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With:
on:

INTERNATIONAL LABOUR OFFICE
INDIA BRANCH

Industrial and Labour Developments in
November-December 1966.

N.B.- Each Section of this Report may be taken out
Separately.

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CHAPTER 1. INTERNATIONAL LABOUR ORGANISATION.

INDIA - NOVEMBER-DECEMBER 1966.

11. Political Situation and Administrative Action.

National Labour Commission set up.

The Government of India announced on 25 December 1966, the composition and terms of reference of the National Commission on Labour which will be headed by Shri P.B. Gajendragadkar, former Chief Justice of India. The Commission includes four representatives of employees, Mr. Naval H. Tata, Mr. N.K. Jain, Mr. P.R. Ramakrishnan, MP., and Mr. G.D. Khandelwala and four representatives of labour, Mr. S.R. Vasavada, Mr. S.A. Dange, Mr. G. Ramajujam, and Mr. Manohar Kotwal. The other members of the Commission are Mr. K. Malaviya, Mr. Ramanand Das, Mr. Raja Ram Shastri, Mr. B.N. Ganguli and Mr. B.N. Datar who will be the Secretary.

The terms of reference of the Commission will be as follows:

(1) To review the changes in conditions of labour since independence and to report on existing conditions of labour.

(2) To review the existing legislative and other provisions intended to protect the interests of labour; to assess their working and to advise how far these provisions serve to implement the Directive Principles of State policy in the Constitution on labour matters and the national objectives of establishing a socialist society and achieving planned economic development.

(3) To study and report in particular on
(i) the levels of ~~relating to wages~~ workers' earnings, the provisions relating to wages, the need for fixing minimum wages, including a national minimum wage, the means of increasing productivity including the provision of incentives to workers;
(ii) the standard of living and the health, efficiency, safety, welfare, housing, training and education of workers and the existing arrangements for administration of labour welfare - both at the Centre and in the States; (iii) the existing arrangements for social security; (iv) the state of relations between employers and workers and the

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role of trade unions and employers' organisations in promoting healthy industrial relations and the interests of the nation; (v) the labour laws and voluntary arrangements such as the Code of Discipline, joint management councils, voluntary arbitration and wage boards and the machinery at the Centre and in the States for their enforcement; (vi) measures for improving conditions of rural labour and other categories of unorganised labour; and (vii) existing arrangements for labour intelligence and research.

(4) To make recommendations on the above matters.

The terms "labour and workers" will include, in addition to rural labour, all employees covered by the Industrial Disputes Act, 1947.

The Commission will make its recommendations as soon as practicable. It may, if it deems fit, submit an interim report or reports on any specific problem or problems. The Commission will devise its own procedure.

(The Statesman, 27 December, 1966).

Seminar on Labour Policy and Programme
in the Draft Plan held at Bombay, 21
November, 1966.

A Seminar on Labour Policy and Programme in the Draft outline of the Fourth Plan, sponsored by the Tata Institute of Social Sciences was held at Bombay on 21 November, 1966. Besides nine participants from the Institute, 36 experts from leading industrial organisations in Bombay took part in the Seminar. Inaugurating the Seminar Shri Naval H. Tata expressed his opposition to Government domination in the labour field and said that the trade unions should be exposed to collective bargaining so that they could develop on sound principles. Shri Tata pleaded for a balanced approach to what he called persistent labour agitation. The Government should try to prevent stoppages of production and "go-slow" tactics adopted by labour. Labour should share in the increased productivity and not be allowed to share the profit otherwise, he added. He criticized the Government for its "double standards" in labour matters. He said there was disparity in the dearness allowance of industrial labour and Government employees. He also warned against creating a wide difference between the emoluments of industrial labour and other workers.

Shri Tata said that the appointment of tribunals by the Labour Ministry made the former subservient to the latter and suggested that they should be appointed by the Law Ministry. He also pleaded for co-ordination among the Labour, Finance and Commerce Ministries.

Shri Addressing the Seminar, Shri Jagjivan Ram, Union Minister of Labour and Employment, dropped a hint about measures to check multiplicity of trade unions in the country and a sort of a "working arrangement" or "combination of trade unions" at the national level.

He did not elaborate but said that for some time the Government had been of the view that multiplicity of trade unions not only affected efficiency, but reduced the workers' power of collective bargaining.

Moreover an organisation of the type he contemplated, the Minister added, could undertake a variety of welfare activities, such as housing and education, which were acceptable as areas of common interest.

(The Statesman, 21 and 22
November, 1966).

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Seminar on the Working of the Industrial
Disputes Act, 1947, Employees' State
Insurance Scheme and Joint Management
Councils held at New Delhi, 10 December,
1966.

A Seminar on the working of the Industrial Disputes Act, 1947, Employees' State Insurance Scheme and Joint Management Council, organised by the Council of Indian Employers was held at New Delhi on 10 December 1966. The Seminar was inaugurated by Shri N.H. Tata, President Employers' Federation of India. Among others, the Seminar was attended by Government officials and leading industrialists and prominent businessmen.

Inaugural speech.- In his inaugural address, Shri Naval H. Tata said that collective bargaining and collective agreement were the only means of ensuring an amicable and lasting settlement. Any attempted settlement by a third party, however intelligent and well intentioned, imposed on unwilling parties could usher in industrial peace. He suggested that more of bipartite agreements and less of adjudicated awards, more of voluntary codes and less of labour laws, more of self-reliance on the part of the employer and the worker and less eagerness on the part of the Government to interfere, might perhaps, in course of time, put the country on the path of an enduring industrial peace ~~was~~ needed so badly to make the best contribution to the national economy.

Speaking about the Employees' State Insurance Scheme, Shri Tata said that the benefits of the Employees' State Insurance Scheme had not been derived by all the industrial workers in the country. Despite the country's socialistic aims the scheme was confined only to the industrial workers who constituted only a fraction of the vast population. For administrative flexibility, Shri Tata urged integration of Employees' Provident Fund and Employees' State Insurance Scheme.

Speaking about Joint Management Councils, Shri Tata said that all effort should be directed towards finding a solution to the thorny problem of maintaining good industrial relations and that no useful purpose could be served by blaming either side for their shortcomings. The goal of increasing national wealth could not be achieved without the willing and whole-hearted cooperation of both sides - management and workers - in all fields of production activity - industry, agriculture, trade, commerce, etc. According to him, labour-management cooperation was the basic sine qua non for orderly progress in democratic set up.

Conclusions.- On the working of the Industrial Disputes Act, the Seminar recommended, among other things, that:

Appropriate amendments should be made as early as possible to the provisions of the existing industrial disputes legislation to ensure proper maintenance of discipline and avoidance of illegal strikes.

Voluntary arbitration should be encouraged but with suitable safeguards against perverse awards by either providing for an appeal or by the incorporation of certain provisions of the Arbitration Act, 1940 in the industrial disputes legislation.

The possibility of all existing legislation on the subject of industrial dispute, whether Central or State, being amalgamated into one all-India Act should be investigated. In the meantime States should be discouraged from resorting to separate legislation.

Certain definition in the existing enactments should be clarified with a view to avoidance of difficulties, particularly definition of the terms like "industrial dispute", "workman", "strike", "industry".

The right to raise an industrial dispute should vest in the recognised union. In the absence of a recognised union a dispute can be espoused by a substantial number of workmen not less than one-third of the total number of workmen in the establishment.

A provision should be made in Chapter II of the Act so that the tenure of office of retired personnel appointed as National Tribunal, Industrial or Labour Court would be for a specific period, say three years, without any extension.

In the working of the Employees' State Insurance Scheme, the Seminar took note of the proposals for further extension of the Scheme, and was of the view that alongside the implementation of these proposals, energetic efforts must be made to improve the medical facilities so as to provide satisfaction to the insured persons and their families.

The Seminar noted that the Corporation had decided to retain the wage limit of Rs.500/- as at present. The employers' interests should be consulted if, at any time, it was intended to increase this coverage limit.

It was agreed that the recent amendment of the Employees' State Insurance Act would eliminate some of the difficulties experienced in the application of the Scheme to casual, temporary, and badli workers.

The Seminar noted that the Employees' State Insurance Corporation had decided against any increase in the employers' contribution for one year, and thereafter to gradually bring about an increase in the contribution spread over a period of 5 years. The Seminar strongly recommended that the health of the community being the primary responsibility of the State, the Central Government should make a substantial contribution to the Scheme, at least not less than the contribution of the workers. The Seminar further recommended that in the non-implemented areas as a minimum, the non-medical benefits should be introduced without delay.

On the working of the Joint Management Councils, the Seminar was of the view that the Scheme should be voluntary. The experience of compulsion in the field of Works Committees had not been happy. The element of compulsion should, therefore, be absolutely excluded.

The view that an independent non-governmental organisation should undertake an objective study of the Joint Management Councils was generally supported. This would, it was felt, help in assessing the operations.

The Seminar concluded that the best service which the Government could render to the cause of Joint Management Councils was to keep out of the picture.

(Documents received in this Office from the Council of Indian Employers).

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New States of Haryana and Punjab formed.

With the end of President's rule in the united Punjab, the two new States of Haryana and Punjab came into being on 1 November 1966. Shri Bhagwat Dayal Sharma and Shri Gurmukh Singh Musafir are the Chief Ministers of Haryana and Punjab respectively. Shri Sagar Ram Gupta is the Labour Minister for Haryana whereas Shri Prabodh Chandra is the Labour Minister for Punjab.

(The Hindustan Times,
1 November 1966).

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Chapter International Labour Organisation

12. Activities of External Services.

India- November-December 1966.

(a) Meetings:-

On 31 December 1966, the Director of this Office attended a valedictory function organised by the National Productivity Council to mark the end of 'India Productivity Year 1966'.

(b) Lectures:-

On 3 December 1966, the Director addressed members of the Labour Relations Study Circle of the Delhi School of Social Work. The topic of the address was "The Role of the ILO in Promoting Industrial Peace".

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13. Press and Opinion.

India - November-December 1966.

In addition to the attached clippings the following references to the work of the ILO appeared in Indian Journals received in this Office.

1. The October 1966 issue of Asian Labour contains the following reference to the ILO:

Extracts of a speech by Mr. S. Thondaman, President of the Ceylon Workers' Congress, while inaugurating the 28th International Course of the ICFTU Asian Trade Union College. Paying a tribute to the ICFTU Asian Regional Secretary, Mr. Thondaman said: "Even in the ILO, they speak very highly of Mathus and the Asian Trade Union College."

2. A news-item under the heading "ICFTU backs David Morse for Nehru Award". A photograph of Mr. Morse is also published. In proposing Mr. Morse's name, Mr. Omer Beck, General Secretary, ICFTU, in his letter to the Secretary of the Jury of the Award, said that "the work of David Morse has been outstanding in promoting the ideals of peace, international understanding, goodwill and friendship among people of the world - principles on which the 'Jawaharlal Nehru Award' is based."

3. A news-item concerning a fresh complaint to the ILO by the ICFTU against the Spanish Government for violation of trade union rights.

4. A news-item concerning the acceptance of the obligations of the ILO Constitution by Nepal and thus becoming the 116th ILO Member-State.

5. The November 1966 issue of "Asian Labour" contains the following reference to the ILO -

An editorial entitled 'At the Post', discusses the work and achievements of the Asian Regional Organisation of the ICFTU. Mention is made of its efforts in having the I.L. Convention 87 ratified by Japan and championing the cause of trade union rights in Nepal.

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6. A news-item concerning a statement made by the Asahi, ZENTEI President that he intended to lodge a complaint with the ILO against the UNCAR Ryukyu Ordinance No.116 which deprives Okinawa employees of the U.S. armed forces of their basic trade unions rights.

7. A news-item relating to a Convention of the All Okinawa Communication Workers' Union when Japanese labour leaders stated that Japanese labour organisations had decided to make a joint appeal to the ILO against Ryukya Ordinance 116.

8. A news-item concerning a seminar on Workers' Education ~~joint-organ~~ jointly organised by the Malaysian Trades Union Congress and the ICFTU in collaboration with the ILO.

9. A news-item concerning a statement by the President of the Pakistan National Federation of Trade Unions urging changes in labour legislation to bring it in line with ILO Convention on the right to organise and freedom of association and the right to bargain collectively.

10. A news-item relating to a proposal to ILO Director-General by General Secretary of ICFTU for initiating action for the restoration of trade union rights in Nepal as that country had joined the ILO.

11. A news-item relating to an emergency meeting at Geneva of the African Trade Union Confederation (ATUC). The meeting was attended by ATUC observer delegation and delegates of its ~~affiliated~~ affiliated organisations which attended the 50th session of the ILO.

12. A news-item relating to the appointment of Mr. B. Zofka as ILO's Regional Workers' Education Adviser for Asia.

13. The October 1966 issue of 'Yojana' under its column 'Yojana Bhavan Diary' reports the visits abroad of two of its officials for ILO meetings.

14. The September 1966 issue of 'Workers' Education' refers to a visit to a unit local class in the State Bank of India, New Delhi. The report gives a short biographic note about Mr. Zofka and his terms of reference.

15. The same issue comments on the 7th Annual Report of the Central Board for Workers' Education. It mentions that the board was becoming an effective agency and that ILO fellows from abroad had received training in workers' education in India.

16. 'The Indian Worker', dated 17 October 1966 publishes a news-item about the death of Mr. R. Rao, a former Assistant Director-General of the ILO.

17. The same issue contains an article on 'trade unionism in Turkey'. There are incidental references to the ILO.

18. 'The Indian Worker' dated 3-10-1966 publishes a news-item concerning a letter from the ICFTU General Secretary to the ILO Director-General urging ILO intervention in the restoration of trade union rights in Nepal.

19. The same issue contains an article on 'labour legislation in India'. Acknowledgement is made to numerous ILO publications.

20. 'The Indian Worker' dated 21 November 1966 reproduces the article entitled 'Workers' Education in Perspective' by Dr. Abbas Ammar which had appeared in the June 1966 issue of 'Labour Education'.

21. 'The Indian Worker' dated 28 November 1966 reproduces an article entitled 'Blueprint for a Revolution - Central Training Institutes for Instructors' which had appeared in 'ILO Panorama'.

22. 'The Indian Worker' dated 5 December 1966 publishes a news-item concerning the election of Mr. Abd Ali one of the Vice-Chairman of the ILO Asian Advisory Committee held at Singapore.

23. The same issue of the journal publishes a report on the inaugural address of the Prime Minister of Singapore at the opening session of the ILO Advisory Committee.

24. 'Commerce' dated 22 October 1966 publishes an article entitled "Wages and Productivity". There are ~~incidental~~ incidental references to the ILO.

25. December 1966 issue of "AIOIE Labour News" under its 'Foreign News' column gives a brief account of the 7th Session of the ILO Petroleum Committee.

Chapter 2. International and National Organisations

25. Wage-Earners' Organisations.

India - November-December 1966.

Police Forces (Restriction of Rights) Bill, 1966,
passed by Parliament.

Shri Gulzarilal Nanda, Union Home Minister, introduced in the Rajya Sabha on 7 November 1966 a Bill to restrict certain rights conferred by the Constitution to the members of the police force so as to ensure proper discharge of their duties and maintenance of discipline among them.

The Statement of Objects and Reasons of the Bill says: "It is felt that in order to ensure the proper discharge of their duties and the maintenance of discipline among them, the members of the forces charged with the maintenance of public order should not without the express sanction of the Central Government, form any trade union, labour union or any political association or communicate with the Press or publish or cause to be published anything except where such communication or publication is in the bona fide discharge of their duties or is of purely literary, artistic or scientific character. It is also felt that no member of a police force should participate in or address any meeting or take part in any demonstration organised by any body of persons for political purposes". For violating the law, a policeman shall be punishable with two years imprisonment or a fine of Rs.2000/- or both.

The Rajya Sabha passed the Bill on 14 November 1966 after several opposition amendments to water down its provisions had fallen through. In his reply, Shri J.L. Hathi, former Minister of State for Home Affairs, who piloted the Bill, said the legislation had become necessary because the Government had learnt that leaders of certain political parties were addressing mass meetings of policemen.

Shri Hathi did not yield to the Opposition demand that the names of these leaders should be disclosed.

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He categorically denied an allegation by Jan Sangh leader Atal Bihari Vajpayee that because of lack of confidence the Delhi Administration had pressed into service the Central Reserve Police and the border police to deal with last ^{the} ~~weeks~~ rally against cow-slaughter, ~~organised~~ ^{organised} in the ~~Capital~~.

The Lok Sabha passed the Bill on 30 November 1966. The Bill, already passed by the Rajya Sabha, also debars policemen from linking themselves with any labour union or political party.

It also provides that no policeman "shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes". If a policeman violates this law, he is punishable with two years' imprisonment or a fine of Rs.2000 or both.

It was this clause that was opposed bitterly by Opposition members, but they lost in the division pressed by them by 20 to 79 votes.

Replying to the debate, Shri Y.B. Chavan, Home Minister, said the Bill was primarily intended to enable policemen to organise themselves on healthy lines by eliminating political and trade union activities among them.

He conceded the police had several grievances which needed speedy attention. The Police Commission would go into all the problems of policemen in the Union Territory of Delhi, he added.

Shri Anandan Nambiar (Left-CPI) quoted from the memorandum the Delhi police had presented to the Government and said no action has been taken on their genuine grievances.

A policeman's salary of Rs.110 a month was too low for subsistence. His allowances were paltry, hours of work long and housing facilities non-existent. They were also employed as domestic servants by their officers, he added.

Shri H.C. Kachhwal (JS) opposed the idea of unions for policemen, but said their grievances should be redressed promptly. "The police are tempted to indulge in malpractices because of their very poor scales of pay and living conditions. Shri Sham Lal Saraf (C) also urged better service conditions for policemen.

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Shri H.V. Kamath (PSP) said it was strange the Government should have come up with this Bill after 19 years of inaction in solving the problems of policemen.

He assailed the Government for "shilly shallying" over committee reports on policemen's service conditions. As a result of the negligent and indifferent official attitude, the country witnessed the "sorry pass" in which policemen were now agitating.

Shri Kamath said a police council has been formed in Britain on the lines of the Whitley Councils. The council could negotiate with the Government on pay rises and improvements in service conditions. He favoured ~~with~~ such a council in India and therefore gave only partial support to the Bill.

Shri D.C. Sharma (C) said the frequent Opposition demands for judicial inquiries after police action to curb mob violence only sowed the seeds of distrust about the forces in the public mind and undermined the morale of policemen. If policemen were allowed to form trade unions, they would split along political, linguistic and communal lines, he ~~felt~~ felt.

Dr. Ram Manohar Lohia (SSP) favoured trade unions for policemen on the ground that such associations would enable them to function more efficiently. With the unions behind them, the lower ranks would be able to attack organised vice and tell their superiors that they would only obey legal commands.

Dr. Lohia said of the 10,000 odd constables in Delhi, only 1,100 were given houses, and of about 3,000 head constables, only 500 enjoyed this facility. But 105 out of 115 inspectors were given houses, besides all Superintendents and higher ranks.

(The Hindu, 8 November 1966;
The Hindustan Times, 15 November 1966;
The Statesman, 1 December 1966).

28. Employers' Organisations.

India - November-December 1966.

Annual Meeting of the Associated Chambers of
Commerce and Industry of India held at Calcutta,
3 December 1966.

The Annual Meeting of the Associated Chambers of Commerce and Industry of India was held at Calcutta on 3 December 1966. Shri J.V. Jardine, presided. Among others, Shri Sachin Chaudhuri, Union Finance Minister, addressed the session. The resolutions adopted by the meeting related to taxation and finance, export drive, economic liberalisation, productivity, and the role of the private sector in the Fourth Plan.

President's speech.- Addressing the meeting Shri J.V. Jardine Paterson, president of the Associated Chambers of Commerce and Industry of India said that the agricultural failure in 1965-66 and the serious fall in agricultural production as a result had been a major inflationary factor and had in addition caused balance of payments difficulties and shortages leading to further price increases. But it seemed that a major cause of inflation had been the action of Governments, both at the Centre and in the States, in incurring expenditure not covered by taxation or other income. He, therefore, urged a greater restraint in the expenditure of State Governments and the abandonment of deficit financing in the Fourth Plan which will go a long way in checking the steady rise in prices posing a great threat to sound economic development and to standards of living. The President said that greater production should be achieved from the existing resources and that in deciding on new capital development, projects should be selected which could provide early returns. The country could not afford to have too much capital tied up in giant projects taking a long time to reach maturity. Mr. Paterson felt that the time was ripe for an appeal for closer understanding and co-operation with organised labour. It was originally hoped that the Bonus legislation would assist in the development and acceptance of wide ranging methods of incentive payments. Unfortunately, that object had not been realised and under the present Act, systems of deferred wage and profit sharing were rather uncomfortable bedfellows.

Surely, with this legislation in existence and with workers enjoying large benefits from it, it should be possible to concentrate attention on more general acceptance of incentive arrangements. Indian industry could afford to lose and the nation itself should not be deprived of the tremendous improvements in productive efficiency which could be attained by well-devised ~~some~~ incentive schemes.

The President also urged the need for a greater output of food so vital and obvious both to meet the increased consumption and to reduce the pressure on the country's balance of payments, the need to increase exports. Speaking about devaluation and foreign investments, he said, that devaluation had created an entirely new situation for the foreign investor - both existing and potential. It had undoubtedly weakened foreign ~~confidence~~ confidence in Indian economic administration and foreign companies now working in India would require to make considerably larger profits if they were to maintain the previous level of dividends. Mr. Peterson gave some suggestions as to how foreign investments could be more attractive by removing some of the existing requirements which might discourage new ventures. These included flexibility in the attitude both of foreign investors and the Indian authorities to the amount of foreign equity participation required or permitted in foreign collaboration schemes, making some arrangements whereby foreign employees could be given some form of relief which would bring net salaries more into line with those elsewhere and the removal of any discriminatory taxes levied on foreign companies. Concluding Mr. Paterson said: "Sometimes it seems as if in this sense there are two economic states in India. On the one hand we have the industrial and commercial community, with its factories full of sophisticated machines, its well paid workers, and its modern methods of distribution; self-confident and purposeful. On the other, there is the agricultural society and its related craftsmen and suppliers, orthodox, still following its ancient creeds and practices, full of character and courage, but poor, low producing, living at the mercy of nature. And unless the many millions in the rural areas, who constitute four-fifths of the population of this vast country, can raise their standards of living, the machines in our factories will slow down and the new industrial revolution will disappear in the erosion of its markets and the hopes which gave it birth. This must and should not happen and we in industry and commerce have a great responsibility in the difficult years ahead to do everything possible to ensure that by our production and efficiency we can make the maximum contribution to the prosperity of the nation as a whole.

Finance Minister's speech.- The Union Finance Minister, Shri Sachin Chaudhuri, speaking on the occasion disputed the argument that devaluation had weakened foreign confidence in Indian economic administration and made foreign investment less attractive. Such statements, he feared, were neither national nor based on facts and were unacceptable. He asserted that the acceptance of a realistic rate of exchange and the discontinuance of multifarious incentives to which the industries were getting fast habituated had removed doubts and uncertainties and given a firm and clear idea of the parity of the rupee.

He believed the common purpose of containing inflation would be promoted if companies avoided unproductive expenditure and observed restraint in declaring dividends and share-holders saved as large a part as possible of the dividend they received.

While conceding that the tax system must provide incentives to more savings and investment Shri Chaudhuri continued. "Our endeavour over the years has been to bring in more and more of such features into the tax system. At the same time we cannot afford to ignore the fact that in country such as India with low levels of income and savings, budgetary surpluses have an important part to play in mobilising resources for development. The achievement of our objective of securing an adequate rate of growth within a reasonable period of time but without reliance on external assistance requires a substantial increase in the proportion of the national income that is saved and invested."

Referring to deficit financing during the Fourth Five-Year Plan mentioned in the Presidential address, Shri Chaudhuri said he would not join issue with the President on the question whether the levels of expenditure proposed were so high that it would be impracticable to provide for these from foreseeable resources.

He said; "The level of resources that we can raise in a non-inflationary way is related very closely to the progress we can make in raising productivity allround and in making the best use of our investments. The estimate made at point of time has to be periodically revised in the light of performance in relation to expectations. What is important is not argument regarding the precise forecast that should be made for a period of years ahead, but effective continuing action to secure the best returns in all fields and prompt adjustments of policies from time to time in the light of the emerging circumstances".

Emphasising that the major problem before the country in the coming months was the supply and equitable distribution of foodgrains Shri Chaudhuri called for reduced consumption of the part of those who lived in more fortunate parts of the country, in order that more might go to the scarcity-stricken areas.

Speaking on the urgency of raising agricultural production Shri Chaudhuri stressed industry's role in improving agricultural techniques. He hoped in the coming years industry would increasingly bend itself to this task. In the matter of Distribution of a number of agricultural inputs also the private sector could make a useful contribution.

Shri Chaudhuri believed there was need for more co-ordinated action by exporters of primary products whether in crude or processed form, to act in concert, not with a view to exploiting consumers but in order to mitigate the price fluctuations which were a cause of instability in export earnings and which also dislocated the implementation of development plans. The new structure of export duties on tea, he felt, should help to improve exports, particularly of the common varieties.

He maintained that they had taken a number of measures to effect immediate economies in Government expenditure, difficult as it was to cut back outlays in the middle of a year. He, however, felt that some degree of inflationary pressure was perhaps inevitable in an agricultural country when there was a serious failure of crops; the objective of the policy had to be to contain the pressure as much as possible. The Finance Minister reminded the members of the Chambers that the need for restraints existed equally with regard to expenditure by the private sector.

Resolutions.- Adopting a Resolution on Taxation and Finance, the Annual Meeting of the Associated Chambers of Commerce and Industry of India emphasised that there must be an end to overspending in the form of deficit financing. The nation ~~will~~ must live within its means, which implied financial discipline not only in the Centre but also at the State levels.

that

The Resolution further stressed the greatest and most immediate financial need was a substantial reduction in the level of direct taxation, both corporate and personal, in order to restore the will and ability, on the part of both individuals and companies, to save and invest. Government should continue to depend on indirect taxation as the principal means of raising revenue and as the only practical method of obtaining finance on a scale commensurate with the country's enormous developmental needs. While a strict control over credit must continue to be exercised in order to contain inflation, it was equally important that industry should be permitted adequate credit facilities to finance a higher level of activity and steady expansion.

Resolution of Exports.— Adopting the resolution on Exports the meeting recommended that a policy of selectivity should be adopted in determining which industries were capable of exporting successfully; and assistance to exports including export incentive arrangements should be granted ~~by~~ only to those industries which had a reasonable prospect of exporting on terms that were profitable to the nation. Further the exports should be freed from all internal taxes, duties and cesses; and, where such imposts were levied on raw materials or components, simplified procedures should be introduced for prompt refunds when the end-products were exported.

The resolution also recommended that the grant of special assistance to potential exporters should not be allowed to obscure the fact that, for many years to come, the traditional export industries — and notably tea, jute, cotton and leather — would continue to provide the bulk of the country's foreign exchange earnings. It was important therefore that these established export industries should not be subjected to burdens which would impair their efficiency and competitiveness.

The Resolution on Economic Liberalisation considered that Government should steadily pursue a course of economic liberalisation, and should increasingly rely on the price mechanism and on natural market forces as providing economic regulators which were both more efficient and more acceptable than an artificial system of statutory controls. Such a policy of liberalisation, the Chambers considered required a phased programme for dismantling the controls over prices, imports, industrial development and capital issues; and it should be accompanied by a simplification and liberalisation of commercial and tax law.

Resolution on Productivity.- Urging for an unreserved and nation-wide dedication to the achievement of higher levels of productivity, the meeting demanded that facilities for training in modern management practices, should be strengthened and extended; wherever necessary, technical skills which were not already available within the country should be imported; and conditions should be created which would induce the nation's best talents to remain in India rather than emigrate abroad. Industrial discipline must be improved and law and order at all costs maintained in order to avoid serious interference with national production.

The resolution further recommended that short-sighted opposition to schemes of rationalisation and automation must be overcome, and means must be found of convincing labour that a significant improvement in living standards depended essentially on the adoption of modern technologies.

It was stressed that as a vital means of fighting inflation and preserving the real value of earnings, wages should wherever possible be linked to productivity through incentive schemes, production bonuses and payment by results.

The resolution also emphasised that the efficiency of governmental administration at both Central and State levels, as also in public utilities such as power and communications, must be improved in order to enable productivity schemes in industrial units to be carried to a successful conclusion.

The resolution on the role of the Private Sector in the Fourth Plan recommended a close and continuous consultation between Government and the private sector. It was only through such consultation that the practical problems of industrial growth could be realistically assessed, that difficulties could be foreseen and overcome and that advantage could be taken of new opportunities for expansion. Correspondingly, the Plan should be implemented in a highly flexible manner which would permit of adaptation to changing circumstances, new problems and unforeseen needs. Flexibility, however, would only be possible if there was a regular and upto-date check on actual plan performance.

The resolution further said that there should be a recognition of the advantages which the public and private sectors bring to their respective roles - the public sector to the development of the economic infra-structure, and the private to industrial development - and, avoiding duplication of effort and overlapping responsibilities between the two, the private sector should be allowed freedom to exercise the managerial and technical skills which it was uniquely qualified to apply to the process of industrial growth.

(Documents received in this Office from the Associated Chambers of Commerce and Industry of India).

Chapter 3. Economic Questions

33. Full Employment Policy.

India - November-December 1966.

Introduction of Computers in L.I.C.: 'No Retrenchment' Assurance Given by Finance Minister.

Replying to a question in the Lok Sabha on 24 November 1966, Shri Sachindra Chaudhuri, Union Finance Minister assured that the introduction of Computers by the Life Insurance Corporation would at no stage result in any retrenchment of the existing staff.

Shri Chaudhuri said automation had become necessary in view of the growing volume of business and in order to render better service to policy-holders. The process of switching over to computers was expected to take some three years. During this period, as a result of this switchover, 383 jobs would disappear but the very process of computerization would create 225 new jobs.

The net reduction in the number of jobs was therefore only 158, i.e. about 50 per year. This, he felt, was insignificant as compared to the 1,500 or so new jobs created in the LIC every year. "None of the employees whose jobs have become redundant will be retrenched or even transferred out of the cities where they are working and they will be fitted in other jobs", Shri Chaudhuri said.

The Finance Minister considered it unfortunate that in spite of the very clear assurance given by the Corporation, the All-India Insurance Employees' Association was still carrying on its campaign and in fact intensifying it.

(The Hindustan Times, 25 November, 1966).

34. Economic Planning, Control and Development.

India - November-December 1966.

Meeting of the Informal Consultative Committee of Parliament held at New Delhi, 23 November, 1966: Port Workers granted ex-gratia Payment.

Shri Jagjivan Ram, Union Labour Minister told the Informal Consultative Committee of Parliament at its meeting held at New Delhi on 23 November, 1966 that the Government has decided to make ex-gratia payment to port employees in lieu of bonus. As regards dock workers, although they were not entitled to any bonus, payments were being made under some bilateral agreements in Calcutta, Bombay, Madras and Cochin and this procedure might be extended to other major ports.

The meeting also discussed issues relating to retrenchment in private oil companies and automation. The Minister said that there was a proposal to refer the oil companies issue to a tribunal. The Secretary of the Labour Department ~~said~~ had a series of discussions recently with the companies' representatives, who sought more time to consult their unions. Pending that, no action would be taken, although the operation of the voluntary retirement scheme would continue.

About automation, the only new point that emerged from the meeting was that so far as various Government departments were concerned, they would have to obtain the concurrence of the Labour Ministry before introducing computers.

(The Statesmen, 24 November, 1966).

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Colloquium on Industrial Development held at
Madras, 19 November 1966.

A colloquium on Industrial Development, was held at Madras on 19 November 1966. It was attended by about 400 industrialists of the Southern region of India. Shri R. Venkataraman, Industries Minister of Madras inaugurated the colloquium. Among others, Shri D. Sanjivayya, Union Minister ~~for~~ of Industries and Shri H.V.R. Iyengar, former Governor of Reserve Bank of India addressed the colloquium.

Inaugurating the colloquium, Shri R. Venkataraman said that the present credit policy of the Reserve Bank of India was hindering the country's economic growth and urged that the Bank should function merely as a bankers' bank and as a bank of issue. The Minister stressed that the regulation of credit in the country should be made by the usual process of operating through the bank rate and open market operations. Otherwise the capital market "which is almost dead today" would become more and more tight, he said. Shri Venkataraman pointed out that the industrial development of the country could not be sustained by financing institutions alone. It could be sustained only by the large body of anonymous shareholders who should be enthused to invest in equity capital. He suggests a "straight line depreciation scheme" should be followed by industries so that a small dividend could be declared to shareholders even within the first three or four years of starting an industry.

Addressing the colloquium, Shri D. Sanjivayya, Union Minister of Industries said that constant improvement in technology and manufacturing processes were essential for an industrial nation. The import of new techniques could only partly meet this demand. There must be a greater emphasis on research and development by the Industry, both in the public and the private sector. Shri Sanjivayya disagreed with those who called for a pause in the public sector investment. Investment of public funds in power, transport, irrigation and the like was essential and would give stimulus to the private sector to expand its investment in industry, he said.

The Minister said that the Indian Investment Centre had played a useful role in attracting foreign investment to this country. He expressed the hope that in the years to come the centre's work would result in a large inflow of much-needed technical know-how and financial resources.

The former Governor of the Reserve Bank, Shri H.V.R. Iyengar, in his speech also underlined the need to set up research and development units in the private and public sectors. He admitted that it would be disastrous for India to stop getting foreign know-how until the nation was in a position to export know-how. He cited the example of Japan. While initially securing know-how from abroad it was today exporting know-how.

(The Statesman, 21 November 1966).

36. Wages.

India - November-December 1966.

Annual Report on the Working of the Payment of Wages Act, 1936 on Railways for the year 1964*.

Introduction.- The benefits of the Payment of Wages Act, 1936 are available from 1 April 1958 to all persons employed on Railways, either directly or through contractors to ensure and drawing wages less than Rs.400 per month. The Act seeks to ensure regular and prompt payment of wages to the workers and to protect them against unauthorised deductions and fines.

Machinery for enforcement.- The administration of the Payment of Wages Act, 1936 on Railways (other than Railway factories) has been entrusted to the Central Industrial Relations Machinery headed by the Chief Labour Commissioner (Central). He along with Deputy Chief Labour Commissioner (Central), 7 Regional Labour Commissioners (Central) and 31 Conciliation Officers (Central) functioned as Inspectors during 1964, for securing compliance with the provisions of the Act. The total ~~work~~ field work was, however, undertaken by 104 Labour Inspectors (Central) though they had not been appointed Inspectors under the Act for Railways.

Inspections and Irregularities.- During the year under report 9,558 establishments (8,849 of Railways and 709 of Railway Contractors) were inspected and 21,118 irregularities (17,835 in Railways Establishments and 3,283 in Railway Contractors' Establishments) were detected.

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The Indian Labour Journal, Vol.VII, No.11, November 1966, pp. 1045-1048.

Nature of Irregularities.- Out of 17,835 irregularities detected in respect of Railway Establishments during the year, 6,632 (37.18 per cent.) relating to non-payment of wages, 4,108 (23.03 per cent.) to non-display of notices, 3,322 (18.63 per cent.) to delayed payment of wages, 985 (5.52 per cent.) to non-maintenance of registers, 853 (4.78 per cent.) to unauthorised deductions, 291 (1.63 per cent.) to improper maintenance of registers, 344 (1.93 per cent.) to irregular imposition of fines, 93 (0.52 per cent.) to irregular deductions for damage or loss, 12 (0.07 per cent.) to irregular recovery of advances and the remaining 1,195 (6.71 per cent.) cases related to miscellaneous irregularities.

Out of 3,283 irregularities detected in respect of Railway Contractors' Establishments, 1,795 (54.68 per cent.) related to non-maintenance of registers, 1,029 (31.34 per cent.) to non-display of notices, etc., 18 (0.55 per cent.) to improper maintenance of registers, 137 (4.17 per cent.) to non-payment of wages, 21 (0.64 per cent.) to delayed payment of wages, 5 (0.15 per cent.) to recovery of advance, 5 (0.15 per cent.) related to unauthorised deductions, and the remaining 273 (8.32 per cent.) cases related to miscellaneous irregularities.

Rectification of Irregularities.- As many as 6,989 irregularities were pending rectification in Railway Administration at the end of calendar year 1963 and 17,835 irregularities were detected during the calendar year 1964, thus making a total of 24,824 for rectification. Of these, 18,018 (72.58 per cent.) irregularities were rectified during the year under report leaving a balance of 6,806 (27.42 per cent.) irregularities for rectification at the end of the year. Out of 18,018 irregularities rectified, 10,528 (58.43 per cent.) were rectified within three months, 3,151 (17.49 per cent.) within three to six months, 3,710 (20.59 per cent.) within six to nine months, 554 (3.07 per cent.) within nine to twelve months and 75 (0.42 per cent.) within a period of more than one year.

As regards rectifications of irregularities noticed in respect of Railway Contractors' Establishments, 635 irregularities were pending rectification at the end of the calendar year 1963 and 3,283 irregularities were detected during the year under report, thus making a total of 3,918 irregularities for rectification. Of these 2,741 (69.96 per cent.) irregularities were rectified during the year under report, leaving a balance of 1,177 (30.04 per cent.) for rectification at the end of the year under report. Out of 2,741 irregularities rectified, 2,003 (73.07 per cent.) were rectified within three months, 511 (18.64 per cent.) within three to six months, 129 (4.71 per cent.) were rectified with a period of six to

nine months, and the remaining 98 (3.58 per cent.) were rectified within a period of nine to twelve months.

Fines and Deductions.- As authorised under Section 8 of the Act, fines were imposed in 9,711 cases in respect of Railway Establishments involving an amount of Rs.63,577.98 during the year under report. The amount of fines realised is credited to the Staff Benefit Fund and the disbursements from the Fund during this year amounted to Rs.1,964,654.43 (Railway Establishments).

In respect of Railway Establishments deductions amounting to Rs.125.19 and Rs.109,330.90 were made from wages on account of absence and damage to or loss of goods in 3 and 8,602 cases respectively during the year under report.

As regards Contractors' Establishments fines amounting to Rs.92.50 were imposed in 16 cases and deductions amounting to Rs.191.07 were made in 17 cases.

Claims.- At the end of previous calendar year, 2,724 applications were pending before the authorities and 2,026 applications - 2,022 in respect of Railway employees and 4 in respect of Railway Contractors' employees - were filed in 1964, making a total of 4,750 applications for disposal before the authorities. Of these, only 2,171 applications involving 2,338 employees were decided during the year and 2,579 applications remained pending at the end of the year. Out of the total amount of Rs.1,422,967.50, claimed as wages in these 2,171 applications, a sum of Rs.21,469.40 was awarded. Of the total amount of Rs.277,357.51 claimed as compensation in these 2,171 applications only a sum of Rs.15,411.16 was awarded as compensation during 1964.

Prosecutions.- At the end of the previous calendar year 20(R) prosecution cases were pending against Railway Contractors and 56 cases were filed during the year under report, thus making a total of 76 cases of prosecutions. Of these, 54 cases were decided during the year (all these cases resulted in convictions). The total amount of fines imposed by the courts in these 54 cases of conviction was Rs.1,840.00. One appeal against the decision of the lower court was filed by the employer during the year under report and the same was allowed. Twentytwo prosecutions cases were pending with the courts at the end of the year.

Employment and Wages.- The total average daily number of persons employed on Railways (excluding Railway Factories) covered by the Act was approximately 1.16 millions (does not include figures in respect of N.E. Railway and Madras Port and Trust Railway due to non-receipt of returns from them) and the gross amount of wages paid to persons drawing on an average less than Rs.400 per month during a wage period was Rs.1,741,280,108.94 during the year under report.

As regards Contractors' Establishments annual returns were received only from 203 out of 822 such establishments. The average daily employment and the total wages paid to persons drawing below Rs.400 per month during the year under report in these 203 Contractors' Establishments were 16,883 and Rs. 14,300,722.84 respectively.

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Maharashtra: Minimum Wages Act, 1948, extended
to Employment in Brick or Roof Tiles Manufactory.

In exercise of the powers conferred under the Minimum Wages Act, 1948, the Government of Maharashtra has, with effect from 1 November 1966, added the following employment to Part I of the Schedule to the said Act.

"24. Employment in any brick or roof tiles Manufactory".

(Maharashtra Government Gazette,
Part I-6, 3 November 1966, page 3629).

Chapter 4. Problems Peculiar to Certain Branches of
the National Economy

44. Merchant Marine and Fisheries.

India - November-December 1966.

Meeting of the Informal Consultative Committee
of Parliament held at New Delhi, 23 November,
1966: Port Workers granted ex-gratia payment.

Shri Jagjivan Ram, Union Labour Minister told the Informal Consultative Committee of Parliament at its meeting held at New Delhi on 23 November 1966 that the Government has decided to make ex-gratia payment to port employees in lieu of bonus. As regards dock workers, although they were not entitled to any bonus, payments were being made under some bilateral agreements in Calcutta, Bombay, Madras and Cochin and this procedure might be extended to other major ports.

(For details please see paragraph 34, page 24 of this Report).

(The Statesman, 24 November, 1966).

CHAPTER 5. WORKING CONDITIONS AND LIVING
STANDARDS.

INDIA -- NOVEMBER-DECEMBER 1966.

50. General.

Mysore Shops and Commercial Establishments
(Amendment) Bill, 1966.

The Government of Mysore published on 22 November 1966 the text of the Mysore Shops and Commercial Establishments (Amendment) Bill, 1966, which was introduced in the Legislative Assembly of the State on 22 November 1966. The Statement of Objects and Reasons appended to the Bill declares that according to sub-section(2) of section 39 of the Act, all appeals by employees removed or dismissed from service lie to the prescribed authority or if no authority is prescribed, to the Commissioner of Labour. This means that only one appellate authority for the entire State has to deal with the appeals involving much difficulty and inconvenience to all persons concerned. It is considered necessary to amend the Act to provide for appeals to different authorities in different places depending on the area from which the appeal arises and the class or category to which an establishment belongs. It is also considered necessary to provide for the transfer of appeals under section 39(2) pending before the Commissioner of ~~Labour~~ Labour to the appropriate appellate authority.

The Bill accordingly seeks to amend sec.39 of the Act by providing that in sub-section(2), for the words "prescribed authority or if no authority is prescribed to the Commissioner of Labour", the words "such officers having jurisdiction over such areas or such classes of employees as may be prescribed" shall be substituted.

Provision is also made that in respect of an order under sub-section(1) of section 39 of the principal Act made before the date of commencement of this Act (hereinafter in this section referred to as the said date) no appeal shall lie to the Commissioner of Labour after the said date, but an appeal shall lie to the appropriate appellate authority prescribed under sub-section(2) of the said section.

All appeals and proceedings connected therewith in respect of orders referred to in sub-section(1), pending on the said date before the Commissioner of Labour shall on the said date stand transferred to the appropriate appellate authority referred to in sub-section(1) and shall be disposed of by such authority in accordance with law as if such appeals or proceedings had been preferred to that authority.

(Mysore Gazette, Extraordinary,
Part IV-Section 2A, 22 November 1966,
pp. 1-4).

Andhra Pradesh Shops and Establishments Act, 1966
(Act No.15 of 1966).

The Government of Andhra Pradesh gazetted on 21 November 1966 the text of the Andhra Pradesh Shops and Establishments Act, 1966, as passed by the Andhra Pradesh Legislature. The Act which received the assent of the President on 27 October 1966, consolidates and amends the law relating to the regulation of conditions of work and employment in shops, commercial establishments, restaurants, theatres and other establishments. The salient provisions of the Act are summarised below.

Extent and application.- The Act extends to the whole of the State of Andhra Pradesh and shall come into force on a date to be appointed by the Government. It applies in the first instance, to all areas in which the Andhra Pradesh (Andhra Area) Shops and Establishments Act 1947 and the Andhra Pradesh (Telangana Area) Shops and Establishments Act, 1951 were in force immediately before the commencement of this Act and to such other areas in the State on such date as the Government may, by notification, specify.

Registration of Establishments.- Every employer of an establishment shall, (i) in the case of an establishment existing on the date of commencement of this Act, within thirty days from that date, and (ii) in the case of a new establishment, within thirty days from the date on which the establishment commences its work, send to the Inspector concerned a statement containing such particulars, together with such fees as may be prescribed.

On receipt of such statement, the Inspector shall register the establishment in the register of establishments in such manner as may be prescribed and shall issue in the prescribed form a registration certificate to the employer who shall display it at a prominent place of the establishment.

Opening and closing hours.- No shop shall on any day be opened earlier or closed later than such hour as may, after previous publication, be fixed by the Government by a general or special order in that behalf.

The Government may, fix different hours for different classes of shops or for different areas or for different times of the year.

Hours of work.- No employee in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week; provided that the total number of hours of work including over-time shall not exceed ~~eleven~~ eleven hours in any day 'except' with the previous intimation to the Inspector, on days of stock-taking and preparation of accounts, not exceeding six days' and in the aggregate fifty-four hours in any week: provided further that the total number of hours of over-time work of an employee does not exceed fifty in a quarter of a year.

No employee in any shop shall be required or allowed to work therein for more than five hours in any day unless he has had an interval for rest of at least one hour.

The periods of work of an employee in a shop shall be so arranged that, along with his intervals for rest, they shall not spread over more than twelve hours in any day.

Holidays.- Every shop shall remain closed on every Sunday which shall be a holiday for every employee in the shop. The Government may, require in respect of any specified class of shops that they shall, in addition to Sunday, be closed at such hour in the afternoon of one week-day in every week as may be fixed by the Government.

No deduction shall be made from the wages of any employee in a shop on account of any Sunday or part of a day on which it has remained closed.

Establishments other than Shops.- No employee in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week.

The total number of hours of work including over-time, shall not exceed eleven hours in any day, except with the previous intimation to the Inspector on days of stock-taking and preparation of accounts, and in the aggregate fifty-four hours in any week.

The total number of hours of over-time worked by an employee does not exceed in a quarter of a year -

(a) sixty, in the case of an employee in any theatre; (b) fifty, in the case of an employee in any other establishment.

Employment of Children and Young Persons.- No child (below 14 years of age) shall be required ~~to~~ or allowed to work in any establishment. No young person (under 18 years of age) shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m.

No young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week nor shall such person be allowed to work over-time.

Maternity benefit.- Every woman who has been for a period of not less than six months preceding the date of her delivery, in continuous employment of the same employer, whether in the same or different shops or commercial establishments, shall be entitled to receive from her employer for the period of -

(a) six weeks immediately preceding the day of delivery; and

(b) six weeks following the day of delivery; such maternity benefit and in such manner as may be prescribed.

The periods of absence from duty in respect of which a woman employee is entitled to maternity benefit, shall be treated as authorised absence from duty, and the woman employee shall be entitled to maternity benefit, but not to any wages for any of those periods.

Health and Safety.- The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed.

In every establishment, other than ^ashop, such precautions against fire shall be taken as may be prescribed. If power-driven machinery is used, or any process which, in the opinion of the Government, is likely to expose any employee to a serious risk of bodily injury is carried on, in any establishment other than a shop such precautions including the keeping of first aid box shall be taken by the employer for the safety of the employees therein, as may be prescribed.

Holiday with Pay.- Every employee who has served for a period of two hundred and forty days or more during a continuous period of twelve months in any establishment shall be entitled during the subsequent period of twelve months, to leave with ~~pay~~ wages for a period of fifteen days, provided that such leave with wages may be accumulated upto a maximum period of forty-five days.

Every employee in any establishment shall also be entitled during his first twelve months of continuous service and during every subsequent twelve months of such service (a) to leave with wages for a period not exceeding twelve days, on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period of not exceeding twelve days on any reasonable ground.

Every employee in any establishment shall also be entitled to seven holidays in a year with wages on the days to be specified by notification, from time to time, by the Government which shall include the 26th January (Republic Day), 15th August (Independence Day) and 2nd October (Gandhi Jayanti); and on every such holiday, the establishment shall remain closed.

Such compensatory holidays shall not exceed seven in a year.

Wages.- Every employer shall fix periods in respect of which such wages shall be payable.

No wage-period shall exceed one month.

Where any employee in any establishment is required to work over-time, he shall be entitled, in respect of such over-time work, to wages at twice the ordinary rate of wages.

The wages of every employee shall be paid before the expiry of the fifth day after the last day of the wage-period in respect of which the wages are payable.

Where the service of any employee is terminated by or on behalf of the employer, the wages earned by such employee shall be paid before the expiration of the second working day from the day on which his employment is terminated.

Deduction from wages of an employee may be of the following kinds only:

(a) fines and other penalties lawfully imposed;

(b) deductions for absence from duty;

(c) deductions for damages to, or loss of, goods expressly entrusted to the employee for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(d) deductions for house accommodation provided by the employer;

(e) deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise;

(f) deductions for recovery of advances or for adjustment or overpayments of wages;

(g) deductions of income-tax or profession tax payable by the employees;

(h) deductions required to be made by order of a court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from, any provident Fund.

(j) deductions for payments to co-operative societies approved in this behalf by the Government;

(k) deductions made with the written authorisation of the employee in furtherance of any savings scheme approved by the Government or the purchase of securities of the Central or State Government.

Termination.— No employer shall without a reasonable cause and except for misconduct, terminate the service of an employee who has been in his employment continuously for a period of not less than six months without giving such employee, at least one month's notice in writing or wages in lieu thereof and a gratuity amounting to fifteen days average wages for each year of continuous employment.

Social Security.— The provisions of the Workmen's Compensation Act, 1923, and the rules thereunder shall, so far as they may be, apply to every employee to whom this Act applies.

Other provisions of the Act deal inter alia with appointment, powers and duties of the authority to hear and decide claims relating to wages, etc. of employees in establishments, appointment, powers and duties of the Chief Inspector and Inspectors, penalties for offences, maintenance of registers and records, and exemptions.

(Andhra Pradesh Gazette, Part IV-B,
Extraordinary, 21 November 1966,
pp. 1-42).

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52. Workers' Welfare, Recreation and Workers' Education.

India - November-December 1966.

Annual Report on the Working of the Hours of Employment Regulations (Railways) for 1964-65*.

A summary of the Annual Report on the Working of the Hours of Employment Regulations (Railways) for the year 1964-65 has been published in November 1966 issue of the Indian Labour Journal.

Introduction.- The Hours of Employment Regulations (Railways) provide for classification of employment of railway servants and making temporary exemptions therefrom, appointment and powers of Railway Labour Supervisors, appeal against classification of employment of railway servants, specification of categories of excluded staff, prescription of periods of rest up to a maximum of three days for specific categories of workmen, compensatory periods of rest for exempted railway servants under rule 6, maintenance of registers of extra hours worked in prescribed form, display of rules and notices and submission of annual returns. The Regulations are applicable to all classes of railway servants excepting those governed by the Factories Act, 1948, the Mines Act, 1952 and the Merchant Shipping Act, 1958 and those who are specifically excluded from the purview of the Regulations.

Administration.- The Chief Labour Commissioner (Central), Deputy Chief Labour Commissioner (Central), Regional Labour Commissioners and Conciliation Officers (Central) have been appointed as "Supervisors" of railway labour under the Indian Railways Act, 1890. The Labour Inspectors stationed all over the country assist the Regional Labour Commissioners and Conciliation Officers in the discharge of their duties as Supervisors and carry out inspections on their behalf. There were 7 Regional Labour Commissioners, 31 Conciliation Officers and 104 Labour Inspectors.

* Indian Labour Journal, Vol. VII, No. 11, November 1966, pp. 1048-1052.

Classification of Railway Employees.- The peculiar nature of employment in railways requiring round-the-clock service and the widely varying intensity of operations on different sections of the Railways, have necessitated classification of employees under different categories with varying hours of work and periods of rest. The General Managers of Railways, have been empowered to classify railway servants under one or the other of the four categories, namely (1) Intensive, (2) Continuous, (3) Essentially Intermittent and (4) Excluded.

Enforcement - (i) Method of Inspection.- The Conciliation Officers and Regional Labour Commissioners besides conducting some original inspections, also test check the inspections of Labour Inspectors. Minor irregularities such as non-display of abstract of the Regulations, working beyond scheduled hours or during rest periods, non-maintenance of registers and records, performance of continued night duty, etc., are taken up directly by the Inspecting Officers with the concerned officers of the Railway Administration. Cases of wrong classification and other major-irregularities are referred by the Inspecting Officers to the Regional Labour Commissioners for scrutiny and necessary action. Officers of the Industrial Relations Machinery keep themselves in close touch with the Railway Authorities at different levels and seek co-operation in rectifying the irregularities.

(ii) Classification of Employees.- As classification of railway servants under the Regulations is of primary importance to them, Officers of the Industrial Relations Machinery (mentioned in paragraph 2) continued to pay special attention to this matter. Cases of incorrect or doubtful classification reported by the Inspecting Officers are scrutinised by the Regional Labour Commissioners and thereafter submitted to General Managers of Railways concerned for consideration and necessary action. In such cases, differences of opinion do arise between the Officers of Industrial Relations Machinery and those of Railway Administration. In order to resolve them, joint inspections are sometimes carried out by them. Out of 503 cases (196 cases pending from the preceding year and 307 cases for the year under review) of disputed classification referred to the Railway Administration, the Administration accepted the suggestions of the Inspecting Officers in 108 cases, contested 99 cases and the remaining 296 cases were pending at the end of the year.

Inspections and Irregularities.- During the year under review, 9,834 establishments were inspected as against 8,026 establishments during the previous year. The number of irregularities detected were 85,691 as against 65,360 during the previous year.

Rectification of Irregularities.- All the irregularities detected by the Officers of the Industrial Relations Machinery were taken up with the Railway Administration for rectification. Out of the total of 107,264 irregularities (including 21,503 irregularities for the previous year), the Railway Administration rectified 74,260 (69.23 per cent.) irregularities during the year under report leaving a balance of 33,004 (30.77 per cent.) irregularities.

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56. Labour Administration.

India - November-December 1966.

Madras: Working of the Plantations Labour Act, 1951 in the State of Madras for the Year 1964*.

The following information about the Working of the Plantations Labour Act in Madras is taken from the annual report on the Act for the year 1964.

Extent and application.- The Act applies to all coffee, tea, rubber, cinchona and cardamom plantations of 10.117 hectares (25 acres) or more in area and on which 30 or more persons are employed or were employed on any day of the preceding 12 months. During the year under report, 289 plantations employing 71,384 workers were under the scope of the Act.

Consequent on the coming into force of the provisions of the Plantations Labour (Amendment) Act, 1960 on 21 November 1960, which conferred on the State Government powers for notifying those plantations, which were fragmented. ~~on~~ or after 1 April 1954 to evading the implementation of the provisions of the Act, notwithstanding that (a) it admeasures less than 10.117 hectares or (b) the number of persons employed therein is less than 30 persons, the provisions of the Plantations Labour Act, 1951 were made applicable to 29 estates. No additions were made during the year 1964.

Eighty-three per cent. of the plantations submitted annual returns ~~in~~ times during the year.

* Report of the Working of the Plantations Labour Act, 1951 in the State of Madras for the year 1964: Government of Madras, 1966: pp. 3+1, Price Rs.1.10P.

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Employment.- There were 136 coffee plantations employing 10,211 workers; 129 tea plantations employing 56,990 workers; 17 rubber plantations employing 2,201 workers; 2 cinchona plantations employing 1,597 workers; and 5 cardamom plantations employing 385 workers covered by the Act, during the year under report.

During the year under report, 60 plantations worked with less than 30 workers, 24 plantations employed 30 or more but less than 50 workers; 36 plantations employed 50 or more but less than 500 workers; 38 plantations employed 599 or more but less than 1,000 workers; and 16 plantations employed 1,000 or more but less than 5,000 workers. Returns were not received from the remaining 49 estates.

Two plantations have worked for less than 10 days, one plantation for more than 60 days, but not more than 120 days, 7 estates for more than 180 days but not more than 240 days, 77 plantations for more than 240 days but not more than 300 days, and 153 estates for more than 300 days. Returns were not received from the remaining 49 estates.

Madras Plantations Labour Rules, 1955.- The provisions of the Madras Plantations Labour Rules, 1955, except those of rules 29 and 30 relating to canteen and rules 37 to 42 relating to educational facilities continued to be enforced by the five Inspectors of Plantations during the year 1964.

Provisions relating to Health.- (i) Drinking Water.- The management of all plantations covered by the Plantations Labour Act, 1951, have provided drinking water facilities to their workers by providing either taps or wells. The Chief Inspector of Plantations has approved the sources of water-supply in respect of 6 plantations during the year 1964.

(ii) Conservancy.- As required by the Madras Plantations Labour Rules, 1955, latrines are provided near the worker's houses, weighing and muster sheds at the office on all plantations.

(iii) Medical facilities.- During the year under report, the Government approved seventy-seven (77) schemes finally. The revised standards prescribed by the Government in Memorandum No.297. Industries Labour and Co-operation dated 6 September 1960, were approved by the Industrial Committee on Plantations at its meeting held at New Delhi on 30 and 31 October 1964 and the Government of India have given their concurrence, for this, Government to approve the medical scheme of small estates on the above basis.

Welfare provisions Canteens.- Rules 29 and 30 of the Madras Plantations Labour Rules, 1955, provide for the provision of one or more canteens with facilities for sale of coffee, tea and snacks to workers on a no-profit basis, on every plantation where in 150 workers or more ordinarily employed. Although these rules were notified to come into force on and from 1 December 1958, the enforcement of this provisions has been deferred till the other more important provisions of the Act are complied with.

Creches.- Plantations on which fifty or more women workers are employed or were employed on any one day of the preceding 12 months, are required to provide and maintain creches under rule 31 of the Madras Plantations Labour Rules, 1955, in accordance with the standards laid down under the Rules. These creches should have suitable wash rooms and latrines for the use of the workers' children aged below 6 years. During the year under report, plans for the construction of creches were received from 9 planters and approved by the Chief Inspector of plantations as required under the rule 31 of the Madras Plantations Labour Rules, 1955.

Recreational and Educational Facilities.- Planters are required to maintain and run schools for the benefit of workers' children as prescribed under rules 35 to 42 of the Madras Plantations Labour ~~Labour~~ Rules, 1955. The enforcement of the provision has however been deferred for the time being, to enable the small planters to comply with the other important provisions of the Act first.

Housing accommodation.- Planters have provided 28,065 houses (newly constructed and renovated) conforming to the prescribed standards, up to the end of the year under report. Planters have yet to provide 5,009 houses to the resident workers under the Act. Plans for the proposed construction of labour quarters were received from 10 planters during the year under report. In the Third Five-Year Plan a provision of 500,000 rupees was made for the purpose of construction of houses by planters. During the year under report, no amount was disbursed to planters due to the National Emergency.

Hours of employment.- Maximum weekly hours of work for adult worker are restricted to 54 and in respect of adolescents and children to 40. Employment of children below 12-years of age and of women ~~above~~ between 7 p.m. and 6 a.m. have been prohibited.

Leave with wages.- During the year under report, leave with wages were granted to 30,166 men, 37,326 women, 1,403 adolescents and 234 children of whom 1,054 men, 212 women, 47 adolescents and 2 children were granted leave amounting to 30 days.

Sickness and maternity benefits.- During the year under report, 5,106 workers were paid sickness allowance amounting to Rs.35,042.99. A sum of Rs.284,029.40 was paid as maternity benefit in respect of 5,573 claims as against Rs.365,857.33 in respect of 6,870 claims in the previous year. Two workers died before confinement and 6 other after confinement.

Inspections.- Inspectors appointed under the Act inspected 8 plantations thrice, 107 plantations twice and 233 plantations once and one plantation was left uninspected. Besides, the inspectors have made 649 Sunday, surprise and night visits during the year.

Complaints.- Two hundred ninety-two complaints were received relating to non-compliance with certain provisions of the Act, of which 233 cases were disposed of and 95 cases were pending at the end of the year under report.

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Uttar Pradesh: Working of the Plantations Labour Act, 1951 in Uttar Pradesh for the Year 1963*.

The following information about the working of the Plantations Labour Act in Uttar Pradesh is taken from the annual report on the Act for the year 1963.

Extent and application.- The provisions of the Plantations Labour Act, 1951 and rules made thereunder were made applicable during the year 1963 to 17 tea plantations situated in this State. Out of these the statistical data in respect of 15 tea plantations could be received as 2 plantations were reported to have closed. At present out of the 17 tea plantations 16 are situated in the District of Dehra Dun and the remaining one at Pithoragarh.

Employment.- The following table gives the comparative figures of total average daily employment for the years 1962 and 1963. The statement appended to the report in the prescribed Form No.16 contains complete details for the year under report:

Year	Total No. of tea plantations at the beginning of the year.	Total No. of tea plantations at the end of the year.	Total No. of tea plantations at submitting returns.	Average No. of workers employed daily				Total
				Adult		Adolescent		
				Men	Women	Male	Female	
1	2	3	4	5	6	7	8	9
1962 --	17	17	16	616	964	12	21	1,613
1963 --	17	17	15	564	894	54	20	1,532

The table shows that the average employment of workers has slightly decreased during the year under review as compared to the preceding year which appears to be due to the closure of one more plantation, employing more than 100 workmen in 1962. There has been some increase in average daily employment of male adolescent workers during the year under review.

* Annual Report of the Working of Plantations Labour Act, 1951 for the Year 1963: Allahabad: Superintendent, Printing and Stationery, Uttar Pradesh, India, 1965: Price Rs.1.50; pp.17.

Medical Provisions.- Out of 17 tea plantations which were amenable to the Provisions of the Plantations Labour Act and Rules made thereunder 15 plantations submitted half yearly progress report on the medical provisions in the prescribed form No.22 for the period ending 31 December 1963. The remaining two Plantations Messrs. Annfield and Ambari Tea Estates are reported to have been lying closed since 1962.

Out of 15 tea plantations submitting returns, 12 have reported to have been maintaining and providing the medical facilities as prescribed under the rules and three tea plantations are providing partial medical facilities.

Out of 12 tea plantations referred to above 9 are reported to have been maintaining garden dispensary as required in sub-rule(i) of rule 24 of the rules and two plantations maintained garden Hospital. The remaining one plantation (of Pithoragarh) there is a Zila Parishad dispensary where the patients of their plantations were treated free of charge. The three plantations reported in para above are providing medical facilities according to the recommendations of the Advisory Board. They are maintaining first aid boxes under immediate care of a trained first aider and the services of a qualified doctor are also made available daily for an hour and the patients seriously ill, if any are sent to Civil Hospital, Dehra Dun or Lahman Hospital, Choharpur, Dehra Dun at the cost of the employers.

Welfare Provisions.- The question in regard to the enforcement of the provisions of rule 14 to 22 and 33 to 45 concerning sanitation, canteen, creche, educational and recreational facilities, which have were not enforced along with other Rules of the U.P. Plantation Labour Rules, 1957, was again discussed in the sixth meeting of the Advisory Board held on 19 November and 20 November 1963 at Dehra Dun and it was decided that only facilities for indoor games ~~and~~ may be provided for the present and the scale of expenditure should be as under:

- (a) Plantations employing up to 100 workers--
Rs.50 per year.
- (b) Plantations employing 101 to 200 workers--
Rs.75 per year.
- (c) Plantations employing 201 to 300 workers--
Rs.100 per year.
- (d) Plantations employing more than 300 workers--
Existing facilities.

It was ~~felt~~ felt that the provision of canteen and educational facilities was not needed at the present stage. It was also decided that the position regarding creches would be reviewed after 6 months and thereafter the Board would take a decision regarding the enforcement of rules for the provision of creches.

Out of 17 tea plantations only 6 have furnished information in respect of maintenance of creche.

No progress has been made towards maintenance of ~~canteens~~ canteens as provided under the rules. The main hindrance in this regard seems to be the apathy of the workers as they do not take any interest in patronising the canteen.

Housing Provisions.- The provisions of rule 46 of the rules require that every employer shall provide housing accommodation to the workers and their families as near to the place of work as possible according to the standards and specifications laid down under rule 57 of the Rules. The practical difficulties pointed out by the employers in this regard were discussed by the Advisory Board in the 6th meeting at Dehra Dun on 19 and 20 November 1963 to consider ways and means to enforce the relevant provisions.

Progress regarding construction of new houses and modification of existing houses was considered in the meeting of the above Advisory Board. There was extremely poor progress regarding construction of houses for resident workers. Even repairs and remodelling as recommended by the Sub-Committee appointed last year had not been completed by most of the employers. The employers members gave an assurance on behalf of the all managements of tea industry in Dehra Dun that the requisite repairs would be completed by 31 March 1964 at the latest. It was further decided that 5 per cent. of the requirement of quarters for resident workers may be got constructed next year.

Maternity Benefit Provisions.- Out of 1,724 women claims in respect of 161 women workers regarding maternity benefit were allowed and a sum of Rs.8,529.92 was paid to them. The statement appended to the report in the prescribed Form No.20 contains complete details in this behalf.

Sickness Benefit Provisions.- Claims amounting to Rs.10,612.23 were allowed to 1,312 persons who applied for sickness benefits. A statement in the prescribed Form No.21 appended to this report contains necessary data in this behalf.

Leave with Wages.- Out of the total of 2,852 persons employed during the year under review 1,755 persons were allowed leave with wages of which 183 persons were granted leave for 30 days. The following table ~~is~~ and statement in the prescribed Form No.17 contains details on this subject:

1	Adults		Adolescent	Children
	Men	Women		
2	3	4	5	
1.Total number of persons employed during the year under report. ----	944	1,724	..	184
2.Granted leave with wages.	706	1,037	..	12
3.Granted leave for 30 days.	63	120

Inspection and Prosecutions.- Eighty-one inspections were carried out during the period under report as compared to 52 during 1962. The Inspector of plantations also paid surprise visits to 6 small plantations with a view to finding out their amenability to the aforesaid Act and Rules. Out of 17 tea plantations amenable to the Act and Rules one plantation was visited sixteen times, three plantations were visited fourteen times each, one plantation was visited thirteen times, another plantation was visited twelve times and the remaining eleven plantations were visited from one to eleven times.

The Inspector of Plantations also made 36 inspections in 17 tea plantations for checking the compliance under the Payment of Wages Act, 1936 and Rules, made thereunder which are also applicable to those plantations. In most of the cases persuasive and educative methods were adopted and breaches were pointed out to the employers for rectification.

Fifteen complaints were received by the Inspector of Plantations during the year. Out of these 9 complaints were under the Plantations Labour Act, 1951 and Rules and 6 complaints were in regard to deductions and delay in payment of wages. Necessary enquiries into these complaints were made and suitable action was taken. No complaints remained pending at the close of the year.

Five prosecutions were launched against 4 tea plantations for contravening the provisions of the Plantations Labour Act, 1951 and Rules made thereunder. Four prosecutions related to the contravention of the provisions of rule 71 about distribution of blankets to the workers free of cost and the remaining one case was launched for the breach of rules 72, 73 and 85. Two cases were decided during the year under report and three cases remained pending at the end of the year. Both the cases resulted into convictions and a fine of Rs.10 each was imposed.

Two prosecutions pending for disposal at the end of the previous year were also decided during the period under report. In one case fine of Rs.200 was imposed and one case warning was issued. These cases mainly related to breaches of Rules 73, 85 and 86 for non-maintenance of notice board, non-maintenance of record and non-furnishing of returns.

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Madras: Working of the Factories Act 1948
during the year 1963*.

The following information about the working of the Factories Act in Madras during 1963 is taken from the annual report of the Commissioner of Labour (Factories) Madras, for 1963.

Coverage.— During the year under report the Factories Act, 1948 applied to all power factories employing ten or more persons and all non-power factories employing twenty or more persons. By the notification issued during 1962 by Government, the Act was extended under Section 85(i) of the Act to some categories of small power factories such as Minor Engineering Industries, Rice Mills, Oil Mills, etc., employing less than 10 workers.

At the beginning of the year 1963, there were 6,457 factories on the registers. During the year 446 factories were brought on the registers and 331 factories were removed from the registers.

Under Section 87 of the Factories Act, 1948, read with Rule 95 of the Madras Factories Rules, 1950, Government have declared the following operations carried on in factories as dangerous: (i) ~~Electro~~ Manufacture of aerated waters and processes incidental thereto. (ii) Electrolytic Plating or Oxidation of metal articles by the use of electrolyte containing chromic acid or other chromium compounds. (iii) Manufacture and repair of electric accumulators. (iv) Glass manufacture. (v) Grinding and Glazing of metals. (vi) Generating petrol gas from petrol. (vii) Manufacture and treatment of lead and certain compounds of lead. (viii) Cleaning and smoothening of articles by a jet or sand, metal shot or grit or other abressive propelled by a blast of compressed air or steam. (ix) Liming and tanning of raw hides and skins and processes incidental thereto. (x) Cellulose spraying. (xi) Graphite powdering and incidental processes. (xii) Certain lead processes carried on in printing presses ~~processes~~ and type foundaries. (xiii) Cashewnut processing. (xiv) Dyeing, stencilling and painting of mats, matings, and carpets in coir and fibre factories. (xv) Pottery and ceramic industry. (xvi) Chemical works. (xvii) Manufacture of Dichromates.

* Report on the Working of the Factories Act, 1948 in the State of Madras for the Year 1963: Government of Madras 1966: Price Rs. 22.40, pp. 154+2.

There were 972 factories of the above categories in the State and the average daily number of workers employed in them was, 47,948 during 1963.

Employment.— The average daily number of workers employed in 6,365 factories which were in commission at the end of the year was 352,563.

All the Units from which prescribed returns were received have worked 95,212,269 man-days.

There were 242 factories in the Public Sector (Government and Local Fund Factories) at the end of the year employing an average daily number of 54,175 workers as against 233 factories employing 49,175 workers in the previous year.

The number of factories in Commission and the total number of workers employed therein are given below:—

	Numb- er.	Number of persons employed
1. Factories using power and employing 10 or more persons (Section 2m(i)). ----	4,337	328,368
2. Factories not using power but employing 20 or more persons (Section 2m(ii)). ---	420	17,533
3. Minor factories employing less than 10 workers with power and less than 20 workers without power(notified under Section 85(i)). ----	1,608	6,662
<u>Total</u> - Factories = 6,365		
Workers = 352,563		

Health and Safety.— As in previous years particular attention was paid by Inspectors of Factories to safeguard the general health of the workers and to protect them against occupational and industrial diseases.

Generally a fair standard of sanitation and cleanliness has been noticed in almost all factories.

Adequate steps were taken to mitigate dust, fumes, mists, gases and vapours in Factories wherever necessary. In work rooms where there is an evolution of dust, fumes, vapours, mists or gases besides improving general ventilation, suggestions have been given to provide Local Exhaust ventilation to collect the dust, fumes or vapours at source and dispose them suitably. In factories where contaminants are highly dangerous, fumes cup-boards have been suggested for separating the entire process and exhaust the fumes. In some chemical factories and in other factories where fumes or dust are evolved in the process air sampling studies have been conducted with the help of the Regional Labour Institute, Madras to assess the degree of concentration of the dust or fumes in the atmosphere so that protection method for the workers can be planned. Surveys have been conducted in factories to find out the adequacy and suitability of personal protective equipment supplied to workers working in areas where they are exposed to dust, fumes, mists, vapours and gases. Wherever such protective equipment are not being supplied, instructions are issued for the supply on the basis of such surveys. In processes where the contaminants are highly dangerous, regulations of the working hours of the workers exposed to the fumes, dust, vapours, mists and gases have been introduced in such a way that no worker inhales the contaminants to an extent greater than the safe level.

Fencing and guarding of machinery continued to receive the active attention of the Inspectorate, with the result, that the fencing of dangerous parts of machinery, etc., was fairly satisfactory.

Hours of Work.- A majority of the factories worked on the 48 hours week basis with a working day of 8 hours ~~each~~ each. Compliance with the provisions of the Act relating to hours of work was generally found to be satisfactory. Irregular employment beyond scheduled working hours or on weekly holidays, etc., was checked and curtailed by surprise visits.

Weekly Holidays.- Sundays or substituted weekly holidays were observed as weekly holidays in all the factories except those engaged in continuous processes and hence exempted from section 52. Compensatory holidays for the weekly holidays so lost were given in all such cases as required by section 53 of the Act.

Wages and Labour Welfare.- The report gives the wages rate prevalent for the various categories of workers in the various industries in the State and details of welfare amenities like washing, canteens, medical facilities and education.

Accidents.- During 1963 the total number of reported accidents was 17,235 of which 21 were fatal. The table below gives particulars of accidents from 1958, the rate of accidents per thousand workers and classification of accidents according to age and sex groups:-

Year	Rate of accidents per 1,000 workers.	Total number of accidents.	Accidents classified according to sex and age		
			Men	Women	Children
1	2	3	4	5	6
1958 --	51.9	16,571	16,484	87	--
1959 --	56.1	17,816	17,660	155	1
1960 --	52.1	16,680	16,563	117	--
1961 --	55.3	17,828	17,687	140	1
1962 --	54.2	18,224	18,097	115	12
1963 --	48.9	17,235	17,123	109	2

The total number of non-fatal accidents reported in during the year was 17,214 compared with 18,196 in 1962, has shown a decrease of 5.4 per cent. The number of fatal accidents which occurred in factories during the year was 21 compared with 20 during 1962, has shown an increase of 5 per cent.

The accident rate per 1,000 workers for the year 1963 is 48.9 per cent. as against 54.2 per cent. in the previous year.

The table below analyses all accidents with reference to their industrial origin:

(Please see table on the next page)

Industry	1962		1963	
	Fatal	Non-Fatal	Fatal	Non-Fatal
1	2	3	4	5
Cotton Ginning.	-	12	-	15
Rice Milling.	1	5	2	10
Sugar.	1	224	1	187
Oil Industry including				
Hydrogenated oil.	-	127	1	138
Tea Factories.	-	114	1	131
Sago factories.	-	-	-	-
Cotton Mills.	1	3,506	1	3,161
Silk Mills.	-	-	-	1
Wooden(Furniture and Fixtures).	1	43	-	45
Printing Presses.	-	158	-	158
Tanneries.	-	48	-	61
Chemicals excluding Matches.	2	814	-	819
Matches.	1	1,964	-	1,190
Cement.	-	280	-	307
Metal Products including				
Cutlery.	3	887	1	821
General Engineering.	2	1,548	-	1,548
Agricultural Implements.	-	278	1	425
Textile machinery.	-	168	-	178
Motor Vehicles(Transport).	1	3,590	-	2,872
Railway Workshops.	-	1,167	-	1,542
Coach Building.	-	503	-	312
Electric light and power.	2	80	2	83
*Other Industries.	5	2,688	11	3,210
Total.	20	18,204	21	17,214

* Other industries include food including beverages, non-metallic mineral products, electric accessories including repairs, cinema, studios and minor engineering like forgings, etc.

Fatal Accidents.- There were 21 fatal accidents during the year under report. These are detailed below causation-wise:-

Serial number and Causation.	Number of Fatal Accidents.
1	2
1.Machinery moved by power, belts ropes, etc.	2
2.Rollers of calendars, mixers, etc., 'Nip' accidents.	1
3.Machinery moved by power - Other Transport.	1
4.Other vehicles driven by power.	1
5.Electricity.	6
6.Explosion.	1
7.Struck by falling body.	3
8.Persons: Falling from a height.	5
9.Persons: Falling into pits, excavations.	1
	<u>21</u>

Analysis by Causation.— The analysis by causation of the accidents which occurred in factories, analysed into eight causation groups is shown in the table below:—

Causation	Years	
	1962	1963
1.Struck by falling body.	3,371	2,734
2.Stepping on or striking against object,	2,850	2,356
3.Power driven machinery.	3,340	2,970
4.Handling of goods.	3,350	3,384
5.Use of hand tool.	1,414	1,487
6.Persons falling.	775	763
7.Molten metal or other hot and corrosive substances.	810	767
8.Miscellaneous.	2,314	2,774
Total.	18,224	17,235

Of the fatal accidents reported, 29 per cent. of the accidents was due to electric shock.

Steps to Minimise the Rate of Accidents.— The Inspectors played increasingly prominent part in assisting and advising factory managements on the several problems, associated with industrial safety. To assist industry, supervisory personnel were trained in industrial safety and accident prevention work. The Department conducted 14 courses on industrial safety for managerial supervisors, workers and trade union officials and 175 factories deputed 365 persons for these courses. Safety circuits for inter plant visits were also formed. A booklet in Tamil, entitled "Rules for Prevention of Accidents" containing safety practices in general, was prepared, printed, and supplied to all factories in this State during the year under report.

Steps also have been taken for the collection of current literature on safety, available in other countries, and useful information on accident prevention is being distributed.

The formation of Safety Committees in various factories is gaining momentum. During the year, 35 such Committees were formed in addition to the 103 formed during the previous year. The Inspectors attended the meetings of these Committees periodically and tendered advice on practical accident prevention work.

Several talks on safety, with audio-visual aids, were given by the Officers of the department for benefit of the workers through the Workers' Education Programmes and otherwise.

Inspections.- Of the 6,572 factories on the registers at the end of the year 1963, 2,242 factories were inspected once; 3,120 factories were inspected twice; 451 factories were inspected thrice; and 38 factories were inspected more than three times. Thus 721 factories were not inspected during the year. Out of these, 207 were known to have been not in commission during the year. The factories numbering 299 under section 2m(i) and 2m(ii) and 422 under section 85(i) were left uninspected as some of the posts of Inspector of Factories and Assistant Inspectors of Factories were vacant for a long period. In addition to regular inspections, the Inspectors made, 2,757 Sunday, surprise, special and night visits. In addition, 1,289 inspections were made of establishments not covered by the Act (unregistered factories) to check their liability to come under the Act. This is exclusive of 446 establishments which were so visited and taken on the registers on the availability of proof of employment for registration. Eight hundred and ninety-one inspections were also made by the Officers of other Departments connected with the administration of the Factories Act.

Managers of 275 factories were prosecuted during the year (as against 289 prosecuted during 1962) for not complying with the various provisions of the Factories Act, 1948. Four hundred and seventy-seven prosecutions, in some cases more than one, were launched against factories of which 286 ended in conviction.

Madras Maternity Benefit Act, 1934.- The number of factories, which employed women during 1963 was 2,401, and the average daily number of women employed during this year was 45,937 (as against 2,421 and 43,284 respectively during the previous year). Seven hundred and seventy-seven claims were made for the grant of maternity benefits during the year as against 1,745 in 1962. One thousand six hundred and twenty-nine claims were accepted, and the total number of maternity benefit paid by the employers of women was Rs.89,376.63. Nine prosecutions against eight Managers of Factories were launched in the year of which seven cases involving six managers of factories were disposed of and a sum of Rs.85 was realised as fine.

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63. Individual Contracts of Employment.

India - November-December 1966.

Contract Labour (Regulation and Abolition)
Bill, 1966.

Shri Jagjivan Ram, Union Minister of Labour, Employment and Rehabilitation, introduced in the Lok Sabha on 1 November 1966 a Bill to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.

According to the Statement of Objects and Reasons appended to the Bill, the system of employment of contract labour lends itself to various abuses. The question of its abolition has been under the consideration of Government for a long time. In the Second-Five-Year-Plan, the Planning Commission made certain recommendations, namely, undertaking of studies to ascertain the extent of the problem of contract labour, progressive abolition of the system and improvement of service conditions of contract labour where the abolition was not possible. The matter was discussed at various meetings of Tripartite Committees at which the State Governments were also represented and the general consensus of opinion was that the system should be abolished wherever possible and practicable and that in cases where this system could not be abolished altogether, the working conditions of the contract labour should be regulated so as to ensure payment of wages and provision of essential amenities.

The proposed Bill aims at the abolition of contract labour in respect of such categories as may be notified by the appropriate Government in the light of certain criteria that have been laid down, and at regulating the service conditions of contract labour where abolition is not possible.

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The Bill provides for the setting up of Advisory boards of a tripartite character, representing various interests, to advise the Central and State Governments, in administering the legislation and registration of establishments and contractors. Under the scheme of the Bill, the provision and maintenance of certain basic welfare amenities for contract labour, like drinking water and first-aid facilities, and in certain cases rest-rooms and canteens, have been made obligatory. Provisions have also been made to guard against defaults in the matter of wage payment.

The salient provisions of the Bill are summarised below.

Extent of application.— The provisions of the Bill which will extend to the whole of India except the State of Jammu and Kashmir, will apply (a) to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour; (b) to every contractor who employs or who employed on any day of the preceding twelve ~~months~~ ^{twenty} months twenty or more workmen. The appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply ~~to~~ ^{the} provisions of this Act to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification. The provisions do not apply to establishments in which work only of an intermittent or casual nature is performed.

Advisory Boards.— The Bill provides for the setting up of advisory boards of a tripartite character, representing various interests to advise the Central and State Governments in administering the legislation and registration of establishments and contractors. The appropriate Government may after consultation with the Central Board or the State Board, prohibit employment of contract labour in any process, operation or other work in any establishment.

Welfare and Health of Contract Labour.— The appropriate Government may make rules requiring that in every establishment (a) to which this Act applies, (b) wherein work requiring employment of contract labour is likely to continue for such period as may be prescribed, and (c) wherein contract labour numbering one hundred or more is ordinarily employed by a contractor, one or more canteens shall be provided and maintained by the contractor for the use of such contract labour.

Such rules may ~~be~~ provide for (a) the date by which the canteens shall be provided; (b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens; and (c) the foodstuffs which may be served therein and the charges which may be made therefor.

In every place wherein contract labour is required to halt at night in connection with the work of an establishment (a) to which this Act applies; and (b) in which work requiring employment of contract labour is likely to continue for such period as may be prescribed, there shall be provided and maintained by the contractor for the use of the contract labour such number of rest-rooms or such other suitable alternative accommodation within such time as may be prescribed.

The rest-rooms or the alternative accommodation to be provided under sub-section shall be sufficiently lighted and ventilated and shall be maintained in a clean and comfortable condition.

It shall be the duty of every contractor employing contract labour in connection with the work of an establishment to which this Act applies, to provide and maintain (a) a sufficient supply of wholesome drinking water for the contract labour at convenient places; (b) a sufficient number of latrines and urinals of the prescribed types so situated as to be convenient and accessible to the contract labour in the establishment; and (c) washing facilities.

Wages.- A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed.

Every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed.

It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorised representative of the principal employer.

In case the contractor fails to make payment of wages within the prescribed period or make short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount paid so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

Other provisions of the Bill relate to penalties and procedure, powers and duties of inspecting staff, maintenance of registers and records and power to make rules.

(The Gazette of India, Part II, Sec.2,
1 November, 1966, pp. 949-967)

66. Strike and Lockout Rights.

India - November-December 1966.

Mysore State Civil Services (Prevention of Strikes) Act, 1966 (Mysore Act No.30 of 1966).

The Government of Mysore gazetted on 7 December 1966 the text of the Mysore State Civil Services (prevention of Strikes) Act, 1966, as passed by the Mysore Legislature. The Act which received the assent of the Governor on 7 December 1966, provides for the prevention of strikes by civil servants of the State of Mysore.

The Act provides that no State civil servant shall resort to strike.

Any State civil servant who commences, continues or otherwise acts in furtherance of a strike shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Any person who instigates or incites State civil servants to take part in, or otherwise acts in furtherance of a strike, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Any person who knowingly expends or applies any money in furtherance or support of a strike shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Where an offence under this Act has been committed by an association, every person who at the time the offence was committed was in charge of, and was responsible to, the association for the conduct of the business of the association, as well as the association, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or he has exercised all due diligence to prevent the commission of such offence.

Any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence punishable under this Act.

The Act repeals the Mysore State Civil Services (Prevention of Strikes) Ordinance, 1966.

(Mysore State Gazette, Extraordinary,
Part IV-Sec.2B, 7 December, 1966,
pp. 1-4).

CHAPTER 7. PROBLEMS PECULIAR TO CERTAIN
CATEGORIES OF WORKERS.

INDIA - NOVEMBER-DECEMBER 1966.

71. Employees and Salaried Intellectual Workers.

Maharashtra: Dearness Allowance for
Secondary School Teachers revised.

The Government of Maharashtra has decided to revised the Dearness Allowance rates of teachers who have opted for the upgraded scales of pay. These will be admissible from 1 July 1966. The revised rates of Dearness Allowance are: Rs.68 for teachers whose salary is upto Rs.79, Rs.82 for salary 80-100, Rs.87 for salary 101-114, Rs.87 for salary 115-150, Rs.90 for salary 151-184, Rs.95 for salary 185-200, Rs.109 for salary 201-220, Rs.114 for salary 221-300, Rs.114 for salary 301-310, Rs.124 for salary 311-359, Rs.124 for salary 360-460, Rs.129 for salary 461-500 and Rs.154 for salary 501-684.

(The Times of India, 8 November, 1966).

West Bengal: Pay of Lecturers revised:
Increased Dearness Allowance for State
Staff.

The West Bengal Government has decided to revise the pay scales of teachers and lecturers as suggested by the University Grants Commission. Under the new scales of pay effective 1 April 1966, the minimum basic salary of a lecturer will be Rs.300 excluding all allowances. The new pay scales will apply to all teachers working in private and affiliated colleges.

The State Government has also decided to grant additional dearness allowance to its employees which will benefit more than 232,000 employees. This will take effect from 1 January 1967. Government employees drawing salaries up to Rs.124 per month (about 144,000) will get an additional D.A. of Rs.10 and those drawing Rs.125 to Rs.1,000 per month will receive Rs.15 more per month. The increase would involve an additional expenditure of 95 million rupees a year. All this is in addition to the two increases in dearness allowance, granted earlier in the current financial year.

From 1 January 1967, Class IV employees who get a monthly medical allowance of Rs.5 will draw Rs.7.50 a month. Those above that category who now get Rs.75 a year as medical allowance on production of medical certificates will draw Rs.100 a year, the amount being given in 12 equal monthly instalments. They will not be required to produce any medical certificates.

Another concession relates to educational expenses of employees' children. The Government will provide tuition fees up to Class VIII for one child of an employee whose salary does not exceed Rs.300 a month.

(The Hindustan Times, 14 November, 1966;
 The Statesman, 18 December, 1966).

Madras: Revised Dearness Allowance for Government Employees.

The Government of Madras has decided to revise the rates of Dearness Allowance to all its employees whose monthly salary is below Rs.1,000. As a result of the revision, the rates of Dearness Allowance for State Government staff would be on par with those of the Central Government servants and ~~the same~~ in some cases slightly better, as in the pay group of Rs.90 to Rs.109.

The following are the new rates with existing rates within brackets: for pay group up to Rs.89 per month - Rs.47 (Rs.38); from Rs.90 to Rs. 149 - Rs.70 (Rs.58); from Rs.150 to Rs.209 - Rs.90 (Rs.76); between Rs.210 to Rs.399 - Rs.110(Rs.93); between Rs.400 and above but below Rs.1,000 - Rs.120 (Rs.100).

The new rates will be effective from the pay for December payable on 1 January 1967.

(The Hindu, 10 December, 1966).

Recommendations of Wage Board for Non-Journalist Staff: Pay scales revised.

Pay scales ranging from Rs.50 to a maximum of Rs.1,225 per month have been proposed by the wage board set up by the Centre for non-journalist staff employed by newspaper establishments.

While classification of newspapers and news agencies for determining wage scales of journalists have been retained for fixing the new scales of non-journalists, the staff has been divided into six grades in newspapers and periodicals and eight for news agencies.

For the highest class which includes general managers, managers and secretaries, no scales have been prescribed. The lowest scale of Rs.50 rising by an annual increment of 50 paise to a maximum of Rs.55 for peons and similar staff on weeklies and periodicals. These employees in other establishments will get higher pay.

The highest scale specified - Rs.500 to Rs.1,225 - is for group II (departmental managers in charge of circulation and advertisement) employees of daily newspapers and news agencies with a gross revenue of over ~~Rs.200~~ 20 Million Rupees.

The board has divided employees of newspapers and periodicals into two categories of administrative and factory staff and those of news agencies into (1) administrative and (2) engineering and transmission department and production.

The board has proposed that the Press Trust of India news agency be placed in Class II (for newspapers) as long as its gross revenue is below 10 million rupees. Separate salary scales have been prescribed for the agency.

Dearness Allowance.- For payment of dearness allowance, areas have been classified into three: metropolitan areas, towns with population of 0.5 millions and other places.

The dearness allowance will be linked with the average consumer price index number for the year 1965 of the all-India average consumer price index numbers for working class (with 1949 as base year).

The allowance will be reviewed every year on the basis of the average of the previous 12 months. The first revision is to take place in January 1968.

Gratuity schemes as applicable to working journalists have been proposed for non-journalists also.

The newsclashes will be effective from January this year for classes I, II and III of newspapers and news agencies and class I periodicals and the beginning of the next year for others.

The age of retirement for non-journalists will be 60.

(The Statesman, 9 December 1966).

CHAPTER 8. MANPOWER PROBLEMS.

INDIA - NOVEMBER-DECEMBER 1966.

81% Employment Situation.

Uttar Pradesh Industrial Undertakings
(Special Provisions for Prevention of
Unemployment) Act, 1966 (U.P. Act No. XXV
of 1966).

The Government of Uttar Pradesh gazetted on 15 October 1966 the text of the Uttar Pradesh Industrial Undertakings (Special Provisions of Prevention of Unemployment) Act 1966, as passed by the Uttar Pradesh Legislature and assented to by the President on 4 October 1966. The Act enables the State Government to make special provisions for a limited period in respect of industrial relations, financial obligations and for other like matters in relation to those industrial undertakings the running of which is considered essential as a measure of preventing or of providing relief against, unemployment.

The Act provides that where the State Government is satisfied ~~under~~ in relation to an industrial undertaking -

(a) which is started ~~or which~~ or the management of which is acquired or otherwise taken over by the State Government ~~is acquired~~ under any law or agreement and is run or proposed to be run by or under the authority of such Government; or

(b) to which a loan, advance or grant has been given, or in respect of whose loans a guarantee has been given, by the State Government, - that it is necessary or expedient ~~so~~ to do in the public interest, with a view to enabling the continued running or restarting of the undertaking as a measure of preventing or of providing relief against un-employment, the State Government may, by notification in the Gazette, declare that with effect from such date as may be specified, the undertaking shall be a relief ~~undertaking~~ under-
taking.

Such a declaration shall have effect for such period, not exceeding one year, as may be specified in this behalf: Provided that the State Government may, by notification in the Gazette extend the operation of the declaration for further periods not exceeding one year at a time and four years in the aggregate.

The Government may direct in relation to any relief undertaking - (a) that all or any of the enactments specified in the Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission, as may be specified in this behalf;

(b) that all or any of the contracts, assurances of property, agreements, settlements, awards, Standing Orders or other instruments in force under any law whatsoever, to which the undertaking is a party of which may be applicable to the undertaking, immediately before the date with effect from which the undertaking was declared a relief undertaking, shall be suspended in operation, or that all or any of the rights, privileges, obligations, and liabilities accruing or arising thereunder before the said date, shall be determined and be enforceable with such modifications and in such manner as may be specified in this behalf.

The enactments specified in the schedule include : The Industrial Disputes Act, 1947 (Central Act XIV of 1947); The Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946); The U.P. Industrial Disputes Act, 1947 (U.P. Act XXVIII of 1947); and U.P. Act XXVI of 1962.

(Uttar Pradesh Gazette, Extraordinary, 15 October 1966, pp. 4-5).

CHAPTER 9. SOCIAL SECURITY.

INDIA - NOVEMBER-DECEMBER 1966.

90. General.

All-India Conference on Mental Retardation held
at New Delhi, 26 November 1966: Welfare
Federation Formed.

The first all-India Conference on Mental Retardation was held at New Delhi on 26 November 1966. The Conference was inaugurated by the Prime Minister of India, Mrs. Indira Gandhi and attended over by 80 delegates from different parts of the country. Prof. B. Kuppuswamy presided. Among others, Shri Asoka Mehta, Union Minister for Planning addressed the meeting.

Inaugurating the Conference, Mrs. Indira Gandhi, the Prime Minister of India said that while research was needed to go into the problems of the mentally retarded, it was necessary to have propaganda to encourage right thinking about them. The Prime Minister said there was great reluctance from firms and business houses to give the physically handicapped any kind of position although they were mentally sound to accept jobs. Efforts should also be made to find out what types of work the children could do like adults.

Prof. B. Kuppuswamy, President of the All-India Association of Mental Retardation, said a great obstacle to any large-scale action regarding the problem of mental retardation was the paucity of data. One of the urgent tasks was to conduct a survey so that the educational authorities were aware of incidence of mental retardation. He also recommended a study of the problem of family planning regarding the mentally retarded adults. A suitable committee should be set up to examine the need to sterilise the mentally retarded men as well as women who were incapable of earning their livelihood and looking after their children.

Addressing the meeting Shri Asoka Mehta, Union Minister for Planning said that much more help would be given to the handicapped during the Fourth Plan. He said that it was up to the workers in this field to formulate concrete plans, for which they might ask Government help.

The Conference set up a federation for the welfare of mentally retarded, a voluntary organisation to bring together doctors, teachers, psychologists, psychiatrists and parents to help mentally retarded children and adults throughout the country.

Dr. J.C. Marfatia, a distinguished psychiatrist from Bombay was elected President of the Federation which will have its headquarters in New Delhi.

Speakers at the two-day conference, who read out papers on different aspects of mental retardation, pointed out that given early diagnosis, proper teaching, training and opportunities, mentally retarded children could grow up to be full citizens, working to their full capacity and to a large extent self-supporting.

The Conference suggested that the Ministry of Labour and Employment undertake to provide suitable vocational training institutes for mentally retarded and their placement in careers suitable to them.

Among other recommendations made were the formation of a committee of experts to prepare and submit to Government a memorandum and a draft of legislation for the mentally retarded and a committee of experts to formulate basic standards and training for the guidance of local workers in the field.

(The Hindu, 27 and 29 November, 1966).

92. Legislation.

India - November-December 1966.

185-5-88

Neyveli Coal Mines Provident Fund Scheme, 1966.

The Ministry of Labour, Employment and Rehabilitation gazetted on 26 November 1966, the text of the Neyveli Coal Mines Provident Fund Scheme, 1966, made in exercise of the powers conferred under the Coal Mines Provident Fund and Bonus Schemes Act, 1948. The Scheme which applies to all coal mines in Neyveli in the State of Madras prescribes inter alia the class of employees required to join the Fund, the rates of contribution to the Fund, mode of recovery of members' share of contribution, rate of administrative charge, procedure for advances from the Fund for the purchase of shares of consumers' cooperative societies and for purchase of a dwelling house or a dwelling site or for constructing a dwelling house, procedure for financing of members' life insurance policies, and circumstances in which accumulations in the Fund are payable to a member.

(Notification GSR 1771 dated 14 November 1966, the Gazette of India, Part II, Sec. 3, sub-sec(i), 26 November 1966, pp. 2054-2093).

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Employees' State Insurance (Amendment) Bill,
PASSED by Parliament.

Amendment
The Employees' State Insurance (Amendment) Bill (vide pages 102-109 of the report of this Office for August-September 1965) was passed by the Lok Sabha on 15 November 1966 and the Rajya Sabha on 24 November 1966.

The Lok Sabha took up on 14 November 1966 for consideration the Amendment Bill which seeks to simplify the administration of the Scheme.

Moving the Bill, Shri Shah Nawaz Khan, Deputy Labour Minister, said the scheme, has made good progress. Out of 3.8 million industrial workers, about 3.1 million are covered by it.

The amending Bill aims at eliminating the complicated formalities for paying contributions and granting benefits, he said.

A high-level committee reviewed the working of the scheme and its recommendations are being examined. It is not necessary to wait for decisions on these recommendations to carry out the important amendments proposed in the Bill.

In the brief inconclusive discussion, members generally welcomed the provisions in the Bill, especially those raising the wage limit from Rs.400 to Rs.500 and conferring benefits to cover illegitimate children.

Shri S.M. Banerjee (Ind.) said the provision of Rs.100 for the funeral of a worker insured under the scheme was too meagre. The cost of a cremation "under the Congress Raj, with its rising prices" was more than Rs.200.

He wanted severe penalties for employers who did not deposit with the Corporation the amount they collected from their workers. He also wanted better medical benefits because at present "it is nothing but granting certificates for getting leave".

Shri K.N. Pandey (Cong.) said the restrictions on some seasonal industries to be covered by the scheme should be abolished.

Shri D. Bhattacharya (Left CPI) said a lot of improvement has to be made in the medical services for employees under the scheme. Since healthy workers rarely use the services a "no-claim rebate" should be given to them.

Deputy Labour Minister Shah Nawaz Khan referring to complaints of bad working of the scheme in West Bengal made earlier in the debate, said that the scheme now covered 3.8 million of workers and its coverage would go on increasing.

It was inevitable, he said, that in a scheme of this magnitude there might be some weaknesses and drawbacks. A strict watch was being kept on the working of hospitals, dispensaries and panel doctors, and any remedial measures necessary would be taken.

The working of the scheme, he said, received the Government's constant attention.

The amending measure had a provision to enable the Centre to take over the working of the scheme in any State, with the permission of the State Government, if it was not functioning satisfactorily, he said.

Shri Shah Nawaz also said that the Employees' State Insurance authorities had not hesitated to take effective action against employers who had defaulted in paying their dues under the scheme. Till 31 March this year, the total income of the Corporation was of the order of 1,313 million rupees. Out of that arrears amounted to 20 million rupees and odd which was by no means a high figure.

The Bill among other things raises the wage limit for coverage of employees from Rs.400 to Rs.500 per month, and provides increased maternity and disablement benefits.

The Bill was adopted by the Rajya Sabha on 24 November 1966.

Replying to the debate on the Bill, Shri Shah Nawaz Khan, Deputy Labour Minister, assured members that no effort would be spared to improve the working of the scheme.

In the fourth Plan, hospitalization facilities would be extended to a greater extent to families of those covered by the scheme.

The present state of Government finances did not permit raising the exemption limit for workers' contribution to the scheme from a wage of 1.15 a day to Rs.3.

Shri Khan said a large number of prosecutions were pending against employers who had withheld the remittances of their employees' contributions.

Strict action had been taken against employers in arrears in their contributions to the scheme. No defaulting employer would be spared.

Shri Khan told Shri Niren Ghosh, that as long as there were employers in the country they had to be represented in the standing committee for the administration of the Employees' State Insurance Fund. Shri Ghosh had pleaded for greater representation to employees.

Shri Khan said another Bill based on the recommendations of the two committees, which went into the working of the scheme, would be introduced soon.

Earlier, Shri Chitta Basu (Forward Bloc) criticised the Government for not implementing fully the recommendations of the committee which reviewed the Employees' State Insurance Scheme.

Shri Basu complained that medical treatment to workers covered by the scheme was inadequate, and chemists preferred to sell medicines to other people because the Government did not pay them regularly.

Certificates given by any medical practitioner should be accepted when extension of sick leave was sought by employees.

Shri Arjun Arora (Cong.) regretted that all workers in the country were not covered by the scheme even after 18 years of passing the Act.

The Government should look into the grievances ~~who~~ of the Employees' State Insurance employees who withdrew their agitation four months ago on an assurance from the authorities.

Shri P.K. Kumaran (Right-CPI) said workers' representation in the composition of the Corporation should be increased from 33 per cent to 50. A small committee should be constituted to decide how the Corporation's accumulated funds should be invested.

The benefits of the scheme should be extended to casual labourers.

Shrimathi Devaki Copi Das (Cong.) welcomed the amending Bill and wanted increased maternity benefits.

Shri Niren Ghosh (Left-CPI) said workers who were earning up to Rs.125 a month should be exempted from contributing to the Employees' State Insurance scheme.

He regretted that many Employees' State Insurance dispensaries were prescribing medicines which were not available in the neighbourhood.

(The Hindustan Times, 15, 16 and 25
November, 1966).

Health Scheme Recommended for Students.

Worked out by a University Grants Commission's Committee, under the Chairmanship of Dr. A.L. Mudaliar, Vice-Chancellor of Madras University, a ~~health~~ health service scheme patterned on the Central Health Scheme has been accepted for implementation. The Scheme is estimated to benefit nearly 1.2 million students, 70,000 teachers and other categories of staff and their families.

It has been proposed that student's contribution to the cost of the scheme might not be more than Rs.6 per annum. The contribution from teachers and other staff might be on a graded scale, as in the Central Scheme. No charge, if has been suggested, should be levied on drugs supplied. However, the possibility of organising co-operative drug stores for supplying medicines to dispensaries or direct purchase might be explored.

The committee has recommended that the scheme be divided into two parts - health centre service system and part-time doctor system to suit varying needs of different universities and colleges.

The committee also recommended that arrangements should be made, through State Governments, for facilities in State hospitals for students and teachers to be accommodated, as far as possible separately, in ~~wards~~ wards earmarked for them.

These wards might be distributed in more than one hospital, and might provide accommodation for about 20 beds for men students and teachers and about 10 to 15 beds for women students and teachers.

In case of chronic and serious diseases where specialist services and hospitalisation might be necessary, the committee has recommended that the universities and colleges might avail of the services of Government or other hospitals convenient to them. Arrangements might be made with such hospitals for keeping beds reserved for teachers and students. For hospitalisation, no charge should be made on a student. No charges should be levied from teachers and their families except expenses.

CHAPTER 11. OCCUPATIONAL SAFETY AND HEALTH.

INDIA - NOVEMBER-DECEMBER 1966.

111. General.

Seminar on Labour Safety held at Madras,
9 December 1966.

Problems of safety in the operation of grinding wheels and abrasive belts were discussed at a Seminar held on 9 December 1966 in Madras, jointly organised by Carborundum ~~University~~ Universal (a company manufacturing these wheels) and the Regional Labour Institute. Shri N.S. Mankiker, Director-General, Factory Advice Service and Labour Institute, Delhi, presided.

Technical papers on safe procedures and methods in the manufacture and use of wheels were presented ~~and~~ by manufacturers.

(The Hindu, 10 December, 1966).

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LIST OF THE PRINCIPAL ~~ACTS~~ LAWS PROMULGATED
DURING THE PERIOD COVERED BY THE REPORT
FOR NOVEMBER-DECEMBER 1966.

INDIA - NOVEMBER-DECEMBER 1966.

CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS.

Andhra Pradesh Shops and Establishments Act, 1966 (Act No.15 of 1966) (Andhra Pradesh Gazette, Part IV-B, Extraordinary, 21 November, 1966, pp. 1-42).

CHAPTER 6. GENERAL RIGHTS OF WORKERS.

Mysore State Civil Services (Prevention of Strikes) Act, 1966 (Mysore Act No.30 of 1966) (Mysore Gazette, Extraordinary, Part IV-Sec.2B, 7 December, 1966, pp. 1-4).

CHAPTER 8. MANPOWER PROBLEMS.

Uttar Pradesh Industrial Undertakings (Special Provisions for Prevention of Unemployment) Act, 1966 (U.P. Act No.XXV of 1966) (Uttar Pradesh Gazette, Extraordinary, 15 October 1966, pp. 1-5).

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BIBLIOGRAPHY.

INDIA - NOVEMBER-DECEMBER 1966.

Chapter 2. International and National Organisations.

- * "Proceedings of the Seventh Conference": Indian National Commission for Cooperation with UNESCO: Ministry of Education, Government of India: 1966: Publication No. 769: Printed in India by the Manager, Government of India Press, Simla, 1966: International Cooperation Year Session, New Delhi, 4-5 September 1965: pp. ii+121.

Chapter 4. Problems Peculiar to Certain Branches of the National Economy.

- * "Annual Report of the Working of Plantations Labour Act, 1951 for the Year 1963": Allahabad: Superintendent, Printing and Stationery, Uttar Pradesh, 1965: Price Rs. 1.50; pp. 17.

Chapter 5. Working Conditions and Living Standards.

- *(a) "Report on Survey of Labour Conditions in Jute Factories in India": Labour Bureau, Ministry of Labour and Employment, Government of India: Printed in India by the Manager, Government of India Press, Faridabad and published by the Manager of Publications, Delhi: 1965: Price Rs. 6.25 or 14sh. 7d. or 2\$25 cents. pp. vii+109.
- *(b) "Indian Coal Statistics, 1964": Issued by the Chief Inspector of Mines, Dhanbad: Government of India, Ministry of Labour and Employment: Printed in India by the Manager, Government of India Press, Calcutta and published by the Manager, Government of Publications, Civil Lines, Delhi, 1966: Price Rs. 6.00 or 14sh. or 2\$16 cents. pp. ii+69+iv.
- *(c) "Report on the Working of the Factories Act, 1948 in the State of Madras for the Year 1963": Government of Madras, 1966: Printed by the Director of Stationery and Printing, Madras, on behalf of the Government of Madras, 1966: Price Rs. 22.40 pp. 154+3.
- *(d) "Labour Welfare and Welfare Officer in Indian Industry": by V.G. Mhetras, M.A., LL.B., Ph.D., Professor of Economics: 1966: Bombay Labour Institute (Government of Maharashtra): Parel, Bombay-12DD. pp. 40.

Chapter 8. Manpower Problems.

- *(a) "Employment Generation under Community Development and Rural Works Projects during 1964-65": Series EM(P)No.2: Directorate of Employment, Industries and Labour Department, Government of Maharashtra, Bombay: pp.12+6+2.
- *(b) "Industrial Training Institutes and Employment in Maharashtra": Government of Maharashtra, Directorate of Employment: Special Study No.5165: Bombay-1, November 1965: pp.47.
- *(c) "The Poona Labour Market (A Pilot Study) 4 February 1965": Issued by the Directorate of Employment, Government of Maharashtra, Bombay 1965.
- *(d) "The Bombay Labour Market ": Issued by the Directorate of Employment, Government of Maharashtra, Bombay: 1-11-1966: pp. 143.

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* Publications received in this Office.