

B-34

B 3/

C/

No.7(32)/67-NCL(C)

Government of India

National Commission on Labour

South Extension, Part II, New Delhi-3.



...

Dated the 2nd April, 1968.

To

The Chairman and Members of the
National Commission on Labour.

Subject:- Visit of the National Commission on Labour
to Andhra Pradesh - Record of discussions.

...

Sir,

I am directed to forward a copy of the Record of
discussions of the Commission at Hyderabad in Andhra Pradesh
State on the 21st and 22nd February, 1968, as approved by the
Chairman.

Yours faithfully,

P.D. Gaiha
(P.D. Gaiha)
Director

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.1968)

10.00 A.M. to 10.30 A.M.

Record of discussions with the Hind Mazdoor Sabha
(Andhra Pradesh) represented by :

1. Mr. S.B. Giri,
President.
2. Mr. I.R. Govinda Rao,
Joint Secretary.

The Hind Mazdoor Sabha has a membership of 15,000. In addition, about 45,000 workers in printing presses, railways and other public sector undertakings have joined the unions affiliated to H.M.S.

2. Representative character of a union should be determined by secret ballot, even if this would mean making tall claims prior to election and introducing the same elements as are there in political elections. After one or two elections persons who make mere tall claims without any intention of keeping their promises will be found out. Influences which affect the verification of the registers for giving representative status to a union cannot be cured. The representative status acquired by a union should last for a fixed period of about two years. It is possible that by this arrangement a long range agreement may not come about but the period for which an agreement should last should be made co-terminus with the period for which recognition is given.
3. Cases of dismissal are not numerous but such as there are they should go to an arbitrator. The arrangement by which an arbitrator examines the facts of the case before disciplinary action is taken would be preferable. In all such enquiries a union representative should be allowed to appear.
4. If the present Bill as passed by the Rajya Sabha carries an amendment to the effect that an arbitrator should be interposed before punishment is decided in a domestic enquiry, H.M.S. would feel satisfied.
5. H.M.S. would prefer collective bargaining with an arbitration clause agreed to in advance to the current method of seeking redress through a tribunal.
6. In cases of wrongful dismissals compensation should not be substituted for re-instatement.
7. In the public sector, there are difficulties in dealing with management. This applies equally to railways, printing presses and other units.

8. There is a large complement of casual workers on railways. In the South Central Railway nearly half the number of employees are casual even though the work they do is of a permanent nature. (A note on this subject will be supplied by the Union.)

9. The allegation that working class has become more sensitive to its rights than to its responsibilities is partly correct. The political motivation of trade union organisers can be the main reason for this state of affairs.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.68)

10.30 A.M. to 11.15 A.M.

Record of discussions with the I.N.T.U.C. (A.P.)
represented by :

1. Mr. G. Sanjiva Reddy, M.L.A., (Vide NCL Ref.No. AP.VI.125.)
President.
2. Mr. G.V. Anjeneya Samma,
Vice President.
3. Mr. V.V. Subba Rao,
General Secretary.
4. Mr. M. Nawaz Khan,
Secretary.
5. Mr. S.M. Ramasawmy,
Secretary.
6. Mr. B.S. Mallikarjuna Rao,
Committee-Member
7. Mr. D. Achiah,
8. Mr. G. Ram Reddy,
9. Mr. K. Chandra Reddy,
10. Mr. V. Jagannadha Rao,

The I.N.T.U.C. in Andhra Pradesh has a membership of over 100 thousand distributed in 171 units. The membership covers textiles, cement and paper and some sections of stone quarries, coal, local bodies and engineering.

2. Wage Boards should give their awards in six months. The practice of interim awards followed at present is not satisfactory because interim awards cannot by their very nature be scientific.

3. The present composition of the Wage Boards should continue. Their awards should be binding and the money due should be recovered as arrears of land revenue.

4. Chairman should arbitrate in cases where there is no unanimity. But such arbitration should be only restricted to cases where the Chairman has been accepted by both the parties for arbitration before his appointment as the Chairman. Difficulties of the type apprehended, namely, that the Chairman will not effectively mediate in such cases if he has a right to arbitrate later will not arise.

5. Agreement reached in the 15th Indian Labour Conference on rationalisation has many good elements in it. Parties should give it a fair trial. (A note on the working of the rationalisation agreement of the 15th Indian Labour Conference will be supplied)

6. The Bonus Act has done more harm than good. The operation of the minimum bonus clause is beneficial to the working class but workers who used to get more bonus in the past have a legitimate complaint. Clause 34(2) which has been struck down by the Supreme

7. The revival of L.A.T. formula with the minimum clause under the Bonus Act would meet the wishes of the I.N.T.U.C. (A.P.)
8. Trade Unions Act should be amended. (Mr. Jagannadha Rao will give a statement about the improvements required in the Trade Unions Act.)
9. Registrar should have power to control additional unions coming in a unit where a union already exists.
10. Union dues as a percentage of wage would be preferable to the current, provisions of minimum fees under the Trade Unions Act. (A note on the subject will be sent.)
11. Unions should have more money for educating workers for the efficient running of unions and for introducing a greater element of discipline in the working of an establishment.
12. The possible utilisation of the funds created by increasing membership fees for strikes cannot be ruled out though such moneys will hardly be sufficient if strike has to be fought through.
13. I.N.T.U.C. does not believe in strikes. The suggestion that every union should have some experience of conducting strikes does not find favour with this organisation.
14. There have been some cases of victimisation in Andhra Pradesh. (A note on the subject will be supplied.)
15. It is not correct that the Andhra Pradesh Labour Advisory Committee has agreed to giving a trial to secret ballot. The matter has been referred to a sub-committee which has not reported so far.
16. For intra union rivalries election may be permissible. If secret ballot is allowed, moderate unions will be always at a disadvantage and healthy trade union development will be thwarted. Continued payment of membership to union is as good a criterion as an election. Corruption and violence will dominate elections. We do not want collateral passions to be aroused in deciding the representative character of a union.
17. If every worker is allowed to exercise his right of vote, there is no obligation on workers to become union members.
18. The opposition to secret ballot is on principle. It is not out of fear that we will lose in a secret ballot. If ultimately secret ballot is agreed to it should be restricted to union members.
19. The success of a strike is not the correct criterion of the effectiveness or otherwise of a union.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.68)

11.15 A.M. to 12.00 Noon

Record of discussions with Andhra Pradesh Trade Union Congress represented by :

1. Mr. J. Satyanarayana, (Vide NCL Ref. No. AP.VI. 138)
President.
2. Mr. M.V. Bhadrani,
Vice-President.
3. Mr. N. Satyanarayana Reddy,
General Secretary.
4. Mr. M.A. Razak,
Committee-Member.
5. Mr. K. Srinivas Rao,
Office Secretary.

The Andhra Pradesh Trade Union Congress claims a membership of 1,68,000 distributed in 173 unions.

2. The Andhra Pradesh Labour Advisory Board has decided on a secret ballot. The facts of the case are (i) State Evaluation Committee passed a resolution on secret ballot in 1966. (ii) the Implementation and Evaluation Committee, at the same time, overruled this resolution because it was contrary to the All India policy. (iii) In August 1967, the Government Labour Department had drawn up a note for the Andhra Pradesh Labour Advisory Committee in which the Government had suggested that there should be a statute to give effect to secret ballot. (iv) It was unanimously decided to refer this matter to a sub-committee. (v) The Minister in a later meeting said that there should be compulsory recognition of unions. (vi) The whole matter was discussed again and the point about compulsory recognition was referred to legal department by the Labour Department. (vii) It is reported that the view of the Legal Department is against compulsion. (viii) The current view was that the Department of Law and Advocate General (A.P.) are against one union in one unit. (The Labour Department will supply a note on the subject.)

3. The A.P.T.U.C. did not favour compulsory arbitration or compulsory adjudication. It favoured collective bargaining with a clause for voluntary arbitration.

4. In terms of policy, the objective should be fair settlement of the claims of labour and management and avoidance of work-stoppages.

5. Avoiding politics in trade union movement is not possible. Politics also enters labour administration. In many cases the AITUC (AP) has found that the Labour Commissioner has abdicated his authority. A case was cited specifically. (i) In Wazir Sultan Tobacco Factory the recognised union which was affiliated to the AITUC in 1967 elected a new set of office-bearers. (ii) The management did not like these new office-bearers, and refused to

Department instead of trying to bring the parties together refused to intervene. (iv) The Minister of Labour appointed five mediators who belonged to the INTUC but have no standing in the unit at all. (v) This, the union alleged, was an indirect way to introduce the INTUC into the unit. (vi) Even the mediators' report was against the management for its obstinacy. (vii) During the pendency of these discussions, the management brought in a worker and got him elected as the President. (viii) In the meantime, the management influenced the President of the union who was later expelled by the union. (ix) He raised a dispute about his expulsion which is now before the court. (x) The Labour Department asked for the records to see whether the President had been properly expelled or not. (xi) When records were taken to the Labour Department they were not examined and it was said that they would call for the same when required. (xii) If they had examined the records they would have found that the expulsion was in order and they would have been required to accept it and recognise the union. (xiii) On the contrary they created a deadlock by saying "do not produce the records". (xiv) Meanwhile, the President has gone to the Court and this has been used as an excuse for not taking any further action. (A copy of the complaint filed with Court will be supplied to the Commission.) (xv) A strike notice was given and the Chief Minister intervened and promised that the matter would be looked into by the Labour Department. Nothing has happened since. (The State Labour Department will send a note on the subject giving details of the case.)

6. Secret ballot has been accepted in many cases for settling inter-union disputes in Andhra Pradesh. But this policy also is not applied uniformly in all cases. A.P.T.U.C. is discriminated against. Whenever secret ballot is convenient to Government, it is permitted. There are also cases where unions have been refused registration because High Courts in other States have no grounds which are not necessarily the same decided otherwise.

7. There is no security of employment. In many cases, the employer, the prosecutor and the judge are the same and when unions complain about victimisation, cases are not referred by Government to Tribunals. Enquiry and punishment should not rest with the management. The A.P.T.U.C. would accept arbitration in such matters. The problem of dismissal does not appear to be serious because in many cases Government does not refer cases to adjudication.

8. Where on the basis of verification, the AITUC has a majority membership it has not lost in the secret ballot. Cases where other unions have been given recognition on verification and have lost in elections are many.

9. Direct references to Tribunals by employers or workers should be permissible.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.68)

12.00 Noon to 12.15 P.M.

Record of discussions with Andhra Pradesh Labour Party and other Unions represented by :

1. Mr. T. Anjiah, (Vide NCL Ref. No. AP.VI.128)
Chairman,
A.P. Labour Party.
2. Mr. K. Kishore Dutt,
President,
Indian Detonators Workers' Union.
3. Mr. P. Vasudev,
President,
A.P. Shop Employees' Federation.
4. Mr. D. Venkatesham,
General Secretary,
A.P. Handloom Workers' Federation.
5. Mr. Deen Dayal S. Mahandra,
General Secretary,
A.P. Agricultural Engineering
Workers' Union.
6. Mr. M.A. Khan,
Vice-President,
Electricity Workers' Union &
Super Bazar Employees Union.
7. Mr. Mohd. Husan,
Electricity Workers' Union &
Super Bazar Employees Union.
8. Mr. M. Taskeen,
Vice-President,
Electricity Workers' Union &
Super Bazar Employees Union.

The A.P. Labour Party has a membership of 10,000 distributed over 20 unions. It has been in existence for about 18 months. It is a unit which has broken away from the INTUC.

2. Secret ballot would be preferable to membership check in granting recognition even though it is influenced by politics.

3. The recognised union should nominate the members of the works committees. The AITUC claim of having won elective offices where on verification they were not a recognised union, is not justified.

4. Reinstatement should not be allowed but there should be monetary compensation. Such compensation should be penal in character. There should be, however, a class of protected workers who should have some immunity as at present.

5. Recognition should be made compulsory.

6. It is not necessary that the appointment to the industrial tribunals should be through High Courts. This is because it is unwanted judges who are sent to labour tribunals by the High Court. Labour Department should be entrusted with the choice of labour tribunals. (When the full implications of this proposition were explained, the Andhra Pradesh Labour Party felt that the appointment of labour tribunals by the High Court would be preferable.)

7. There has been a case where a union belonging to Andhra Pradesh Labour Party has not been registered because the Director of Agriculture does not want it to be registered. (It was explained by Labour Commissioner that the employees of the Agriculture Engineering Department who wanted the registration of their union are in Government Service and the opposition of Director of Agriculture for registration was on this ground.)

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.68)

12.15 P.M. to 1.00 P.M.

Record of discussions with the Federation of Andhra Pradesh Chambers of Commerce and Industry and Andhra Chamber of Commerce represented by :

- | | | |
|---|---|---|
| 1. Mr. K. Srinivasa Murthy,
Chairman,
Labour Committee. |) | (Vide NCL Ref.No.
AP.V.65) |
| 2. Mr. A.M. Lal,
Member. |) | |
| 3. Mr. L.K. Behl,
Member. |) | |
| 4. Mr. A.K. Mukarji,
Member. |) | |
| 5. Mr. B. Rajashekara Rao,
Member. |) | |
| 6. Mr. K. Rama Rao,
Member |) | Federation of Andhra
Pradesh Chambers of
Commerce and Industry. |
| 7. Mr. N.V. Sanzgiri,
Member. |) | |
| 8. Mr. D.K. Dutt,
Member. |) | |
| 9. Mr. E. Moses,
Member. |) | |
| 10. Mr. R.C. Gupta,
Member. |) | |
| 11. Mr. C.A. Rebello,
Secretary. |) | |
| 12. Mr. N.R. Krishnamurthy,
Research Officer. |) | |
| 13. Mr. M. Harischandra Prasad,
Vice-President. |) | (Vide NCL Ref.No.
M.DV.77) |
| 14. Mr. K.P. Rama Murthy,
Asstt. Secretary. |) | Andhra Chamber of Commerce |
| 15. Mr. M. Abutaramaiah,
Member. |) | |

Labour should be transferred from the Concurrent List to the Union List. There should be a common labour code and a common pattern of labour judiciary. Appointments to such judiciary should be made by the High Court.

2. L.A.T. should be revived. It should have the authority of reviewing the awards of the tribunals on facts.

3. When an industrial tribunal has to decide on matters which involve job evaluation it should have the assistance of assessors

otherwise a single judge tribunal will be adequate.

4. There should be no collective bargaining in the strict sense. There can be voluntary arbitration but no compulsion in arbitration. If collective bargaining does not succeed the matter should go for adjudication. Present arrangements should continue with regard to reference to adjudication.
5. Wages in industrial sector should have a link with wages in agriculture though a ratio is difficult to be fixed.
6. There should be a minimum fixed and the need based minimum of the Indian Labour Conference should be kept as an objective. Wages higher than the minimum should be linked with productivity.
7. There are not many cases of dismissal. There are also not many cases of orders for reinstatement when cases of dismissal are referred to tribunals. Employers should be given option between reinstatement and compensation.
8. The present arrangement with regard to the cases being sent to tribunals on matters of legality is adequate. If the courts are allowed to go into the propriety of punishment as is now contemplated in the Rajya Sabha Bill, it is likely to create difficulties. (The Chambers will supply a list of cases where a domestic enquiry has been made and it has disproved the charge that in cases prosecutor and judge are the same the justice has not been done.)
9. There cannot be any ratio fixed for the lowest and the highest paid workers. Payments to the highest paid have to be governed by market forces. (i) The federation will supply a note on the suggestion made that an arbitrator should be allowed to decide cases of dismissal. (ii) A note on how wage increases have affected the position of different industries will be supplied.
10. The Wage Boards have not served the purpose for which they were set up but if it is decided that wage boards should continue, the only independent who should be there in addition to the Chairman should be an able economist.
11. When there is a disagreement in the Wage Board, the Chairman should be allowed to arbitrate. The permanent wage administration machinery of the type obtaining in some countries may not work in India.
12. Not more than one outsider should be permitted in a union.
13. The trade unions should be non-political. Similar obligations may be placed on employers organisations also.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.68)

3.00 P.M. to 3.30 P.M.

Record of discussions with Mr. R. Ramananda Rao,
Chief Personnel Manager, I.L.T.D. Company Ltd.,
Guntur. (Vide NCL Ref. No. AP.VII.34)

I.L.T.D. Company employs about 24,000 workmen in Andhra Pradesh. Of this total about 21,000 are seasonal and the 3,000 permanent. Seasonal workers are employed for period varying from 3 to 8 months.

2. Workers are generally re-employed season after season. Unskilled workers are not paid any allowance during the off season. They generally work in family units. During the off season, when they do not get a retainer, they generally go back to villages and engage themselves in agricultural work.

3. The Company has 14 factories in Andhra Pradesh. Workers in all these factories are represented by one union which is affiliated to the A.I.T.U.C. and is recognised by the management. There are some rival unions affiliated to the INTUC in a few branches of the Company.

4. Within the recognised union itself, there has recently been some intra-union rivalry mainly between the right and the left factions. In the dispute that arose regarding the elections to the executive of the union, the right faction was declared as the duly elected union. Prior to 1957, each one of the Company's fourteen branches had a union for the whole Company in 1957. The Company has been entering into long-term agreements with the recognised union since 1957.

5. The recognition given to the A.I.T.U.C. union has not been challenged by other unions which are obviously in minority.

6. Secret ballot as the basis of recognition of a representative union has certain apparent advantages but at the same time is full of complications. Therefore, verification of membership would be preferable. However, if secret ballot is to be recommended, it should be confined to union members only.

7. Even the method of verification has certain difficulties. At present, there is a considerable amount of dual membership which makes correct verification difficult. To get over this difficulty, a system of 'check-off' may be introduced. This would ensure that no worker is member of more than one union at the same time. In this way, it will be easy for the authorities to verify the exact following of each union. For this system to work effectively, it would also be necessary to make suitable amendments in the payment of Wages Act so that necessary deductions from the salary can be authorised.

of its own.
These branches
amalgamated
into one
union

8. Between the present verification system and the secret ballot, the latter would be preferable. However should the system of 'check-off' be introduced as it will be fool-proof and will avoid all mal-practices of elections. Under the system of 'check-off' the workers should indicate in writing their preferences for a union and for purpose of verification 6 months standing of paid subscription to a union may be a condition.
9. It is not practical to confine the benefits of agreements etc. to union members only. Any agreement entered into between the employer and the recognised majority union should be made statutorily binding on all workers whether they are members of the recognised union or not.
10. By and large Industrial employees respond to good treatment and good working conditions. Normally, they are not interested in creating troubles. At times, political elements do enter and misguide them.
11. Norms laid down by the 15th Indian Labour Conference for a need-based minimum should be recognised and given effect to in some form.
12. Fair wage should be related to a fair work load.
13. The measurement of the work-load should be scientifically done and should form part of the agreement between the management and the union.
14. In the I.L.T.D. Company, every worker is guaranteed a fair wage. Even in the few cases where job evaluation cannot be done, workers are assured of a fall back wage which is considered a fair wage. 95% of the workers' wages are production based. 80% of normal quantum of work is treated as the work load for the minimum wage and beyond that incentive wage is paid.
15. Workers at the lowest level may be given 90% neutralisation for increases in the cost of living. Higher categories of workers may, however, get a lower percentage of neutralisation. In fixing the quantum of D.A., the general level of performance of the workers in the matters of production could also be taken into consideration.

NATIONAL COMMISSION ON LABOUR

(CAMP: HYDERABAD - 21.2.68)

3.30 P.M. to 4.15 P.M.

Record of discussions with the representatives of the Indian Detonators Ltd., Film Exhibitors Association and Hyderabad State Film Chamber of Commerce represented by :

1. Mr. M. Varada Rajan, (Vide NCL Ref.No. A.P. VII.33)
Managing Director,
Indian Detonators Ltd.
2. Mr. M.S. Nilakantam,
Secretary,
Indian Detonators Ltd.
3. Mr. J.D. Dadademery,
Deputy Works Manager,
Indian Detonators Ltd.
4. Mr. M.N. Dhamdhare,
Financial Controller,
Indian Detonators Ltd.
5. Mr. Ramesh Chandra Lahoti, (Vide NCL Ref.No. A.P. V. 63) &
President, (Vide NCL Ref.No. A.P. V. 62)
State Film Chambers of Commerce
and Film Exhibitors Association.
6. Mr. V.R. Patel,
Vice-President,
State Film Chambers of Commerce
and Film Exhibitors Association.
7. Mr. M. Roshanlal,
Executive-com-Member,
State Film Chambers of Commerce and
Film Exhibitors Association
8. Mr. B.D. Partani,
Executive-com-Member,
Hyderabad Film Exhibitors' Association.

The Indian Detonators Ltd. employ about 715 workers.

(i) The management has recognised the union affiliated to INTUC under the Code of Discipline on the recommendation of the State Government. (ii) The management entered into an agreement with the recognised union which was embodied in the award of the Industrial Tribunal. (iii) After the general elections some other unions were formed and one of them sought recognition as the majority union. (iv) When the matter was referred to the Labour Department, the Department advised the management that till the period for which INTUC union was recognised the claim of the other union may not be considered. (v) The rival union then took workers

on strike for two days and continued agitation even after the strike was called off. There was a difference of opinion regarding the period for which the earlier agreement was valid. (vi) The State Government and the Industrial Tribunal to which the matter was referred held divergent views. (vii) The strike by the employees was followed by a lock-out. (viii) At the instance of the State Government, the lock-out was lifted but the unrest continues.

2. The company provides free transport from city to the factory for those of its employees who need this facility.

3. The company has arrangements for training its workers in Hungary.

4. There is a scheme of production incentives.

5. Because of the risks involved, there is a ceiling on maximum work which a worker can attend too. The minimum is also fixed. The production incentive scheme provides for the production bonus for work beyond the minimum. The main purpose of ceiling on the maximum is to avoid over-work by the workers. (A note on this scheme and the attendance bonus scheme will be given by the Secretary - Mr. M.S. Milkantan).

6. The stage for ministerial interference if there has to be one should be clearly defined. It will be appreciated if a regular machinery is set up to look into the grievances of workers.

7. Number of outsiders in unions should be restricted. No single individual should be allowed to control more than one union.

8. Appointment of judges to the Labour Tribunal should be restricted to the age group of 45 to 50. Judges with labour background should be appointed to labour courts. The appointment of judges should be for a fixed term and no extension should be given.

9. Reinstatement of dismissed employees will not be desirable. Compensation will be preferable to reinstatement. The employees who are reinstated after dismissal are usually a source of indiscipline in the industry.

10. Unfaithfulness and lack of sincerity of the worker cannot be proved, but will have to be dealt with severely. Such cases are common in the film industry. (The representatives of Film Industry promised to give a note on the subject).

11. Foreign collaborators also object to reinstatement of dismissed workers particularly because in the foreign countries they have a system of 'hire and fire'. There are many situations where misconduct is difficult to prove; workers produce false witnesses and involve the trade union workers also.

12. It is necessary that the employer has the discretion to pay compensation and discharge an employee suspected of misconduct. In the film industry the employees often indulge in anti-social acts like black-marketing etc. which are known to the employers but are difficult to prove. And in such cases insistence on adherence to strict procedures will bind the employers' hands unduly.

13. The representatives of the Film Industry pointed out that there are cases when workers resigned voluntarily, took full dues in final settlement of their claims and later on filed cases that they were forced to resign. (Details of such cases will be furnished).

14. Labour Tribunals were generally lenient to the workers. (A statement on this will be supplied to the Commission).

.....

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.68)

4.15 P.M. to 4.45 P.M.

Record of discussions with the representatives of the Port Trust and the Hindustan Shipyards represented by:

1. Mr. P.S. Prakasa Rao, (Vide NCL Ref. No. Chief Personnel Officer & Secretary, A.P. III.76) Hindustan Shipyards Ltd.
2. Mr. C.S. Anand, (Vide NCL Ref. No. Labour Officer, A.P. III.68) Vishakhapatnam Port Trust.

In the port trust there are 5 unions - all recognised. These are craft unions and most of the disputes are settled by negotiations between the management and the unions.

2. Some contract labour is employed but the extent varies from time to time. The Labour Inspectors and representatives of the management ensure that contractors pay fair wages to the contract labour. There has been no complaint about the non-implementation of the fair wage clause, by the workers. (Management agreed to conduct a sample survey to ascertain whether the fair wage is paid to the workers and what is the quantum of this wage. Report of this survey will be made available to the Commission.)

3. The port trust prefers secret ballot as the basis for recognition of a representative union.

4. The representative of the Hindustan Shipyards felt that the relations between the management and the employees would be more cordial if the Managing Director of the undertaking is given more powers.

5. The Shipyards employ about 5,500 employees. No casual labour is employed.

6. Labour is generally cooperative. Recently the staff association gave a strike call to its members for revision of pay scales and dearness allowance. The management is not in a position to do anything in this matter, because the wage board is seized of the matter.

7. There are three unions - all recognised. They are not affiliated to any Central Organisation and there are no outsiders in these unions.

8. The method of fixing wages through wage boards may continue and the present composition of Wage Boards should be retained. Unanimous decisions should be binding and disputed

points should be referred for arbitration to the Chairman.

9. Channels of communication between management and workers are effectively maintained. There is a regular contact between management workers and union leaders.

10. Adjudication will be preferred to collective bargaining although there is no objection to collective bargaining upto a point.

11. Labour legislation already gives enough protection to workers. The aim now should be not to increase these protective provisions but to implement the existing laws effectively.

12. Workers should also be made more work-oriented.

13. The main reason for dissatisfaction among workers today is the poor economic condition in which they find themselves. There is always a demand on the employer for giving more but there is no consciousness on the part of the workers to earn more by doing more work. The position in this regard can be improved only when the general economic situation improves. If increases in the cost of living are neutralised to the extent of 100% there may be some improvement in the attitude and efficiency of workers. However, best results can be had only with the improvement in their character and attitudes.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 21.2.1968)

4.45 P.M. to 5.00 P.M.

Record of discussions with the All India P & T
Employees Federator. represented by :

1. Mr. Busi Macharaiyah (Vide NCL Ref.No.AP.VI.142)
2. Mr. N. Bhaskara Rao
3. Mr. G.V. Suggaiah
4. Mr. J. Narasimhulu
5. Mr. E. Lingaiah
6. Mr. Nagaiah
7. Mr. Sarangadhar
8. Mr. Nagaiah
9. Mr. M.S. Narasinga Rao
10. Mr. B.V. Ramana, M.L.A.
11. Mr. S. Jagannadham
12. Mr. R. Ekambaram
13. Mr. P. Bitchalu.

The association has a membership of 4,000. It is sponsored by the scheduled castes employees mostly belonging to class III & IV categories in the P & T Department. The association has not been recognised so far.

2. The association has been started because its members feel that the existing P & T unions are not looking after their interests properly. The All India P & T Employees Federation have been asking for abolition of the several constitutional safeguards in matters of recruitment, promotion etc. and abolition will go against the interest of the scheduled castes employees. This is opposed by the association which wants these constitutional safeguards to continue.

3. There is discrimination in promotions in the postal department. (The association agreed to give instances of such discrimination).

4. The principle of one union for one industry was opposed.

.....

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 22.2.68)

9.30 A.M. to 10.00 A.M.

Record of discussions with the representatives of the State Road Transport Corporation and Mint Master, India Government Mint, Hyderabad, represented by :

1. Mr. N.R.K. Doss, (Vide NCL Ref. No. A.P. IV. 10)
Director of Personnel,
R.T.C.
2. Mr. V. Jagannadha Rao,
L.W.O.
3. Mr. D.C. Mukherjea, (Vide NCL Ref. No. A.P. III.5)
Master, India Govt. Mint.

The Andhra Pradesh State Road Transport Corporation employs about 16,000 workers, 600 of them are casual.

2. The recognised union is affiliated to the A.I.T.U.C. There are two other unions which are not recognised, one is affiliated to the I.N.T.U.C. and other is a splinter group of the recognised union. There are also the Municipal Staff Association and a Supervisors' union.

3. Disputes are settled through negotiations (with the recognised union) by and large, all workers accept these agreements.

4. Casual workers are paid a retainer (after completion of 180 days' work) at the rate of Rs.60/- per month for conductors and Rs.80/- for drivers. On the days they get work, regular wages are paid to them.

5. Workers are paid overtime according to normal rates. They are paid $1\frac{1}{2}$ times the normal rate on week's days and 2 times for working on holidays and Sundays. (A copy of the rules relating to overtime will be supplied by the Corporation.)

6. Since 1952 recognition has been given on the basis of election by a secret ballot. According to the agreement with the union recognition is to continue from year to year unless it is challenged by a rival union.

7. Corporation is in favour of recognition by secret ballot. This in its view gives a clearer picture of the following of a union.

8. Inter-union rivalries create problems for the management.

9. Collective bargaining is preferable to adjudication. However, when collective bargaining fails, resort should be taken to compulsory adjudication.

10. Uniform procedure may be evolved for dealing with cases of indiscipline. There should be provision for trial, appeal and mercy.

11. Disciplinary action is taken on the basis of departmental enquiries. The recognised union does not normally interfere in cases of misappropriation. Only in 10% of cases workers are discharged. These usually involve cases of misappropriation of money.

12. Conciliation should be more effective. This can be achieved if the conciliation officer is an influential person.

13. There should be a system of compulsory 'check-off' for all unions. Without this, the system of verification of membership of unions to determine their representative character will not be effective.

14. The Mint Master was in favour of disciplinary cases being referred to arbitration even without a prior departmental enquiry.

15. There is one union of workers in the Mint.

16. Secret ballot as the basis for determining the representative character of a union is considered appropriate.

17. There is no substance in the allegation that domestic enquiries are a farce because the prosecutor and the judge are the same. In two cases the Manager set aside the findings of the departmental enquiry.

18. Mint Master favoured collective bargaining.

.....

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 22.2.1968)

10.00 A.M. to 10.15 A.M.

Record of discussions with the Andhra Pradesh
State Electricity Board represented by :

1. Mr. S.A.M. Moosvi, (Vide NCL Ref. No.
Personnel Officer. AP.IV.37)

The Andhra Pradesh State Electricity Board employs about 22,000 workers.

2. Nominal Mustor Roll (N.M.R.) workers with long experience are absorbed as regulars whenever there are vacancies. Medical facilities are also provided to this category of workers.
3. No opinion was expressed regarding the need for lowering the retirement age of certain categories of workmen.
4. The State Government's attitudes towards the unions has been quite fair. There are 4 unions, one of them, an independent union, is recognised.
5. Verification is the best means for recognition of a representative union.
6. Outsiders should not be allowed in trade unions. However, ex-workers may not be treated as outsiders. Outsiders may be defined as one who has not put his hand on the tool.
7. Norms of work have been laid down for various categories of workers, and performance is generally satisfactory.
8. There is a certain amount of over staffing in the Corporation and this is partly responsible for tight financial position of the Corporation. This is an important factor inhabiting the transfer of persons on N.M.R. to the regular cadre.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 22.2.1968)

10.15 A.M. to 10.30 A.M.

Record of discussions with the Association of
Trained Social Workers represented by :

1. Mr. V. Jaganadha Rao,
Secretary. (Vide NCL Ref.
No.AP.VIII.9)
2. ~~Mr.~~ S.A.M. Moosvi,
President.
3. Mr. R. Balakrishna,
Member.

Welfare Officers are often caught between the employers and the employees. They are not able to act independently because they are employees of management. To ensure their independence, they should be paid through the Labour Department though Labour Department may charge their salary allowances etc. from the respective concerns.

2. Welfare Officers are often utilised for jobs not concerned with their legitimate functions. (The Association agreed to give more instances where the Welfare Officers were being asked to do other type of work.)

3. Deficiencies of the Welfare Officers in the proper discharge of their duties should be brought to the notice of the Labour Department as and when noticed by the management rather than when charges are framed for dismissing them. This will make it difficult for the management to make baseless allegations against the Welfare Officers whenever they want to dispense with their services. This is at present being done in some of the public sector undertakings. (A statement in support of this will be supplied by the Association.)

4. Employers should be made responsible for housing all their workers. This should be made a statutory obligation.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 22.2.68)

10.40 A.M. to 11.00 A.M.

Record of discussions with the Municipal Corporation
Hyderabad represented by :

1. Mr. N. Raghava, (Vide NCL Ref. No. AP. IX.3)
Commissioner.

The Corporation employs about 7,000 workers. No contract labour is employed but some casual labour is employed in the Corporation.

2. Certain works are given out to the Contractors. But no fair wage clause is incorporated in the contracts. The Commissioner promised to see that the fair wage clause is incorporated in such contracts and arrangements are made to implement it.
3. Scavengers have provided with trollies to carry night soil.
4. Bad industrial relations are mostly due to the unimaginative attitude of employers.
5. Basic principles of management are the same in Government and Industry. This must be recognised if human element is to be introduced in management.
6. Secret ballot as a method of determining representative character of the union should be preferred.
7. There are four unions, of which one affiliated to the I.N.T.U.C. is recognised. It represents about 5,000 workers.
8. There should be only one union in one Industry.
9. Minority Unions should be allowed to represent individual grievances of their members.
10. Code of discipline is not being properly implemented.
11. Collective bargaining with provision of adjudication may be provided for.
12. The fact that some corporators are controlling workers' unions creates difficulties in dealing with the unions. The vested interest of corporators in their unions cannot be shaken.

NATIONAL COMMISSION ON LABOUR
(CAMP : HYDERABAD - 22.2.68)

11.00A.M. to 11.30 A.M.

Record of discussions with Mr. M.V. Bhadram, M.P.
(Vide NCL Ref. No. X. 35)

With reference paragraph 2 of the Memorandum submitted by him, Mr. Bhadram promised to give details about cases of victimisation and dismissal.

2. Enforcement of the provisions of Labour laws particularly where there are no Unions is rather difficult. The Labour Department is unable to make the employers implement even the very elementary provisions.
3. Enforcement is particularly loose in units located in out of the way places such as mines and small concerns.
4. Better enforcement can be ensured only if the officials of trade unions are entrusted with inspection work. The State Governments could nominate certain union officials for such inspections.
5. There was a case in Andhra Pradesh in which a large number of workers were retrenched and new workers were recruited. When the retrenched workers approached the Government, Management denied having ever employed them. Since even employees registers were not maintained, the Government machinery was unable to do anything in the matter.
6. The need based minimum wage recommended by the I.L.C. should be implemented.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 22.2.68)

11.30 A.M. to 12.15 P.M.

Record of discussions with Mr. ^{Saidat} Saidat Ali Khan
(Vide NCL Ref. No. AP.X.36)

Conciliation officers should be empowered to summon witnesses. On many occasions employers send officers without much knowledge of the case. Moreover most of these officers have no powers to take decisions. This creates difficulties for the Conciliation Officers. The Chief Executive or the person next to him should appear before the Conciliation Officers.

2. A common labour code and a common pattern of labour judiciary for dealing with labour matters was preferred.
3. Appointment of Judges for the labour tribunals may be made by the High Court.
4. The stage has not yet come for collective bargaining.
5. Employers usually do not use restraint in dealing with trade unions. They have always the whip hand. They also engage lawyers by paying them fabulous fees to defend their cases.
6. The procedure for disciplinary proceedings may be provided for in the Standing Orders. There should be a panel of arbitrators and all disciplinary cases should be referred to one of them for arbitration.
7. To some extent it is true that Industrial employees are more conscious of their rights rather than their duties. However, it cannot be ignored that they have families to feed and they are in an abject condition.

NATIONAL COMMISSION ON LABOUR

(CAMP : HYDERABAD - 22.2.68)

2.00 P.M. to 4.00 P.M.

Record of discussions with the Minister for Labour
and officials of the State Government represented by:

1. Mr. Konda Lakshman Bapuji, (Vide NCL Ref. No.
Manthri (Shramik Sakha) AP. I.10)
2. Mr. K.B. Lal, IAS
Commissioner of Labour.
3. Mr. B.N. Raman, IAS
Director, Public Relations &
Information Department.
4. Mr. V. Srinivasachari, IAS
Director of Employment & Training.
5. Mr. D. Rangaramanujam,
Director,
Bureau of Economics & Statistics.
6. Mr. G.M. Ahmed,
Joint Secretary,
Home (Lab.) Department.
7. Mr. B.N. Waghray,
Dy. Commissioner of Labour.
8. Mr. J. Viswanatha Reddy,
Dy. Commissioner of Labour.
9. Mr. Y. Sivasankara Reddy,
Dy. Commissioner of Labour.
10. Mr. C.J. Reddy,
Chief Inspector of Establishment.
11. Mr. D. Lakshminarayanan,
Dy. Chief Inspector of Factories, } Labour
Department
12. Mr. K.S. Shafeeq,
Research Officer.
13. Mr. T. Gopalakrishna Rao,
Asstt. Commissioner of Labour.
14. Mr. S.K. Chari,
Regional Asstt. Commissioner of Labour.
15. Mr. B. Ramachandra Reddy,
Asstt. Secretary (Labour).

The Labour Minister explained in detail the position relating to the dispute between the management and the workers in the Wazir Sultan Tobacco Co. and the circumstances in which the Labour Department and the Labour Minister had to intervene. It was made clear that there was no unneccessary haste or malafide intentions on the part of the State Government. to influence the

workers in this case. The Labour Minister intervened only when he was approached by the workers themselves and with the sole intention of bringing about a settlement of the dispute. The arbitrators were appointed with the express consent of the workers themselves and no other consideration was present in deciding the names.

2. As regards the allegations made by the management of the Indian Detonators Ltd., about the interference of the Labour Minister, a note has been sent to the Commission explaining the facts of the case. Much of the trouble was due to the fact that management had entered into a long term agreement with the union which was formed at the initial stages of the Unit when the number of workers was small. When the unit expanded and the number of workers rose the earlier union had lost its representative character and the other workers were not prepared to accept the earlier agreements.

3. It is unwise for newly started management to enter into long term agreements at the initial stages when the number of workers is small. When more employees join, they may not abide by the earlier agreements in which they had no voice.

4. Regarding the dispute in the Andhra Pradesh Steel Corporation there had been allegations and counter allegations from both sides and the Govt. called for a report from the officials concerned. The report has been received and is under consideration.

5. A common labour code would be desirable.

6. There should be also common pattern of labour judiciary. As regards the appointing authority for the labour judiciary the Minister would consult the Govt. and will send a note to the Commission.

7. Labour should remain on the concurrent list.

8. In regard to composition of industrial tribunals - whether there should be single judge or there may be assessors on the industrial tribunals, the Minister would consult Govt. and inform the Commission later.

9. His personal view was that labour appellate tribunal may be revived but he would consult Govt. and inform the Commission later of the Govt's views.

10. Collective bargaining should be encouraged. As regards the next step i.e. whether it should be voluntary arbitration or compulsory arbitration or adjudication the views of Govt. will be conveyed to the Commission later.

11. Government should have the right, as at present, to decide about reference of cases to adjudication. Parties should ~~be~~ given the right to make references direct. This would only lead to unnecessary delays and litigation.

Delegating of this authority to the conciliation officers at lower levels was also not favoured. This power should rightly vest in the Labour Minister as at present. Cases are referred to the adjudication by Govt. only when certain specified criteria are satisfied.

12. Secret ballot would be useful to resolve intra union disputes when both factions agree that this procedure may be adopted.

13. For purposes of recognising the majority union secret ballot may be feasible only when there is one union for one industry and when both management and the unions agree on this procedure. However in the present circumstances when there are more than one union in an undertaking or an industry, secret ballot would be desirable. The recognition should be based on verification of membership. (In this regard the Minister differed from the view expressed in the memorandum of the State Government.) To make sure that verification is acceptable and impartial union representatives can be associated with the Labour Department officials entrusted with the verification work.

14. There should be no outsiders in unions.

15. The strained relations between the employees and the management in the public sector undertakings are not necessarily due to the unhelpful attitude of the public sector managements. However, sometimes the attitude of an ill-oriented public sector management will create difficulties. It would therefore, be desirable to have a separate cadre of officers to man public undertakings. Workers also have more expectations from the public sector and the cooperative sector than from private employers.

16. Labour has remained dissatisfied and is not willingly forthcoming to cooperate with the management in increasing production. This attitude arises out of dissatisfaction which has been nurtured among the workers by the trade union leadership. This tendency is further aggravated by the increase in the number of politicians in the trade union movement.

17. The Minister then made the following statement. He made it clear that the views expressed in the statement are his personal views.

The relations between Capital and Labour - when we deal with those relations, the machinery and organisations-- should be confined to the concerned subjects and activities. For that purpose, all the employees should have one agency, as in the case of an employer. The employer can be an individual or a group of individuals. Even when the management consists of a group of individuals, they deal with the problem only as a body. Similarly, labour should be treated as one unit and all labour working in the industry or establishment should constitute a single negotiating body. Though some

people say that this would amount to compulsion, and fundamental rights come in the way, I do not believe in that. To safeguard the rights of the employees, for recognition, if you provide in the law that the body of all employees would be the body to negotiate, the question of recognition would not arise at all. As management exists, so does the union i.e. the union consisting of all the employees. We have to make whatever constitutional or legal provisions that might be necessary to create that union. It is not a restriction on the employees, but it is a right to be given and a right to be protected by the employee through his union, and when I mentioned the one union concept it was that union that was in my mind. Those who will be elected office-bearers from amongst the employees should be treated as on duty, but will not be attending their duties and will be full-time office-bearers to attend to the work of the union, to educate the workers, to make them more conscious.

The present system of education shall have to be revitalised and improved in many ways, so that labour will have to be made very conscious. Labour has to learn and educate itself, because there are some people from outside who, through slogans, ~~threats~~ threats, allegations etc., create some hopes that they will do everything for the labour and that labour should not bother about it. Confidential reports of the speeches made by the leaders may be gone through to find out how the labour itself is kept uneducated so far as labour problems are concerned. A hope is created that 'our leader will take care of us'. Therefore, they do not know their responsibility.

If there are engineering organisations, let them all form one federation. Office-bearers from the different units will be full-time office-bearers of the federation under any union. Such an office-bearer will not be afraid of any unit of the labour union or of the management or anybody else.

If the management is helpful, the office-bearers' salaries will be paid by the management; otherwise, the federal body should find the necessary funds. In this way there will be the local body, a body at State level and another national level, category-wise; and we can provide better technicians, better skilled and semi-skilled persons from bottom to the top, we can create better workmen in the country and safeguard their interests in a better way. We can study the statistics, study the whole production programme and the federation can work like an expert body, not a jumble of different organisations.

At present the central bodies send their representatives. If you have to appoint a committee for fixing wages or recommending wages for agricultural labour, the central body will recommend names of persons who are working in the cinema field or in the industrial field. How can they be helpful? They refuse to send a panel of names. They have no proper persons also to recommend for the particular field. Therefore, they cannot safeguard the interests of the workers in the true sense of the labour's interests.

That would be the organisational structure of the unions.

How to work? In my opinion there should be no labour courts, no adjudication. It should be a rare case that goes to the Labour Commissioner. There should be a National Labour Board, appointed by the Government, consisting of well-known trade unionists, members of the judiciary, social workers and best employers. There are good management and good labour leaders who cantake a fair attitude. There should be a regular cadre. Members of the judiciary with the requisite education in labour problems should be appointed. If the management and workers decide the dispute mutually by collective bargaining, well and good. If they fail, the National Labour Board will send its three representatives, out of whom one will be on behalf of the employers and one on behalf of the employees. It will be a statutory board. They will do full time work and will take no part in any other activity. They will go there and give their finding. Those findings must be binding on both the parties. If there is to be any appeal, the National Board should consider it, but there should be no judicial interference. At the national level also it will be a tripartite body. Decisions of Courts of Law do not patch up the differences, the prejudices or the contentions. I do not feel it is difficult to put into practice the above idea.

There are 3-4- central unions and no central union is away from any political ideology or thinking or group. Other political organisation have also started their labour organisation. The creation of labour organisation is based on the political organisations' approach, not on the requirements of the labour in the factory or establishment. Therefore, a body as suggested by me will be really helpful. They will consider all activities education, social etc.

The E.S.I. Scheme has caused some absenteeism in the factories and even the doctors are compelled to give certificates. All the taxes etc. collected and the Government's contribution should be given to the statutory bodies and they should manage different activities - housing, medical, industrial relations, educational, etc.

Nobody is bothering to organise the unorganised labour and the agricultural labour. Leaders have no attraction there. Therefore, these national or state level bodies should have full-time workers to go and meet the unorganised labour and safeguard their interests. That cadre should be neither government employees nor politically biased workers, but those having interest in the labour and the industry.

All the problems including minimum wages, dearness allowance etc., would be decided by the body suggested by me.

Not only is the trade union movement under political influence, but on the other hand the capitalists are also trying to interfere.

The following should be the guiding principles for the management and labour.

Management :

1. There should be restriction on expenditure which affects the ~~the~~ bonus adversely. Managements incur extravagant expenditure which deprives the workers of bonus.
2. Disciplinary proceedings should be fair. Some standard rules may be prescribed for this.
3. Wage variation for the same category of workers should not be allowed. In the case of workers in the same unit, doing the same type of work or falling in the same category, there should not be different wages.
4. Regular periodical joint meetings should be held between the workers and the management. If possible, this should be made the legal responsibility of the management.
5. No retrenchment without prior consultation with the union and approval of the Labour Department.
6. No lock-out without attempting to avoid it with the help of the union and particularly of the Labour Commissioner.
7. New establishments with a small number of workers should not enter into long-term agreements.
8. Temporary or casual labour who are in service for a long period, though permanent posts are vacant, should not be allowed to be treated as casual or temporary. Management must be compelled to fill up the permanent posts.
9. There should be some law to deal with unfair labour practices. The amendment Act of 1947 has not been enforced. We find it difficult to deal with the management for their unfair labour practice.
10. Sense of partnership should be developed. The management should feel that labour is part and parcel of the whole institution.

LABOUR:

1. Collective Bargaining should be motivated only by mutual interest of capital and labour; no extraneous consideration, political or group, should be allowed to creep in.
2. There has to be consciousness of the responsibility of discharging duty or maintaining discipline. About these things, much requires to be done. Workers do not put in proper amount of work and there is indiscipline, because they know that the union is behind them, and that no evidence would come forth against them.
3. Sense of partnership amongst the labour should also develop. If they produce more, they will get more, etc.
4. Trade unionism should not be confined to the activities of better bargaining with the management, but should do something about their economic, social, cultural welfare, housing schemes and other things.
5. Adequate attention should be paid to unorganised and agricultural labour.