meeting of the Board held at Ranchi on the 13th and 14th February, 1958 for consideration and taking a final decision. There was a prolonged discussion on the subject, and with the solitary exception of Shri S. C. Joshi, the representative of the employer strongly pressed for the total scrapping of the earlier procedures outlined by the Board in respect of go-slow. Shri S. C. Joshi, was of the view that the earlier procedure might continue with certain amendments as suggested by Shri R. N. Jai, a member of the committee. The representatives of the workers on the other hand were strongly opposed to the move for scrapping the existing procedure, and pressed for its continuance. An attempt was made to form a Small Committee to devise a via media for resolving the dead-lock. But as the employers insisted upon scrapping the procedure, the proposal had to be dropped. In view of such wide divergence of opinion between the two sides it was left to Government to take such action on the report as they might consider necessary.

The State Government considered the proceedings of the 16th Meeting of the Board, and the report of the Go-slow Committee and came to the conclusion that in the absence of an agreement between the representatives of the employers and the employees it was no longer possible to enforce the go-slow procedure which had been adopted on the basis of the tripartite agreement. The State Government by their resolution no. III/D1-12081/58—12146, dated the 18th July, 1958 (Appendix XIII) accordingly scrapped the go-slow procedure.

Thus the solution to a vexed problem, which was evolved after mature deliberation and with the common consent of the parties, come to end.

APPENDIX I.

LABOUR DEPARTMENT.

NOTIFICATION.

The 30th October, 1950.

No. DI-8011/50-L-6778.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor of Bihar is pleased to publish the following report of the Court of Inquiry, constituted in notification no. D-8011-L-3339, dated the 1st May 1950, of which Mr. Shiva Pujan Rai was the sole member to enquire—

- (a) whether a "go-slow" policy was adopted at the Motipur Sugar Factory in February-March, 1950, by the workmen or any class or section of the workmen or by the employer;
- (b) if the "go-slow" policy was adopted, what was the extent of reduction in the rate of daily crushing and the extent of losses to the establishment; and
- (c) what measures should be adopted by the Government of Bihar to deal with the "go-slow" policy in the said sugar factory and to prevent "slow-down" in other sugar factories in Bihar.

IN THE COURT OF SHRI SHIVA PUJAN RAI, CHAIRMAN,
INDUSTRIAL TRIBUNAL, BIHAR.

REFERENCE NO. 5 OF 1950.

Under section 6 read with clause (b) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor of Bihar constituted this court of enquiry by notification no. D-8011-L-3339, dated the 1st May 1950, with myself as its sole member to enquire—

- (a) whether a "go-slow" policy was adopted at the Motipur Sugar Factory in February-March, 1950, by the workmen or any class or section of the workmen or by the employer;
- (b) if the "go-slow" policy was adopted, what was the extent of reduction in the rate of daily crushing and the extent of losses to the establishment; and
- (c) what measures should be adopted by the Government of Bihar to deal with the "go-slow" policy in the other sugar factories in Bihar.

As the notification required me to report on measures to be adopted to prevent adoption of go-slow tactics in the sugar factories of the province I sought clarification from the Government as to whether an enquiry was to be held in all the sugar factories of the province.

By letter no. D1-8011/50-L.—6089, dated the 9th September 1950, Government in the Labour Department replied saying that for the time being the enquiry was to be confined to the Motipur Sugar Factory only. I have accordingly examined witnesses tendered by the management of the Motipur Sugar Factory. The Labour Union representing the employees of that factory did not examine any witness and its leaders contented themselves with cross-examining the company's witnesses. They have produced some documents in the evidence and have made their comments on the evidence adduced by the management and on different aspects of the issues involved.

The Directors of the company and the leading officials are Moham-medans. As the month of Ramzan intervened, they obtained adjournments of the hearing of the dispute. That was one of the reasons why the enquiry could not be completed earlier. Originally the court was asked by the Government to submit its report by July but the date was extended till the end of September. The hearing was concluded on the 30th of the latter month.

Shri Ranen Rai is the President of the Labour Union of the employees of the factory. Most of the permanent employees are not members of the Labour Union which in the circumstances derives its support mainly from the seasonal employees. Sri Radha Krishna Ambastha *alias* Radha Babu is the General Secretary and Sri Bhola Singh *alias* Bhola Babu is the Assistant Secretary of the Labour Union. All the three gentlemen are outsiders. Sri Ranen Rai who is a prominent worker in the Labour Field in this province, is associated with many labour unions in different parts of this province.

The management have examined four witnesses. Witness no. 1, Sheo Prasad Singh, is a permanent fitter in the factory and witness no. 3, Sri Sukhdeo, is a Lab. boy in the laboratory of the factory. Witness no. 4, Ram Rup Rai, is a cultivator and belongs to a village, two miles away from the factory. He is a cane-grower and claims to have supplied cane to the factory during the last season. Witness no. 2, Sri Anil Chandra Mishra, is the Assistant Chief Chemist but during the greater part of the last season he officiated in place of the Chief Chemist, who was away on leave from the 5th January, 1950. Sri Anil Chandra Mishra has been in the service of the company since the year 1938. As I have already indicated, no witness has been adduced by the labour union. Sri Rama Nath Sharma, the Labour Officer of Muzaffarpur, has been examined by me as a court witness.

Question (a).—This is the main question round which the controversy has raged. The case of the management is that the labour union instigated and organised a test slow-down for three days (i.e., 16th to 18th) in the month of February last and that a regular slow-down was started on the 10th March following which lasted in full swing up to the 22nd March. It is alleged by the management that after the 22nd

March there was great improvement but conditions remained abnormal till the 3rd May when the season ended.

The present labour union came into existence in the year 1947. In November, 1949, the labour union submitted a list of 35 demands to the management. At the beginning of the last cane crushing season strike notices were served by labour unions in most of the sugar factories of the province, and the strike notice issued by the labour union of the present factory was dated the 14th January, 1950. Other labour unions had issued strike notices much earlier. On the 6th February, 1950, the disputes in the sugar factories were referred to a Tribunal consisting of the Hon'ble Sri Justice B. P. Sinha of the Patna High Court. One of the demands made by the labour union of the Motipur Sugar Factory was that the minimum basic wage of an unskilled worker should be raised to Rs. 100. It is in evidence that the labour unions in other sugar factories of the province had not demanded an increase in the minimum basic wage which has been Rs. 55 for some time. The other demand in which the workers were most interested related to bonus. It is natural that the members, most of whom are seasonal employees, would not be so keenly interested in housing, medical facilities and many other matters which were covered by the strike notice. As appears from the deposition of p. w. 1 meetings were held by the labour union leaders before the commencement of the season. At these meetings they explained the demands which they had framed on behalf of the workers and told the workers that the demands would be placed before the management and in the event of a refusal on the part of the management to concede those demands a strike would be launched. On the 20th January Sri P. K. Sen, the Assistant Labour Commissioner of Muzaffarpur, visited Motipur. Both p. ws. 1 and 3 have stated that the workers who went to the railway station to greet him were wearing badges inscribed with the words "Fulfil the demands or there shall be a strike". Sri P. K. Sen had a discussion with the representatives of the management and the labour union. His letter of the 6th February shows that on that occasion a settlement had been reached on some points but it had not been finalised as the representatives of the labour union were not prepared to sign the memorandum. It appears that when the Assistant Labour Commissioner visited Motipur on the 20th January held a discussion, Sri Ranen Rai was not present. In his letter of the 6th February, 1950, the Assistant Labour Commissioner suggested to the General Secretary that he should consult Sri Ranen Rai and let the Assistant Labour Commissioner know when the agreement could be signed. Ultimately the agreement was not signed. It appears that the questions which were common to the sugar factories in the province were referred to a Tribunal and the Labour Commissioner's department was led to believe that the other points in dispute would be settled by negotiations or as a result of conciliation proceedings. The discussion which the Assistant Labour Commissioner had with the parties' representatives on the 20th January must have led the Labour Department

to expect a settlement as a result of conciliation proceedings. As a matter of fact on many points a settlement was reached on the 20th January in the presence of the Assistant Labour Commissioner. No settlement was however reached or could possibly be reached on the question of minimum wages or bonus both of which involve heavy financial commitments.

The Motipur Sugar Factory is a prosperous concern. It had been paying bonuses in previous years also, but during the last season no bonus whatsoever was paid as the question was pending before an industrial tribunal and the management expressed their inability to make any payment until a decision was given by the Tribunal. Delay in payment of the bonus even at the old rate must have made labour restive. The suggestion made by the management is that the workers were getting impatient as the hopes raised by the labour union were not being fulfilled. The evidence of the company's witnesses is that when the labour leaders found that the workers were getting out of control they (labour leaders) in order to save their own prestige advised the workers to adopt a go-slow policy in order to compel the management to yield. It is urged that the labour leaders could not advise the workers to go on a strike as the dispute was pending before the Tribunal and a strike started during the pendency of the adjudication proceedings should be illegal. The labour leaders had failed to get the minimum wage raised to Rs. 100 or to get bonus paid at an increased rate. On the other hand payment of bonus even at the usual rate had been withheld by the management. On behalf of the management it has been suggested in the course of the argument that having found that the workers' faith in their leadership was being undermined the labour leaders thought of bringing about a crisis by creating conditions in which the management would be compelled to take measures to allay discontent. On behalf of the management it has been argued that the three days' slow-down in the month of February was started as a test and when it would be found that a slow-down policy would be very effective, the union leaders decided to watch the situation for some time more and to initiate a regular slow-down later on, when discontent grew deeper and conditions became more favourable from the point of view.

The second slow-down is said to have started on the 10th March, 1950. A report seems to have been sent to the Labour Commissioner at once for on the 11th of March he instructed Sri Rama Nath Sharma to proceed to Motipur immediately. Sri Rama Nath Sharma had gone to Patna in connection with some private business of his own. When he met the Labour Commissioner the latter informed him that a trunk call had been received from Motipur about a slow-down. The Labour Commissioner asked Sri Rama Nath Sharma to proceed to Motipur immediately and to do what he could to ease the situation. Sri Rama Nath Sharma started that very evening for Muzaffarpur and met Sri Ranen Rai on the following day. On the 13th March, Sri Rama

Nath Sharma proceeded to Motipur with Radha Babu, the Secretary of the Union. Sri Rama Nath Sharma called some of the workers to the office of the Mill Secretary, Sri Sattar, and talked to them. The workers did not accept that there was a slow-down. On the other hand they complained that even their ordinary grievances had not been attended to by the management. After studying the situation at Motipur Sri Rama Nath Sharma spoke on the phone to Sri Ranen Rai who was at Muzaffarpur. The latter arrived by the following train. When Sri Rama Nath Sharma met the Mill Secretary the latter complained that the slow-down had been started by the workers under instructions from the union. The Mill Secretary tried to convince Sri Ranen Rai that there was a slow-down. Sri Ranen Rai assured the Secretary that he (Sri Ranen Rai) would go and contact some important members of the labour union. The important members of the labour union were called to the labour union office where the Labour Officer went in the company of Sri Ranen Rai. The workers did not admit that there was a slow-down. Sri Ranen Rai appealed to them to work whole-heartedly as they were expected to do. They assured him that they had been working whole-heartedly and would continue to do so. The Chief Engineer of the factory took Sri Rama Nath Sharma round the mill and tried to explain to him how slow-down was being practised at the various stations. Being a layman, Sri Rama Nath Sharma was not able to follow the explanations given by the Chief Engineer. The Chief Engineer next took Sri Rama Nath Sharma to the cane carrier and showed him how less cane was being loaded. Sri Rama Nath Sharma was satisfied that there was a slow-down at the cane carrier and mentioned that fact in his report to the Labour Commissioner. The Assistant Labour Commissioner held conciliation proceedings on the 15th March, which were infructuous. The Labour Commissioner, himself held conciliation proceedings at Patna on the 18th March as a result of which an agreement was arrived at. A memorandum of settlement was drawn up and was signed by the representatives of the parties and by the Labour Commissioner.

There can be no doubt that slow-down tactics were adopted by the workers for three days in the month of February and for a number of days in the month of March, 1950. The memorandum of settlement which was drawn up and signed on the 18th March, 1950, recites that the situation arising out of the slow-down in the Motipur Sugar Factory since the afternoon of 10th March, 1950, was discussed. It is stated in the memorandum that it was admitted that there was definite slow-down on the part of the labour. The union did not take responsibility for the slow-down as its plea was that the slow-down had been started without its advice or approval. Sri Ranen Rai's case was that he visited the factory and tried to persuade the workmen to give up the slow-down but he met only with partial success. The reason, according to him, was that labour appeared to be restive on account of the delay in the implementation of certain settlements and awards, non-implementation of certain awards, settlements and agreements. He also

suggested that it was possible perhaps that some rival parties, which might be trying to set up a union, might be attempting to exploit the situation. The memorandum of settlement was signed by Sri Ranen Rai. In view of the recital of the above facts in the introductory paragraph of the memorandum it is now too late for the labour union to suggest that there was no slow-down in the month of March. The first argument advanced on behalf of the labour union is that if there was a slow-down at all in the month of March it must have been sponsored by the management themselves. This suggestion is founded upon a telegram which was addressed by the Mill Secretary, Sri Sattar, to the O. T. R. administration on the 13th of March, 1950. The Station Master of Motipur Railway Station had informed the management that booking of sugar bags *via* Waltair had been restricted from the 10th of March. Sri Sattar wired to the Deputy Director of Movement, Gorakhpur, requesting him to lift the restriction as otherwise crushing of sugarcane would have to be stopped by the mill altogether inasmuch as there was no storage space in its godown. The chart produced on behalf of the management shows that the mill has five godowns. The capacity of four of the godowns is 79 thousand bags of sugar. The capacity of the fifth godown is 15 thousand bags of sugar. The fifth godown has however, been built for storage of rori and dirty sugar for remelting in the following year but when necessity arises standard sugar is stored in that godown also. The total capacity of the five godowns, therefore comes to 94 thousand bags of sugar. On the 23rd December, 1949, when manufacture of sugar commenced during the last season, the godowns were entirely empty, 805 bags of sugar were transferred to the godown on that day. The stocks of sugar in the godown went on accumulating. On the 13th March when the above mentioned telegram was sent to Gorakhpur there were 69,343 bags of sugar in the godowns. Stocks were, however, being cleared almost regularly though the despatches were less than the quantities of sugar manufactured daily. On the 31st March, 1950, there were 79,294 bags of sugar in the godowns and on the 16th April 1950 the number of bags rose to 90,450. On the 3rd May 1950 when the sugar was transferred to the godowns for the last time the total number of bags was 87,193. The chart shows that sugar was despatched on the 15th, 16th, 17th, 18th, 20th, 21st, 22nd, 23rd, 24th, 25th, 27th, 29th and the 30th of March, 1950. It cannot, therefore, be said that after the 9th of March the situation deteriorated to such an extent that it became incumbent on the management to slow-down production in order to prevent wastage of or damage to sugar for want of storage space in the godown. After the 22nd of March the number of bags of sugar in the godowns steadily rose above 72,224 bags but it has not been suggested that the management took active steps to keep down production after that date. Even during the peak period the daily manufacture of sugar varied from 1,000 to 1,350 bags. The highest figure was reached on the 11th February, 1950, when 1,469 bags were transferred to the godowns. The position in the godown was such on the 13th March,

1950, that there would be no storage difficulty for 24 days even if no sugar was despatched at all. In these circumstances I cannot believe that the slow-down had been instigated or engineered by the management themselves. It is also to be emphasised that such a suggestion cannot be accepted for a moment as in the memorandum of settlement drawn up on the 18th March, 1950, there is an admission that there had been slow-down on the part of labour. As regards the alleged slow-down on the 16th—18th February also there can be no doubt that the company's allegation is correct. It appears that immediately after the commencement of the slow-down a report was made to the Assistant Labour Commissioner who thereupon sent a letter to the General Secretary of the Union on the 18th February advising him to do his best to co-operate with the management as production of sugar was of national importance. The Assistant Labour Commissioner mentioned that it had been reported to him that there had been slow-down at the factory during the last few days, and that the production of sugar which used to be 1,200 bags daily had dwindled to 1,050 bags, owing to insufficient attention to the centrifugals by labour. The Assistant Labour Commissioner pointed out that all the general demands of the labour union were pending before the Industrial Tribunal and that the local demands had already been discussed with the labour union and the company had been instructed to implement the verbal decision reached during the visit of the Assistant Commissioner of Labour (on the 20th January, 1950). It cannot, therefore, be suggested on behalf of the labour union that the story of a slow-down for three days in the month of February has been fabricated for the purpose of supporting the management before this court of enquiry. The slow-down was brought to the notice of the Labour Commissioner's Department immediately. Sri A. C. Mishra, the Assistant Chief Chemist, has stated that slow-down was started by labour for the first time on the 16th February last and that he had been hearing rumours about the coming slow-down for a week or so. When he went to the mill on the morning of the 17th February he found that slow-down was already in progress. The number of bags of sugar manufactured in the night was less than what it would have been in normal circumstances. When he went to the pan floor he found that the situation was abnormal. He found larger quantities of massecuite than he expected and when he called the chemist on duty the latter stated that the workers of the centrifugals were not doing their duties properly. Sri A. C. Mishra called the mate who told him that instructions were not being carried out and that though the workers were pretending to work they were not exerting themselves fully. After that Sri A. C. Mishra went to his office where he saw the reports about cane crushing in the night. In the month of February the mill used to crush 29,000 to 30,000 maunds of cane on an average and manufactured about 1,150 to 1,200 bags of sugar daily. On 16th and 17th February the production of sugar was 1,055 bags and on the 18th it was 1,195 bags. As the 19th February was a Sunday, the work of the 18th February was finished at 4 P.M. on the 19th/

therefore explained that the 1,195 bags which was shown in the chart as having been manufactured on the 18th really represent sugar lying in the process from before and the whole of it was cleared on the 19th. The figures of cane crushing showed that work was not being done properly on the cane carrier at all. A report was then sent to the Assistant Labour Commissioner who thereupon wrote to the Secretary of the union a letter on the 18th February, to which I have already referred. On the 19th a rumour got afloat in the factory that Rs. 90 would be paid as a part of the bonus very soon. Sri A. C. Mishra has suggested that it was as a result of this rumour that slow-down was stopped on the 19th. Sri Sattar, the Secretary of the mill, Sri Hamid, the Manager of the factory, and Sri Begg, the Chief Engineer, were sitting in the office on the 26th or the 27th February, They told Sri A. C. Mishra, that Radha Babu and Bhola Babu had approached them and requested them to pay Rs. 90 as a part of the bonus as labour was getting restive, and hopes had been held out to them that bonus would be paid soon. Sri A. C. Mishra considers that it was the labour union which had held out such hopes and nobody on behalf of the management held out any hope that bonus would be paid very soon. According to him the management always took up the attitude that if the Tribunal decided in favour of the payment of bonus payment would be made soon. When Sri A. C. Mishra was going his rounds in the factory on the evening of the 10th March he noticed at 7 P.M. that the temperature in the juice heater had gone up above 55° which is the temperature constantly to be maintained. He explains that temperature goes up above 55° when the steam is excessive or the juice entering the heaters is less than the normal quantity. Sri A. C. Mishra looked into the pump and found that very little juice was passing into the heater. After visiting the pans and the carbonatation he went to the centrifugals where also he found that the work was being blocked. He has stated that the slow work in the cane carrier and the centrifugals lasted up to the 22nd March in full force. After the 22nd March work at the centrifugal became almost normal but at the cane carrier there was no satisfactory improvement even up to the 2nd May. As the work at the cane carrier remained unsatisfactory till the end of the season that meant that production of sugar was not normal during the whole of that period. Figures of cane crushed and sugar manufactured from day to day in the month of March have been produced on behalf of the management. While from the 1st to the 9th of March the daily crushing of cane averaged 27 to 29 thousand maunds it suddenly dropped to 25,224 maunds on the 10th of March. From the 11th to the 14th of March the quantities of cane crushed daily were below 20 thousand maunds and from the 15th to the 17th March the figure was below 22 thousand. On the 18th March only 13,940 maunds of cane were crushed. On the 19th the figure went down to 8,174 maunds. From the 20th to the 22nd of March the figure was below 25 thousand. On the 23rd and 24th March it rose above 26 thousand, and varied from 26 to 27 thousand during the rest of the

month, except on the 26th March, when the factory remained closed for 14 hours and 15 minutes. A recital of the above facts leaves no doubt that there was a slow-down on the part of labour for 3 days in the month of February and from the 10th to the 22nd of March. After the latter date the situation considerably improved, but the old target of production was never reached during the rest of the season.

The point which remains to be considered is whether the slow-down in the months of February and March was instigated or sponsored by the Labour Union or its leaders. There is no evidence that the Labour Union had officially adopted that a resolution advising the workers to go-slow or that the slow-down was officially countenanced by the Labour Union. What the Management have alleged is that the Labour Union leaders had created such a situation that labour became restive and that having found that no other means of compelling the Management to concede the demands about the wages and the bonus were available the labour leaders advised the workers to bring pressure to bear on the Management by slowing-down production. On this point the evidence is entirely *ex parte*. No witness has been examined on behalf of the Labour Union as I have already mentioned. Sri R. K. Ambastha who is the Secretary of the Union was present throughout the proceedings but he did not come forward to pledge his oath in support of the Labour Union's denial that its leaders were responsible for slow-down in any way. The evidence of P. W. 1 and Sri A. C. Mishra is that before the commencement of the crushing the labour leaders used to hold meetings and explain to the workers the 35 demands which had been submitted on their behalf. It is in evidence that the labour leaders appealed to the workers to stand by the Labour Union and assured them that success would be achieved if they stood by the Labour Union. Sri A. C. Mishra has stated that before the commencement of the season the union was not so strong but its strength went on increasing as the season advanced. Previously the Motipur factory used to pay bonus in two instalments. The first instalment used to be paid at the end of the crushing season and the second instalment was paid at the beginning of the following season. The bonus for the season 1948-49 has not yet been paid as the question is still pending before an Industrial Tribunal. At the beginning of February the position was that the bonus for 1948-49, which would in the ordinary course have been paid in full by that time, still remained unpaid and though the peak period of the crushing season had been reached neither the basic wage had been increased nor was there any prospect of payment of bonus in the near future. On the 6th February the dispute was referred to the Industrial Tribunal and the Management took up the attitude that they would not make any payment till a decision was given by that Tribunal. The workers were getting impatient and were taxing the union leaders about the delay in fulfilment of the demands formulated by the Labour Union. The case of the Management is that being confronted with such a situation the labour leaders advised the workers to have recourse to go-slow tactics as though a strike would be illegal a slow-down would not be illegal and

would not entail punishment on those who participated in it. In his cross-examination Sri A. C. Mishra has stated that he asked the men at the cane carrier why they were working slowly and they told him that they had been asked by the Labour Union to go-slow so that they might get bonus. P. W. 1 Sheo Prasad Singh has stated that when the Assistant Labour Commissioner went to Motipur on the 20th January it was Bhola Babu and Radha Babu who distributed to the workers badges inscribed with the words " Fulfil our demands or there shall be a strike ". Both of these gentlemen used to deliver speeches to the workers at the mill gate or on the football ground. P. W. 1 has stated that when 4 or 5 representatives of the workers went to the Union office on the day of the Assistant Labour Commissioner's visit Radha Babu advised them to go-slow as the company was bound to concede their demand for bonus and increased wages if it suffered losses. The evidence of P. W. 3 Sukhdeo Mahto is that the workers expected that the bonus would be paid in the month of January in accordance with the usual practice in the mill. After the pay day in the month of January some of the workers complained to Radha Babu and Bhola Babu that the bonus had not been paid to them. According to P. W. 3 Radha Babu and Bhola Babu stated that bonus would be paid to the workers after the visit of the Assistant Labour Commissioner which was expected. The Assistant Labour Commissioner went to Motipur on the 20th January as I have mentioned but neither wages were increased nor bonus was paid. P. W. 3 has stated that Radha Babu and Bhola Babu went on holding meetings and appealed to the workers not to lose heart. According to P. W. 3 the workers became impatient in the month of February. Several meetings were held by Radha Babu at the gate and on the field as well as in private. P. W. 3 said that at a meeting held on the football ground Radha Babu and Bhola Babu advised the workers to go-slow if they wish to have their bonus paid. P. W. 3 has further stated that Radha Babu and Bhola Babu said that in the national interest the workers should not go on strike but they should slow-down work. P. W. 3 has stated that in pursuance of their instructions slow-down started which lasted for 2 days and it stopped when Bhola Babu went round and told the workers that Management had agreed to pay Rs. 90 as part of the bonus subject to adjustment later on. As no payment was made to the workers by the Management the workers became restive at the time of the Holi festival. Private meetings as well as public meetings were held during the Holi festival. P. W. has added that Bhola Babu told the workers at the meetings that as bonus had not been paid they should again have recourse to slow-down. According to P. W. 3 the workers then again started slow-down which lasted for 10 days. While the slow-down was in progress Bhola Babu went round the mill and said that the production was being lowered too much and that the workers should increase it to some extent. According to P. W. 3 Bhola Babu asked the men at the donga to produce 6 tanks of juice per hour. He gave instruction at other places also for an increase in production. Ten days after the commencement

of the slow-down Yakub Babu one of the Directors went to the donga and appealed to the men not to be impatient. He assured them that whatever bonus would be granted by the Tribunal would be paid in full. After an appeal was made by Yakub Babu the workers slowly resumed normal working. This is the evidence given by P. W. 3 who has been cross-examined by Sri R. K. Ambastha himself. P. W. 4 Rama Rupa has stated that 10 or 15 days after the Holi festival he went to the mill sajaul to take chalans from him and the sajaul told him that the coolies were going slow and that the stock of sugar cane was full. On that day a meeting was being held on the football ground. According to P. W. 4 Parsidh Singh who grows sugarcane on 20 to 25 bighas of land spoke at the meeting and appealed to the workers to run the mill properly or leave it to the canegrowers to run the mill. P. W. 4 has added that the union leaders said at the meeting that bonus would be paid to the workers if they went slow. In the memorandum of settlement of the 18th there is a suggestion by Sri Ranen Rai that rival labour leaders might be trying to exploit the situation and might have instigated the slow-down. Of this there is no evidence whatsoever. Comment has been made on behalf of the Labour Union on the fact that no worker who is a member of the union has been examined by the Management as a witness. It may be that no worker who is a member of the Labour Union was willing to come forward to give evidence against the union leaders. No conclusion can be drawn against the Management merely the witnesses examined on their behalf are not members of the Labour Union. The son of P. W. 1 like the sons of some other fitters is receiving an allowance for carrying on his studies. P. W. 4 is a tenant of the factory. Bhola Babu has not come forward to deny that he advised the workers to adopt a go-slow policy nor has Radha Babu denied it although he was present throughout the proceedings. There can be no justification for rejecting the evidence adduced by the Management when there is absolutely no evidence on the other side and those who are charged with having instigated the slow-down have not chosen to examine themselves as witnesses and to deny having instigated the slow-down. After a careful consideration of the evidence and all the circumstances of the case, I have, therefore, come to the conclusion that the slow-down was instigated and sponsored by the union leaders.

Question (b).—The Labour Union is not interested in this question and Sri A. C. Mishra who has produced a note showing the extent of losses has not been cross-examined on that point. One of the tables prepared by him is as follows :—

Seasons.	Cane crushed in mds.	Crushing hrs.	Crushing speed per 24 hours Mds.
1946-47	23,81,801.25	1,905.30	30,000
1947-48	19,10,483.25	1,559.10	29,400

	Cane crushed in mds.	Crushing hrs.	Crush speed p. 24 hours Mds.
1948-49	22,83,395.25	1,391.10	28,980
Average for 3 seasons .. .. .	.. .. .	.. .. .	29,460
January, 1950	7,84,499.25	643.10	29,275
February, 1950	7,08,266.50	584.40	29,074
March, 1950	6,95,122.25	658.45	25,325
April, 1950	6,97,497.75	667.40	25,073
11th March 1950 to 22nd March 1950.	2,31,282.25	258.15	21,494

A look at the above table shows that the average daily crushing speed per 24 hours in March and April 1950 was more than 4 thousand maunds less than what it usually had been in the previous three years and what it was in January 1950. In the month of February 1950, the average daily crushing was about 200 maunds less than what it had been in the month of January 1950. The fall in the average daily crushing in the month of February was due to the slow-down practised for 3 days in that month. The average daily crushing from the 11th to the 22nd March 1950 was nearly 8 thousand maunds less than the average for the month of January 1950 and that of the previous three years. Taking the average loss in crushing from the 11th to the 22nd March to be 7,960 maunds the total amount lost in crushing during those 12 days would amount to 9,592 maunds of cane, which would take the factory about 4 days to crush. It has therefore, been urged on behalf of the Management that the season was prolonged at least by 4 days. There was some loss in crushing even after the 22nd of March but that has not been taken into account by the Management in calculating the total amount of loss in crushing. Another table which has been prepared by Sri A. C. Mishra leads to the same conclusion. It is as follows :—

Season.	No. of sugar bags pro- duced.	Average no. of sugar bags produced per 24 working hours.
	Bags.	Bags.
1946-47	96,257	1,212
1947-48	78,909	1,214
1948-49	92,121	1,169
Average for 3 seasons .. .. .	.. .. .	1,198
January, 1950	31,261	1,166
February, 1950	28,700	1,178
March, 1950	28,252	1,030
April, 1950	27,201	977
11th March to 22nd March 1950	9,424	876

The above table shows that the daily production of sugar from the 11th to the 22nd March was 322 bags less the average daily production in the previous 3 years and that during the said 12 days the total loss in production amounted to 3,834 bags which was equivalent to 4 days' production. A 3rd table has been prepared by Sri A. C. Mishra for the purpose of showing the lost in recovery. The table is as follows :—

Seasons.	Average recovery.
1946-47	11.11
1947-48	11.33
1948-49	11.12
Average for 3 seasons	11.19
Average for the period 11th March to 22nd March for above 3 seasons.	11.26
January, 1950	10.89
February, 1950.. .. .	11.14
March, 1950	11.05
Average for the period 11th March 1950 to 22nd March 1950.	10.61
Average for the last 4 days of the season 1949-50 ..	9.91

According to this table the percentage of recovery was 10.61 from the 11th March to the 22nd March, 1950 as against 11.26 the average percentage of recovery on the same dates during the previous three seasons. During the last 4 days of the season of 1949-50 the percentage of recovery fell to 9.91. It has been urged that during the last 4 days of the season a lot of cane remained lying about and its juice dried up. The Management have urged that if the season had not been prolonged by four days owing to adoption of go-slow tactics the recovery of sugar would not have dwindled to 9.91 per cent. It has also been urged that bulk stores consumed within four days by which the season prolonged was worth Rs. 11,012 and during those days extra wages amounting to Rs. 9,172 had to be paid. The following are details of losses said to have been sustained by the factory as a result of the slow-down :—

- (1) Loss in crushing amounted to 95,592 maunds of cane, which could have been crushed in March with a recovery of 11.26 was crushed till the 2nd May 1950 with the average recovery of 8.91 for the last 4 days. The loss of sugar due to this is 2,246 maunds at Rs. 26 per maund it amounts Rs. 58,396.
- (2) Loss of recovery was from 11.26 to 10.61 on 2,31,282.25 maunds of cane which is 1,503 maunds of sugar at Rs. 26 amounting to Rs. 39,078.
- (3) The average wages per day during the season are Rs. 2,293, 4 days' extra season amounts to Rs. 9,172.

- (4) The average cost of bulk stores consumed during the extra 4 days amounts to Rs. 11,012.

Summing up we get—			Rs.
(1) Due to loss in crushing	...	...	58,396
(2) Due to loss in recovery	...	...	39,078
(3) Due to extra wages	...	...	9,172
(4) Due to extra cost of bulk stores	...	...	11,012
Total			1,17,658

The figures worked out on behalf of the Management are approximate. It is impossible to say what was the exact loss in crushing or the exact amount of sugar lost as a result of the go-slow policy. In the month of January 1950, the percentage of recovery was 10.89 and in February 1950, the percentage was 11.14. The percentage of recovery from the 11th March to the 22nd March during the previous three seasons have been 11.26 but it cannot be said with certainty that the percentage of recovery from the 11th to the 22nd March 1950 would have been 11.26. It will be noticed that the chart supplied by the company shows that in 1946-47, the average percentage of recovery was 11.11, that in 1948-49 it was 11.12 and that in 1947-48 it was the highest, namely, 11.33 per cent. The average percentage of recovery for the years 1946-47 to 1948-49 rose to 11.26 as the percentage of recovery in 1947-48 was higher than in the previous two years. The percentage of recovery in February was only 11.14 per cent. It cannot, therefore, be asserted with certainty that if there was no slow-down in the month of March, 1950, the percentage would have been 11.26. The extent of loss in recovery has been calculated by Sri A. C. Mishra on the assumption that if the situation were normal the percentage of recovery would have been 11.26. There is no certainty that the percentage of recovery would have reached that point. It follows that the loss in recovery has been put at Rs. 39,078 merely by guess. Similarly it cannot be asserted about the daily crushing of cane that the quantities supplied to the mill from the 11th to the 22nd March would have averaged 29,460 maunds which was the average daily figure during the previous three years. Even in January 1950, the average daily cane crushing was only 29,275 maunds against 29,460 the average daily crushing figure during the previous three years. If the percentage of recovery of sugar went down during the period of slow-down the quantities of molasses must have increased during that period and the price of the extra molasses will have to be set off against loss said to have been sustained by the company. In calculating the total amount of losses, many other factors might also have to be taken into consideration. Evidence has not been adduced by the Management to show how the cost of extra bulk store said to have been consumed came to Rs. 11,012 nor have they adduced evidence to show that the amount of wages paid during the last four days of the season amounted

to Rs. 9,172. The figures given both in respect of extra wages and extra cost of bulk store must, therefore, be taken to be approximate figures only. All that can be said with certainty is that the losses caused to the company were considerable and that the figure of Rs. 1,17,658 is in the nature of guess work, and can at best be said to reflect approximately the loss caused to the company.

Question (c).—On behalf of the management it has been suggested that one of the preventive measures that can be adopted is that the management should be given freedom to withdraw recognition from a labour union whose leaders instigate or countenance slow-down tactics. I am inclined to support this prayer of the management. They do not say that in every case in which a slow-down is adopted recognition should be withdrawn from a labour union. They want to exercise their discretion in the light of circumstances of the particular case. If there is a token slow-down the management may not choose to withdraw recognition from a labour union or they may suspend recognition for a limited period of time but when prolonged slow-down is adopted at the instance of labour leaders, the management should have a right to withdraw recognition from such labour unions and to refuse to have dealings with them. Recognition of a labour union by an employer confers certain privileges on the workers. It is but fair that they should not continue to enjoy those privileges after they have adopted tactics which are detrimental to the interest of the employer as well as the national interest. Under the existing law an employer is within his rights in withdrawing recognition from such labour unions whenever he so wishes. What the management have suggested is that if recognition is withdrawn by an employer under circumstances like the above, no pressure should be put by the Labour Department on the employer in order to compel him to continue recognition or to restore it. It has also been urged on behalf of the management that they should be left free to take disciplinary action against workers who take part in a slow-down. Under the existing law an employer has a right to take such disciplinary action for if a worker who gets full wages does not exert himself and give normal production, he is liable to be punished. If an employee persists in the adoption of go-slow tactics he may be discharged for indiscipline or insubordination and similar punishment may be meted out by an employer to those who are ring-leaders. What the management emphasise is that if punishment is imposed by an employer on an employee for adopting or instigating go-slow tactics the Government should not interfere. This suggestion of the employers should also be accepted.

In the Labour Relations Bill which is pending before Parliament provision has been made for the punishment of participants in go-slow tactics and slow-down has been placed on the same footing as an illegal strike. One cannot predict what shape the bill will take by the time it is enacted into law but if the provisions are not altogether eliminated Government will have power to deal with such situations in accordance with the provisions of the new law.

Conclusion.—A preliminary objection was raised by Sri Ranen Rai to the holding of an enquiry by me into the matters set out in the Government notification. I dealt with his objection by an order dated the 29th July, 1950. One of the points mentioned by him was that the memorandum of settlement drawn up on the 18th March, 1950, provided that a Commission would be appointed to investigate the cause of the low-down, fix the responsibility for the slow-down, and to suggest measures to prevent slow-down in sugar factories. It was further agreed that the commission's findings would be acceptable to the parties (Labour Union and the management of the Motipur Sugar Factory) and they would act in accordance with any advice that would be given by Government for implementing the recommendations of the Commission. The grievance of Sri Ranen Rai is that instead of appointing a Commission the Government have constituted a Court of Enquiry. His grievance is one with which this court has nothing to do. I took the view that it was incumbent upon me to undertake and complete the enquiry which I have been directed to hold, into the matters indicated by the terms of reference. Although it is impossible to say whether each and everyone of the labour leaders took part in instigating or in sponsoring a slow-down policy the conclusion which I have reached is that they were collectively responsible for the slow-down. As regards prevention of such tactics in future I would recommend that the two suggestions made on behalf of the management may be adopted and that if and when the Labour Relations Bill is enacted into the law action may be taken under its provisions. I would also recommend that at the beginning of the season a conference of the labour leaders and representatives of the management may be called and that besides taking steps for immediate removal of the grievances of the workers or for referring a dispute to a Tribunal, the Labour Department may appeal to the Labour Leaders to enter into a gentlemen's agreement not to sponsor a slow-down or to advise adoption of slow-down tactics.

PATNA : 4th October, 1950.

SHIVAPUJAN RAI,
Chairman,
Industrial Tribunal, Bihar.

By order of the Governor of Bihar,
P. R. SEN,
Under-Secretary to Government.

APPENDIX II.

Report of the Go-Slow Committee appointed by the Bihar Central Labour Advisory Board at its meeting held in April 1951.

The question of go-slow tactics in the industries was discussed in general terms in the meeting of the Bihar Central (Standing) Labour Advisory Board held at Ranchi in September 1950. It was again discussed in the last meeting of the Board held at Patna in April 1951. At this meeting, the Board appointed a Committee consisting of the following persons to go into the question thoroughly, and directed the Committee to submit its recommendations as soon as possible :—

(1) Shri R. S. Pande, I.A.S., Labour Commissioner—*Chairman.*

Representatives of the employers.

(2) Shri R. A. Subramanyam.

(3) Shri V. Poddar.

(4) Shri V. R. Dongray.

Representatives of the employees.

(5) Shri Ranen Roy.

(6) Shri Brajkishore Shastry.

(7) Shri Kedar Pandey.

The Committee met at Patna on the 2nd August 1951, and again on the 19th and 20th August 1951. All the members of the Committee attended the first meeting. Shri Subramanyam could not attend the second meeting of the Committee, though he sent a note (Appendix I) for consideration which, however, was received after the second meeting of the Committee was over.

2. The Committee considered the memorandum prepared by the Labour Department (Appendix II). They also considered the replies to the questionnaire (Appendix III) received from Shri Dongray which had been circulated to the members of the Committee.

3. The proceedings of the meetings of the Committee will be found in Appendices IV and V.

4. There may be cases of go-slow by employers; but the Committee confined itself mainly to the discussions of the problem arising out of the adoption of go-slow tactics by employees.

5. There is a general complaint of fall in the productivity of the labour. In the opinion of the Committee, this may be due to various causes such as :—

(1) Low level of wages.

(2) Lack of recreational amenities.

- (3) Lack of welfare facilities.
- (4) Want of social security.
- (5) Fear of loss of employment either on account of mechanisation or other forms of reorganisation, or retrenchment due to other causes.
- (6) Lack of proper vocational training.
- (7) Huge untapped reserve of rural workers who can be engaged in industrial work making it advantageous to employ workers without proper training at low wages rather than having a lower number of more efficient and trained persons.
- (8) Want of proper attention to machineries.
- (9) Managerial inefficiency.

It is not the intention of the Committee to go into these questions, and suggest a solution for this malady which requires a long-term treatment.

6. It was understood from the trend of discussions in the last meeting of the Board that the Board was anxious to find out a short-term remedy for a deliberate go-slow by workers where such a step is designedly taken either for the removal of some alleged grievances or for ventilating the resentment of the workers for certain acts of omission and commission by the employers. While discussing this question, the Committee had in view certain cases of go-slow by workers as brought to their notice by the Labour Department, particularly in the sugar factories during the last crushing season. It appeared from an analysis of those cases that the go-slow was adopted on account of one or the other of the following causes :—

- (i) Delay in settling up an industrial dispute.
- (ii) Fear of retrenchment.
- (iii) Non-implementation of agreements or awards.
- (iv) Some local and accidental causes.

7. In all these cases, go-slow was adopted because legal strike was not possible in view of the pendency of the adjudication or conciliation proceedings.

8. After taking into consideration all the facts and circumstances, the Committee wish to make the following recommendations :—

- (1) Go-slow by workers should be treated on par with strike.
- (2) When workers wilfully act in such a way that the production of a factory, or a part thereof falls below the average normal production, the industrial equipment and levels of

the management remaining the same, the workers should be held to have adopted deliberate go-slow tactics. Whenever there was an allegation of go-slow, it should be necessary to investigate and fix the average output of production for each unit or department, and if the production fell below the normal, i.e., average output everything else remaining normal, it should be considered to be go-slow by workers. The average quantum of production should be calculated on the figures of preceding five years, excluding any abnormal period. In case of a factory which had not completed five years, the preceding months and years need only be considered in calculating the average production. There might be some difficulty in case of determining the output in repair works. An attempt should be made to determine the average production in such cases with the agreement of the recognised union of workers. In case of difference of opinion regarding the figure of average production, the matter should be referred to the Labour Commissioner, who should hold such enquiry as he thinks fit, take expert advice, if necessary, and give his decision, which should be acceptable to both the parties.

- (3) As a general rule, the workers should not resort to go-slow without proper notice. A notice expressing intention of the workers to go-slow and setting forth the reasons for the same should be served on the management, and the local Conciliation Officer, with copies to the Labour Commissioner and the Government. The date of commencement of go-slow should not be less than seven days from the date of which the notice is served on the management. The notice will remain in force for four weeks from the date of the service of the notice on the management. It may not be necessary to notify the exact date of starting the go-slow.
- (4) As soon as notice of go-slow is received in a public utility service, the Conciliation Officer of the local area should intervene and try to bring about a settlement, and should take all such measures as are necessary to be taken in the case of a notice of strike.
- (5) The workers should not resort to go-slow during the pendency of a conciliation proceeding or pendency of an adjudication proceeding arising out of the notice of go-slow. The conciliation must be concluded within four weeks of the notice.
- (6) In a non-public utility service the employer should immediately hold discussions with the representative of

the recognised union on the receipt of the notice of go-slow, and try to come to a settlement. Either party may seek the assistance of the local Conciliation Officer in case the dispute is not amicably settled, and the assistance of the local Conciliation Officer will be made available as far as practicable.

- (7) Sometimes, just like a lightning strike, go-slow may be resorted to without notice on sudden provocation either with or without the consent of the union. If it is without the consent of the union, it will be the responsibility of the union to take every step possible to call it off immediately it comes to their notice.
- (8) Go-slow due to malpractices by the management will be justified.
- (9) Go-slow for any unjustifiable reason will be unjustified, e.g., if demands of the workers which are the basis for the go-slow are found, on enquiry by the Labour Commissioner, to be unjustified, any go-slow by the workers on the basis of those demands will be unjustified.
- (10) If it is found after enquiry, by the Labour Commissioner that go-slow was unjustified, following actions shall be taken :—
 - (a) For unjustified go-slow at the instance of the union office-bearers of the union who are not employees will be debarred to hold office for the period of one year. The office-bearers who are employees will be further liable for such punishment as may be provided for in the Standing Orders in the discretion of the management for simple misconduct.
 - (b) For unjustified go-slow by workers without union's consent, ring-leaders held responsible for the go-slow will be liable for punishment provided for major misconduct, including dismissal.
- (11) Government should immediately consider the necessity of strengthening the conciliation machinery in order that there may not be avoidable delay in the settlement of industrial disputes.
- (12) The employers and the employees should scrupulously honour the decision of the Bihar Central (Standing) Labour Advisory Board regarding retrenchment, including the retrenchment of seasonal workers. This will give a sense of security in the mind of the employees and will help to considerably reduce the chances of go-slow.

the management remaining the same, the workers should be held to have adopted deliberate go-slow tactics. Whenever there was an allegation of go-slow, it should be necessary to investigate and fix the average output of production for each unit or department, and if the production fell below the normal, i.e., average output everything else remaining normal, it should be considered to be go-slow by workers. The average quantum of production should be calculated on the figures of preceding five years, excluding any abnormal period. In case of a factory which had not completed five years, the preceding months and years need only be considered in calculating the average production. There might be some difficulty in case of determining the output in repair works. An attempt should be made to determine the average production in such cases with the agreement of the recognised union of workers. In case of difference of opinion regarding the figure of average production, the matter should be referred to the Labour Commissioner, who should hold such enquiry as he thinks fit, take expert advice, if necessary, and give his decision, which should be acceptable to both the parties.

- (3) As a general rule, the workers should not resort to go-slow without proper notice. A notice expressing intention of the workers to go-slow and setting forth the reasons for the same should be served on the management, and the local Conciliation Officer, with copies to the Labour Commissioner and the Government. The date of commencement of go-slow should not be less than seven days from the date of which the notice is served on the management. The notice will remain in force for four weeks from the date of the service of the notice on the management. It may not be necessary to notify the exact date of starting the go-slow.
- (4) As soon as notice of go-slow is received in a public utility service, the Conciliation Officer of the local area should intervene and try to bring about a settlement, and should take all such measures as are necessary to be taken in the case of a notice of strike.
- (5) The workers should not resort to go-slow during the pendency of a conciliation proceeding or pendency of an adjudication proceeding arising out of the notice of go-slow. The conciliation must be concluded within four weeks of the notice.
- (6) In a non-public utility service the employer should immediately hold discussions with the representative of

the recognised union on the receipt of the notice of go-slow, and try to come to a settlement. Either party may seek the assistance of the local Conciliation Officer in case the dispute is not amicably settled, and the assistance of the local Conciliation Officer will be made available as far as practicable.

- (7) Sometimes, just like a lightning strike, go-slow may be resorted to without notice on sudden provocation either with or without the consent of the union. If it is without the consent of the union, it will be the responsibility of the union to take every step possible to call it off immediately if comes to their notice.
- (8) Go-slow due to malpractices by the management will be justified.
- (9) Go-slow for any unjustifiable reason will be unjustified, e.g., if demands of the workers which are the basis for the go-slow are found, on enquiry by the Labour Commissioner, to be unjustified, any go-slow by the workers on the basis of those demands will be unjustified.
- (10) If it is found after enquiry, by the Labour Commissioner that go-slow was unjustified, following actions shall be taken :—
 - (a) For unjustified go-slow at the instance of the union office-bearers of the union who are not employees will be debarred to hold office for the period of one year. The office-bearers who are employees will be further liable for such punishment as may be provided for in the Standing Orders in the discretion of the management for simple misconduct.
 - (b) For unjustified go-slow by workers without union's consent, ring-leaders held responsible for the go-slow will be liable for punishment provided for major misconduct, including dismissal.
- (11) Government should immediately consider the necessity of strengthening the conciliation machinery in order that there may not be avoidable delay in the settlement of industrial disputes.
- (12) The employers and the employees should scrupulously honour the decision of the Bihar Central (Standing) Labour Advisory Board regarding retrenchment, including the retrenchment of seasonal workers. This will give a sense of security in the mind of the employees and will help to considerably reduce the chances of go-slow.

(13) The employers should see to it that agreements and awards are implemented as speedily as possible. Government should also have the machinery to pursue the implementation of agreements and awards, and they should not hesitate to take action under the law for any non-implementation.

- (1) RANEN ROY.
- (2) BRAJ KISHORE SHASTRI.
- (3) *V. PODDAR.
- (4) *V. R. DONGRAY.
- (5) KEDAR PANDEY.
- (6) *R. A. SUBRAMANYAM.
- (7) R. S. PANDE.

*For their original signatures please see the copies which have been returned by them, duly signed, with forwarding letter.

APPENDIX LVI.

No. III/D1-12021/51-L-(A).—120.

GOVERNMENT OF BIHAR.

LABOUR DEPARTMENT.

RESOLUTION.

Patna, the 1st December 1951.

READ—The proceedings of the meetings of the Bihar Central (Standing) Labour Advisory Board held on the 13th and 14th April 1951 at Patna.

READ ALSO—Report of the “Go-slow” Committee appointed by the Board.

READ ALSO—The proceedings of the meeting of the Board held on 22nd September 1951.

Government are pleased to accept recommendation of the ‘Go-slow’ Committee. They trust that the employers and workmen would give their unqualified support to the said recommendations.

2. Government wish to express their thanks to the members of the Committee for the well-considered report.

ORDERS.—Ordered that a copy of the foregoing Resolution together with a copy of the report of the Committee be published in the *Bihar Gazette* and the printed copies be forwarded to the managers of all the registered factories of Bihar and all the registered trade unions.

By order of the Governor of Bihar,
S. MUKHERJI,
Secretary to Government.

APPENDIX IV.

CHAPTER I.

INTRODUCTION.

During the past the workers of some of the industries particularly of the sugar industry, used to adopt the tactics of "go-slow" to give vent to their day-to-day grievances particularly when they found that any strike resorted to by them would be considered to be illegal under the Industrial Disputes Act. No restriction was imposed on the use of this weapon which besides causing serious drop in production estranged the feelings between the management and the labour. The Bihar Central Labour Advisory Board considered this matter in its sitting in the month of April, 1951. The Board appointed a Committee to go into the question thoroughly and to submit its recommendations. The Go-Slow Committee submitted a unanimous report which was accepted by the Board with a few modifications. Government were pleased to accept the recommendations of the Board, vide Government of Bihar, Labour Department Resolution no. III/D1-1201/51-L.—(A)—120, dated the 1st December, 1951. A copy of the report of the Go-Slow Committee will be found in Appendix A. The main recommendations of the Committee were as follows :—

- (1) There should be no go-slow without notice. The period of notice should not be less than seven days and will remain in force for four weeks. The notice should give reasons why the workers threatened to resort to go-slow.
- (2) The conciliation machinery of the State Government shall intervene within the notice period. During the pendency of the proceedings before a Conciliation Officer, or a Tribunal the workers must not resort to go-slow, but the conciliation proceedings had to be concluded within four weeks of the notice.
- (3) If a go-slow had actually been resorted to and if it is found after enquiry by the Labour Commissioner that the go-slow was unjustified, the following action would be taken :—
 - (a) For unjustified go-slow at the instance of the union, office-bearers of the union would be debarred from holding office for a year and those office-bearers who were employees would be further liable for such punishment as may be provided in the Standing Orders for simple misconduct.
 - (b) For unjustified go-slow not at the instance of the union, Ring leaders amongst the employees held responsible for the go-slow would be liable for punishment provided for major misconduct including dismissals.

2. The policy as laid down in the recommendations was put to test first during the cane crushing season 1951-52. Out of 29 sugar factories slow-down notices were served on 16. Out of those 16 cases go-slow was resorted to in four cases only. The duration of the go-slow in each case was for a short period. The conciliation machinery could not operate in these cases chiefly on account of late intimation due to postal delays. Other cases were disposed of promptly. As a result of the intervention of the conciliation machinery the duration of go-slow during 1951-52 was half of the corresponding figure for the year 1950-51 and the total production during the year 1951-52 was also higher than the preceding year.

3. In the Board's meeting held at Jamshedpur in October 1952 the representatives of the Indian Sugar Mills Association and some other employers wanted to move a resolution for setting up a Committee to review the working of the go-slow policy as laid down by the Board and to suggest modifications. It was assured on behalf of the Government that the policy would be reviewed by the Board at its next meeting by which time more experience would be gained. Bearing this in mind, the matter was discussed at the beginning of the crushing season of 1952-53 at a conference of the employers in the sugar industry and its different labour federations convened by Mr. R. S. Pande, I.A.S., Labour Secretary to Government, as the weapon of go-slow was largely used in sugar industry than in any other industry. Mr. Pande persuaded the parties to agree to the following modifications in the procedure for dealing with go-slow so far as sugar industry was concerned :—

- (1) The period of notice should be extended from seven days to fourteen days.
- (2) Unjustified go-slow by workers should be deemed to be an act of major misconduct entailing dismissal.

4. During the crushing season 1952-53 go-slow notices were served on 14 sugar factories and in one factory (Lohat) go-slow was resorted to for a period of three days without any previous notice. In another factory (at Chanpatia) it was resorted to for a day. The conciliation machinery of the State Government was able to bring about an amicable settlement and go-slow was completely avoided in the remaining cases.

5. Details of cases in which slow-down notices were served during the years 1951-52 and 1952-53 will be found in Appendix B. A study of the cases of go-slow will show that during the year 1951-52 go-slow notices were given mostly for non-implementation of awards and agreements. But in the year 1952-53 notices were served even in disputes relating to payment of bonus, wages, and retaining allowance, leave and holidays, educational and medical facilities. It was never intended that go-slow notice would be utilised for settlement of ordinary industrial disputes for which the normal procedure prescribed in the

law for settlement could be used. It was also felt that the period of one week for giving go-slow notice was inadequate and the period could with advantage be extended to fourteen days to give sufficient time to the Conciliation Officers of the State Government to intervene and settle the disputes amicably. In view of the difficulties pointed out above the confirmation of the views of the Board on the following amendments was sought in its 11th meeting held on the 11th and 12th April 1953 :—

- (1) Go-slow notice may be served only on the following grounds and that also when other methods of redressing the grievances within reasonable time are not available under the law :—
 - (a) Non-implementation of any agreement or award,
 - (b) Any malpractice by the management,
 - (c) Any sudden provocation by the management.
- (2) The period of notice should be 14 days instead of seven days and a copy of the notice should be handed over to the Conciliation Officer of the area.
- (3) Unjustified go-slow by workers would be deemed to gross misconduct entailing dismissal, because the doer is not less responsible than the abettor.

6. The Labour Advisory Board in its meeting held on the 11th and 12th April, 1953 recommended to Government to appoint a Committee consisting of the following persons with the Labour Commissioner as Chairman to review the scheme for dealing with go-slow and to recommend to Government if the existing scheme and procedure for go-slow requires any change, particularly, (a) whether there should be any limitations on the grievances over which either go-slow notices can be served or go-slow can be resorted to; (b) whether the period of notice of go-slow should be increased and (c) whether the punishment for unjustified go-slow should be made more severe.

PERSONNEL OF THE COMMITTEE.

- (1) Shri B. P. Singh, I.A.S., Commissioner of Labour—*Chairman and Convener.*

REPRESENTATIVES OF THE EMPLOYERS.

- (2) Shri R. L. Nopany—*Member.*
- (2) V. R. Congrey—*Member.*
- (4) Shri V. Poddar—*Member.*

REPRESENTATIVES OF THE EMPLOYEES.

- (5) Shri Kedar Pandey, M.L.A.—*Member.*
- (6) Shri Ranen Roy—*Member.*
- (7) Shri Braj Kishore Shastri—*Member.*

7. In pursuance of the above recommendations made by the Bihar Central Labour Advisory Board the Government of Bihar in their Resolution no. III/D1-1201/53-L.—11670, dated the 28th August 1953 appointed a Committee consisting of the aforesaid persons with the Labour Commissioner as Chairman.

CHAPTER II.

COMMITTEE'S DELIBERATIONS.

8. The first meeting of the Committee was held on the 8th September 1954. Messrs. Ranen Roy and V. R. Dongrey could not attend the meeting, the first due to his pre-occupation outside Bihar and the second due to his illness. Mr. Dongrey communicated his views to the Committee in a letter addressed to the Chairman (Appendix C). Mr. Dongrey's views were shared by the other representatives of the employers. The members representing the employers contended that go-slow was not a legal and proper weapon which could be used by the workers against the employers. They pointed out that this was an insidious method of undermining the stability of an industrial concern and it should be treated as a major misconduct on the part of the workers who resorted to go-slow. They were not in favour of any decision of the Committee which would have the effect of legalising a misconduct of a serious nature. The employers' representatives also felt that they had placed a certain amount of confidence on the employees when they had agreed with the unanimous report of the previous Committee which had laid down certain procedure to be followed for resorting to go-slow and dealing with go-slow notices. This confidence, they thought, had been misplaced and they had reverted to the original view that go-slow was immoral and should in no case be countenanced. They were of the view that if any grievance had to be redressed the workers could resort to legal strikes after giving due notice if their grievances remained unredressed and after they had observed legal formalities. In all cases go-slow was to be treated as a major misconduct.

9. In support of their contention they quoted the award of the Appellate Tribunal, Bombay in which the Tribunal had held that go-slow was a major misconduct. An extract from the judgment of the Appellate Tribunal will be found in Appendix D. According to the employers' representatives, the scheme had been given a trial by the sugar industry but had failed miserably. On their behalf the following resolution was tabled by Mr. R. L. Nopany :—

“ In view of the experience of the last two years' working of the Government Resolution no. III/D1-12021/51-L(A).—120, dated the 1st December 1951 on go-slow and also in view of the very clear and definite views of the Hon'ble Labour Appellate Tribunal of India to the effect that

Go-slow is not a legitimate weapon in the armoury of labour and is an invidious method of undermining the stability of an industrial concern and is a major misconduct which should not be countenanced, this Committee is of the opinion that Go-slow is a major misconduct under all circumstances and should in no case be allowed to be resorted to without dire consequences.

The Committee, therefore, recommends to the Bihar Central (Standing) Labour Advisory Board to request the Government to withdraw their resolution no. III/D1-12021/51-L(A).—120, dated the 1st December 1951 and to make provisions to penalise any act of go-slow."

10. The Labour representatives were, however, of the view that the existing scheme for dealing with go-slow notices had succeeded in settling a large number of disputes and had actually averted go-slow in a number of cases. They were in favour of continuing the existing procedure with the necessary modification whenever necessary suggested in the Memorandum circulated by the Labour Department in the 11th meeting of the Central Labour Advisory Board. They were also prepared to limit the grievances on which go-slow notices could be served on a factory by the workers.

11. The Chairman held the view that it is doubtful if the "Go-Slow" by workers was covered by the definition of "strike" under the Industrial Disputes Act. He further pointed out that the State Government had moved the Government of India for amending the Industrial Disputes Act with a view to include the "Go-Slow" in the definition of strike and to make a specific provision in the law to deal with it. He also referred to the go-slow tactics adopted by workers in other parts of the country and particularly drew attention to the situation created in the Indian Iron and Steel Co., at Burnpur. He further held the view that it would be unsafe to scrap the existing procedure unless a suitable legislation was enacted to deal with this problem.

12. An attempt was made to limit the margin between the extreme views held by the representatives of the employers and the employees. The labour representatives agreed with the views of the Chairman that in the national interest 'go-slow' should be avoided as far as possible. Shri Kedar Pandey suggested that the grievances over which a notice of go-slow should be permitted could be limited to the following categories:—

- (1) Implementation of industrial awards and settlements.
- (2) Suspension for indefinite period without wages.

13. A suggestion was put forward by Sri Braj Kishore Shastri that the labour representatives could accept the suggestion of the industry that go-slow should not be allowed under any circumstance provided deterrent and summary punishment was imposed upon the

management for violation of any of the statutory provisions in the various labour laws.

14. Mr. R. L. Nopany invited suggestions from the labour representatives to deal with such recalcitrant employers and he was prepared on behalf of the industry to enter into an agreement with the labour in dealing with such matters and to allow a go-slow to be dealt with in the ordinary course after scrapping the present scheme for dealing with it.

15. Sri Braj Kishore Shastri on behalf of the employees submitted to the Chairman of the Committee the types of malpractices adopted by the management of a factory and on which go-slow notices should be allowed to be served by the workmen. Malpractice according to him depended on the circumstances of a particular case and no exhaustive list of such malpractice was possible. According to him the following were some of the important malpractices by employers which if practised by the employers would entitle the workers to serve a go-slow notice :—

- (1) Malingering or deliberately delaying implementation of terms of settlements, awards, agreements, etc.,
- (2) Deliberately avoiding and thereby depriving the workmen of any of their privileges under award, settlement, standing orders, status, customs, etc., on taking shelter behind technicalities and legal formalities.
- (3) Adopting any unfair labour practice.
- (4) Refusing or avoiding to negotiate on demand if not backed by strike notice though reasonable and justified.
- (5) Any action against the provisions of any law in force.

16. The representative of employers did not agree to the views of Shri Shastri regarding the definition of malpractices. Mr. Dongre, on the other hand, suggested that he would have no objection to deterrent punishments being given to the employers who delayed in implementation of the awards. He also suggested that an Enquiry Committee might be set up to enquire into the complaints of the non-implementation of the awards against employers provided the labour representatives agree to scrap the go-slow procedure and treat it as a major misconduct.

The last meeting of the Committee was held on the 18th and the 19th September 1954. Mr. Dongre, on behalf of the employers, suggested that while holding the views of go-slow by workers, he would have no objection to admit the existence of the fact of go-slow and to revise the procedure in such a way that the weapon is used only when there is no other constitutional way available for redressal of the grievances of the workers. Shri Nopani and Shri Poddar were not able to be present in the meeting. Shri C. J. Mehta, the Secretary of the Indian Sugar Mills Association, who attended the meeting by special invitation, agreed with the suggestion made by Shri Dongre.

CHAPTER III.

RECOMMENDATIONS.

17. The details of cases in which the go-slow notices have been served during the years 1951-52 and 1952-53 will be found in Appendix B. Appendix E gives the details of cases in which go-slow notices had been served during the year 1953-54 and the manner in which these have been disposed of. Appendix F gives the details of cases in which go-slow was actually resorted to by the workers of the sugar factories in the year 1950-51. Accurate figures for the years prior to 1949-50 are not available as no procedure had been laid down for dealing with such go-slow cases and the workers were not required to indicate their intention of resorting to go-slow by giving formal notices.

18. The table below shows the total number of notices served, go-slow resorted to by the workers, total duration of the go-slow and the result of conciliation proceedings for the years 1950-51 and 1951-52, 1952-53 and 1953-54 :—

Year.	No. of receiving notice.	Factories where go-slow resorted.		Total duration.	Cases averted by conciliation.	Remarks.
		With notices.	Without notice.			
1	2	3	4	5	6	7
1950-51...	Nil	...	10	40 days and a few hours.	...	Called off at the intervention of the conciliation machinery (All sugar factories).
1951-52...	14	4	2	17 days and a few hours.	10	Ditto, (All sugar factories.)
1952-53...	12	1	3	10 day ..	11	Ditto (Two were other than sugar factories.)
1953-54...	14	1	2	23 days ...	18	No slow-down resorted to in sugar factories during the season. One which was resorted was during off' season and that too for a short period in Lodna Coke Plant go-slow was launched without notice for the period from 30th November to 20th December 1953.

19. A study of the above chart will show that the total duration of go-slow was heaviest during the year 1950-51 when there was no procedure to deal with it and the number gradually went on decreasing during the subsequent years. In the sugar crushing season 1953-54 settlement was brought about at the intervention of the conciliation machinery in all cases in which notices for slow-down were served. In one case only slow-down with stay-in-strike for a short period was alleged by the management. The allegation of go-slow was denied by the union but the workmen were prosecuted for the alleged illegal strike.

20. The sugar industry which is most vulnerable to the go-slow tactics suffered heavily in the season 1950-51 when in almost all cases the workers resorted to go-slow without any notice. In such cases the conciliation machinery was called upon to intervene only after considerable damage had been done. In the crushing season 1952-53 a number of unions served notices for slow-down over disputes which were mostly of a general nature, such as payment of bonus, retaining allowance, medical facilities, etc. This created a panic in the industry, although all such served notices were withdrawn by the trade unions on the advice of the Conciliation Officers.

21. In view of the results achieved so far, the Committee does not consider it desirable to scrap the procedure of go-slow altogether unless a suitable law is enacted by Government to effectively deal with this problem. The Committee, while holding the view that go-slow by workers is not desirable, has to face the facts as they exist and deal with this menace of go-slow as effectively as possible. The Committee accordingly recommends that the existing procedure of go-slow should, with suitable amendments, continue to be enforced for a further period of two years. The following modifications to the existing procedure as provided in paragraph 8 of the Labour Department Resolution no. III/D1-1201/51-L.(A).—120, dated the 1st December 1951 are recommended.

COMMITTEE'S RECOMMENDATIONS.

Clauses (1) and (2)—No change.

Clauses (3) to (10) will be substituted as follows :—

“(3) There shall be no go-slow without a proper notice. A notice for go-slow can be served only on the following grounds and that also when other methods of getting the grievances redressed are not available, and all efforts to settle the disputes by mutual negotiations or discussions have failed :—

(a) Non-implementation of any agreement or award or continued breach of law by the Management.

- (b) Malpractice by the Management.
- (c) Sudden provocation by the Management.
- (4) The notice expressing the intention of the workers to resort to go-slow and setting forth the reasons for the same should be served on the Management with copies to the local conciliation officer, the Labour Commissioner and the Government. The date of commencement of go-slow shall not be earlier than fourteen days from the date on which the notice is served on the Management.
- (5) Immediately, on receipt of a notice, the Management will invite the representatives of the registered and recognised union and shall also notify the conciliation officer of the area regarding the service of the notice and the commencement of the negotiations, if any.
- (6) If the notice of go-slow is not in accordance with the provisions of clause (3), the Labour Commissioner will immediately advise the Union and the workmen concerned to withdraw the notice with intimation to the Management.
- (7) The notice of go-slow will remain in force for a period of four weeks from the date of the service of the notice on the Management.
- (8) If the notice of go-slow is held to be in accordance with clause (3), the conciliation officer shall take necessary steps for the settlement of the disputes and further action, if any, will be taken, as in case of a notice for strike, under Industrial Disputes Act. The conciliation proceedings must be concluded within three weeks from the date of service of notice.
- (9) If a go-slow is resorted to without notice or during the pendency of any conciliation or adjudication proceedings arising out of such notice or for grounds other than those mentioned in clause (3), the go-slow will be deemed to be unjustified.
- (10) If, on enquiry by the Labour Commissioner, the go-slow is held to be unjustified, the workers resorting to go-slow will be liable for punishment prescribed for major misconduct, including dismissal."

Clauses (11), (12) and (13).—No change.

22. The position may be reviewed after a period of two years when the question of further amendment to the procedure would be considered. The Committee also recommends that the State Government may in the meanwhile consider the desirability of framing a suitable law for dealing with this problem.

23. Shri R. L. Nopany and Shi V. Poddar gave a joint note of dissent which is annexed to this report.

1. B. P. SINGH, I.A.S., *Chairman and Convener.*

2. V. R. DONGREY.

3. KEDAR PANDEY, M.L.A.

4. RANEN ROY.

5. BRAJKISHORE SHASTRI.

*6. R. L. NOPANY.

*7. V. PODDAR.

*Subject to a joint note of dissent.

NOTE OF DISSENT.

(BY SHRI R. L. NOPANY AND SHRI V. PODDAR.)

We are unable to subscribe to the views expressed in the Report that the quantum of go-slow has been reduced by the procedure laid down to deal with it. As a matter of fact the quantum of go-slow after 1950-51 has decreased in other States as well although they did not adopt any procedure to deal with it. The adoption of the procedure, therefore, in the case of Bihar only cannot by any stretch of imagination be said to have reduced the number of go-slows. If anything, the procedure has only encouraged the workers to give go-slow notices more frequently. From the Table given in paragraph 2 of Chapter III (Recommendations) it appears that in 1950-51, the workers in 10 cases intended to go-slow and did actually resort to it in all the cases. In subsequent years we find that although an agreed procedure to deal with go-slow was laid down, there were still resorts to go-slow without notice, and the quantum of go-slow shows an increase. There is a loss of 40 days and a few hours in the year 1950-51, although there were as many as 10 cases of go-slow during that year, but 1953-54 registers a loss of 23 days although there were only 3 cases of go-slow in that year. This only shows that those workers who actually wanted to resort to go-slow had scant regard for the procedure laid down for it and did actually resort to it, with or without notice. The only inference that can be drawn from the rise in the number of notices and the drop in actual slow-down is that the workers had no genuine grievances but they only used the procedure for go-slow as a weapon to coerce the factories to submit to their demands whether they were of an urgent nature or not. This is more particularly true in the case of sugar factories which have to deal with a raw material of a highly perishable nature and which cannot afford to have any obstruction in their crushing once the season has started.

We therefore, feel that the adoption of any procedure to deal with go-slow providing for a notice for it would virtually mean the recognition of the workers' right to resort to it as it is in the case of a strike which has come to be regarded as a legitimate weapon for the redress of their grievances. In the proposed procedure it is left entirely to the discretion of the Departmental Officers to judge and pronounce whether a notice for go-slow was in order or not and whether there was an actual slow-down or not, and whether it was justified or otherwise. As in the instance cited in paragraph 3 of this Chapter, in the case of a slow-down and stay-in-strike, the Department did not take any action against the workers merely because of the fact that the Union denied the charge. It would have been appreciated if the matter had been enquired into and findings given instead of merely relying on the denial of the Union. This amply proves the dangers involved in giving such wide discretion to the Departmental Officers. Further the very fact of qualifying in the procedure, a go-slow as justified or unjustified, has given a certain status and recognition to it, and taking advantage of

it the Unions have made it a routine affair to give go-slow notices on the flimsiest of grounds thus causing panic in the Industry, as has been mentioned in paragraph 4 of this Chapter.

In the circumstances, while agreeing with the observation that slow-down by workers is a menace and should not be countenanced, we do not agree that the existing procedure of go-slow should continue with or without amendments. We feel that it is a dangerous weapon in the hands of the workers which if used by them in the Sugar Industry would mean a considerable loss not only to the management but also to the thousands of conegrowers, the workers themselves and ultimately to the Nation. The States which have not laid down any procedure for dealing with this menace are none the worse for it, and as such we are strongly of the opinion that the existing procedure for dealing with go-slow as contained in Government Resolution no. III/D1-12021/51-L(A).—12048, dated the 1st December 1951, should be withdrawn and go-slow should be allowed to be dealt with in the ordinary course of law.

R. L. NOPANY.

V. PODDAR.

APPENDIX V.
GOVERNMENT OF BIHAR.

LABOUR DEPARTMENT.

RESOLUTION.

Patna, the 14th February 1955.

READ.—The proceedings of the Bihar Central Labour Advisory Board held on the 29th and 30th October 1954.

READ ALSO.—The recommendations of the "Go-slow" Committee constituted by the State Government in pursuance of the recommendations of the Bihar Central Labour Advisory Board, in its meeting held on the 11th and 12th April 1953.

RESOLVED.—That the Government of Bihar are pleased to accept the following recommendations of the "Go-slow" Committee. They trust that the Employers and the Workmen would give unqualified support to the said recommendation for a period of two years, after which the position will again be reviewed by the Board.

2. The State Government hereby thank the members of the Committee for the report.

ORDERS.—Ordered that a copy of the foregoing Resolution be published in the *Bihar Gazette*, and the printed copies be forwarded to the managers of all the registered factories of Bihar and all the registered trade unions.

By order of the Governor of Bihar,

B. P. SINGH,

Secretary to Government.

Recommendations of the Go-slow Committee appointed by the Bihar Central Labour Advisory Board at its meeting held in April, 1953.

In view of the results achieved so far the Committee does not consider it desirable to scrap the procedure of go-slow altogether unless a suitable law is enacted by Government to effectively deal with this problem. The Committee, while holding the view that enquired into and findings given instead of merely relying on the denial of the Union. This amply proves the dangers involved in giving such wide discretion to the Departmental Officers. Further the very fact of qualifying in the procedure, a go-slow as justified or unjustified,

has given a certain status and recognition to it, and taking advantage of it the Unions have made it a routine affair to give go-slow notices on the flimsiest of grounds thus causing panic in the industry, as has been mentioned in paragraph 4 of this Chapter.

In the circumstances, while agreeing with the observation that slow-down by workers is a menace and should not be countenanced, we do not agree that the existing procedure of go-slow should continue with or without amendments. We feel that it is a dangerous weapon in the hands of the workers which if used by them in the Sugar Industry would mean a considerable loss not only to the Management but also to the thousands of cane-growers, the workers themselves and ultimately to the Nation. The States which have not laid down any procedure for dealing with this menace are none the worse for it, and as such we are strongly of the opinion that the existing procedure for dealing with go-slow as contained in Government Resolution no. III/D1-12021/51-L(A)—12048, dated the 1st December, 1951 should be withdrawn and go-slow should be allowed to be dealt with in the ordinary course of law.

APPENDIX VI.

Mr. V. R. Dongray's views on Go-slow:

My views on go-slow have undergone no change from those expressed in my answers to Mr. Ranen Roy's Questionnaire; on the other hand they have hardened more after reading the award in the Sasamusa Sugar Works. When I said in one of my replies to that Questionnaire that go-slow is a subtle form of strike, I had put it in much milder term. In my opinion go-slow is an insidious method of undermining the stability of an industrial concern and it cannot be treated anything else other than a major misconduct, and people who take part in it are as much liable for punishment as people who instigate it. While a strike, for drawing the attention of an employer towards any grievances of the employees is quite understandable and has been recognised as a legitimate weapon in the hands of the employees, go-slow cannot be so recognised, and to the best of my knowledge, has been regarded by labour legislation as a misconduct and has been so designated in model Standing Orders which have been appended to the Industrial Employment Standing Orders Act, 1946, section 2(ii) whereof requires the Standing Orders of a concern to be in conformity with the model Standing Orders as far as practicable.

If, therefore, the employees, through their Unions, have to draw the attention of the employer or the Government for any of the grievances of the employees, and if such grievances are of a major nature, which cannot be talked over across the table, the only recourse for the employees is to take action under the Industrial Disputes Act, that is, through a strike by giving a proper notice, and the employer and the employees must abide by the decision of the Conciliation Officer or the Tribunal, as the case may be. I would not countenance any sort of go-slow and would not attempt to legalise a misconduct by the decision of this committee. When an attempt was made by a unanimous decision of the previous Committee, the employers' representatives had placed a certain amount of confidence on the employees and their Unions that they would play a fair game and give go-slow committees' recommendations a very honest try, but cases like Sasamusa Sugar Works and others in this very State have shown that, that confidence was misplaced, and therefore, my original view that go-slow is immoral and should in no case be countenanced has been strengthened today. I, therefore, suggest that :—

- (a) In no case go-slow should be allowed. Any grievances of the employees must first be talked over across the table and tried to be settled by mutual discussion. If that is not successful, then recourse to the usual procedure as envisaged in the Industrial Disputes Act should be taken, and if on that basis a strike is to take place it should be done so with proper limitations of the notice period, etc.

- (b) I have already said above that no go-slow should be allowed. It means that if the grievances are such as to deserve a notice of strike, the notice should be given and the period should be as envisaged in the Industrial Disputes Act.
- (c) As I have said above, go-slow must be treated as a major misconduct and must be punished as such whether justified or unjustified.

The whole question resolves round thus—whether we are going to recognise go-slow as a legitimate weapon in the armoury of labour, and if so, the limitations in which this weapon can be used by the labour. I am firmly of opinion that it is *not* a legitimate weapon and hence its use should not be allowed. In the words of the Labour Appellate Tribunal, in a recent case :—

“ If punishment was not allowed for such misconduct it would result in a serious drop in production and the induction of a spirit of calculated indiscipline which would undermine Industry.”

V. R. DONGRAY,

*Member, Go-slow Committee (Representative
of the Employers) and Manager, Chaibassa
Cement Works.*

Dated Jhinkpani, 4th September 1953.

APPENDIX VII.

Extracts from the order of the Appellate Tribunal of India, dated the 6th April 1953, in the case of the Firestone Tyre and Rubber Co. of India, Ltd., Bombay, versus two of their employees.

“ It is clear from the record of the inquiry that there was a concerted action at slowing down because the company was not prepared to accede to certain demands of the workmen. Naturally, we cannot judge the merits of such claims, but it does not mean that a claim has only to be made to be adjudged justified; such claims could be pursued by legitimate means.

It was contended on behalf of labour that go-slow tactics were as much a recognised weapon as a strike for the purpose of compelling the employers to yield to their demands. This is view which we cannot accept. Slow-down is an insidious method of undermining the stability of a concern, and Tribunals certainly will not countenance it. In our opinion it is not a legitimate weapon in the armoury of labour. Furthermore while the right to strike under certain conditions has been recognised by necessary implication under the Industrial Relations Act, and is controlled by its provisions, go-slow has been regarded by labour legislation as a misconduct. It has been so designated in the Model Standing Orders which have been appended to the relevant enactment, namely, the Industrial Employment (Standing Orders) Act, 1946, section 3(2) whereof requires the Standing Orders of a concern to be in conformity with the Model Standing Orders as far as practicable.

We take a serious view of the facts disclosed in the applications before us. In one case production had been deliberately reduced from 23 tyres a day to 8 tyres and in the other case from 18 tyres to 8 a day. If punishment was not allowed for such misconduct it would result in a serious drop in production and the induction of a spirit of calculated indiscipline which would undermine industry. We are satisfied that in the circumstances stated permission to dismiss these two employees cannot be withheld, and permission to dismiss them is given as prayed.”

APPENDIX VIII.

REPORT OF THE SUB-COMMITTEE APPOINTED BY THE 15TH MEETING OF THE BIHAR CENTRAL LABOUR ADVISORY BOARD ON 'GO-SLOW'.

Preamble.

The 15th meeting of the Bihar Central (Standing) Labour Advisory Board held on the 10th and 11th April 1957, at Patna resolved that the question as to whether the existing procedure on 'go-slow' should be retained or not, or modified be referred to a seven-man sub-committee under the Chairmanship of Labour Commissioner, Bihar, with a request to submit their report within six months so that the matter could be placed before the next meeting of the Board for taking a final decision.

2. On the basis of this recommendation, Government of Bihar by resolution recorded in their Labour Department Resolution no. III/D-1-12031/57-L-11539, dated the 22nd June 1957, appointed this Committee to go into the whole problem of 'go-slow' in all its aspects and to present to Government its report within six months. The personnel of the Sub-Committee was slightly modified from the original recommendation of the Bihar Central Labour Advisory Board, as Pandit Binoda Nand Jha subsequently assumed office as a State Minister and was, therefore, replaced by Shri R. L. Verma. This had to be done without consulting the Board because of the limited time within which the committee was asked to submit its report and its reconstitution could not be delayed. The personnel of this committee was as follows :—

(1) Commissioner of Labour, Bihar	Chairman.
(2) Shri E. L. Vardya	Member.
(3) Shri R. N. Jai	Ditto.
(4) Shri Badri Narayan	Ditto.
(5) Shri R. L. Verma	Ditto.
(6) Shri Braj Kishore Shastri	Ditto.
(7) Shri Ranen Roy	Ditto.

3. The committee held two sittings, one on the 26th August, 1957 and then on the 26th September 1957 and finalised its recommendations. Shri R. L. Verma could not attend any of these meetings, but he was kept fully apprised of the deliberations of the committee and was given an opportunity to communicate his views and suggestions. All the other members attended all the meetings and confirmed their views in writing for the benefit of the committee. As a result of the deliberations, the report of the committee was prepared under the following heads and was signed by the members on 3rd December 1957 :—

- (1) What is 'go-slow'.
- (2) Its causes.
- (3) Historical background for the introduction of the scheme.

- (4) The scheme, as introduced in 1951 and its trial.
- (5) Review and modification of the scheme.
- (6) Review of the scheme in 1957, and appointment of the committee.
- (7) Whether 'go-slow' is moral or immoral, justified or unjustified, legal or illegal.
- (8) Review of the working of the scheme during the last two years and recommendation of the committee.

1. *What is 'Go-slow'.*

'Go-slow' means anything less than normal work or output by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under the common understanding of any number of persons who are or have been so employed to continue to carry out their work in a normal manner with normal energy; or, in other words when workers wilfully act in such a way that the production of a factory, or a part thereof, falls below the average normal production, the industrial equipment and levels of the management remaining the same, the workers should be held to have adopted deliberate 'go-slow' tactics.

2. *Its Causes.*

Go-slow tactics are adopted by labour—

- (a) to coerce their employer to redress their accumulated grievances specially at a time when there is a legal restriction on them to resort to a strike, or
- (b) to coerce the employer to fulfil his legal obligations when they feel that he is not honestly trying to fulfil such obligations and it would take a long time to make him fulfil his obligations, if they take recourse to constitutional methods, or
- (c) when they have an apprehension that they would be more penalised if they adopt other methods to cow-down or demoralise the employer, or
- (d) when they find that workmen in general are afraid of giving a straight fight by going on strike and thereby losing wages for the strike period and of being penalised in other ways.

2. Such tactics are generally practised more in an industry where the raw materials required are of a perishable nature unless consumed within a short time or the cost of production is likely to sore high by the slightest slow action on the part of labour. A typical example of such an industry is the sugar industry. It takes time for management to detect whether a fall in production is due to slow down by workmen or due to other causes. Even when a management is definite that it is

due to slow down by workmen, it becomes more difficult to fix responsibility of low production on a section of workmen or to take drastic action against workmen on a mass scale. If the raw material is a seasonal crop likely to deteriorate and perish within a short time, the management is hardly in a position to declare a lockout to combat the slow down by workmen.

3. *Historical background for the introduction of the Scheme.*

It was found that where the employer-employee relationship was strained for one reason or the other, the employees were prone to adopt go-slow tactics and the employer very often in such a case failed to bring the employees to their senses and any drastic action against the ring leaders and instigators from amongst workmen had worse effect. When an employer became convinced that the fall in production was only due to deliberate go-slow tactics by workmen, he very often approached the Labour Commissioner to come to his rescue. Even when enquiries were held by local officers under the control of the Labour Commissioner and such enquiries revealed that it was a positive case of slow down by workmen, such findings of enquiring officers were very often challenged by the trade union of workmen, and by that time, the industry suffered colossal losses. It was found that financial losses and other losses due to go-slow were very much higher than those due to strikes. In the case of sugar industry such go-slow tactics adversely affected the cane-growers as well. Sugarcane has to be crushed at the proper time when the cane would give the maximum recovery. The workmen in this industry took advantage of the peculiar situation of this industry where results depended on crushing cane in time and within the shortest possible period. In 1950, a typical case of alleged slow-down by workmen of the sugar factory at Motipur, in Muzaffarpur District, was referred by the State Government to a Court of Enquiry appointed for the purpose asking the court to go into the question of alleged go-slow by workmen and to suggest remedial measures. It was recommended by the Court of Enquiry that measures should be taken by the State Government in consultation with the representatives of the employers and the employees for the prevention of such tactics until legislative measures were adopted for dealing with the problem of go-slow, in respect of which provision had been made in the Labour Relations Bill that was under the consideration of the Central Government at the time.

2. While considering the Labour Relations Bill, the Bihar Central Labour Advisory Board in March, 1951 recommended that the Industrial Disputes Act, 1947 should be amended whereby the definition of strike as given therein would include go-slow.

3. The views expressed by the Bihar Labour Advisory Board, which were shared by the State Government, were communicated to the Government of India for their consideration while adopting legislative measures to deal with such problems which were common throughout India and to lay down a common policy in all such matters.

4. It was at the same time felt by the Bihar Labour Advisory Board that until legislative measures were adopted to combat the problem of go-slow, some positive measures should be adopted by the State Government with the sanction of the industry and the labour, as had actually been recommended by the Court of Enquiry. On the recommendation of the Labour Advisory Board, the State Government appointed a committee, consisting of equal number of representatives of both the industry and the labour with the Labour Commissioner as its Chairman, to go into the problem and present its report. Unanimous recommendations were made by this committee in its report which was considered by the Labour Advisory Board in September, 1951. With certain modifications, the report was approved by the Labour Advisory Board and the State Government were advised to give effect to the recommendations made by the Board. Those unanimous recommendations of the Board were accepted by the State Government in toto and commended to the employers' and the employees' inviting their unqualified support to the said scheme of go-slow.

4. *The Scheme as introduced in 1951 and its trial.*

The scheme of go-slow originally introduced in the State of Bihar on 1st December 1951 was as follows :—

- (1) No workman who is employed in an industrial establishment shall resort to go-slow—
 - (a) without giving to the employer a proper notice through the registered and recognised trade union of the workmen, within four weeks before resorting to go-slow,
 - (b) within seven days of giving such notice,
 - (c) before the expiry of the date of go-slow specified in any such notice,
 - (d) during any period in which a notice of strike can be given under the Industrial Disputes Act and the Rules framed thereunder,
 - (e) without specifying in the notice of go-slow the reasons therefor.
- (2) Such a notice of go-slow is permissible only on any of the following grounds, namely :—
 - (i) Delay in settling up an industrial dispute.
 - (ii) Fear of retrenchment.
 - (iii) Non-implementation of agreements or awards.
 - (iv) Some local and accidental causes.
- (3) Go-slow by workmen should be treated on par with strike.
- (4) As soon as a copy of the go-slow notice is received by the nearest Conciliation Officer, he must place his services at

the disposal of the parties and if any of the parties so desire, he must intervene, investigate, act in the same manner as in the case of a strike notice in a public utility service; try to bring about a settlement, conclude the proceedings and submit his report to the Labour Commissioner.

- (5) On a consideration of the Conciliation Officer's report, the Labour Commissioner may hold such other enquiries as he thinks fit and has to give his decision as to whether the notice of go-slow or go-stop, if any, was justified or unjustified bearing in mind the following principles, namely, whether a notice was given, whether the notice was adequate, whether the notice was on any of the grounds permissible under the scheme, whether allegations made in the notice were established, whether there was sudden provocation or malpractice or other lapses or lapses on the part of the management.
- (6) If the Labour Commissioner holds that the go-slow was unjustified, and it was at the instance of the trade union of workmen, the office-bearers of the Union who are not employees are to be debarred from holding office for a period of one year and those other office-bearers who are employees are liable for punishment provided for simple misconduct under the Standing Orders. If the Labour Commissioner holds that it was a case of unjustified go-slow by workers without the consent of the Union, the ring leaders are liable for punishment as provided for major misconduct, including dismissal.
- (7) The decision of the Labour Commissioner is final and binding on the parties.
- (8) No go-slow is permissible during the pendency of any proceedings arising out of the notice of go-slow and such a notice will remain valid for a maximum period of four weeks.
- (9) The decisions of the Bihar Labour Advisory Board regarding retrenchment should be respected and honoured by both the industry and the labour. Awards and agreements should be speedily implemented and enforced and Government should not hesitate to take penal action against offenders as provided by law. Disputes should be settled speedily through the conciliation machinery which should be strengthened by the State Government.
- (10) Whenever there is an allegation of go-slow, it should be necessary to investigate and fix the average output of

production for each unit or department, and if the production falls below the normal, i.e., average output everything else remaining normal, it should be considered to be go-slow by workers. The average quantum of production should be calculated on the figures of preceding five years, excluding any abnormal period. In case of a factory which has not completed five years, the preceding months and years need only be considered in calculating the average production. There may be some difficulty in case of determining the output in repair works. An attempt should be made to determine the average production in such cases with the agreement of the recognised union of workers. In case of difference of opinion regarding the figure of average production, the matter should be referred to the Labour Commissioner who should hold such enquiry as he thinks fit, take expert advice, if necessary, and give his decision, which will be final and binding on the parties.

Its trial.—The go-slow scheme was tried for the first time during the sugarcane crushing season of 1951-52. In that season, go-slow notices were served in as many as 16 sugar factories out of 29 located in Bihar. Go-slow was actually resorted to in four factories but the duration in each case was short. Go-slow occurred in these four cases mainly because the Conciliation Officer did not receive in time a copy of the notice on account of postal delays. The period of notice as laid down in the scheme at that time was only seven days. The typical case was that of Sasamusa. It took more than seven days for the notice to travel from Sasamusa to Muzaffarpur or to Patna. At that time there was no Labour Officer in the districts. The Labour Commissioner had to rush to Sasamusa from Patna to stop the go-slow. The Labour Union took the stand that as the conciliation machinery had not intervened within the notice period the Union thought that the workmen could go on strike as laid down in the scheme. In all other 14 cases, the conciliation machinery intervened promptly and got the notice withdrawn after investigating the causes in presence of the parties and after persuading the management to redress those grievances which were found to be genuine. As a result of the introduction of the go-slow scheme and the intervention of the conciliation machinery, the duration of go-slow during crushing season 1951-52 was half of what it was during the preceding season and the production was higher during 1951-52 than the preceding year.

5. *Review and modification of the scheme.*

At the meeting of the Bihar Labour Advisory Board held at Jamshedpur in October, 1952, when the employers' representatives urged upon reviewing the working of the scheme, an assurance was given that the scheme would be reviewed at the next meeting of the Board by which time more experience would have been gained and the scheme given a fair trial. At the beginning of the crushing season

1952-53 the representatives of the sugar industry and the three Labour Federations agreed to the modification of the scheme so far it related to sugar industry in the following manner:—The notice period in the go-slow scheme was increased to 14 days instead of 7 and unjustified go-slow by workers was to be deemed an act of major misconduct entailing dismissal.

During 1952-53 crushing season, go-slow notices were served on 14 sugar factories. Go-slow was actually resorted in one factory at Chanpatia but it was only for a day. In another sugar factory at Lohat, there was go-slow for three days without any notice. In two other factories other than sugar there was go-slow without notice. In all other cases, go-slow was not only averted but amicable settlement was also brought about by the conciliation machinery. Details of each case in which go-slow notice had been served were prepared and placed before the Labour Advisory Board. It appeared therefrom that during 1951-52 go-slow notices were served mostly for non-implementation of awards and agreements but during 1952-53 notices were served even for settlement of such disputes for which normal procedure as provided by law could be used instead. At the meeting of the Bihar Labour Advisory Board held in April, 1953, the following amendments to the scheme were proposed for the approval of the Board, namely, go-slow notice may be served only on any of the grounds like non-implementation of awards and agreements, malpractice and sudden provocation by management and when other methods of redressing the workmen's grievances within reasonable time are not available under the law. The other modification proposed was that period of notice should be 14 days instead of 7 days, copy of the notice should be handed over to the nearest Conciliation Officer and unjustified go-slow by workers should be deemed to be gross misconduct, entailing dismissal. The Labour Advisory Board advised Government to appoint a 7-man Committee, representing employers and employees in equal numbers with the Labour Commissioner as its Chairman to review the scheme in all aspects.

Recommendations of the 7-man committee.—Subject to a joint note of dissent from two of its members Servashri R. N. Nopani and V. Podder this Committee made the following recommendations, namely, :—Only registered and recognised unions should be permitted to serve go-slow notice. It must be at least 14 days' notice. The notice will remain valid only for four weeks. Such notice can be served only on the grounds of non-implementation of awards, agreements or continued breach of law or malpractice or sudden provocation by the management and that also when other methods of getting the grievances redressed are not available and all efforts to settle the dispute by negotiations or discussions have failed. The notice must state the reasons for giving such a notice. As soon as a notice is served the management should negotiate with the Union and inform the Conciliation Officer of the area. If it is not a proper notice, the Labour Commissioner will advise the workmen and their union to withdraw the

notice and inform the management of having done so. If the notice is justified, the Conciliation Officer will try to have the dispute settled, failing which take further action as in the case of a notice of strike. Conciliation proceedings must be concluded within three weeks from the date on which notice was served. If there is an actual go-slow by workmen without notice or during the pendency of conciliation or adjudication proceedings arising out of such notice or for grounds other than those approved under this scheme the go-slow will be deemed to be unjustified. If, on an enquiry by the Labour Commissioner, the go-slow is held to be unjustified, workers who resorted to go-slow will be liable for punishment prescribed for major misconduct including dismissal. The Committee recommended that the scheme might be reviewed after another two years and advised the State Government to consider the desirability of undertaking legislative measures for dealing with the problem. The recommendations of the Committee were accepted by the Labour Advisory Board in October, 1954 and the scheme was accordingly modified by Government in their resolution dated the 14th February 1955.

6. Review of the scheme in 1957.

The details of cases of go-slow during 1954-55, 1955-56 and 1956-57 were prepared and placed before the Labour Advisory Board at its meeting held at Patna in April, 1957. It appeared therefrom that as in the past it was the sugar industry which continued to remain vulnerable to go-slow notices. During season 1954-55, there were 17 go-slow notices, in ail of which the conciliation machinery intervened and brought about settlement. The go-slow was actually resorted to at only three factories, namely, Sidhwalia, Riga, and Harinagar. The duration of go-slow at Riga and Harinagar was very short due to prompt intervention of the conciliation machinery. At Sidhwalia it was largely due to the continued strained industrial relations. In season 1955-56 go-slow notices were served in 14 factories but all such notices were withdrawn due to effective intervention of the conciliation machinery. There was no actual go-slow at any of these factories. During 1956-57 go-slow notices were served in 7 factories, but all such notices were withdrawn at the intervention of the conciliation machinery. At Harinagar and Warsaliganj workmen resorted to go-slow without any notice at the instance of the Union. As soon as the managements complained of such go-slow at these two factories, the conciliation machinery investigated and the Labour Commissioner held the go-slow to be unjustified, but at the end go-slow was withdrawn when the parties came to a settlement. The statistics indicated that the modified scheme had been effective and the incidence of actual go-slow wherever it was with notice was negligible. The Labour Federations did not support go-slow without notice. The Labour Advisory Board at its meeting held in April, 1957 advised Government to appoint again a 7-man committee to go into the whole problem in all its aspects and present its report to Government within six months and seek the advice of the Board at its next meeting.

7. Whether 'go-slow' is moral or immoral, justified or unjustified, legal or illegal.

All the employers' representatives on the Committee were of the view that actual slow down by workers was immoral, unjustified and illegal. They referred to the observations made by the Labour Appellate Tribunal in two cases, one, Firestone Tyre and Rubber Company of India, Ltd., *versus* Bhoja Shetty and another—Indian Iron and Steel Co., Ltd., case (of October, 1955). In the former case, the Appellate Tribunal held that go-slow tactics was not a recognised weapon but an insidious means of undermining the stability of a factory which would not be countenanced by a Tribunal. The right to strike was recognised and was controlled by the Industrial Disputes Act but 'go-slow' method was regarded in Labour Legislation as a form of misconduct. In the latter case, the Tribunal observed that slow down could never be justified under any circumstances. It is a misconduct as it pushes down production. It is a insidious process which not only hampers production but also acts unfairly to the employers. The workers get pay and they are in duty bound to give production. To earn wages and not to give production can never be justified. The employers' representatives also quoted the Prime Minister of India who had observed in course of a debate on a resolution tabled by a non-official in the last session of the Parliament that this mentality of slowing down is a dangerous one, dangerous for the country. Apart from the essential harm it does, its psychological and spiritual effects are fatal. A go-slow move stops production and delays production and it is harmful to the interests of the country and is against the interest of the very people who do it. The employers' representatives also drew the attention of the Committee to the re-commendations made in the meeting of the All-India Labour Conference held during the year. While dealing with discipline of workers, it had been agreed that go-slow tactics will never be adopted. This decision had been supported by the representatives of the Central Organisations of Labour Federations. The decision reached at the All-India Conference was, therefore, binding upon the three Labour Federations, in the State of Bihar.

The two labour representatives, Servashri, Brajkishore Sinastri and Ranen Roy on the other hand recalled the background which led to the introduction of the scheme and pointed out that after the Labour Appellate Tribunal had made such observations the industrialists started a clamour against the healthy and sound procedure for dealing with the problem. The industrialists forgot that the observations were made in an application under section 22 of the Industrial Disputes (Appellate Tribunal) Act where no detailed examination of any question was ever done. The industrialists further failed to note that the slow down tactics which was complained of in that particular case of Firestone Tyre and Rubber Company of India, Ltd., had been adopted without any notice and continued for a pretty long time and the workmen argued that they had not adopted any slow down tactics. In another case,

the same Bench of the Appellate Tribunal reiterated identical observation and further added that go-slow had been declared to be a misconduct under the model rules laid down under the Industrial Employment (Standing Orders) Act. This was clearly an error of record because the model rules nowhere made any such provision. The Labour representatives stated that strike, slowing down production, stay in, downing the tools and pens are recognised weapons available to workmen all over the world. No one anywhere at any time had branded any of these as something immoral or insidious. With due respect to the Appellate Tribunal, the labour representatives expressed that go-slow tactics was a recognised weapon in the armoury of labour to fight the injustices under which they were made to suffer at the hands of employers. At the same, the labour representatives agreed that these weapons must not be used lightly and these weapons should be used only as a last resort and their commitments to find a solution to the problem were always guided by these considerations. The procedure to which the labour representatives had agreed curtailed the right of the workmen to some extent and they had to face criticisms on this score, but the labour representatives who had served the previous committees as well thought that they were right as indicated by the experience gained in the interest of the community as a whole. The law prohibited strikes during pendency of a particular point in conciliation or adjudication, although the point of dispute and the point pending conciliation or adjudication, had no relation whatsoever. They cited the example of the sugar industry in Bihar where the bonus issue in 1949 was in the process of adjudication till 1952 and thereby the issue of bonus for other years or wage and unjustified dismissal of workmen could not be agitated through strike notice or strikes. Taking advantage of the situation, the managements very often denied the reasonable demands made on behalf of the workmen and resorted to unfair labour tactics, ignored settlements and awards and the remedy as provided by law was inadequate. Even if an employer was prosecuted or fined or even put to imprisonment for non-implementation, the workmen were denied their dues in terms of the settlement or award and could not fight the employer who developed litigant mentality with a longer purse. If the workmen were organised and strong enough to achieve their legitimate dues and claims through collective power of struggle by resorting to various methods of strikes and even go-slow, then alone, some employers saw reason. The labour representatives, therefore, felt frustration would drive the workmen to underground activities. They reminded that even up to 1928 strike itself was considered to be a heinous offence and long sentences of imprisonment used to be given for going on a strike. Even in England workmen used to be hanged in public for resorting to strike. The labour representatives, therefore, felt that in such circumstances where the employer was not fair, go-slow would be justified. They further held that go-slow was not illegal in absence of any specific provision in the law.

8. *Review of the working of the scheme during the last two years and recommendations of the committee.*

The labour representatives accepted the statistics of go-slow with the history of each case that had been placed before the Labour Advisory Board and shared the views of the State Government that the scheme had all along worked with a larger amount of success and held that the scheme should be made more fool-proof after removing any lacuna to achieve its real object of guarding against actual slow down in any case. In spite of the statistics in favour of the continuance of the scheme even in a modified form, the employers' representatives felt that the scheme tried in the State of Bihar ever since December 1951 hardly improved the situation and they were very much against the continuance of any such scheme in any form. According to them the recognition given to the go-slow even in restricted circumstances in the armoury of workers had a very bad effect and such recognition should not be given any more under any circumstances. Their experience had been that such a recognition had created bad psychology in the minds of workers who very often started slow down, the moment they decided to give a threat of go-slow or started go-slow even without notice because they felt that go-slow is permissible in this State. With an open mind the employers had agreed to give this scheme a trial and had also agreed to give a trial to the scheme that had been modified in the light of the experiences gained. The employers' experience has been that the scheme was very much abused and was being utilised for other situations which would not have arisen in absence of such a scheme. Now that more deterrent penalty has been provided by law for breach of settlement or award, the implementation machinery strengthened and the standing orders certified, there is stronger reason for scrapping the scheme altogether.

Servashri F. L. Vardiya and Badri Narain, employers' representatives were strongly of the opinion that the scheme should be scrapped altogether for reasons given by them and as stated before. Shri R. N. Jai, one of the employers' representatives on the Committee, however, expressed the view that the go-slow scheme that had been adopted in Bihar could be continued only as a measure of expediency and not in acceptance of a principle. He, however, shared the view expressed by the other representatives of employers that it would be better to scrap the scheme, specially when stronger and more deterrent methods were available for implementing the awards and agreements. Thereby he meant the recent amendment of the Industrial Disputes Act whereby even the penalty of imprisonment has been provided for failure to implement awards and agreements. He, however, felt that if at all the scheme has to continue as a measure of expediency he would suggest the following amendments. Go-slow should be declared to be a major misconduct and it should ordinarily be treated as such, except that it be treated at par with strike. There should be no go-slow without proper notice and such a notice may be served only on the ground of

non-implementation of any agreement, settlement or award and, that also, when other methods of getting the implementation are not available and all efforts to settle the dispute by mutual negotiation or discussions have failed. The notice expressing the resolve of the workers to go-slow should clearly set forth the actual non-implementation of specific agreement, settlement or award. It should be made clear that such notice can be served only by registered and recognised unions. If the Labour Commissioner holds that the go-slow notice is justified, he should give reasonable time to the management to implement. In case the management is not prepared to accept the finding of the Conciliation Officer, the issue should be examined by a Committee consisting of the Labour Commissioner and two members of the Labour Advisory Board, one representing the workers and the other employer. By a convention such representation should be from interests other than those who are the parties concerned. If there is no unanimity in the findings of the Committee, Government should take action as provided by law, but the workers should not be allowed to actually resort to go-slow. In the alternative the management should be allowed to deal with the go-slow under the Standing orders as major misconduct. Shri Jai's suggestions were not approved by the other two representatives of the employers.

The labour representatives were of the opinion that they were in favour of the continuance of the scheme, as it stood modified, without any further modification. They were not prepared to confine the go-slow only in cases of non-implementation of awards and settlements. They were aware of the decisions and commitments of the labour representatives in Tripartite Conferences held in Delhi but they thought that the procedure which had been adopted and laid down in the State of Bihar was in no way in conflict with those decisions and commitments. On the contrary, the procedure adopted in Bihar had proved that the basic idea upon which these decisions were taken can only be fulfilled through these procedures. They were, however, sorry that the employers' representatives were very much insistent on scrapping the procedure altogether. The procedure had been adopted by mutual agreement and could be continued only by mutual agreement. There can be no agreement between two parties when one party was not prepared to enter into such agreement and as such the labour representatives were not in a position to impose the same on the other party. Left to themselves, the labour representatives were strongly in favour of continuance of the scheme as it had been adopted in the State of Bihar for the benefit of all.

As the members of the Committee were not of one opinion and as the representatives of the employers and workers held diametrically opposed views, it is not possible for this committee to submit any unanimous report or as a matter of fact, any report with definite recommendations. It is, therefore, that the views of the individual members have been incorporated and their written views have been appended to

this report. The Chairman of the Committee was personally of the opinion that some sort of modified scheme as suggested by Shri R. N. Jai should be continued instead of the scheme being scrapped. The following papers have been appended to this report:—

- (1) Appendix 'A':—Note from Shri Ranen Roy and Shri Brajkishore Shastri, workers' representatives.
- (2) Appendix 'B':—Note from Shri Badri Narayan, and Shri F. L. Vardya, employers' representatives.
- (3) Appendix 'C':—Note from Shri R. N. Jai, employers' representative.
- (4) Appendix 'D':—Report of the 'go-slow' committee appointed by the Bihar Central Labour Advisory Board at its meeting held in April 1951.
- (5) Appendix 'E':—Government resolution no. III/D-1-12021/51-L-(A)-120, dated the 1st December 1951.
- (6) Appendix 'F':—Recommendation of the committee in April 1953, with notes of dissent from Shri R. L. Nopany and Shri V. Poddar.
- (7) Appendix 'G':—Government resolution no. III/D-1-12015 55-L-2201, dated the 14th February 1955.
- (8) Appendix 'H':—Details of cases of 'go-slow' in 1954-55, 1955-56 and 1956-57.

R. N. PANDE,
Chairman.

Members.

- (1) Ranen Roy,
- (2) R. N. Jha.
- (3) Braj Kishore Shastri,
- (4) Badri Narain,
- (5) F. L. Vardya.
- (6) R. N. Jai.

APPENDIX IX.

To

SHRI R. N. PANDE,

Commissioner of Labour, Bihar and Chairman,
Committee on Go-slow.

Patna, the 19th October 1957.

SIR,

As was finally decided in the meeting of the Committee held on the 26th September 1957, we are giving below our views on the subject:—

The question of resorting to Go-slow strike by the workmen agitated the minds of all the parties since 1950, when it was experienced that the workmen being prevented from resorting to strike, due to long drawn adjudication proceedings, to remedy their very serious and urgent grievances, resorted to the policy of slowing down production. This resulted in serious loss of production, and as these were done without any notice, no effective step was possible to be taken to prevent this.

A Tripartite Committee was formed and after elaborate examination of all the points concerning the matter, a procedure was evolved to remedy these difficulties. This procedure was later on approved by the Bihar Central Labour Advisory Board without any dissent.

The result was very very satisfactory and the statistics showed that incidence of workmen resorting to go-slow policy and loss of production thereby within two years brought to a point almost equal to zero. Unfortunately, at this period, a decision of the Honourable Labour Appellate Tribunal was broadcast by the Management organisations where the Hon'ble Tribunal were pleased to observe that "Go-slow tactics was not a recognised weapon but a insidious means of undermining the stability of a factory which would not be countenanced by the Tribunal".

The Industrialists took their queue from this observation and made a clamour against the very healthy and sound procedure evolved by the Bihar Committee. They forgot that the observations were made in an application under section 22 of the Appellate Tribunal Act where no detailed examination of any question is ever done. They further failed to note that the slow-down tactics which was complained of in that particular case (Firestone Tyre and Rubber Company of India, Ltd., *versus* Bhoja Shetty and another) was adopted without any notice and continued for a pretty long time and the workmen to the last defended that they did not adopt any slow-down tactics.

In another case the same bench of the Appellate Tribunal reiterated identical observation adding another sentence to the effect

that go-slow has been declared to be a misconduct under the model rules prescribed according to Industrial Standing Orders Act. This is clearly an error because the model rules nowhere made any such provision.

Any how, it cannot be denied that strike, slowing down production, staying in, downing the tools or pens are well recognised weapons available to workmen all over the civilized world without any exception. No one anywhere at any time branded these or any of these as something immoral nor insidious.

With all respects to the members of the Hon'ble Labour Appellate Tribunal, we very firmly express that go-slow tactics is a recognized weapon in the armoury of labour to fight the injustices under which they are made to suffer by the capitalist employers who have neither any head or any heart and know only their pockets.

At the same time, we do agree that these weapons must not be used lightly and these weapons should be used only as a last resort and our commitments to find a solution to the problem were always guided by these considerations.

At this place, we must inform every one concerned that the procedure to which we agreed as representatives of labour certainly curtailed the rights of the workmen to some extent and we had to face many a serious criticisms on this score, but we think that we were right and the subsequent experience shows that we were surely in the right for the interest of the Community as a whole.

The Industrial Disputes Act prohibited strike during pendency of a particular point in conciliation or adjudication although the point for the dispute and the point pending conciliation or adjudication has no relation whatsoever. As for example, when the question for bonus in the Sugar Industry in the year 1949 was pending before the Tribunal for adjudication till 1952 questions of bonus for other years or wage or illegal and unjustified dismissal of a workmen would not be agitated through strike notice or strike.

The management taking advantage of this position turned deaf ear even to most modest demands of the workmen and resorted to every kind of unfair labour practices without impunity. They became bold enough to ignore the settlements or even the awards of a Tribunal and failed to implement them. It is well known that there was no proper and adequate remedy provided for in the Act to enforce the implementation of the settlement of awards. No doubt, the management can be prosecuted, fined or even put to imprisonment for non-implementation, but these will not implement the settlement or the award. In our experience we have known that the managements with their purse and capacity to purchase best legal brains in the country and to approach the highest court of the land were more often able to escape the punishment through some technical flaws and irregularities, which

strange enough, generally, were committed by the prosecutors appointed on behalf of the Government. Our experience also showed that if the workmen were organised and strong enough to enforce their legitimate claims through their collective power of struggle by resorting to strikes, staying in, go-slow, etc., then alone the managements saw reason. Under the above circumstances, if it is wanted that the go-slow should be banned absolutely, we are afraid, that will create more harm than any benefit to the industries or to the community at large. The workmen cannot keep dumb and silent for ever. Frustration after frustration will drive them to underground and we shudder to think of the serious repercussions which will be born after these frustrations in very near future. It must be admitted that one may subdue and coerce some people for some time, but cannot keep them as such for ever. We hope that our friends have not forgotten that only till 1928 even strike by the workmen was a penal offence and heinous offence like conspiracy and people were being sent to prisons for seven years for going on strike. During the days of Industrial Revolution in England, workmen were hanged in the public on the cross-roads for resorting to strike. We do not know if our friends who want to ban go-slow by legal methods declaring it to be a misconduct punishable without providing alternative remedies for the workmen to ventilate and redress their legitimate grievances, want to repeat the history once again.

We are sorry that we are unable to agree to the recommendation of the Chairman that go-slow should be confined only in cases of non-implementation of awards and settlements. We very categorically reiterate here that we have gone far last time and we are unable to move any further from that decision.

We are also aware of the decisions and commitments of the labour representatives in the Tripartite Conference held in Delhi recently and we think that the procedure which has been adopted and laid down in Bihar is in no way in conflict with those decisions and commitments, rather we are sure that this procedure has proved that the basic idea upon which these decisions were taken can only be fulfilled through these procedures.

We find and observe it with sorrow, that the representatives of the management are very much insistent on scraping these procedures and were mobilising for a fight. We are not in any mood to fight, but we find that these procedures can only run by mutual agreement and so there is no use in imposing the same on any party.

Left to ourselves, we would strongly recommend that the procedure which is now in force should be continued as it is and that will be to the benefit of all.

We still hope that good sense will prevail on all sides.

RANEN ROY.

BRAJKISHORE SHASHTRI.

Dated the 10th October 1957.

APPENDIX X.

10

THE CHAIRMAN,

GO-SLOW COMMITTEE.

Patna, the 27th September 1957.

DEAR SIR,

We are of opinion that 'Go-slow' tactics should never be considered as a recognised weapon of labour for the purpose of compelling the employers to yield to their demand just at par with strike for which provisions have already been made in the Industrial Disputes Act. We wish to quote the following two decisions of the Labour Appellate Tribunals :—

- (a) In *Firestone Tyre and Rubber Company of India, Ltd. versus Bhoja Shetty and another*, the Labour Appellate Tribunal, Bombay held that 'Go-slow' tactics were not a recognised weapon but a insidious means of undermining the stability of a factory which would not be countenanced by Tribunal. The right to strike was recognised and was controlled by the Industrial Disputes Act but 'Go-slow' methods were regarded in Labour Legislation as a form of misconduct.
- (b) The Tribunal delivering award in the *Indian Iron and Steel Co., Ltd.*, case (October, 1955) observed that the "the slow-down can never be justified under any circumstances. It is misconduct as it pushes down production. It is a insidious process which not only hampers production but also acts unfairly to the employers. The workers get pay and they are in duty bound to give production..... To earn wages and not to give production can never be justified".

From these two decisions it is abundantly clear that 'Go-slow' can never be justified. It seems immoral in our opinion when we find our Prime Minister saying, while intervening in the debate on a private member's resolution in the last Session of the Parliament that "this mentality of slowing down is a dangerous one—dangerous for the country. Apart from the essential harm it does, its psychological and spiritual effects are fatal. A 'Go-slow' movement stops production and delays production and it is harmful to the interests of the country and is against the interest of the very people who do it." So this procedure of 'Go-slow' can neither be acceptable to us in principle nor as a measure of expediency.

While discussing different points of view about the utility of the provisions of this procedure as approved by the Bihar Government, it

has been argued that employers are in the habit of not implementing the awards and agreements. We would like to refer to section 29 of the Industrial Disputes Act as amended lately in 1956 which provides that "any person who commits a breach of any term of any settlement or award, which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine or with both". This provision is sufficiently deterrent.

If at all there is any such case, the Government can take immediate action on receipt of any complaint under the provisions of this Act. Hence its utility on this test is also not proved.

Under these conditions, we recommend to the Government of Bihar to scrap the procedure of 'Go-slow' immediately and treat it as a major misconduct in the same way as is done in other States of India.

Yours faithfully,

B. NARAIN,

F. L. VARDYA

APPENDIX XI.

To

SHRI R. N. PANDEY,

(COMMISSIONER OF LABOUR,
CHAIRMAN, COMMITTEE ON "GO-SLOW"
SUBJECT.—Committee on "Go-Slow".

DEAR SIR,

In continuation of the discussions at the committee's meeting yesterday, I desire to put forth my views and suggestions on the subject in this memorandum.

The objections of the employers to the continuation (even in a modified form) of the existing procedure for tackling "go-slow" by workers are as follows:—

- (1) It recognises "go-slow" as a tool or weapon in the hands of workers.
- (2) It creates a psychological situation of strain in management—Labour relations.
- (3) The procedure, though originally devised as an expediency to meet a specific type of problem, is now utilised (abused, one may say) for other situations which may not arise but for the availability of the procedure.
- (4) Other, and now stronger and more deterrent, means are available to the Government for bringing about implementation of awards and settlements.

The employees point of view seems to be chiefly centred around the following points:—

- (a) "Go-slow" is recognised as a tool in the hands of the workers—almost at par with strike—under certain circumstances.
- (b) The laid down procedure enables Trade Unions to hold in check fissiparous tendencies in their ranks.

The employer's representative can have no objection to item (b) of the employees point of view as stated above. However, it is definitely a point gained by the employees that "go-slow" is being recognised as a tool in the hands of the workers and quite naturally the employers have strong objection to such recognition of a principle and also because of the consequences that result therefrom. This strong objection of the employers has not been answered and it cannot be answered readily and on that ground alone it has been strongly urged and pressed that

the present procedure of handling "go-slow" situation be scrapped altogether.

This objection of the employers has all along been recorded and expressed, but the existing procedure of handling "go-slow" was accepted by the Bihar Central Labour Advisory Board in spite of the above principle as a measure of expediency. My view, therefore, is that it can be continued only as a measure of expediency and not in acceptance of a principle. If, therefore, the Government considers it necessary to continue this procedure as a measure of expediency, then the modifications and amendments described below be brought about in the procedure. If these modifications or amendments are not acceptable to the workers' representative, then it is better that the procedure is scrapped rather than that it is continued in its present form.

Further, as now there are stronger and more deterrent means available to the Government for bringing about implementation of awards and settlements than what was possible previously, the expediency for which the procedure for handling "go-slow" was introduced is further weakened.

The following are the amendments proposed to the existing procedure for tackling "go-slow":—

- (1) Substitute the existing clause (1) by the following:—

"Go-slow" is a major misconduct and it should ordinarily be treated as such except that it be treated at par with strike under the following circumstances:

- (2) Same as existing clause (2) except that the word "optimum" be added before "average" at every place in the paragraph.

- (3) Substitute the existing clause (3) by the following:—

There shall be no "go-slow" without proper written notice. A notice for "go-slow" may be served only on the ground of "non-implementation of any agreement, settlement or award", and that also when other methods of getting the implementation are not available, and all efforts to settle the dispute by mutual negotiations or discussions have failed.

- (4) Substitute the present clause (4) by the following:—

"The notice expressing the resolve of the workers to 'go-slow' and clearly settling forth actual non-implementation of specific agreement, settlement or award should be served on the management with copies to the local Conciliation Officer, Labour Commissioner and the Convener. The date of commencement of

"go-slow" shall not be earlier than 14 days after the date on which the notice is served on the Management. Such notice can be served only by a registered and recognised union of workers."

- (5) No change.
- (6) No change except to state "clauses (3) and (4)" instead of only "clause (3)".
- (7) No change.
- (8) Substitute the existing clause (8) by the following:—

If on the preliminary enquiry by the Conciliation Officer the notice of "go-slow" is held to be in accordance with clauses (3) and (4) then the Labour Commissioner will advise the Management to proceed to implement the said Agreement, Settlement or Award within a specified reasonable time agreed to by the Management.

If the Management does not accept the findings of the preliminary enquiry by the Conciliation Officer, then the issue be examined by a committee consisting of the Labour Commissioner and two members of the Labour Advisory Board—one representing the workers and the other employers. By a convention such representation should be from interests other than those who are the parties concerned.

All the above proceedings must be concluded within four weeks from the date of service of the notice, and the unanimous findings of such a committee should be binding on the Management. If there is no unanimity in the findings of the Committee, then there are two alternatives:—

- (i) The Government can take action under the existing laws to bring about implementation of the Agreement, Settlement or Award and the workers should agree not to "go-slow".
- (ii) If not, then the resultant "go-slow" can be dealt with by the Management under their standing orders and other avenues open or available to them for handling such situations.

During this period of four weeks, "go-slow" cannot be started or resorted to by the workers.

- (9) If a "go-slow" is resorted to without notice served for reason stated under clause (3) and in the manner prescribed under clause (4), or during the period of four weeks during which enquiries are to be completed under clause (8) above or for reasons other than that mentioned in clause (3) then the "go-slow" will be deemed to be unjustified and the

management can proceed to treat it as a major misconduct, and the workers concerned must face the consequences thereof.

(10) No change.

(11) No change.

(12) No change.

(13) No change.

It is requested that these views of mine be included as a part of the proceedings of the Committee meeting.

Thanking you,

Yours truly,

R. N. JAI,

Member, Committee on "Go-slow"

Manager, Chaibasa Cement Works.

APPENDIX XII.

Details of cases in which slow-down notices were served during 1951-52 and 1952-53.

(1) *Bagaha*.—Some weighment clerks of their own accord resorted to go-slow demanding higher wages, but they immediately resumed normal work as soon as they realised that they had adopted an irregular procedure. Although the management were permitted to take action against the weighment clerks, the management did not take any action. Thereafter a go-slow notice was served by the Union for non-implementation of awards and agreement. As a result of prompt intervention by the conciliation machinery, a settlement was reached; the notice of go-slow was withdrawn and production became more than normal.

(2) *Sugauli*.—Slow-down notice was served by the union for non-implementation of agreement and award. Through the prompt intervention of the conciliation machinery, an agreement was reached.

(3) *Goraul*.—One of the two rival unions which claimed to be more representative, agitated against the retrenchment made by management without following the agreed procedure. The management challenged the representative character of the Union and this provoked the union to resort to a slow-down for a short period when the management came to an agreement with the union through the intervention of the conciliation machinery.

(4) *Harinagar*.—On account of delay in telegraphic communication the parties could not attend the conciliation proceeding in time and slow-down was adopted. But as soon as the conciliation officer reached the spot, it was stopped and a settlement was brought about restoring normal production. The slow-down lasted for four days.

(5) *Hassanpur*.—There was a lightening slow-down in December 1951, for three days, but it was called off as soon as the conciliation machinery intervened. On inquiry, the slow-down was held to be unjustified. As advised by the Labour Commissioner, executives of the union were debarred from holding office for one year and new members were elected.

(6) *Sasamusa*.—On account of delay in postal communication, a go-slow was resorted in January, 1951, before the conciliation machinery could intervene. It was stopped as soon as the Labour Commissioner intervened. It lasted for three days. Unfortunately, the conciliation proceedings fell through because the management decided after coming to an agreement about one of the points of dispute. Thereafter there was again a go-slow on which tribunal gave its award.

(7) Slow-down notices were also served on the sugar factories at Mirganj, New Savan, Harkhua, Motipur, Motihari, Bagaha, Narkatiaganj, Lauria, Chanpatia, Marhowrah and Riga. But in all these cases, the conciliation machinery intervened within the period of a

week's notice and brought about a settlement. The notices were withdrawn and normal production continued. Both the incidence of production and percentage of recovery of sugar was higher in 1951-52 than in the preceding year, except in one case, that is, Sasamusa, in which the conciliation machinery failed to restore cordial relation in spite of its best attempt.

2. In the Board's meeting held at Jamshedpur in October 1952, the representatives of the Indian Sugar Mills Association and some other employers wanted to move a resolution for setting up a committee to review the working of the go-slow policy as laid down by the Board and to suggest modifications. It was assured on behalf of the Government that the policy would be reviewed by the Board at its next meeting by which time more experience would be gained. Bearing this in mind, the matter was discussed at the beginning of the crushing season of 1952-53, at a conference of the sugar industry and its different labour federations convened by Mr. R. S. Pande, Labour Secretary to Government because the go-slow scheme is more used in sugar industry than in any other industry. Mr. Pande was able to persuade the parties to agree to the following modifications in the procedure for dealing with go-slow so far as sugar industry was concerned :—

- (1) The period of notice should be extended from seven days to fourteen days.
- (2) Unjustified go-slow by workers should be deemed to be an act of major misconduct entailing dismissal. This modified policy has been put to hard test during the crushing season, 1952-53.

3. During the crushing season, 1952-53, go-slow notices have so far been served on 14 sugar factories and in the 5th sugar factory, namely, Lohat, go-slow was resorted to without any notice. Actually, go-slow was resorted to in the sugar factory at Lohat for three days and at the one at Chanpatia for a day. In all cases, including these two, an amicable settlement was brought about by the conciliation machinery of the State Government as a result of which, go-slow was completely avoided.

(1) *Lohat*.—The workers were reported to have resorted to a go-slow for three days in February 1953, without any notice, mainly on the issue of bonus for 1951-52. As soon as the go-slow was known to have been resorted to, prompt enquiries were made by the officers of the Labour Department of Government and also a settlement was brought about on the issue of bonus for 1951-52, and other matters of dispute. The enquiry report on go-slow is under consideration.

(2) *Chanpatia*.—As soon as the workers' union served a go-slow notice, the conciliation machinery intervened, but failed to bring about a settlement, because the management could not give any definite time by which it would provide the workmen with light, water, club room

and quarters. As advised by the conciliation officer, the workers' union at first agreed to defer the go-slow but then resorted to go-slow on 13th February for some hours. Even after the go-slow was stopped, the go-slow notice was not withdrawn for some time until the irregularity was realised by the workers' union. Through the efforts of the conciliation machinery, the go-slow notice was finally withdrawn and a settlement was brought about. The executives of the workers' union have been asked to show cause why they should not be debarred from holding office for a year.

(3) *Samastipur*.—The workers' union served go-slow notice. The conciliation machinery intervened and brought about a partial settlement with assurance from both the parties for maintaining *status quo*. But thereafter the management alleged that the workers had resorted to a go-slow. Immediate enquiries were held on the alleged go-slow. It appeared from the enquiry report that there was a cold wave accompanied with rainfall which resulted in rather low unloading, there being no shed on the cane-carrier. Another reason for the low crush might have been psychological effect on the workers in view of the fact that the union had served a go-slow notice and mutual negotiation for a settlement had failed. The go-slow notice was in respect of bonus for 1951-52, retaining allowance, leave, holidays and uniform to certain categories of workers not given according to the former practice. The go-slow notice was withdrawn after a settlement was reached on all matters, except the issue of bonus which has been left by both the parties to be decided by the Labour Department of Government.

(4) *Narkatiaganj*.—The executives of the workers' union served a go-slow notice, and thereafter came to a settlement. Soon after the settlement, a rival set of executives of the same union served another go-slow notice. Both the rival groups of executives agreed to a plebiscite to determine their representative character. Thereupon the go-slow notice was withdrawn. The go-slow notice was a protest against non-implementation of agreement and award. Prompt enquiries were made in the matter and award and agreement were fully implemented. Meanwhile, the management alleged that the workers had started a go-slow. Prompt enquiries were made by the Factory Inspector and further enquiries were made by the Deputy Labour Commissioner into the alleged go-slow. According to the enquiry report, it could not be established that there was actually any go-slow.

(5) *Mirganj*.—As soon as the workers' union served a go-slow notice the conciliation machinery intervened. After prolonged conciliation proceedings, an agreement was executed. The go-slow notice was in protest against (1) non-payment of wages to seasonal workmen, who could not join their duties in time for no fault of theirs; (2) for

non-implementation of settlement and award; and (3) for bonus for 1951-52.

(6) *Pachrukhi*.—Go-slow notice was served by the workers' union (i) for paying daily-rated mazdoors wages less than Rs. 2-2-0; (ii) for not paying wages to seasonal workmen, who could not join their duties in time for no fault of theirs; (iii) for sending out 21 workmen on compulsory leave and not making them permanent; and (iv) for not providing Donga shed.

The conciliation machinery intervened and brought about a settlement. The slow-down notice was withdrawn.

(7) *New Savan Sugar Company, Siwan*.—A go-slow notice was served by the workers' union demanding bonus for 1951-52 and certain other minor matters. The go-slow notice was withdrawn after an agreement was reached on matters other than the issue of bonus.

(8) *Ryam Sugar Company*.—As the management did not accede to the demand made in November, 1952, the labour union served a go-slow notice. It was a week's notice. As soon as the Union realised that a week's notice was inadequate, it withdrew the notice and served a fresh go-slow notice giving fourteen days' time. Conciliation proceedings were immediately held but without any success. The parties maintained *status quo* and further conciliation proceedings were held. Accepting the advice of the conciliation officer, the bonus offered by the management was lifted by the workmen without any prejudice to its claim for higher quantum of bonus. Other demands made in the go-slow notice were—

- (1) construction of Donga shed; (2) continuance of the privilege of leave and holidays; (3) retaining allowance; (4) annual increment and promotions; (5) filling up of vacant posts; (6) travelling allowance for joint duty; (7) free supply of kerosene oil, fuel and light; (8) indiscrimination in the matter of medical treatment; (9) joining time to seasonal workmen, etc.

A settlement was brought about by the conciliation machinery and the go-slow notice was withdrawn and normal production continued.

(9) *Goraul*.—Go-slow notice served by the labour union at Goraul was withdrawn as a result of settlement reached with the help of conciliation machinery. The demands were for a dispensary, weekly off day for certain categories of workmen and uniforms to certain categories, and leave cards to all employees.

(10) *Dalmianagar Sugar Factory*.—The go-slow notice served by the Mazdoor Sewa Sangh, Dalmianagar, was withdrawn as a result of settlement brought about by the conciliation machinery whereby the management agreed to pay workers their wages for 9th and 10th August and the number of festival holidays were settled, amongst other things.

(11) *Motipur*.—The go-slow notice was served by the workers' union at Motipur, mainly on the issue of bonus. But it was withdrawn after an amicable settlement was reached with the assistance of the conciliation machinery.

(12) *Sugauli*.—As a protest against the assault of an electric fitter by the Director of the sugar factory, a go-slow notice was served, but it was withdrawn after the amicable agreement was reached between the parties.

4. Besides the sugar factories, there has been go-slow in only two other establishments, namely, Sheet Mill at Tisco and Firebricks and Ceramic Refractory at Gulkurbari. In none of these two cases, notice of go-slow was served. In the Sheet Mill at Tisco, it was a protest against the suspension of four workers while at the Firebricks and Ceramic Refractory, it was a protest against the dismissal of two workmen who had refused to be transferred elsewhere and also the dismissal of six other workmen, and on issues of bonus, leave and other amenities. At both the places the go-slow lasted for about three days. In the former case, neither the management nor the workers' union sought the assistance of the conciliation machinery, but an amicable agreement was reached after prolonged negotiation between the management and the Tata Workers' Union, while in the latter case, a settlement was reached with the assistance of the conciliation machinery.

APPENDIX 'A'.

A BRIEF HISTORY OF CASES RELATING TO GO-SLOW.

1954-55.

(SUGAR INDUSTRIES.)

(1) *Sakri*.—On the 20th. December 1954, the Union served go-slow notice for non-implementation of award as amended by the Appellate Tribunal. On the 23rd December 1954 a Press Note was issued by Government about implementation of the award and thereafter the Union was advised to withdraw the go-slow notice in view of the Government's Press Note. Accordingly the go-slow notice was withdrawn on the 7th January 1955. There was actually no go-slow.

(2) *Sasamusa*.—Similarly for implementation of awards and agreements a go-slow notice was served but it was withdrawn in January, 1955 after the Press Note had been issued. There was no go-slow.

(3) *Harkhua*.—Similarly the go-slow notice served in December, 1954 for non-implementation of award was withdrawn as soon as bonus was advanced subject to final adjustment about which a Press Note was issued by Government. There was no go-slow.

(4) *Mirganj*.—Similarly the go-slow notice served in December, 1954 was withdrawn in January, 1955 in view of the Government's Press Note. There was no go-slow.

(5) *Sidhwalia*.—The Management took complacent attitude after the go-slow notice was served and go-slow was resorted for a day or two but it was called off as soon as the conciliation machinery intervened. The industrial relation is not happy because the Management is not prepared to deal with only registered and fully represented trade union of workers which is in contravention of the decision of the Labour Advisory Board.

(6) *Samastipur*.—In view of the assurance given that provident fund scheme would be introduced in terms of the award the go-slow notice was withdrawn in February, 1955. There was no go-slow.

(7) *Siwan*.—In December, 1954 a go-slow notice was served on behalf of workers without having been authorised by the Labour Union. The Labour Union itself challenged the go-slow notice. The notice-giver was warned. Thereafter a go-slow notice was served by the Labour Union for implementation of awards but it was withdrawn in view of the Government's Press Note. There was no go-slow.

(8) *Lohat*.—Go-slow notice served in December, 1954 was withdrawn in January, 1955 after the Government's Press Note was issued about implementation of the award. There was no go-slow.

(9) *Rayam*.—In spite of the fact that bonus had been paid in terms of the award a go-slow notice was served in December, 1954 but it was withdrawn. There was no go-slow.

(10) *Pachrukhi*.—Go-slow notice served in December, 1954 was withdrawn after the parties came to a mutual agreement the same month. There was no go-slow!

(11) *Riga*.—Go-slow was resorted to for one day in January, 1955. A settlement was reached in which Management assured that no disciplinary action would be taken against the workmen. The slow-down was resorted to due to rivalry of the two Unions but the slow-down was condemned by the Labour Commissioner and all concerned were informed of it.

(12) *Harinagar*.—A go-slow notice was served in December 1954. The Conciliation Officer pointed out that some of the demands were not covered by the go-slow scheme and advised the Union to withdraw the notice. The Management complained of lawlessness. The Conciliation Officer brought about a settlement of the dispute on all points and the go-slow notice was withdrawn in December, 1954. In January, 1955 there was a go-slow for one day on the ground that the award on bonus issue had not been implemented. A prompt enquiry was held. The Management was permitted by the Labour Commissioner to take disciplinary action against those workmen who as members of the Executive Committee of the Union had organised the go-slow. The go-slow lasted only for a day in view of the prompt intervention of the Conciliation Officer.

(13) *Warisaliganj*.—Go-slow notice served in March, 1955 was withdrawn on the advice of the conciliation machinery. There was no go-slow.

(14) *Motpur*.—Go-slow notice was served in January, 1955 for implementation of awards and agreements but it was withdrawn on the advice of the Conciliation Officer. Settlements were reached on the 12th February 1955 and again on 20th February 1955. Before the settlement the Conciliation Officer looked in the lower production but the Management did not feel like pursuing the matter except that the go-slow scheme was explained to the Union as desired by the Management.

(15) *Chanpatia*.—Go-slow notice of December, 1954 was withdrawn in view of the Government's Press Note about implementation of awards. There was no go-slow.

(16) *Majhulia*.—In view of the Government's Press Note the go-slow notice was withdrawn in January, 1955. There was no go-slow.

(17) *Lauriya*.—In view of the Press Note of Government the go-slow notice which was served its date was extended but on the

advice of the conciliation machinery the notice was withdrawn in January, 1955. There was no go-slow.

(18) *Chhipadohar (Bamboo Transport Workers of R. I., Ltd.)*—An enquiry was held in February, 1955 on the alleged go-slow. The Management was asked to come to an understanding with the workers and finally a settlement was reached. There was no go-slow.

1955-56.

(SUGAR INDUSTRY.)

(1) *Mirganj*.—A slow-down notice was served on 1st February 1956 but all the outstanding demands were settled through conciliation machinery on the 11th February 1956. There was no go-slow.

(2) *Rayam*.—Go-slow notice was served in December, 1955 and again in January, 1956 and on each occasion the disputes were settled through conciliation machinery and go-slow notices withdrawn. The Union was, however, informed that the go-slow notices were hardly justified and the Union was warned against such go-slow notices in future. There was no actual go-slow.

(3) *Sakri and Lohat*.—Go-slow notice in January, 1956 was withdrawn after the parties came to a mutual agreement the same month. There was no go-slow.

(4) *Samastipur*.—There was allegation of go-slow but the parties came to a mutual understanding and it was agreed that no go-slow notice will be served and go-slow resorted to during 1955-56. Crushing of about twenty thousand maunds a day was guaranteed. There was no go-slow.

(5) *Bagaha*.—Go-slow notice of February, 1956 was withdrawn as a result of a settlement of all outstanding points of dispute through conciliation in March, 1956. There was no go-slow.

(6) *Riga*.—A go-slow notice was served in January, 1956 by the unrecognised Union. The Union was advised to withdraw the notice on the ground that the go-slow scheme does not provide for a notice by the unrecognised Union. The dispute with the recognised Union was conciliated and all outstanding points of dispute were settled in March, 1956. There was no go-slow.

(7) *Harinagar*.—In spite of an all-round settlement reached and assurances given for guaranteeing production in January, 1956 crushing deteriorated due to internal rivalries in the Union. The Union and the workers were warned. An enquiry was also held but go-slow by workers in general was not established but the workers were warned.

(8) *Warisaliganj*.—In October-November, 1955 go-slow was threatened for implementation of award on retaining allowance. The Union was advised against go-slow because the implementation of the

award had been stayed by the Appellate Tribunal. After the stay order was vacated in December, 1955 the Management was requested to pay retaining allowance in terms of the award. In January, 1956 a settlement was brought about. There was no go-slow, in spite of the fact that the Management had not implemented the award and took a long time to come to a compromise with the workers.

(9) *Motipur*.—In December, 1955 a go-slow notice was served for non-implementation of agreements and awards, mal-practices and to provocation. The conciliation machinery persuaded the Union to withdraw the go-slow notice and thereafter all the outstanding points of dispute were settled through conciliation in January, 1956. There was no go-slow.

(10) *Patna Electric Supply Company*.—The Mazdoor Union served a go-slow notice in December 1955 but withdrew it on the advice of the conciliation machinery. There was no go-slow.

(11) In 1956 there were go-slow notices at Joint Steamer Company, Bankipur Iron Works and Hume Pipe Company at Patna but through the intervention of the conciliation machinery the disputes were settled and there was no go-slow at any of the places.

1956-57

(SUGAR INDUSTRY)

(1) *Samastipur*.—Go-slow notice served in November, 1956 was withdrawn as a result of settlement reached through conciliation in December 1956. There was no go-slow.

(2) *Bagaha*.—The go-slow notice of January, 1956 was withdrawn as a result of settlement of disputes through conciliation early in February, 1957. There was no go-slow.

(3) *Narkatiaganj*.—A go-slow notice served in January, 1957 was withdrawn in February, 1957 after the disputes were settled by conciliation. There has been no go-slow.

(4) *Warisaliganj*.—When mutual negotiations on the issue of bonus for 1955-56 failed, the workers resorted to go-slow without any notice from the 16th February 1957. Prompt enquiries were held, go-slow was held by the Labour Commissioner to be unjustified and the Management was permitted to proceed against 7 workmen who were ring leaders. At the end a compromise was reached and bonus issue and cases against 7 workmen were referred to the arbitration of Shri Jaiprakash Narayan. About a thousand workers resorted to go-slow from 16th to 28th February 1957.

(5) *Harinagar*.—Soon after the settlement of the issue of bonus for 1955-56, workers resorted to go-slow from 3rd March 1957, prompt enquiries were held, the go-slow was held to be unjustified by the Labour Commissioner and the workers were informed that they made

themselves liable for punishment. A compromise was reached on the 12th March and some of the disputes were referred to arbitration. Go-slow lasted from 3rd to 12th March 1957.

(6) *Sri Ram Press, Monghyr.*—After the industrial dispute was settled towards the end of December, 1956 the Management complained of slow-down in production. Conciliation machinery intervened immediately and was informed that differences were composed mutually.

(7) *Reliance Firebricks and Potteries, Chanch.*—The office-bearers of the Union were warned for instigating transport workers to a stay-in-strike on the 20th July 1956 in breach of settlement and the workers were warned that in case of such recurrence they will not be excused.

(8) *Heavy Forging Section of the Telco at Jamshedpur.*—15 workers of the Heavy Forging Section of the Telco resorted to go-slow for two days in November 1956 but resumed normal work after they were assured that their grievances will be looked into.

(9) *Imperial Tobacco Company at Monghyr.*—It was alleged by the Management that the workers in the Drying Room had resorted to go-slow in February, 1957. The Labour Officer looked into the matter. No further complaint has been received against the workers.

(10) *Bhowrah Coke Plant.*—A go-slow notice was served in January 1957 but it was withdrawn the same month after the dispute was settled through conciliation. There was no go-slow.

(11) *Darbhangha Electric Supply Company.*—A go-slow notice was served for non-implementation of awards and agreements. The services of conciliation machinery were promptly offered and the Union was advised to withdraw the notice. There has been no go-slow.

(12) *Bata Shoe Company at Digha.*—Go-slow notice had been served but there has been no actual go-slow. A long-term settlement has been reached.

(13) At the sugar factories at Sugauli, Motihari and Motipur and at the Arther Butler Co., Muzaffarpur, there were low productions and a while but the parties came to an understanding. There were no go-slow notices nor any such allegation.

