

29 SEP 1958

No. E&I-34(19)/58.
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT.

Shri R. L. Mahta, I.A.S.,
Joint Secretary to the Government of India.

To

The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 27 SEP 1958

Subject: Draft conclusions of the first meeting of the Central
Implementation & Evaluation Committee.
(New Delhi, September 20, 1958.)

Dear Sir,

I am directed to enclose a copy of draft conclusions arrived at the first meeting of the Central Implementation and Evaluation Committee held at New Delhi on September 20, 1958 and to request that your comments if any, may kindly be communicated to this Ministry as early as possible and in any case not later than October 7, 1958. In case, no comments are received by that date, it will be presumed that you have none to offer.

I also enclose a list of other important points raised by the members at the meeting; these matters are being looked into separately.

3. An acknowledgement is requested.

Yours faithfully,

Enclosures. Two

(S. P. L. Nigam)
for Joint Secretary.

Copy with enclosures forwarded to

- (i) Shri Tarlok Singh, I.C.S., Joint Secretary, Planning Commission
- (ii) All State Governments and Union Territories.
- (iii) All India Organisations of Employers and Workers.

for Joint Secretary.

MALIK
DA. REPTO
25/9/58

Central Implementation & Evaluation Committee
(First meeting, New Delhi, September 20, 1958)

Besides the decisions arrived at the first meeting of the Central Implementation and Evaluation Committee on matters concerning implementation and evaluation, other important points raised by members were as follows:-

- (1) Shri B. D. Joshi (AITUC) pointed out that in U.P. the Workers Committees had been disbanded as far back as 1950 by a Government order. This was against the provisions of the Industrial Disputes Act. He wanted the matter to be taken up with the Government of U.P.
- (2) Shri Vittal Rao (AITUC) suggested that the Mining Inspector's report should be exhibited in the premises of the mines inspected so that workers could know what violations of the Act in that particular mine were taken note of.
- (3) Shri B.D. Joshi (AITUC) referred to the dispute relating to K.G. Hospital of Vishakhapatnam (Andhra Pradesh) where the E & I Division had informed AITUC that the dispute was not covered by an agreement. Shri Joshi pointed out that there was a Government order in this matter and that the Government had accepted the recommendations and should implement them. He desired that this matter should be examined further.
- (4) Shri Bagaram Tulpule (HMS) said that the U.P. Government had recently promulgated certain rules for the approval of unions and federations and had laid down restrictions which were not consistent with the principles agreed to at the Nainital Conference. These restrictions and additional conditions, he said, were against the spirit of the Code of Discipline. He also said that the Bill circulated by the U.P. Government and which sought to substitute the Indian Trade Unions Act, 1928 included certain conditions for registration which were completely against the Nainital Agreement. He desired that the matter be looked into.
- (5) Shri Bagaram Tulpule (HMS) also raised the question about the application of the sanctions under the Code to the public sector as a whole. He wanted to know specifically whether these sanctions would apply to the public sector undertakings also.
- (6) Shri Bagaram Tulpule (HMS) mentioned a case where a Union had approached the employers for recognition according to the decisions taken at the Nainital Conference. A copy of the letter was also sent to the Bombay Government. The State Government replied to the Union that as under the Nainital Agreement it was voluntary for the employers to recognise a union, the Government could not do anything in the matter. This, he said, was hardly conducive to a better atmosphere.
- (7) Shri Bagaram Tulpule (HMS) referred to a case regarding Bharat Sugar Mills, in Bihar where the employers had gone to Supreme Court. In such cases, it was decided that E&I Division would consider suitable action, to settle the dispute outside the Court. Shri Tulpule wanted the Bharat Sugar Mill case to be pursued in the light of this decision.

Draft conclusions

Item 1. : Action taken on the conclusions of the 16th session of the Standing Labour Committee held in October, 1957 regarding evaluation and implementation of labour laws, awards etc...

The information contained in the memorandum on this item was noted. It was agreed that the suggestion made by the workers' representatives that the State Evaluation and Implementation Committees should be as representative as the Central Committee would be forwarded to State Governments for their consideration and adoption.

Item 2. : Cases of non-implementation or partial, delayed or defective implementation of -
(i) Awards, agreements, settlements and
(ii) Labour enactments received from State Governments, employers' and workers Organisations and action taken thereon.

(i) It was clarified that complaints of non-implementation of labour laws, etc., relating to the central sphere should be referred to the central E & I Division and those falling in state sphere to the State Governments concerned. In either case references to the Implementation machinery at the Centre or in the States should be made only after the existing machinery under the Union Labour Ministry or the State Labour Departments has been fully utilized.

(ii) It was agreed that organisations would advise their constituent Units that when they refer cases of non-implementation to the Implementation machinery at the Centre and in the States they should give full details about the provisions violated, parties involved and their affiliations to the Central Organisation, etc... For this purpose, it was suggested that information regarding the members of Central Employers' Organisations

should be supplied to Central Workers' Organisations so as to enable them to quote the central affiliation of the parties concerned.

(iii) It was decided that while reporting cases of non-implementation, etc., to the E & I Division, the parties should at the same time, send a copy of the complaint to the Central Organisation of the employer or worker concerned, as the case may be.

Item 3. : Non-implementation of awards, agreements etc., due to appeals to High Courts/Supreme Court

(i) It was agreed that workers' and employers' organisations should take early steps to set up a machinery to screen cases before it is finally decided to take them up to higher courts.

This procedure may be tried for some time and if it did not succeed, the question of setting up a standing tripartite screening committee for this purpose may be considered.

(ii) As regards cases of appeals against industrial awards and agreements, relating to undertakings in the central sphere, already pending in courts, it was agreed that the Central Government might explore the possibility of bringing the parties together with a view to settling disputes outside the court. Similar action might be taken by State Governments in respect of cases falling in the State sphere.

(iii) It was agreed to consider the question of associating neutral auditors as assessors with the industrial tribunals so as to provide them with expert advice on accounting matters.

(iv) It was decided that an analysis of the cases of successful appeals against industrial awards may be made to determine the extent of the advantage secured, both in terms of money and as a vindication of principles.

Item 4. : Implementation of the Code of Discipline in Industry:

(i) It was clarified that as the Code was formally ratified at the sixteenth session of the Indian Labour Conference held at Nainital in May, 1958, it should be deemed to have come into effect from ^{June} 1, 1958. It would, therefore, not be correct to apply the sanctions of the Code to cases of infringements that occurred prior to that date.

(ii) The need for following the Code in letter and spirit and for publicising its provisions, as extensively as possible, was emphasised. It was agreed that the Organisations of employers and workers would ask their member units to display the Code at convenient places.

(iii) It was decided that an on-the-spot-study under the Code of Discipline by a tripartite body comprising nominees of the members of the Central Implementation and Evaluation Committee of the Calcutta tram workers' strike should be conducted. It was suggested that the Government of West Bengal should be consulted in the matter immediately.

(iv) It was decided that in addition to its present functions the Implementation machinery both at the Centre and in the States should organise itself to take preventive action, before a major strike takes place.

Item 5. : Evaluation of labour enactments, awards, agreements, disputes, etc.,.

The programme for evaluation drawn up in the memorandum on this item was accepted with the addition that the evaluation of Factories Act may also be included in the program.

Item 6. : A review of some typical cases of non-implementation.

The need for a scrutiny of major complaints before passing them on to the E & I Division by the Central Organisations of Workers and Employers was appreciated.

-1 OCT 1958

No. E & I-34(19)/58
Government of India
Ministry of Labour & Employment

IMMEDIATE

From

Shri R.L. Mehta, I.A.S.,
Joint Secretary to the Government of India

To

All Members of the Central Implementation and
Evaluation Committee.

Dated New Delhi, the 30th September, 1958.

Subject:- Draft conclusions of the first meeting of the Central
Implementation and Evaluation Committee (New Delhi,
September, 20, 1958.)


Dear Sir,

I am directed to refer to this Ministry's circular
letter of even number dated the 27th September, 1958 on the above
subject and to request that the following corrections may kindly
be carried out in the draft conclusions:-

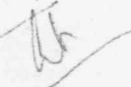
Item 3 Sub-para (i) The word 'tries' may be read as 'tried'.

Item 4 Sub-para (i) The words 'from 1, 1958' may be read
as 'from June 1, 1958'.

Yours faithfully,



(K. M. Tripathi)
for Joint Secretary.

P.T.O.

noted 
The Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Copy for award of ~~...~~

- (1) Sri Parlok Singh, I.C.S., Joint Secretary,
Planning Commission.
- (2) All State Governments and Union Territories.
- (3) All India Organisations of Employers and Workers.
- (4) All Sections in the Ministry of Labour & Employment
(except: Liby, Cash, CR, O & M, Vigilance, B & ~~...~~
Adm, Genl). ~~...~~


(K. M. Tripathi)
for Joint Secretary.

41.2
- 6 OCT 1958

कपड़ा मजदूर एकता यूनियन
KAPRA MAZDOOR EKTA UNION

Goushala Gate, Kishenganj Mill Area, Delhi

Komeu/Impl./210/58

4th October, 1958.

From:

Shri B. D. Joshi,
Member, Central Implementation
and Evaluation Committee,

To

Shri R. L. Mehta, I A S,
Joint Secretary to the Government of India,
Ministry of Labour and Employment,
(Evaluation and Implementation Division.)
New Delhi.

Subject: Draft conclusions of the first meeting of the
Central Implementation & Evaluation Committee
(New Delhi, September 20, 1958).

Dear Sir,

With reference to your letter No. E & I-34(19)/58,
dated 27-9-'58, I forward herewith my comments, in the nature
of modifications or amendments to the record of conclusions
and of certain other important points raised by in the
Committee meeting.

It is requested that the draft conclusions, etc.
sent by you may kindly be suitably amended so as to include the
points embodied in the enclosure.

Yours faithfully,


(B. D. Joshi)

Copy forwarded to :

✓ The General Secretary,
All-India Trade Union Congress,
4-Ashoka Road, New Delhi, for
information and record.

29 NOV 1958

No. E&I-34(20)/58;
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT.

From

Shri R. L. Mehta, I.A.S.,
Joint Secretary to the Government of India

To

The Secretary,
Indian National Trade Union Congress,
17, Janpath New Delhi.

The Secretary,
All India Trade Union Congress,
4, Ashoka Road New Delhi.

The Secretary,
United Trade Union Congress,
249 Bowbazar Street, Calcutta.

The Secretary,
Employers' Federation of India,
~~Employers' Federation of India,~~ Bruce
Street, Fort Bombay-1.

The Secretary,
All India Organisation of Industrial Employers*
Federation House, Barakhamba Road,
New Delhi.

The Secretary,
All India Manufacturers' Organisation,
Cooperative Insurance Buildings, Sir Pherozshah
Mehta Road, Fort Bombay.1.

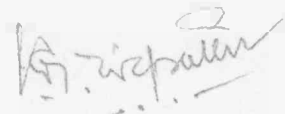
Dated New Delhi, the 28 NOV 1958

Subject:- Implementation of the conclusions of the first
meeting of Central Implementation & Evaluation
Committee (New Delhi September 20, 1958).

Dear Sir,

I am directed to refer to this Ministry's letter
of even number dated the 25th October 1958 on the above
subject and to request that this Ministry may kindly be
apprised of the action taken or proposed to be taken to
implement the decisions contained in items 2, 3(i), 4(ii)
& 6 of the Central Implementation & Evaluation Committee.

Yours faithfully,



for Joint Secretary.

MALIK
D.A.NIL.

*9/11/58 has been replied
in ch.
27/11/58*