

APPENDIX 'A'**Conventions* evolved at the 16th Session of Indian Labour Conference for recognition of trade unions**

- (a) Where there are more than one union, any union claiming recognition should have been functioning for at least one year after registration.
Where there is only one union, this condition will not apply.
- (b) The memberships of the union should cover at least 15% of the workers in the establishment concerned. Memberships would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.
- (c) A union might *claim to be recognised as a representative union for an industry in a local area if it had a membership of at least 25% of the workers of that industry in that area.*
- (d) When a union has been recognised, there should be no change in its position for a period of *two years.*
- (e) Where there were several unions in an industry or establishment, *the one with the largest membership should be recognised.*
- (f) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, it should have the right to deal with matters of purely local interest, such as, for instance, the handling of grievances pertaining to its own members. All other workers who were not members of that union might either operate through the representative union for the industry or seek redress directly.
- (g) As regards the procedure for verification of the strength of unions, the suggestions contained in paragraph 16 of the memorandum of Industrial Relations were approved. It was further agreed that the verification procedure for the determination of the representative character of a union should be made more adequate. Where the results of verification by the departmental machinery were not accepted by the parties, a committee composed of representatives of all central Trade Union Organizations should go into the question and resolve the dispute. For

* Annually, a tripartite conference of Government, Representatives of Employers and Employees is held to discuss various matters of common interest on labour. At the conference, various decisions are arrived at. These decisions have technically speaking no binding force on the concerned parties even though they are followed in practice and hence these resolutions are called conventions.

this purpose, the central trade union organisation which could act as a standing machinery, would provide the necessary panels of persons for different localities. If this machinery failed, the question should be left to the decision of an agreed independent agency or a tribunal. The state Government also should evolve similar procedure concerning industries within their sphere.

- (h) In the case of trade union federations which were not affiliated to any of the four central organisations of labour, the question of recognition would have to be dealt with separately.
- (i) Only unions which observed the Code of Discipline would be entitled to recognition and the procedure for recognition should form part of the Code of Discipline.

APPENDIX 'B'

Form H (Rule 58)

Form for Memorandum of Settlement.

Name of parties—

Representing employer (s)

Representing workmen

Short recital of the case

Terms of Settlement

Witnesses

(1).....	Signature of the parties
.....
(2).....
.....

*Signature of Conciliation Officer
Board of Conciliation

- Copy to :
- †(1) Conciliation Officer (Central) (Here enter the office address of the Conciliation Officer in the local area concerned).
 - (2) Regional Labour Commissioner (Central).
 - (3) Chief Labour Commissioner (Central), New Delhi.
 - (4) The Secretary to the Government of India, Ministry of Labour, New Delhi.

* In cases of settlements effected by Conciliation Officer.
Board of Conciliation.

† In cases where settlements are arrived at between the employer and his workmen other than in the course of conciliation proceeding.

APPENDIX 'C'

Statement showing the strength of the officers of the Industrial Relations Machinery in each region with their jurisdiction.

Headquarters (New Delhi)

1. Chief Labour Commissioner (Central).
2. Deputy Chief Labour Commissioner.
3. Regional Labour Commissioner, New Delhi, in charge of Verification.
4. Welfare Adviser to Chief Labour Commissioner.
5. Three Assistant Labour Commissioners (Central).
6. One Labour Officer.
7. Two Labour Inspectors.

S.No.	Designation	Headquarters	Strength of Officers	Jurisdiction
1.	Regional Labour Commissioner (Central)	Bombay	4 Conciliation Officers (Central)	State of Bombay
2.	do	Calcutta	14 Labour Inspectors 1 Junior Labour Inspectors 5 Conciliation Officers (Central)	West Bengal (excluding coal mines), Assam, Manipur, Tripura and Orissa State (excluding Iron Ore Mines).
3.	do	Dhanbad	11 Labour Inspectors 7 Conciliation Officers (Central)	Bihar, Orissa States (Iron Ore Mines only) and West Bengal (Coal Mines Only).
4.	do	do	26 Labour Inspectors 10 Junior Labour Inspectors do	Evaluation and Implementation of the Code of Discipline.
5.	do	Kanpur	4 Conciliation Officers (Central) 12 Labour Inspectors "	States of U.P., Punjab, Delhi, Himachal Pradesh and Jammu & Kashmir where jurisdiction is limited to workmen employed under the Government of India.
6.	do	Jabalpur	2 Conciliation Officers (Central) 14 Labour Inspectors 1 Junior Labour Inspector "	States of M.P. and Rajasthan.
7.	do	Madras	5 Conciliation Officers (Central) 19 Labour Inspectors "	States of Madras, Mysore, Andhra Pradesh and Kerala.

APPENDIX ' D '

Form of Notice to Parties for attending Conciliation Proceedings.

To

.....
.....
.....

In exercise of the powers conferred by s. 12 of the Industrial Disputes Act, read with rules 9, 10, 11 and 12 of the Industrial Disputes (Central) Rules, 1957, the.....will be holding conciliation proceedings in the dispute at.....hours on.....in his office.

You are hereby requested to attend the conciliation proceedings in person or through an authorised representative who will be in a position to speak authoritatively on your behalf with such evidence oral and documentary as you may wish to produce in connection with the above dispute.

Yours faithfully,

.....

APPENDIX ' E '

Form F (Rule 36)

Before (here mention the authority concerned)

Reference No.....of.....Workmen

Versus

.....Employer

In the matter of.....
authorise Shri/Sarvashree.....
represent me/us in the above matter.

...I/We hereby
.....to

Dated this.....day of.....19...

Signature of person (s) nominating
the representative (s)
Address.

Accepted
Signature of Representative (s)
Address :

APPENDIX ' F '**CODE FOR DISCIPLINE IN INDUSTRY****I. TO MAINTAIN DISCIPLINE
IN INDUSTRY BOTH IN
PUBLIC AND PRIVATE
SECTORS**

There has to be (i) A just recognition by employers and workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) A proper and willing discharge by either party of its obligations consequent on such recognition.

**TO ENSURE BETTER
DISCIPLINE IN INDUSTRY**

The central and state Governments, on their part, will arrange to examine and set right any shortcomings in the machinery they constitute for the administration of labour laws.

**II. MANAGEMENT AND
UNION(S) AGREE**

(i) That no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level ;

(ii) That the existing machinery for settlement of disputes should be utilised with the utmost expedience ;

(iii) That there should be no strike or lock-out without notice ;

(iv) That affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration ;

(v) That neither party will have recourse to (a) coercion, (b) intimidation, (c) victimisation or (d) go-slow ;

(vi) That they will avoid (a) litigation (b) sit-down and stay-in-strikes and (c) lock-outs ;

(vii) That they will promote constructive co-operation between their representatives at all levels and as between

workers themselves and abide by the spirit of agreements mutually entered into ;

(viii) That they will establish, upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement ;

(ix) That they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure and

(x) That they will educate the management personnel and workers regarding their obligations to each other.

III. MANAGEMENT AGREE

(i) Not to increase work-loads unless agreed upon or settled otherwise ;

(ii) Not to support or encourage any unfair labour practice such as (a) interference with the right of employees, (b) discrimination, restraint or coercion against any employees because of recognized activity of trade unions and (c) victimisation of any employee and abuse of authority in any form ;

(iii) To take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders ;

(iv) To display in conspicuous places in the undertaking the provisions of this code in the local language(s) ;

(v) To distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure ;

(vi) To take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline; and
 (vii) To recognize the union in accordance with the criteria evolved at the 16th Session of the Indian Labour Conference held in May, 1958.

IV. UNION(S) AGREE

- (i) Not to engage in any form of physical duress ;
- (ii) Not to permit demonstrations which are not peaceful and not to permit rowdyism in demonstration ;
- (iii) That their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law, agreement or practice ;
- (iv) To discourage unfair labour practices such as (a) negligence of duty, (b) careless operation ; (c) damage to property, (d) interference with or disturbance to normal work, and (e) insubordination ;
- (v) To take prompt action to implement awards, agreements, settlements and decisions ;
- (vi) To display in conspicuous places in the union offices, the provisions of this code in the local language (s); and
- (vii) To express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

APPENDIX 'G'

MONTHLY STATEMENT OF CONCILIATION CASES

(For the period Jan.—April, 1959)

Office	Pending from previous month.	Received during the month.	Total	Disposed of during the month.	Pending within a month.	Pending over 1 month but less than 2 months.	Two to three months	Three to four months	Four to 5 months	Five to 6 months	Over six months.
<i>JANUARY</i>											
Dhanbad I	53	25	78	16	24	13	10	9	3	1	2
Dhanbad II	16	14	30	13	7	5	4	1	—	—	—
<i>FEBRUARY</i>											
Dhanbad I	62	36	98	21	34	16	11	4	6	3	3
Dhanbad II	17	9	26	14	7	2	2	1	—	—	—
<i>MARCH</i>											
Dhanbad I	77	25	102	20	24	26	10	8	4	5	5
Dhanbad II	12	12	24	11	10	3	—	—	—	—	—
<i>APRIL</i>											
Dhanbad I	82	20	102	35	17	17	17	5	3	4	4
Dhanbad II	13	21	34	6	10	7	2	—	—	—	—
<i>JANUARY</i>											
Hazaribag	24	26	50	12	20	9	7	2	—	—	—
<i>FEBRUARY</i>											
„	38	35	73	29	19	11	8	5	1	—	—
<i>MARCH</i>											
„	44	22	66	34	16	10	3	3	—	—	—
<i>APRIL</i>											
„	32	24	56	19	17	10	8	—	2	—	—

Asansol	16	15	31	15	<i>JANUARY</i>	4	1	—	—	—	—
					11						
					<i>FEBRUARY</i>						
					14						
”	16	19	35	17	<i>MARCH</i>	3	1	—	—	—	—
					25						
”	18	31	49	21	<i>APRIL</i>	2	1	—	—	—	—
					11						
Jharsuguda	28	22	50	26	<i>JANUARY</i>	12	1	—	—	—	—
					57						
					<i>FEBRUARY</i>						
					59						
”	74	26	100	10	<i>MARCH</i>	18	15	—	—	—	—
					14						
”	90	18	108	49	<i>APRIL</i>	35	12	3	9	—	—
					17						
”	59	6	65	30	<i>JANUARY</i>	4	7	2	8	—	—
					14						
”	35	19	54	31	<i>FEBRUARY</i>	2	1	1	1	2	—
					17						