

Gratis



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GENERAL INDEX

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Volume LI Nos. 1 to 12

SEPTEMBER 1971 TO AUGUST 1972

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THE OFFICE OF THE  
COMMISSIONER OF LABOUR  
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GOVERNMENT OF MAHARASHTRA  
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# LABOUR GAZETTE

The "Labour Gazette" is a Journal for the use of all interested in obtaining prompt and accurate information on matters specially affecting labour

## GENERAL INDEX TO VOLUME LI Nos. 1 to 12

SEPTEMBER 1971 TO AUGUST 1972

(In a bound volume of the "Labour Gazette" for the months from September 1971 to August 1972 this General Index may be used to replace the Table of Contents in each number of the Gazette.)

### THE MONTH IN BRIEF

Absenteeism

Pages  
107, 117, 136, 185,  
193, 200

Consumer Price Index Number for Working Class

107, 117, 136, 185,  
193, 200

Industrial Disputes

107, 117, 136, 185, 193,  
200

Production of Cotton Yarn spun and manufacture of cloth

107, 117, 136, 185, 193,  
200

### CURRENT NOTES

AFL-CIO-Convention may offer surprise

457

All India Average Consumer Price-Index Number for Industrial Workers (on base : 1960 = 100) Monthly.

102, 118, 135, 151,  
194, 210.

Bangladesh Joins International Labour Organisation

2093

Bombay Shops and Establishments Act for Ballarpur Municipal Council.

1011

Bonus Review Committee's Appointment of—

1352

British joining B. E. C. Mr. Madhu Limaye's 10 day's tour

205

CURRENT NOTES— <i>contd.</i>	Pages
Britain to expand training for industry	1010
Britain to introduce New Code to Promote Industrial Goodwill.	1009
British Management Experts for Delhi	204
Central Bank of India offering loan to Industries—Government to subsidise Interest.	1516
Conference of Representatives of Trade Union Organisation—Prime Minister's Inaugural Address.	4
Contract Labour Licences—Officers appointed	1515
Contract Labour (Regulation & Abolitions) Act, Officers Appointed.	464
Display fair rates conspicuously—Hoteliers to note	1935
Employees' Family Pension Scheme—Option Period extended for Seasonal Establishments.	331
Employment and popular participation essential, for Asia's Social Progress (conclusions of Seventh I.L.O. Asian Regional Conference).	847.
Expert Committee on unemployment meets in Bombay	1516
Factories Act Evaluation Committee Reports—	204
Fifteen Asian Countries Joint forces in Attack on Unemployment.	8
First AFL CIO—Official delegation visits India	1354
Framework for better Industrial Relations—scope of New British Act.	15
Gird up Loins to make "Garibi Hatao" successful—Chief Minister's Maharashtra Day appeal to people.	1509
Giri for one union in one Industry	2092
Gratuity Bill Introduced	1008
Harness science and Technology to meet People's Demands—President's call.	3
of ILO Activities in 1971	842
Holiday for Workers on Poll Day Government's appeal to Management.	1011
ILO Conference Assesses Impact of Technology's Advance and plans International Labour Standards for the Future.	2093
ILO Decentralises more services to Asia	9

CURRENT NOTES— <i>contd.</i>	Pages
Indian Labour Relation Team in Britain	331
Industrial Relations British Governments' New Power	461
Industries Co-ordination Committee Meets; Strees on Effective Implementation of Policies.	682
Industries Minister Inaugurates Seminar on Small Scale Process Industries.	459
Industrial Relations should be Flexible: Shri K. P. Patil Inaugurates National Seminar.	682
I. L. O. Vocies alarm over unemployment in Asia	683
I. L. O. Urges greater participating by Workers and Employments in Development.	686
Informality with Justice—Aim of Industrial Court	688
International Labour Conference to meet in Geneva from 7th to 27th June.	1935
International Labour Conference Elects New Governing Body.	1937
Indian Labour Leaders visit Britain—Study of Industrial relations.	2101
Main objects of Britain's New Industrial Relations Act.	1178
Meeting of the Cotton Advisory Board held on October 26, 1971: Textile Commissioner's Speech.	456
Mini Employment exchange to provide Jobs for Jawan (State Committee's Decision).	852
Minimum Wages Act for Employment in Laundry Industry	2093
Minimum Wages Committee for Wooden Photo Frame Industry.	1934
Minimum Wages Committee in Stone Breaking Industry submits Report Implementations from January 26.	685
Mr. Heath Meets Trade Unions Leaders	1179
Mr. Heath Meets Leaders of Industry	1181
More Jobs for Britain's disabled ..	1355
More factories in West Bengal are reopening	2092
National Industrial Relations Court in U. K. Starts hearing	690
New Role for commission on Industrial Relations	458

CURRENT NOTES— <i>contd.</i>	Pages
No Restriction on expenditure in—Treating Workers under E. S. 1.s' : Government Clarification.	1515
One member from the family to be employed — 80 per cent. Jobs Reserved.	1514
One Union in one Industry essential—said President Dr. V.V. Giri while inaugurating the Mumbai Girni Kamgar Kreedha Bhawan at Parel.	2
Parliament Passes Industrial Disputes Bill	1008
President Inaugurates Workers' Stadium	2
President Nixon Vows Pay Board Bill Continue	1512
President's Call for Moratorium on strike and lock-outs.	1352
Prime Minister addresses Asian Trade Union Seminar . .	1508
Provide Mobile Homes for labour Smt. Jung's Call to Builder.	1356, 1940, 2102, 1939.
Public Utility Services Declared monthly	146, 206, 332, 691, 853, 1012, 1182.
Refresher Training Course for Shop Inspectors appointed under Bombay Shops and Establishments Act, 1948.	463.
Registration of Establishment period specified	1356
Registration of Trade Unions and Employees' Association First Stage of New Industrial Act—In Great Britain.	330
Regulation of Trade in Apta Leaves—Rules Published . .	15
Rise in Self Employment	2092
Saw Milling Industry—Committee for Minimum Wages	1934
Seven days working for Gujarat Textile Units	2092
Shri D. G. Kale, Commissioner of labour retires	1512
Shri R. S. Kulkarni obtains a Doctorate	2102
Shops Act to apply to Dombivali Municipal Area from October 1.	205
Shops Act Relaxation of Assembly Elections	1011
Shops Act Relaxed for Banks	1937
Shri M. Haque Choudhary, Union Minister for Industrial Development delivered a speech at the 13th Annual General Meeting of the Bombay Productivity Council in Bombay.	10

CURRENT NOTES— <i>contd.</i>	Pages
Statement showing the Consumer Price Index Number for the Working Class (New Series) for the seven selected Centres in Maharashtra State for the period January to December 1971.	1184
Statement showing the All India Average Consumer Price Index Number for Industrial workers for the Period from January 1971 to December 1971.	1183
Stone Breakers to Earn More Upward remision in Wages.	1008
Unjustified Sickness Absenteeism	1353
Wages Act Covers Salt Pan Industry	1934
Work Experience for Channelising student energy necessary	205
70 000 workers provided employment in Parbhani District	14
24 works started under Job Guarantee Scheme	1516
ARTICLES REPORTS ENQUIRIES. ETC.	
A Century of Silent Service by Homi P. Seervai	854
Administration of Standing Orders-by A.V.N. Iyengar . .	868
Annual Report on the Consumer Price Index for the working classes for the State of Maharashtra for the year 1971.	1946
Bonus : A Historical Resume-By Sharad Chandra Srivastava.	207
Collective Bargaining by R. G. Gokhale	693
Cost of Industrial Accidents, by K. N. Parakh	17
Contract Labour, by P. J. Ovid . . . .	333
Farewell to Shri D. G. Kale, Commissioner of Labour and Director of Employment, by Smt. Shobhana Gaitonde and Shri P. K. Paranjape.	1527
Gratuity—A Topic for Enactment by T. P. Sonar.	707
Industrial Disputes in the Maharashtra State	483
Annual Review for the year 1970.	
Industrial Relations in Maharashtra State by Shri P.J.Ovid	1013
Industrial Relations in Maharashtra State—Review for the year 1970.	711
Labour's Role in Economic Growth with Social Justice by Smt. Indira Gandhi.	1518

ARTICLES, REPORTS, ENQUIRIES ETC.— <i>contd.</i>	Pages
Law in Labour Relations by B. G. Jadhav ..	1020
National Labour Relations Act in U.S.A. by B. M. Date	1185
Planning and Labour by B. G. Jadhav ..	1357
Philosophy of new Management by Syed wahed Ali	1169
Productivity and Labour Welfare by C. Subba.	1941
Role of Personnel Managers in Industrial Relations by B. K. Verma.	218
Second National Industrial Relations Seminar by Shri P. J. Ovi.	465
Second National Seminar on Industrial Relations, held in Bombay on 22nd-23rd November 1971 inaugural speech by Shri Kalyanrao Patil, Minister of State, Home and Labour, Maharashtra State, Bombay and concluding remarks of the Chairman Shri D. G. Kale, Commissioner of Labour, and Director of Employment, Government of Maharashtra, Bombay.	475
State Employment Review 1969-70 ..... Abstract of	22
The Challenges Facing the I.L.O. by R. K. Khadilkar	2103
Trade Unions and Economic Development by N. M. Tidke	1522
Training Course for the Shop Inspectors under the Bombay Shops and Establishments Act, 1948 by Shobhana Gaikonde.	702
25 years of Labour Welfare Activities in Maharashtra State by Shri N. M. Tidke.	2107

## LABOUR LEGISLATION

The Contract Labour (Regulation and Abolition) Rules, 1971.	535
Common Markets Un-protected Workers (Regulation of Employment and Welfare) Scheme, 1972.	1388
The Industrial Disputes (Amendment) Act, 1971 (Act No. 42 of 1971).	879
The Industries (Development and Regulation) Amendment Act, 1971 (Act No. 72 of 1971).	1377
The Labour Provident Fund Laws (Amendment) Act, 1971	71
The Maharashtra Restriction of Trade Union and Prevention of Unfair Labour Practices Act, 1971.	881
The Personal Injuries (Emergency Provisions) Scheme, 1971	1193

OTHER LEGISLATION	Pages
The General Insurance (Emergency Provisions) Act, 1971	93
The Industries (Development and Regulation) Amendment Ordinance, 1971.	569
The Maharashtra Minor Forest Produce (Regulation of Trade in Apta Leaves) Rules, 1971.	77
The Maharashtra Raw Cotton (Procurement, processing and Marketing) Act, 1971.	1960
NOTIFICATION UNDER LABOUR LAWS	
Beedi and Cigar Workers (Conditions of Employment) Act, 1966	1964
Bombay Industrial Relations Act 1946 ..	508, 525, 723, 726, 1237, 1364, 2115, 2116.
Bombay Labour Welfare Fund Act, 1953	1369, 1967, 1991.
Bombay Relief Undertakings (Special Provisions) Act, 1958	221, 222, 514, 523, 872, 1049, 1365, 1366, 1367, 1368, 1369, 1374, 2118, 2119.
Bombay Shops and Establishments Act, 1948	344, 345, 346, 347, 519, 520, 523, 726, 731, 732, 877, 1033, 1034, 1059, 1068, 1229, 1230, 1231, 1232, 1233, 1236, 1376, 1967, 1968, 1972, 1974, 1975, 1976, 1978, 1979, 1980, 1987, 2114, 2116, 2120, 2122.
Collection of statistics Act, 1953	1988.
Contract Labour (Regulation and Abolition) Act, 1970	111, 192, 723, 1188, 1965.
Employees' Provident Fund Act, 1952 ..	67, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 2122.
Employees' Provident Funds and Family Pension Fund Act, 1952.	872, 1032, 1041, 1242, 1244, 1988.
Employees' State Insurance Act, 1948	223, 515, 875, 876, 878, 1236, 1242, 1243, 1245, 1376.
Factories Act, 1948	348, 351, 507, 515, 519, 521, 734, 873, 875, 877, 878, 1363, 1530, 1992, 2117.
Indian Boilers Act, 1923	1243.

NOTIFICATIONS UNDER LABOUR LAWS— contd.	Pages
Industrial Disputes Act, 1947	348, 349, 505, 521, 524, 525, 527, 723, 1236, 1375, 1536, 1967, 1993, 2114, 2121
Maharashtra Boiler Rules, 1962	1372
Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.	59, 350, 722, 723, 1363, 1371, 1530, 1533, 1534, 2115.
Maharashtra Shops and Establishments Rules, 1961	343, 1967, 1974.
Maharashtra Welfare Officers (Duties, Qualifications and Conditions of Services) Rules, 1966.	723.
Minimum Wages Act, 1948	51, 53, 55, 57, 58, 59, 61, 63, 349, 498, 506, 510, 733, 1033, 1036, 1038, 1041, 1042, 1043, 1045, 1046, 1047, 1048, 1050, 1051, 1055, 1363, 1364, 1365, 1369, 1535, 1981, 1982, 1990, 2115, 2116, 2120, 2121.
Motor Transport Workers' Act, 1961	507.
Negotiable Instruments Act, 1881	1238.
Oaths Act, 1969	1237.
Payment of Wages Act, 1936	878
Trade Unions Act, 1926	1989.
Workers' Compensation Act, 1923	67, 873.
<b>IMPORTANT CIRCULAR, ORDERS ISSUED BY COMMISSIONER OF LABOUR, BOMBAY.</b>	
Model Grievance Procedure	224
Payment of Wages Act, 1936	352
Wearing of military type apparel by personnel of Commercial concerning factories for security purpose.	227
<b>CONSUMER PRICE INDEX NUMBER FOR WORKING CLASS</b>	
Aurangabad	116, 246, 371, 598, 753, 919, 1087, 1264, 1430, 1555, 2012, 2143.
Bombay	98, 228, 353, 580, 735, 901, 1069, 1246, 1403, 1537, 1994, 2125.

CONSUMER PRICE INDEX NUMBER FOR WORKING CLASS (Contd.)	Pages
Jalgaon	133, 263, 388, 615, 770, 936, 1104, 1281, 1438, 1572, 2029, 2160.
Nagpur	110, 240, 365, 592, 747, 913, 1081, 1258, 1415, 1549, 2006, 2137.
Nanded	124, 254, 379, 606, 761, 927, 1095, 1272, 1421, 1563, 2020, 2151.
Poona	142, 272, 397, 624, 779, 945, 1113, 1290, 1447, 1581, 2038, 2169.
Sholapur	104, 234, 359, 586, 741, 907, 1075, 1252, 1409, 1543, 2000, 2131.
Consumer Price Index Numbers for Working Class for Certain Industrial Centres in India.	131, 281, 406, 631, 798, 928, 1123, 1299, 1438, 1588, 2047, 2178.
Index Numbers for Bombay, Sholapur, Jalgaon and Ahmedabad on base shifted to 1944=100.	152, 282, 407, 634, 789, 955, 1123, 1300, 1457, 1591, 2048, 2179.
<b>LABOUR INTELLIGENCE</b>	
Absenteeism Statistics, Monthly	160, 290, 415, 642, 797, 963, 1132, 1308, 1465, 1599, 2057, 2187.
Absenteeism Statistics for other Industries, excluding Cotton Textile Industry, Quarterly.	291, 416, 643, 1133.
Employment Situation in Maharashtra, Monthly	175, 304, 430, 654, 811, 972, 1134, 1315, 1476, 1599, 2082, 2204.
Fatal Industrial Accidents and Industrial Diseases in Maharashtra, Monthly.	189, 320, 445, 671, 844, 1017, 1187, 1377, 1588, 2094, 2216.
Industrial Disputes in Maharashtra State, Monthly	158, 288, 413, 640, 795, 961, 1129, 1306, 1463, 1597, 2054, 2185.
Industrial Relations in Maharashtra, Monthly	153, 283, 408, 635, 790, 956, 1124, 1301, 1458, 1592, 2049, 2180.
Labour Turnover in Cotton Mills in Bombay City, Monthly	162, 294, 419, 646, 799, 964, 1135, 1309, 1466, 1600, 2059, 2190.

## LABOUR INTELLIGENCE—(Contd.)

	Pages
Night Shifts in Cotton Mills in Bombay City, Monthly ..	167, 293, 418, 645, 778, 962, 1135, 1309, 1466, 1606, 2058, 2210.
Progress of Important Industrial Disputes in Maharashtra State, Monthly.	159, 293, 418, 641, 778, 962, 1130, 1307, 1466, 1598, 2057, 2210.
Textile Employment's (Decasualisation) Scheme, Monthly	178, 310, 438, 661, 814, 978, 1151, 1326, 1483, 1614, 2077, 2210.
Working of Employees State Insurance Scheme in Maharashtra, Monthly (Medical side).	168, 299, 428, 652, 805, 970, 1143, 1316, 1473, 1607, 2063, 2202.
Working of Employees State Insurance Scheme in Maharashtra, Monthly (Non-medical side).	167, 298, 427, 651, 804, 969, 1142, 1315, 1472, 1606, 2062, 2201.
Working of Trade Unions Act, 1926 in Maharashtra, Monthly.	164, 296, 424, 648, 801, 967, 1140, 1312, 1471, 1604, 2061, 2196.
Working of the Workmen's Compensation Act, 1923 in Maharashtra, Quarterly.	421, 1138, 1469, 2101.

## LABOUR LITERATURE

Article of Labour Interest	179, 311, 439, 663, 815, 979, 1152, 1326, 1484, 1615, 2072, 2211.
----------------------------	---

## BOOK REVIEWS

Indian Labour Scheme by S. D. Ranade, M.A. (Econ.), Dip. L. W., Published by Ramkrishna Book Depot, Rani Building, V. P. Road, Girgaum, Bombay-4, Price Re. 1.	662
Maharashtra Industrial Manual by M. L. Jindal, Advocate, Published by Messrs. Wadhwa & Co., Civil Lines, Agra, Price Rs. 35.	1154

## CASES UNDER LABOUR LAWS

P. J. Ovid, Assistant Commissioner of Labour, Bombay versus Messrs. Bharat Barrel and Drum Manufactures Co., Bombay and Others.—Payment of Bonus Act, 1965—section 19 read with Sections 28 and 29 prosecution was launched against the management and its Directors—under section 10 the accused were bound to pay every employee bonus for the accounting year 1969—Same was not paid within stipulated time and prayed for extension at the eleventh hour—Government refused the same—but the accused pleaded for extension under the guise that as no reasons were forthcoming for refusal and hence applicants case may be rejected—However it was held that the accused No. 1 was guilty and so fined the management Rs. 75 and acquitting the others by giving benefit of doubt.	1486
---	------

## CASES UNDER LABOUR LAWS—contd.

PAGES  
2212

Shri Dhondy Babajee Shinde and Ors. through A. T. Husraiani, the B. E. S. T. Worker's Union, 42, Kennedy Bridge, Bombay-4 versus the B. E. S. T. undertaking, B. E. S. T. House, Bombay-1.—Payment of Wages Act, 1936 section-15. Applicants of B. E. S. T. Undertaking working in stores Department, Bus Engineering Control Section claim overtime wages and objected illegal deductions from their wages accordingly. The Undertaking rejects the claim under the guise that the stores department is not covered under the Factories Act, 1948. The views of the undertaking were rejected saying that the work of the applicants in stores Department as well as Bus Engineering control section is incidental to and connected with the manufacturing works of the Factory and hence they are covered by the definition of "Worker" under section 2(1) of the Factories Act and are entitled to claim wages, the service Regulation relied upon by the Undertaking is no bar to the applicants claim of overtime wages, at the double rate. Hence the claim was upheld and the undertaking was directed to pay the dues accordingly.

Carlos Gomes versus Messrs. J. P. Dias and Co., Bombay-1.—Payment of Wages Act 1936, Section 15—Claim of wages by applicant subsequently reduced in mutual agreement termed as loan agreement and hence not accepted. The respondent argued that the relation of Master and servant does not exist and the claim loses character of wages the moment it is reduced to the mutual loan agreement. So far as jurisdiction was concerned it was held, that the present Court was competent to entertain the claims—the wages defined under section 2(vi) which had become due and payable on fulfilment of the term of contract of employment or for the work done in employment could not be converted into loan transactions. It cannot be interpreted as simple contracts of money debts—it offers better evidence of the acceptance of liabilities to pay the dues. Hence the applicants claim is up held.

180

## CASES UNDER LABOUR LAWS-II

(In this section it is proposed to publish Settlements, Awards, etc. which are not published elsewhere but are of Labour Interest in particular and includes some points of public interest).

1328

A settlement was arrived at between the Maharashtra State Co-operative Marketing Federation Ltd., Bombay and the Apex Marketing Employees Union, Bombay relating to wage scale, gratuity, medical aid etc. on 27th February 1971 before the Conciliation Officer, Bombay as required, Under section 12(3) of the Industrial Disputes Act, 1947. The said settlement is to remain in force for a period of three years i.e. till 31st December 1973. The notable feature of the settlement is provisions of the Medical aid Fund. The agreed terms of Settlements in this behalf between the parties are as under.

## STATISTICS

## Pages

Consumer Price Index Numbers for Low paid Employees Dufferin Mutual Centre in Andhra and Madras State, Monthly	189, 313, 449, 667, 826, 983, 1157, 1335, 1493, 1618, 2076, 2221.
Dearness Allowance for Bombay, Sholapur, Jalgaon, Nasir and Nanded payable as per Consumer Price Index Number for working class.	189, 313, 449, 667, 826, 983, 1157, 1335, 1493, 1618, 2077, 2221.
Employment through Employment Exchange	187, 312, 440, 665, 816, 981, 1155, 1333, 1491, 1616, 2074, 2219.
Employment through Decasualisation Scheme	188, 321, 441, 666, 817, 982, 1156, 1334, 1492, 1617, 2075, 2020.
Industrial Disputes in Progress in the Maharashtra State Sphere-Monthly.	190, 314, 442, 668, 818, 984, 1158, 1336, 1494, 1619, 2077, 2222.
Statement of Agricultural Wages in Rural Areas Monthly	199, 324, 452, 676, 829, 1000, 1172, 1347, 1504, 1630, 2089, 2236.
Statement of Agricultural Wages in Urban Areas Monthly	197, 322, 450, 674, 827, 998, 1170, 1345, 1502, 1628, 2081, 2234.