To
The General Managers
Indian Railways and C.L.W.,
The C.A.O.R., I.C.F., and
The General manager and Chief Engineer,
Ganga Bridge Project.

Sub: Permanent Negotiating Machinery.

The Railway Board in their letter No.E51FEI-22 dated 24.12.51, announced the decision to set up a permanent negotiating machinery, in three tiers, "for maintaining contact with labor and resolving disputes and differences which may arise between them and the Administration."

The letter contained details of the manner in which the negotiating machinery should function. The machinery has been in existence for 6 years now, and it is appropriate to review its working, and issue further instructions.

2. There have been frequent complaints from a variety of quarters that the machinery has not functioned satisfactorily. The complaints are that the meetings are not held regularly, that deliberations at the meetings are not conclusive, that there is dilatoriness in dealing with the issues, and in implementing the decisions taken, and
that the atmosphere is one of announcing of administrative and executive decisions which are not subject to further discussion, rather than one of mutual discussion followed by an agreed decision, if possible.

3. The Board have examined the actual minutes of meetings at District, Divisional/Regional and Headquarters levels, and the statistics of the number of meetings held at various levels. "The conclusion is that there is truth in the allegation that meetings are not held regularly, possibly for the reason that the dates are not fixed in advance. The fixing by correspondence of a date that suits the Union and the administration results in delay. The inconclusive nature of discussions is, in a number of cases, due to incomplete information being available in respect of the subject under discussion or due to subjects being discussed at a lower level than appropriate. For instance, the suggestion that the lists of essential staff for the purpose of allotment of quarters be altered should not be discussed at the District, Divisional or Regional level. Then again the absence of an officer in whose presence alone could a decision be taken results in failure to take a decision, and postponement of consideration of the matter.

4. A scrutiny of the minutes of meetings also shows that far too many items are sought to be discussed at each meeting. A number of them relate to individual grievances, some are mere requests for information, and still others are more appropriate for informal discussion between the Secretary of the Union and the appropriate officer, or for disposal by correspondence. Possibly it is not fully
appreciated in all quarters that the PNM meetings are intended to supplement and not supplant the normal contacts between Unions and the Administration.

5. The Board considers it necessary that the PNM should function more effectively on Railways. The regular meetings visualized in the PNM are intended, as was indicated in their letter No. ESIFEI-22 "for maintaining contact with labor and resolving disputes and difficulties which might arise between them and the Administration."

In other words, the meetings are in continuation of the procedure that has been in existence of individual contacts between the Secretary and any either authorised representative of the Union, and the appropriate officials of the Administration whether oral or by correspondence. There are quite a number of matters which the Unions bring to the notice of the officials concerned informally. In other matters on which letters are written, particularly there in which an enquiry is made, it is not the intention of the Railway Board that every such matter should come up for discussion at a meeting of the PNM. In fact, the ideal would before all matters to be settled by informal discussion or by correspondence, so that there is no 'dispute, or difference; which would necessitate discussion at a meeting. Even if that ideal state is attained, however, the regular meetings must still continue because one of the objectives was the main training of continuous contact with organised labour. It is obviously neither necessary nor desirable for the Railway Board to lay down any precise procedure to govern individual contacts and correspondence between the Unions and the officials of the Administration. Arrangements are in force on the Railways, and any
modifications thereto might be decided upon in consultation with the unions. These arrangements should continue to be in force and the issue of any instructions that are considered necessary in relation to this subject, is entirely within the competence of General Managers. But the Railway Board would like to make some general observations on the basis of which Railway Administrations may frame further instructions.

6. It is very necessary, to ensure that any matters that the Unions may bring up for informal discussion or which they may refer to the Administration by correspondence, are disposed of as quickly as possible. If this is done, a considerable portion of the agenda of the formal meetings may possibly be dropped. It may be necessary, however, for the Administrations to ensure that adequately staffed cells exist in all offices which handle correspondence with Unions, for the expeditious disposal of such correspondence as well as informal references. The Board would like particular and speedier attention to be given to this matter.

7. The Board feel that, particularly in respect of the meetings at Divisional level on the Railway organised on the divisional system, quite a number of matters come up for discussion at the PNM meetings, particularly in respect of repairs to quarters, allotment of quarters, sanitation of colonies, etc., which could very well be dealt with at a lower level, preferably at the level of Assistant Engineers. The Board have considered the feasibility of setting up permanent Standing Committees consisting of representatives of Unions and of Staff Councils, together with the Assistant Engineer
and the I.O.W. of the section concerned, to meet frequently and discuss such matters. The Board have come to the conclusion that this matter needs careful consideration in consultation with the N.F.I.R. The Board do not therefore propose to issue orders on the subject at the moment. G.M.s are, however, requested to examine this matter in consultation with recognised unions and to take such action as is considered necessary, intimating the details to the Railway Board, for their information.

8. Frequency of meetings. The Railway Board have considered the possibility of holding meetings more frequently than is prescribed at present. In view, however, of the fact that on most Railways there are two recognised Union, with each of which separate meetings must be held—unless of course the two Unions desire to have a joint meeting—as also the necessity of ensuring that meetings are not held at such close intervals that action in respect of the items discussed at one meeting cannot be taken before the other is held, they have come to the conclusion that for the present at least, the orders already issued on the subject should remain in force. They would like to emphasise, however, the necessity for ensuring that the meetings are held in accordance with the procedure laid down. To attain this end they desire that at each level at which the meetings are held, the exact month, if possible even the fortnight of the month, in which meetings are to be held, should be fixed once and for all in consultation with the Unions—for instance, in respect of meetings that are to be held quarterly, the unions are the administration might come to the decision that the meetings should be held in the first half of January, April, July and October, each year. Further should be fixed in advance at the previous meeting. For instance at the
meeting held on, say the 10th of January, in a year, the last item on the agenda should be the fixation of the date of the next meeting. The date can then, by mutaual agreement of this arrangement would be that everyone would be aware of the date when the meeting is to be held; would arrange his programme accordingly and would prepare his papers in time. Also, the unions would be aware of the exact date by which they must submit the agenda together with notes theron to the administration. All this would tend to ensure that the meetings are held regularly, that the agenda is known been collected, and that discussions are businesslike.

9. Scope of discussions and size of the agenda: As has been stated earlier in this letter, the examination by the Board of some of the actual minutes of meetings has revealed that the agenda, in many cases is inordinately long, thereby defeating the very purpose of holding the regular meetings. It is emphasised that the meetings are held to discuss points about which there is dispute or disagreement, and such a dispute or disagreement would arise only after the informal meetings or correspondence have already taken place. Also the purpose of holding these periodical meetings will be defeated if subjects which are not important enough to come up at these meetings are to be included in the circular letter No. 5/52 dated 26.8.52 addressed by Shri Harihara Nath Shastri, the then President of the I.N.R.W.F to his individual meetings with General Manager, earlier in that month and stated:

"to make the working of the conciliation machinery useful and successful, the tendency to enlarge the agenda should be avoided and efforts should be made to confine discussions to important points.... In the interest of the Unions themselves it
would be most useful to check out an agenda and explanatory notes and submit the same to the Administration sufficiently in advance."

Shri Shastri also referred to the discussion of individual grievances at the regular meetings of the PNM and stated that

"The Gms felt that while it was not practicable for them to look into individual grievances as a willing to discuss them with Unions."

The examination of the minutes of the meetings reveals that subjects other than what would be considered to be important were included for discussions and that there were far too many individual cases. The Board desire that the attention of Unions be invited to the necessity for including only important items in the agenda and for the inclusion of individual grievances only in special cases. At the same time they would like to emphasise that it is the duty of the official convening the meeting on behalf of the Administration to go through the agenda and to exclude items that are not appropriate for discussion at the level at which the meeting is being conducted. Also in respect of individual grievances, he must exercise his own discretion to decide whether a particular grievance is a special one which should be permitted to be included in the agenda. The Board tentatively suggest that the size of the agenda in respect of each meeting should be limited to a maximum of 30 items, excluding those which may have been left over from a previous meeting or meetings. The Board would like to mention that the consideration at such meetings of cases falling under
the payment of Wages Act, to which reference was made in Railway Board’s letter No. E51FE2-4 dated 21-2-52, should still continue and such cases should be excluded from the scope of the limit of items that should be discussed at a meeting. For facility of disposal of such items, relating to the application of the Payment of Wages Act, it is suggested that the Unions might be asked to group all of them in the form of a statement, which would be commented upon by the Administration in a statement that it would place at the meeting, for the information of the representatives of the Unions. If, in respect of any item included in the statement, the Unions were dissatisfied with the action taken, they could raise a discussion on the item either at the meeting at which the statement is presented or at a subsequent meeting.

10. The Board would like to emphasise that in framing the notes bearing on an item that is proposed to be included in the agenda, because, although it pertains appropriately to a lower level, it would not be settled at such lower level, the unions should quote the minutes of the meetings at which the discussion was held and should indicate the reasons why it desires that the matter should be considered yet again at a higher level. The advantage of this procedure would be that it would not be necessary for the officials at the higher level to spend considerable time in getting to know the facts and they would therefore be in a better position to discuss the subject at the PNM meeting than they would otherwise be. The Board would also like to point out that items should not be included in the agenda, if they properly pertain to a lower level and have not been discussed at such lower levels, or they pertain to a higher level at which alone can a decision be taken.
11. Submission of agenda by unions and by Administration: By and large, the agenda consists of items suggested by the Unions. The examination of the minutes of meetings reveals that the items of the agenda are not always clearly worded, nor do the notes attached to them bring out the exact point in dispute and what is sought to be discussed. It is in the interest of the Unions that the items of the agenda are worded, clearly and that the notes also are clear and complete, so that the officials concerned understand exactly what the unions seek to discuss and come prepared for the discussion. It does not mean however, that an item should be refused for inclusion in the agenda merely because it is not worded as clearly as it should be. Considerable discrimination needs to be exercised in this matter and the effort should be directed towards the standard of preparation of the items of the agenda and of the notes to be included therewith improving. To ensure that there is adequate time for the Railway officials concerned to collect papers and to prepare notes on the subject under discussion it is suggested that the agenda and the notes should be received from the Unions at least two weeks in advance of the date of the meetings at the District level, three weeks in advance of the date of the meetings at Regional/Divisional level, and a month in advance of the date of the meetings at the Headquarters level. Receipt of agenda should be acknowledged and items not admitted should be brought to the notice of the Unions, informally or otherwise, together with reasons. The Railway Board would like the Administration also to take advantage of the opportunities for these regular meetings with the Unions, to bring up, for discussion, and subjects on which they would like to obtain the views
of the unions at a personal discussion. For such items also, the same time limit that has been prescribed for the Unions for the submission of the notes should be followed.

12. meetings at District level: A district officer of each branch has a separate office and the jurisdiction are rarely coterminus. Also, the number of district becomes impracticable, if not difficult, to hold joint a particular station with the recognised unions. On the other hand, if each district officer were to hold separate meetings with Unions, the number of such meetings would be considereable and in respect of some items, the discussions would, in the very nature of things be inconclusive, as it might involve the issue of orders by a district officer of another department who would not be present at the meeting and whose opinion would not therefore be obtained. The Board feel that whether meetings should be held jointly of all district officers with the Unions, is a matter that should be settled by the G.M., in consultation with his recognised unions.

13. Conduct of meetings and the representation of the Administration at meetings. At the divisional level, the meetings should normally be conducted by the Divisional superintendent himself. Where there is a regional organisation the Regional Superintendent should conduct the meetings. At the Headquarters level, the meetings should normally be conducted by the General Manager and where he is unable to be present by the Sr. Dy. G., or the C.P.O. to ensure that decisions can be taken to the maximum extent possible at the meeting itself and where such decisions cannot be taken, except in the presence of the Head of the Department concerned, the
arrangements for the holding of the meetings should provide for the presence of such Head of Department. Also where financial issues are involved- and this would be so in quite a number of cases- The FA & CAO or the Dy. F.A. also should be present (D.A.O. s may be present at P.N.M. meetings ar Divisional levels.) The Board would like to emphasise that it should not be recorded in the minutes of the meeting that a particular matter would be referred to a certain Head of Deptt. for decision. Nor would it be conducive to the happy functioning of the P.N.M. for statements to be recorded frequently that certain matter would be considered further by the Administration. Normally, if subjects are brought up for discussion at a P.N.M. meeting after a disagreement. The objective of a P.N.M. meeting is for the pros and cons to be discussed across the table in a friendly manner and for the purpose of ascertaining the various relevant facts and to understand divergent points of vies. It should then be possible either to come to an agreed settlement or for the administration to stat that views finally, instead of leaving it for further consideration. There may still be left a number of items where further considereation may be necessary, but such items should normally be very few.

14. Recording of minutes of meetings. Brief minutes of the meeting should be drawn up immediately after the close of each meeting and copies given to the Unions. It shuld also be possible, to a considerabloe extent, to dictate the conclusions in respect of each items that has been discussed immediately after the discussion and in the presence of the Union representatives to ensure that the result of the discussion is
correctly recorded in phrasology acceptable to both parties. The draft copy of the minutes should be signed on behalf of both the parties.

15. Follow-up action on the minutes of meetings. It is very desirable that any decisions taken at a meeting are implemented forthwith and that any further examination or any consideration of a subject is undertaken with the least possible delay, the aim being to complete such examination or consideration, if possible, before the next meeting is held. If, as has been indicated earlier in this letter, an adequately staffed cell exists at each appropriate level for dealing with Union matters, it should be possible to comply with this directive. In respect of matters which will not be within the competence of the special cell to deal with, the cell will act as a coordinating organisation to watch the expeditious disposal of the subject by the branch concerned.

16. It is necessary that a watch should be kept over the function of the P.N.M at all levels. This watch should consist not merely on a check of the frequency of meetings but also on the manner in which the meetings are conducted. It is necessary, therefore, that minutes of meetings held at district level should be examined in the Regional Office, and minutes of meetings held at the Divisional/Regional level, should be examined in the Headquarters Office. It is also proposed that meetings held at the Headquarters level on each Railway should be examined in the Board's Office. G.M.s will issue appropriate instructions in respect of this matter as far as the meetings held at lower levels are concerned. In respect of meetings held at the Headquarters level,
G.M.s should submit a copy of the minutes of each meeting to the Railway board. G.M.s shold also furnish the Railway Board every quarter with return of all the meetings.

a) Due to be held at the various levels, and

b) actually held at the various levels.

in the proforma attached to this letter. The information for each quarter should furnish information in respecat of the number of meetings, number of references and the nature of the subjects discussed, quoting reference to the minutes of the meetings.

17. The Board would like to emphasise the desirability of ensuring that all correspondence with the Unions at the Headquaterterw, Regional/Divisional levels should be conducted by the one officer. All contacts with the Unions should also be through this officer. The practice that exists on tsome Railways of different officers being contacted by unions should be given up as this causes confusion. It would be the responsibility of the officer entrusted to daeal with the Union matters to arrange either for the presence of the appropriate officer at an indivudual meeing or for the union office-beaers to be received by the officer concerned to explain any points with which he is concerned. On Railways, on which tre are separate Heads of Department's officers, the practice of Unions corresponding withh or informally contracting such Heads of Departments may continue. meeings at the Headquarters level will, however, not be held separately with each Head of Department but with G.M. or the C.P.O. and as such meetings as has already been indicated, the head of Department concerned will be present, as needed.
18. Please acknowledge receipt of this letter.

DA: As above

E(L) 56NM1-6 Dated the 21.7.58

Copy forwarded for information to the General Secretary, N.F.I.R., with 25 spares copies.

Sd/- P.T. Venugopal

Deputy Director, Establishment,

Railway Board