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# LABOUR GAZETTE

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

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## The Month in Brief

### Consumer Price Index Numbers for Working Class

The Bombay, Solapur and Nagpur Consumer Price Index Numbers for working class for the month of August 1984, with average price for the year ended December 1960 equal to 100 were 610, 611 and 605 respectively. The Pune, Jalgaon, Nanded and Aurangabad Consumer Price Index Numbers for working class for the month of August 1984, with the average prices for the year ended December 1961 equal to 100 were 569, 595, 657 and 608 respectively.

### All India Average Consumer Price Index Numbers for Industrial Workers

All India Average Consumer Price Index Numbers for Industrial Workers (General base 1960—100 for August 1984 was 586 as compared to 585 in July 1984. On base 1949—100 derived from 1960 based Index worked out to 712 against 711 for July 1984.

### Industrial Disputes in Maharashtra State

During the month of July 1984, there were 52 disputes involving 17,986 workmen and time loss of 4,10,617 mandays as compared to 52 disputes in June 1984 involving 20,495 workmen and time loss of 4,90,202 mandays.

Further particulars of Industrial Disputes are given at pages 147 and 148 of this issue.

### Benefits under the Employees State Insurance Scheme

During the month of August 1984, 77,665 insured persons, received Rs. 52,06,877.45 cash benefits due to sickness. Apart from the above Rs. 37,57,446.73 were paid to 20,324 workers on account of accidents as employment injuries which included 7,032 cases of permanent disablement and 2,787 cases for the pension to the dependents/families due to death of the workers in the accidents.

## Current Notes

### National Trends on Working Time

The relationship between reduced working time and employment is among the issues examined by the ILO's Committee of Experts on the Application of Conventions and Recommendations in a general survey of national laws and practices concerning ILO standards on working time. In its report to the International Labour Conference meeting in Geneva from 6th to 27th June the Committee notes a prevailing trend in many countries toward continuing reductions of working time ..... by reduction of normal hours and extensions of weekly rest and annual paid holidays. These trends are of topical interest because of the relationship sometimes drawn ..... recently with renewed interest—between working time policies and employment policies, especially with the effects of new technology on industrial development.

Little information was given in reports and comments received linking a reduction of working hours with a decrease in unemployment, the Committee reports. But the possibility that there may be an effect at least of employment preservation is not excluded, and studies and measures advocated in some countries have certainly been oriented towards an interplay of the two factors. One aspect, the report continues, which is some times regarded as having potentially the closest relation to employment is the limitation of overtime, a question on which there may be delicate balances to be found both for employers and for workers.

In the setting of national standards on working time, the survey notes that employers and workers and their organisations in many countries have a decisive primary role through the collective bargaining process. Tripartite consultations could also enable the reduction of working hours to be placed in the context of the economic policy or economic development in the general. The degree of practical application of the relevant standards also depends to a large extent on the attitude of employers, the effectiveness and assiduity of trade unions and the adequacy of inspection services. Reduction of working time, the Committee adds, may have far-reaching economic and social consequences. Discussions in this area in future might therefore include not only the daily, weekly and yearly time worked, but also the related aspect of leisure and the still larger question of work during the span of human life-time. It may be precisely in the difficult economic conditions of today, the report concludes, that further advances along these lines become essential.

—ILO Press

(E.F.I. Bulletin dated 1st September 1984.)

### ID Act amendment on closure and lay-off comes into force

The Industrial Disputes (Amendment) Act, 1982 and 1984, relating to closure, retrenchment and lay-off has come into force with immediate effect, says, a recent Government notification.

According to the amendment Act, workman would be entitled to 100 per cent wages, where a labour court or tribunal reinstates a worker, and the employer prefers proceeding against the award in the higher courts. During the period of pendency of such proceedings, full wages last drawn, including maintenance allowance as admissible, will be paid to the workers.

The provisions of closure, lay-off and retrenchment will be applicable to all industrial establishments employing 100 or more workmen instead of 300 or more at present. The provisions relating to closure have been recast so as to conform to the decision of the Supreme Court in Excel Wear case.

An employer who intends to close down an establishment shall have to apply to the appropriate government for prior permission at least 90 days before the date on which the intended closure is to become effective. In case the government does not communicate within 60 days from the date of application, the permission applied for shall be deemed to have been granted. There is also a provision for appeal to Industrial Tribunal against the decision.

It indicates that the appropriate government may, either on its own motion or on the application made by the employer or workmen, may refer the matter to a tribunal and the tribunal shall pass the award within 30 days from the date of reference. Closing down of an establishment when the permission has not been granted by the appropriate government shall be illegal and the workman shall be entitled to all the entitled benefits.

Where the undertaking is permitted to close down, every workman shall be entitled to compensation equivalent to 15 days average pay for every completed year of continuous service. Similar provisions had been also made for lay-off and retrenchment. Prior approval for lay-off may be relaxed, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary to do so, lay-off could be effected and post facto approval obtained. The Central government will be the appropriate authority concerning Coal Mines Provident Fund and Employees Provident Fund Organisation, Employees State Insurance Corporation, Indian Airlines and Air India, Oil and Natural Gas Commission, Central Warehousing Corporation, International Airport Authority of India, Regional Rural Banks and Export Credit and Guarantee Corporation.

The amended Act stipulates that labour courts or tribunals would give orders and awards within the time specified in the orders of reference which shall not exceed three months in the case of individual disputes and in the case of direct applications. Conciliation officer will have powers of civil court for enforcing the attendance of persons, for examining and for compelling the production of documents.

Unfair labour practices on the part of employers, workers and trade unions have become part of the Industrial Disputes (Amendment) Act. No employer or workman or a trade union whether registered or not shall commit any unfair labour practice. The defaulter will be punishable with imprisonment, which may extend to six months or fine which may be upto Rs. 10,000 or both.

(Indian Worker dated 3rd September 1984.)

**C. Order on gratuity calculation**

The Supreme Court on August 29 declared that the rate of gratuity under the Payment of Gratuity Act has to be calculated by dividing the monthly wages by 26 working days instead of 30 days. Further, the maximum amount of gratuity of 20 months wages under the Act to be calculated by multiplying the monthly wages by 30 days instead of 26 working days.

The effect of this judgement is that monthly-rated employees who are entitled under Section 4 (2) of the Act to gratuity at the rate of 15 days wages for every completed year of service will now get a higher rate of gratuity since their monthly wages are to be divided by 26 working days instead of 30 days for calculating the daily wage. This daily wage will then be multiplied by 15 months to arrive at the gratuity entitlement of the employee. Under Section 4(1), gratuity is payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years, except in the case of death or disablement which renders him incapable for the work he was employed to perform before the accident.

The second effect of this judgement is that monthly-rated employees will get a larger sum of the maximum gratuity under Section 4 (3) since the 20 months period has been declared to be equivalent to 600 and instead of 500 days.

Justices O. Chinnappa Reddy, A. P. Sen and E. S. Venkataramiah gave this interpretation because Section 4 (2) uses the words "rate" whereas Section 4 (3) simply states "20 months wages". The judges regretted that in the "unequal struggle between capital and labour" the Government did not act with speed to introduce legislation by which persons who have put in 30 years or more are not driven from one court to another for 12 years as in this case. They have tried to impress upon the Government that whenever such doubts or difficulties are expressed by the High Courts on socially beneficial legislation it must introduce legislation to cure the defect rather than wait for judicial interpretation by the highest court. The employees have been given costs by the court amounting to Rs. 10,000. Two-thirds of this amount would go to the Supreme Court Legal Aid Committee.

(*Indian Worker*, dated 3rd September 1984.)

**ILO World Survey says****Poor Nations becoming poorer**

The world as a whole witnessed a record 65 per cent rise in income per head of population over the 20 years between 1960 and 1980, according to the ILO World Labour Report.

But the poorest nation got the least benefit from this growth, while the industrialised nations prospered at a faster than average rate, the report says. Nations with an average per capita income of 260 dollars in 1980, for instance, recorded only 1.2 per cent increase in per capita income, compared to 3.6 per cent in the industrialised countries of the West.

Even with the slow progress in many developing countries, the median rate of growth in per capita income of all countries was about 2.8 per cent per year. This represents an increase in per capita income, over the 20-year period of 65 per cent. "Rarely, if ever did any country in history achieve such growth over such a period as that which has been achieved during these 20 years by the whole world," the ILO report notes.

Overall, this has led to significant improvement in what the ILO report describes as the "quality of life". Life expectancy has risen almost everywhere. The improvement is seen most sharply in the low countries, where life expectancy increased from 42 years in 1960. Infant mortality has also declined, and there are more doctors and nurses per head of population.

Progress in education has been equally dramatic. Over 90 per cent of the children of the developing countries now attend primary schools compared to 76 per cent 20 years ago. Enrolment ratios in secondary schools have more than tripled and enrolment ratios in higher educational institutes have doubled.

"The 1960 and 1970s were a period of quite rapid growth probably unprecedented on a world wide scale, but a growth which was far from uniform, with some countries lagging far behind," the report notes.

For 11 countries with a population totalling 89.1 million, income per head declined between 1960 and 1980. While some 100 states experienced growth in per capita income for their 3 billion people, this has not meant a rise in living standards for all the people in these countries.

In many cases, there was highly uneven distribution of income. Indeed, while disparities in income have been relatively low in Western European countries, among developing countries they were highest in Latin America.

They were lowest in Asia and the Pacific region. The report notes that among some of the poorest countries studied by the ILO—Bangladesh, India, Malawi, Tanzania and Sri Lanka—only Nepal recorded high income disparities.

Data for the People's Republic of China and a number of other countries with a combined 1980 population of 1.227 million are not available.

In a number of countries income distributions has improved over the past two decades while inequality has widened in others, the World Labour Report concludes: "But once again, the great bulk of the population of the world has experienced an increase in income even if it has been smaller than would have been warranted by the growth performance of their countries."

Developing and developed countries alike have taken steps for a more equitable distribution of income. Land reform, cooperative urban production units, government expenditure, direct and indirect taxation are among the measures which have been tried. But their impact has not always been uniform and in some cases, has even led to worsening of the income gap, the report says.

Development planners have also tried the target group approach, designed to help the poorest of the poor. This approach has been tried in a number of countries, but its impact has been mixed.

opportunities to persons or to geographical areas known to be poor. But the approach tends to demand very considerable inputs of administrative talent "and certainly risks encouraging dependence on government support and discouraging self-reliance," the World Labour Report says.

It sees much room for improvement in income distribution measures, particularly in the developing countries.

Wages trends. On wages however, the report notes distinctly different trends in developed nations compared to developing countries. In most of the developed countries, real wages continued to rise until a few years ago. In the developing countries, "not only have there been large differences from country to country, but also real wages have frequently fallen, some times substantially."

Many Third World nations have sought to reduce wage inequalities through a statutory minimum wage. The ILO's minimum wage-fixing machinery Convention of 1921 the report notes, has been ratified by 95 countries, making it one of the most widely adopted international instruments of the ILO.

**Caution:** But the report strikes a cautionary note on wage control, "With the passage of time, there has been growing recognition of the danger of trying to exercise close control over wages in the labour market or attempting to bring about major changes in the distribution of income by altering the wage structure. In particular it has been found that if minimum wages are fixed too high, the basic objective of a reduction in poverty is unlikely to be achieved.

Unfortunately caution in the adjustment of minimum wages has been on occasion been carried to the point where they have suffered substantial declines in their real value and lost all relevance, even as a device for providing limited safety—not protection," the report says.

*(Indian Worker dated 3rd September 1984)*

*Date/line by Government.*

#### **ESI to settle all claims within three months**

The Employees' State Insurance Corporation will settle all claim of permanent disablement and dependants' benefit within three months. The Standing Committee of the Corporation, which decided this on September 12, also approved a proposal to establish a special medical board to clear all pending cases soon.

At present, there are 2,134 cases of disablement benefit and 108 of dependants' benefits pending settlement.

As for contributions under the ESI scheme, the total arrears at the end of September last amounted to Rs. 44.84 crores, it is stated. Of this, arrears on account of private units amounted to Rs. 35.09 crores and of Government and other public undertakings Rs. 9.75 crores.

A substantial portion of the arrears was on account of textile mills. Those under the Central Government accounted for Rs. 3.47 crores, while the rest accounted for Rs. 18.2 crores.

Recovery certificates for arrears amounting to Rs. 32.19 crores were pending with collectors for revenue recovery while recoveries amounting to Rs. 3.47 crores were pending with Commissioners of Payments appointed under the Sick Textile Undertakings (Nationalization) Act, 1947.

Recovery of Rs. 5.4 crores had been stayed by courts, while execution proceedings for recovery of Rs. 17 lakhs were pending. Factories against whom arrears of Rs. 1.1 crore were pending had gone into liquidation, and some factories against whom Rs. 67 lakhs was pending had been declared 'relief undertakings' by various State Governments.

Employers against whom arrears amounting to Rs. 1.11 crores were outstanding had been disputing coverage under the ESI Act, while the whereabouts of employers owing Rs. 73 lakhs were not traceable.

The Standing Committee, which met under the chairmanship of the Union Labour Secretary, Shri B. G. Deshmukh, decided that public sector construction companies might be given contracts for construction of hospitals and dispensaries since the existing procedure for the purpose took a long time.

The members were told that regional directors had been asked to supply information about defaulters with arrears in excess of Rs. 1,00,000 and that legal or penal action would be taken against them.

The ESI provides medical care to 28 million employees through 472 centres and spends about Rs. 189 crores on various benefits, against an annual income of Rs. 225 crores.

Members of the committee were informed that Shri R. K. A. Subrahmanya, former Additional Secretary in the Labour Ministry, had been appointed as a consultant to review the existing system of funding in the corporation in the light of practices prevailing in other countries and keeping in view the financial structure of the corporation.

*(Indian Worker, dated 17th September 1984)*

#### **ILO disputes criticism of multinationals**

The International Labour Organization has disputed the criticism that multinational enterprises (MNEs) implant their subsidiaries in developing countries primarily because of lower labour costs.

A new ILO study titled "Technology Choice and Employment Generation by multinational Enterprise" contends that if this was the case, then MNEs would logically make this consideration also a major determinant in their technological choice. Their operations would necessarily be more labour-intensive in the Third World. But quite the opposite seems to be happening, according to the ILO study.

The study finds that "local wage levels do not play any significant role in the technological choice made by MNEs subsidiaries, and that Government legislation on minimum wages, contrary to what was often assumed, does not appreciably accelerate the shift to more capital-intensive technologies in these enterprises".

Whereas labour costs represent a very small part of the total outlay of MNEs in Third World countries, the study adds that there is no workable Government policy to prod MNEs to adopt more labour-intensive methods with a greater employment creation potential.

Pointing out that the multinational subsidiaries in Third World countries have little leeway as far as technology choice is concerned, the ILO study states that the only viable option is to use the technology that is the most economically competitive, the most suitable for the firms growth aims and in tune with the needs of the fast-changing local and global markets.

In fact, even, Third World countries own State enterprises are impelled by this "viable option", and most of them are in fact considerably more capital-intensive than foreign subsidiaries, says the study.

MNEs have so far generated some four million jobs in the Third World. But the aggregate employment impact should be considerably higher when indirect employment effects are added as a result of what the study terms 'backward' linkages with local suppliers and subcontractors and 'forward' linkages with distributors and customers.

The study maintains that Government intervention in the technological decision making processes of the foreign firms is often found to be 'Impractical and counter-productive.'

The study suggest some policy approaches and among them is the need to attract not only large but small MNEs new comers rather than well-known investors, including those from developing countries.

There is also a need to foster actively closer 'backward' and 'forward' linkages between foreign subsidiaries and local firms and build more reliable bridges between the host country's foreign investment policy and its development as well as science and technology policies.

There is also a need to encourage the technological "trickle-down" from foreign to local firms. It is also necessary to aim at integration of foreign MNEs into the national economy.

Third Government should also underpin MNEs efforts to train local workers and managers, adds the study.

As MNEs capital could account for a third of net private capital flows to less developed countries this year the ILO study notes that a number of countries, once hostile to MNEs, are beginning to open their doors.

### Vocational training in third world ILO favours overhaul

The International Labour Organisation (ILO) has called for a 'fundamental rethink' and 'overhaul' of the present vocational training policies in developing countries with a view to giving the growing 'legions' of misfits a second chance of life.

An ILO study says that legions of young misfits are growing up in the Third World and their ranks will keep swelling year after year until well beyond the turn of the century.

There are nearly 200 million 12-17 year-olds out of school in developing countries today—137 million in Asia, 45 million in Africa and 19 million in Latin America. A great majority of this vast army of disadvantaged youth live in rural and poor urban areas.

According to the study, the Third world young labour force in the 15-24 age-group, now numbering 338 million, is likely to increase to 467 million by the year 2000. This means that developing countries are faced with a daunting task of creating well over 100 million jobs to absorb new entrants to the labour market and an additional 35 million jobs for the present jobless youth.

The ILO study argues that access to training for the disadvantaged youth is not only a matter of social justice as without it they could be at risk of becoming a lost generation. These youths should benefit from traditional forms of training in general and informal apprenticeship in particular.

Training for rural youth could focus on skill preparation for employment not only in the agricultural sector, but also in non-farm trades and crafts, as well as in fishing and forestry.

In the cities, youth training could be related to some modern sector and most informal sector activities as well as small enterprises and certain types of self-employment.

Pointing out training the disadvantaged youth on these lines should form an important element in any strategy to fight youth unemployment, the study concludes that the alternative is mounting frustration, more misery and social and political unrest.

(*Indian Worker*, dated 17th September 1984)

### Jobs and occupational safety on ILO Textile Committee

Job security in one of the industries hardest hit by structural change will be considered by Government, employee and worker delegates at the Eleventh Session of the Textiles Committee of the International Labour Organisation which will meet here from October 10 to 18.

The meeting will also examine occupational safety and health in this sector.

A special report on security of employment and income documents and analyses the reasons for the markedly different fortunes of the textile industry in North and South. It also considers the implications of public efforts in Western industrialised countries to support the ailing industries and suggests that limits be set to public support of such a sector so long as un-employment exists in society as a whole.

Output and employment have fallen sharply in the textile industries of the industrialised western economy countries. Output in the EEC countries fell by 14 per cent between 1973 and 1982 while employment declined even more by 33 per cent.

In the decade 1973-82 employment in textiles fell by 425,000 in Japan, 428,000 in France and 2,411,000 in the United States. On the other hand both output and employment have been rising in most developing countries.

Since 1973 output in Egypt rose 33 per cent by 1978 and in Mexico 23 per cent by 1978. In Egypt for example employment in the public sector of the industry rose 12 per cent while in the Republic of Korea overall employment in this industry rose by as much as 80 per cent.

Owing to the introduction of new technology, productivity has been rising fast 70 per cent in the EEC over the 1973-82 decade, 40 per cent in Japan and 70 per cent in Sweden.

Various factors are cited as responsible for this vigorous growth of the industry in developing countries. The availability of abundant labour and the higher labour costs in the North are analysed.

In 1982 hourly labour costs in the Neil lands were £10.17 while in Sri Lanka they were £0.32. In Switzerland they were £9.44 and in Pakistan £0.37. But the striking discrepancies in labour cost alone—with a ratio of 35 to one in the case of Belgium and Pakistan are not regarded as the means by which developing countries drive the developed countries out of more than a few lines of business.

The comparative advantage of low cost countries is compounded by the lack of industry-wide minimum wages in industrialised countries at levels exceeding the productivity potential. Part of the rapid decline in Swedish textile industry has thus been explained by large increases in wages and other labour costs.

Moreover, falling population growth, decline in the prestige attached to dress and the shift in fashion to more utilitarian clothes produced a "consumer recession" in textiles during the seventies. Decline in growth of expenditure on textiles in the industrialised countries was twice that of overall household expenditure. Between 1963 and 1973 overall household expenditure grew at an average annual rate of 4.3 per cent and that on textiles at 3.8 per cent. Between 1973 and 1977 this had declined to 2.2 per cent and 1 per cent respectively.

Fast productivity growth due to technological change in the context of this slowly rising demand is regarded by the report as the main direct cause of dramatic falls in employment in the textile industry of industrial countries.

This rapid technological innovation must undoubtedly be explained by the imperative need for these industries to reduce costs when faced with increased competition from the developing countries and some times fast rises in price of their own labour.

These structural developments were exacerbated by the most serious general economic depression since the Second World War.

*Indian Worker, dated 24th September 1984.*

## CO-OPS AND TRADE UNIONS MUST HELP WORKERS

BY

B. K. SINHA

*Director General and Executive Vice-Chairman National Council for Co-op Training, New Delhi.*

The common objective of the trade union movement and the co-operative movement is the welfare and upliftment of the working class population. The origin of the two movements goes back to that of the struggle of the working class for attainment of socio-economic rights and their due place of pride in the society and opportunities for their economic development.

If we take a bird's eye view at the population situation and of the rural poor, we will observe that the rural workers constitute nearly 70 per cent of the working population of this country. The workers population is 247 millions which represents nearly 38 per cent of our total population.

The rural workers continue to be unorganised. It is only recently that economists, trade unions and the Government are laying greater emphasis on what requires to be for the rural workers either through voluntary agencies like the trade unions or through a variety of co-operative institutions.

Economic activities are being increasingly organised for the weaker sections on co-operative basis as that the benefit of those activities go to the rural worker particularly with reference to the primary agricultural credit societies where the efforts to assist the landless labourers are being made. Then there are construction cooperatives, forest labour co-operatives and a number of similar other co-operatives catering to the needs and aspirations of the rural workers.

The rural workers need to be organised to generate an awareness about achieving a better status and assert their socio-economic rights. The trade union movement in the organised sector should pay more attention in the organisation of rural labour in its own future interests and this has of late attracted the attention of the trade union movement.

The socio-economic upliftment and economic emancipation of this section of population should be the primary concern of the co-operatives and the co-operative movement also. Again if we look at the national scene so far as the rural workers are concerned we will realise that this section of population is still very much exploited. They belong largely to the poverty stricken group that is people below the poverty line. Unemployment is not a peculiarity with the rural workers alone. They, however, experience more difficulties. They almost starve and they are not able to live a normal life. This section of population is not only exploited and harassed but is economically the most distressed section of the Indian population.

Exploitation takes place in many ways through individual proprietors, contractors and others who harass these labourers. Some of the organisations in the public sector and even co-operatives act as sub-contractors having motives which a private individual normally has.

Rural worker is an uneconomic man, which is a hard reality. An uneconomic man has no credit-worthiness and similarly his bargaining power in this competitive world is practically nil. The traditional occupations in which they were by and large engaged are disappearing from the rural economy and rural life. With the result that barbers, washermen, shoemakers, blacksmiths, goldsmiths etc., are mostly out of employment and their profession is gradually vanishing in the rural areas.

Young people who could have been good apprentices in the traditional professions and trades, are no more charmed with the climate in the rural areas and villages and are migrating to the urban centres in search of some type of work or engaging themselves in whatever manner they can. This exodus to the urban areas is yet another serious social problem. The slogan that they should go back to the villages may not serve any useful purpose and prove practical. The basic question is retaining the interest of the younger generation in the village life and motivating them to learn professional skills in the manner which is beneficial not only to the individuals concerned but to the community as a whole. It is so because these groups of people provide very essential and useful services to the village community life. The barbers services are not only necessary for hair-cutting, hair dressing etc., but also on occasions like marriages, death ceremony etc.,. The barber has his social importance too. Therefore, his role has not changed but he is to be motivated so that he has a source of livelihood and helps in bettering the village life by providing more and modernised services to the community in the rural areas.

Looking to the rural workers, it is observed that he cannot stand on his own feet individually and fence for himself. The individual's initiative and efforts effect life of any society. The poor and helpless cannot be left to themselves; they have to be enabled to live better.

Therefore, organising the rural workers and providing them organisational support and assistance have become very important what type of organisational support could be provided to them has become a matter of great concern. Through organisations like panchayat, some welfare activities are undertaken being under the scheme of Integrated Rural Development Programme (IRDP). We may, however have to find alternatives and measures as a permanent solution to the problems facing this section of population. Some sort of permanent, regular, organisational arrangements should have to be evolved for them. Multi-agency approach for tackling the problem may not be ruled out. Co-operation as an economic organisation with social content would no doubt be a more effective agency for meeting requirements.

In what way the existing co-operative could be of better help to the unorganised rural workers and how new form of co-operatives could be organised to help the rural poor should be considered.

It is necessary to give some thought to organisational aspect of co-operatives for rural workers. A view is expressed that since this is a heterogeneous group of people, they cannot be organised on co-operative lines because co-operation stands for common economic interest and homogeneity of group interest is a basic consideration for forming a co-operative society. It may be pointed out in this connection that the common interests of the people belonging to the rural workers are two. Firstly, that they have nothing else except their labour as capital. Secondly that they have to improve their productivity. They are keen to use their manpower for earning a regular and permanent source of income.

Further, there are professional groups in the village e.g. agricultural labourers, non-agricultural labourers, artisans and others who belong to the category of rural workers. They all have common interest in setting up of workshops providing services and training facilities, which will improve their skills, etc. For that also, a nucleus of organisation is needed to take initiatives and deliver the services. A general purpose approach is good enough upto certain extent only. Therefore, we have to go in specific areas with defined responsibilities and specialised functions. A stage has come in the Indian co-operative movement and in the rural scene of India today when one should appreciate this aspect to organise the rural workers, into rural workers co-operatives of multi-purpose type to begin with.

This does not mean that we shall be organising or encouraging setting up of a competing organisation which will compete with the existing village level co-operatives. On the contrary the new co-operative society will exclusively take into account the special interests of the rural workers and work in a co-ordinated manner so far as the other cooperatives in the area are concerned. The specific aspects, objectives and functions of rural workers should receive utmost attention. It is also necessary that we devise measures for bringing in this section of population still not effectively participating in co-operatives within the fold of Co-operations. Moreover, if co-operatives are expected to act as schools of democracy and as an agency for taking democracy directly to the people, it is essential that not only the universal participation of the working class population is ensured through variety of ways in the co-operative movement and thereby the democratic base of the nation is strengthened. The Conference held on 31st December 1983 at Trivandrum, when Prime Minister Smt. Indira Gandhi made the statement that "co-operation is a school of democracy and co-operative society can take democracy directly to the people". How can we directly take it to the people if such a large proportion of population is not effectively served and it does not effectively participate in the co-operative movement.

The last but not the least importance is the problem of temporary and seasonal employment of rural workers. We are faced with the acute problem of providing alternative jobs during off-season period. It is also a serious problem with regard to the workers who work on seasonal basis in co-operative enterprises, like co-operative sugar factories. So we have to give some thought to this aspect also.

Rural workers co-operative movement has to have its distinct place in the Indian co-operative movement, like the one which we have in the agricultural co-operative movement. It has to be a combination of a specialised society with multi-purpose approach so that the youth and talent of workers as well as the resources in the rural areas are not only utilized but they are improved upon for production purposes. The objectives, the services, the facilities and co-ordination with other agencies may also have to be thought of.

To facilitate the task, it would be desirable to formulate a concrete action programme for the next 5-6 years. We may even think of formulating a broad outline of the bye-laws of a rural workers co-operative. Some pilot projects to be set up during the 7th Plan Period might also be recommended. The promotional measures or preparatory measures necessary to ensure that workers co-operative movement is given a shape and organisation of rural workers co-operative encouraged, might as well be suggested.

The National Labour Co-operative Federation is the promotional agency at the National level within the co-operative setup. The initiative taken by the Federation, is in the right direction. But if we go into details of the working of the Labour Co-operative Federation, we might observe that it is still not a comprehensive form of organisation. It is still concerned more with the labour construction co-operatives or forest labour co-operatives. It still has not oriented its functioning, objectives and machinery for dealing with the entire working class population through the co-operative movement. As such, a comprehensive approach may have to be adopted by the promotional agencies if they are to play the expected role effectively in bringing the working class people, particularly in the rural areas within the fold of the co-operative movement.

This type of initiative which the National Institute has started taking in bringing the academic wing of the co-operative movement closer to the promotional and business organisations and federations of the co-operative movement will continue. The co-operative movement and its academic, educational and training wing must co-ordinate their thinking operational plans and activities; and the National Institute and the National Council for Co-operative Training are determined to play their role best and to develop working relationship with the concerned agencies so that they are able to act as the brain trust of the Indian co-operative movement so strongly desired by the co-operators and the co-operative movement of this country.

*(Indian Worker, dated 10th September 1984)*

## Labour Legislation

The following Ordinance was promulgated by the Governor of Maharashtra on 11th August 1984.

### INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Mantralaya Annexe, Bombay 400 032, dated the 11th August 1984

#### MAHARASHTRA ORDINANCE No. V OF 1984

##### AN ORDINANCE

*to provide for the acquisition and transfer of the undertaking of the Shivraj Fine Art Litho Works, Nagpur, with a view to securing the proper management of such undertaking so as to subserve the interests of the general public and the employees of the undertaking by ensuring the continued manufacture, production of and distribution of printed lithographic material which are essential to the needs of the economy of the State and country and for matters connected therewith or incidental thereto.*

WHEREAS a printing press styled as Shivraj Fine Art Litho Works, Nagpur, was run by the members of a family as partners of a partnership firm registered in the State of Maharashtra under the Indian Partnership Act, 1932 (IX of 1932);

AND WHEREAS due to the disputes between the members of the family regarding dissolution of the partnership firm, which had been a partnership at will, there ensued litigation amongst the partners and a civil suit, being Civil Suit No. 9 of 1974 was filed in the Court of the Civil Judge, Senior Division, Nagpur, wherein receivers were appointed from time to time to manage the Shivraj Fine Art Litho Works and that suit is still pending in that Court;

AND WHEREAS the Shivraj Fine Art Litho Works had been engaged in the manufacture, production and distribution of printed engraved lithographic material, being articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951);

AND WHEREAS the undertaking namely, Shivraj Fine Art Litho Works was closed down from the 17th May 1979, throwing about 460 employees out of employment;

AND WHEREAS by Government of India, Ministry of Industry (Department of Industrial Development) Order, No. SO 634(E)/18AA/IDRA/80, dated the 23rd August 1980, the management of the undertaking was taken over by the Central Government under the provisions of the industries (Development and Regulation) Act, 1951 (LXV of 1951), and the Development Corporation of Vidarbha Limited, Nagpur, was appointed as the authorised person to manage the undertaking;

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AND WHEREAS in Writ Petition No. 2741 of 1980 filed by some of the partners challenging the order of the Government of India taking over the management of the undertaking as aforesaid, the High Court of Bombay, Nagpur Bench, quashed the said order by its judgment rendered on the 28th April 1982;

AND WHEREAS the Development Corporation of Vidarbha Limited, Nagpur, filed an appeal in the Supreme Court against the judgment of the High Court and the Supreme Court has by its order dated the 26th May 1982 stayed the operation of the judgment of the High Court;

AND WHEREAS the period for such management of the undertaking has been extended from time to time and will expire on the 22nd August 1984;

AND WHEREAS for the purpose of securing the optimum utilization of the available facilities for the manufacture, production and distribution of printed engraved lithographic material by the undertaking, its continuous proper management and investment of a large amount is necessary;

AND WHEREAS it is expedient to acquire the said undertaking to ensure that the interests of the general public and the employees of the said undertaking are served by the continuance by the undertaking of the manufacture, production and distribution of the aforesaid articles which are essential to the needs of the economy of the State and the country and to provide for matters connected therewith, or incidental thereto;

AND WHEREAS such acquisition is for giving effect to the policy of State towards securing the principle specified in clause (b) of Article 39 of the Constitution of India;

AND WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid;

AND WHEREAS the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution have been obtained;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Shivraj Fine Art Litho Works (Acquisition and Transfer of Undertaking) Ordinance, 1984.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance unless the context otherwise requires,—  
(a) “appointed day” means the day on which this Ordinance comes into force;

(b) “Commissioner” means the Commissioner of Payments appointed under section 14;

(c) “Corporation” means the Development Corporation of Vidarbha Limited, Nagpur, a Government Company registered under the Companies Act, 1956 (1 of 1956);

(d) “new Government Company” means a Government company (including a subsidiary Government company) formed and registered under the Companies (1 of 1956) Act, 1956 in which the undertaking is directed to vest under sub-section (1) of section 6;

(e) “prescribed” means prescribed by rules made under this Ordinance;

(f) “Proprietors” means the partnership firm, namely, the Shivraj Fine Art Litho Works, Nagpur, registered under the Indian Partnership Act, 1932 (IX of 1932), with head office at Subhash Road, Nagpur, as it existed immediately before its dissolution on the 9th January 1974, and includes the receiver or receivers appointed in Civil Suit No. 9 of 1974 in the Court of the Civil Judge, Senior Division, Nagpur;

(g) “Schedule” means the Schedule appended to this Ordinance;

(h) “specified date”, in relation to any provision of this Ordinance, means such date as the State Government may, by notification in the *Official Gazette*, specify for the purposes of that provision, and different dates may be specified for different provisions of this Ordinance;

(i) “undertaking” means the industrial undertaking known as “Shivraj Fine Art Litho Works, Nagpur”, belonging to the proprietors.

## CHAPTER II

### ACQUISITION AND TRANSFER OF THE UNDERTAKING

3. *Acquisition and transfer of undertaking and its vesting in State Government and its transfer and vesting in Corporation.*—(1) On the appointed day, the undertaking and the right, title and interest of the proprietors in relation to their undertaking, shall, by virtue of this Ordinance, stand transferred to, and vest absolutely in, the State Government.

(2) The undertaking which stands vested in the State Government by virtue of sub-section (1) shall, immediately after it has so vested, stand transferred to, and vested in, the Corporation.

4. *General effect of vesting.*—(1) The undertaking shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments machinery and equipment, cash balances, cash on hand,

reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the proprietors whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the State Government under section 3 shall, by force of such vesting be, freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them, and any attachment, injunction, decree or order of any court, tribunal or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgage of any property which has vested under this Ordinance in the State Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interest, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7 and also out of the amounts referred to in section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any such property which has vested in the State Government and the Corporation.

(5) Any licence or other instrument granted to the proprietors in relation to the undertaking which has vested in the State Government under section 3 at any time before the appointed day and in force immediately before that day, shall continue to be in force on and after such day in accordance with its tenor in relation to, and for the purposes of, such undertaking and, on and from the date of vesting of such undertaking under section 3 in the Corporation, or under section 6 in a new Government company, the Corporation, or new Government company, as the case may be, shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to the Corporation, or new Government Company, and that the Corporation, or new Government company, shall hold it for the remainder of the period for which the proprietors would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Corporation under section 3, instituted or preferred by or against the proprietors is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking or of anything contained in this Ordinance but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Corporation, or new Government company as the case may be.

*Explanation.*—For the purposes of this section the expression “any suit, appeal or other proceeding of whatever nature” shall not include Civil Suit No. 9 of 1974 pending in the Court of the Civil Judge, Senior Division, Nagpur.

5. *Proprietors to be liable for prior liabilities.*—(1) Every liability other than the liability specified in sub-section (2), of the Proprietors in respect of any period prior to the appointed day, shall be the liability of the proprietors and shall be enforceable against them and not against the State Government or against the Corporation or where the undertaking is directed under section 6 to vest in a new Government company, against that new Government company,

(2) Any liability in respect of materials supplied to the undertaking or of loans, advanced to it or of any other nature, arising out of the transactions entered into by the Corporation after the management of the undertaking had been taken over by the Central Government shall, on and from the appointed day, be the liability of the Corporation, and shall, if it has remained undischarged on the appointed day, be discharged by the Corporation.

(3) For the removal of doubts, it is hereby declared that—

(a) save as otherwise expressly provided in this section or in any other provision of this Ordinance, no liability, other than the liability specified in sub-section (2), of the proprietors in respect of any period prior to the appointed day, shall be enforceable against the State Government or the Corporation, or, where the undertaking is directed under section 6 to vest in any other new Government company against such new Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertaking passed on or after the appointed day, in respect of any matter, claim or dispute, not being a matter, claim or dispute in relation to any matter referred to in sub-section (2) which arose before that day, shall be enforceable against the State Government or the Corporation or, where the undertaking is directed under section 6 to vest in any other new Government company against such new Government company;

(c) no liability incurred by the proprietors before the appointed day, for the contravention of any provision of any law for the time being in force, shall be enforceable against the State Government or the Corporation, or, where the undertaking is directed under section 6 to vest in any other new Government company against such new Government company.

(d) notwithstanding anything contained in sub-section (1) of section 12 or any other provisions of this Act or any other law for the time being in force or any contract, agreement, settlement, award, or decree or order of any court, tribunal or other authority, no liability towards claims of whatever nature of any employee against the proprietors in respect of his employment in the undertaking for the period prior to the date of taking over the undertaking by the Central Government for management under the provisions of the Industries (Development and Regulation) Act, 1951, (LXV of 1951) shall be enforceable against the State Government or the Corporation.

6. *Power of State Government to direct vesting of the undertaking in new Government company.*—(1) Notwithstanding anything contained in sections 3 and 4, where the undertaking vests, under sub-section (2) of section 3, in the Corporation, the State Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification in the *Official Gazette*, that the undertaking and the right, title and interest of the proprietors in relation to the undertaking which had vested in the State Government and which on its transfer vests in the Corporation under section 3, shall, instead of continuing to vest in the Corporation, vest in a new Government company with effect from the date specified in the notification.

(2) Where the right, title and interests of the proprietors in relation to their undertaking vest, under sub-section (1), in a new Government company, such Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertaking, and all the rights and liabilities of the State Government and the Corporation in relation to the undertaking, shall on and from the date of such vesting, be deemed to have become the rights and liabilities of such Government company.

### CHAPTER III

#### PAYMENT OF AMOUNTS

7. *Payment of amount.*—For the transfer to, and vesting in, the State Government, under section 3, of the undertaking and the right, title and interest of the proprietors in relation to their undertaking, there shall be paid by the State Government to the proprietors, in cash, and in the manner specified in Chapter VI, an amount of rupees fourteen lakhs and twelve thousands.

8. *Payment of further amount.*—(1) For the deprivation of the proprietors of the management of their undertaking (which had remained closed with effect from the 17th May 1979 to the 22nd August 1980) during the period commencing on the 23rd August 1980 being the date on which the undertaking was taken over in pursuance of the Orders made by the Central Government under the provisions of the Industries (Development and Regulation) Act, 1951 (LXV of 1951) and ending on the appointed day, there shall be paid by the State Government to the proprietors in cash of and in the manner specified in Chapter VI, an amount of rupees five thousand per annum.

(2) The amounts specified in section 7 shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the day on which payment of such amount is made by the State Government to the Commissioner.

(3) The amount specified in sub-section (1) and the amount determined in accordance with the provisions of sub-section (2) shall be given by the State Government to the proprietors in addition to the amount specified in section 7.

(4) For the removal of doubts, it is hereby declared that the liabilities of the proprietors in relation to their undertaking which has vested in the State Government under section 3 shall be discharged from the amounts specified in

section 7, and also from the amount specified in sub-section (1) and the amount determined under sub-section (2), in accordance with the rights and interests of the creditors of the proprietors.

### CHAPTER IV

#### MANAGEMENT, ETC. OF THE UNDERTAKING

9. *Management, etc. of undertaking.*—The general superintendence, direction, control and management of the affairs and business of the undertaking, the right, title and interest in relation to which have vested in the State Government under sub-section (1) of section 3, shall—

(a) by virtue of the provisions of sub-section (2) of section 3, vest in the Corporation ; or

(b) where a direction has been issued by the State Government under sub-section (1) of section 6, vest in the new Government company,

and thereupon the Corporation or such Government company, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the proprietors were authorised to exercise and do in relation to their undertaking.

10. *Duty of persons in-charge of management of undertaking to deliver all assets, etc.*—(1) On the vesting of the management of the undertaking in the Corporation, or a new Government company, all persons in charge of the management of the undertaking immediately before such vesting, shall be bound to deliver to the Corporation, or a new Government company, as the case may be, all assets, books of accounts, registers and other documents in their custody relating to the undertaking.

(2) The State Government may issue such directions as it may deem desirable in the circumstances of the case to the Corporation or a new Government company and the Corporation or such Government company may also, if it is considered necessary so to do, apply to the State Government at any time for instructions as to the manner in which the management of the undertaking shall be conducted or in relation to any other matter arising in the course of such management.

11. *Duty of persons to account for assets, etc. in their possession.*—(1) Any persons who has, on the appointed day, in his possession or under his control, any assets, books, documents or other papers relating to the undertaking, which have vested in the State Government or in the Corporation, or in a new Government company under this Ordinance, shall be liable to account for the said assets, books, documents and other papers to the State Government, or the Corporation, or a new Government company, as the case may be, and shall deliver them to the State Government, or the Corporation or such Government company or to such person or persons as the State Government or the Corporation or such Government company may specify in this behalf.

(2) The State Government or the Corporation or the Government company aforesaid may take, or cause to be taken, all necessary steps for securing possession of the undertaking which has vested in the State Government or the Corporation or such Government company under this Ordinance.

(3) The proprietors shall, within such period as the State Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the undertaking which has vested in the State Government under sub-section (1) of section 3 and in the Corporation, by virtue of the provisions of sub-section (2) of that section, and, for this purpose the State Government or the Corporation shall afford to the proprietors all reasonable facilities.

## CHAPTER V

### PROVISIONS RELATING TO THE EMPLOYEES OF THE PROPRIETORS

12. *Continuance of employees.*—(1) Every person who has been, immediately before the appointed day, employed in the undertaking shall become,—

(a) on and from the appointed day, an employee of the Corporation; and

(b) where the undertaking is directed under sub-section (1) of section 6, to vest in a new Government company, an employee of such Government company on and from the date of such vesting,

and shall hold office or service under the Corporation or such Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Corporation, or as the case may be, under such Government company, is duly terminated or until his remuneration and other conditions of service are duly altered by the Corporation or such Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, (XIV of 1947) or in any other law for the time being in force, the transfer of the services of any officer or other person employed in the undertaking, to the Corporation or such Government company, shall not entitle such officer or other employee to any compensation under this Ordinance or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. *Provident fund and other funds.*—(1) Where the proprietors have established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in the undertaking, the monies relatable to the officers or other employees, whose services have become transferred, by or under this Ordinance, to the Corporation, or a new Government company, as the case may be, shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and vest in, the Corporation or such Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Corporation or such Government company, as the case may be, shall be dealt with by the Corporation or such Government company in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

14. *Appointment of Commissioner of Payments.*—(1) The State Government shall, for the purpose of disbursing the amounts payable under sections 7 and 8 to the proprietors, by notification in the *Official Gazette*, appoint a Commissioner of Payments.

(2) The State Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Ordinance and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Ordinance and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of the State.

15. *Payment by State Government to Commissioner.*—(1) The State Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to the proprietors,—

(a) an amount equal to the amount specified in section 7; and

(b) an amount equal to the amount payable to the proprietors under section 8.

(2) A deposit account shall be opened by the State Government in favour of the Commissioner in the Public Account of the State, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertaking in relation to which payment has been made to him under this Ordinance.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the proprietors.

16. *Certain powers of the State Government or the Corporation or a new Government company.*—(1) The State Government or the Corporation, or where a direction has been issued by the State Government under sub-section

(1) of section 6, a new Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons any money due to the proprietors, in relation to their undertaking which has vested in the State Government, or the Corporation or in such Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The State Government or the Corporation, or such Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day, for discharging any liability of the proprietors, not being any liability specified in sub-section (2) of section 5, in relation to any period prior to the appointed day; and every such claim shall have priority, in accordance with the priorities attaching, under this Ordinance, to the matter in relation to which such liability has been discharged by the State Government, or the Corporation, or such Government company.

(3) Save as otherwise provided in this Ordinance, the liabilities of the proprietors in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the proprietors.

17. *Claims to be made to the Commissioner.*—Every person having a claim against the proprietors with regard to any of the matters specified in the Schedule pertaining to the undertaking, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that, if the Commissioner, is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days but not thereafter.

18. *Priority of claims.*—The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

19. *Examination of claims.*—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Ordinance is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

20. *Admission or rejection of claims.*—(1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date fixed shall be given by advertisement in one issue of such daily newspaper in the English language, one issue of such daily newspaper in the Marathi language and in one issue of such daily newspaper in such other regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the proprietors an opportunity of refuting the claims and after giving the claimant a reasonable opportunity of being heard, admit or reject, by order in writing, the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall, for the purpose of making an investigation under this Ordinance, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, (V of 1908) while trying a suit, in respect of the following matters, namely—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a Judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860, (XLV of 1860) and the Commissioner shall be deemed to be civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (II of 1974).

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against such decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the proprietors is situated:

Provided that, where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court of Bombay and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. *Disbursement of money by Commissioner to claimants.*—After admitting a claim under this Ordinance, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and on such payment, the liability of the proprietors in respect of such claim shall stand discharged.

22. *Disbursement of amounts to proprietors.*—(1) If, out of the monies paid to him in relation to the undertaking, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the proprietors.

(2) Where the possession of any machinery, equipment or other property has vested in the State Government, or Corporation, or a new Government company, under this Ordinance, but such machinery, equipment or other property does not belong to the proprietors, it shall be lawful for the State Government or the Corporation or such Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the proprietors immediately before the appointed day.

23. *Undisbursed or unclaimed amount to be deposited with general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the State Government, but a claim to any money so transferred may be preferred to the State Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

## CHAPTER VII

### MISCELLANEOUS

24. *Ordinance to have overriding effect.*—The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Ordinance, or in any decree or order of any court, tribunal or other authority.

25. *Contracts to cease to have effect unless ratified by State Government or Corporation or new Government company.*—Every contract entered into by the proprietors in relation to their undertaking, which has vested in the State Government under section 3, for any service, sale or supply, and in force,

immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing by the State Government, or the Corporation, or a new Government company, in which such undertaking has been vested under this Ordinance, and in ratifying such contract, the State Government, or the Corporation, or such Government company may make such alteration or modification therein as it may think fit :

Provided that, the State Government, or the Corporation, or such Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract,—

(a) unless it is satisfied that such contract is unduly onerous, or has been entered into in bad faith, or is detrimental to the interests of the State Government, or the Corporation or such Government company ; and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

26. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the State Government, or the Corporation, or a new Government company or any officer or other employee of that Government, or the Corporation or such Government company, or other person authorised by the State Government, or the Corporation, or such Government company for anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the State Government or the Corporation, or such Government company, or any officer or other employee of that Government, or the Corporation, or such Government company or other person authorised by the State Government, or the Corporation, or such Government company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

27. *Delegation of power.*—(1) The State Government may, by notification in the *Official Gazette*, direct that all or any of the powers exercisable by it under this Ordinance, other than the powers conferred by this section, section 30 and section 31, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the State Government.

28. *Penalties.*—Any person who,—

(a) having in his possession, custody or control any property forming part of the undertaking, wrongfully withholds such property from the State Government, or the Corporation or a new Government company ; or

wrongfully obtains possession of, or retains, any property forming part of the undertaking ; or

wrongfully withholds or fails to furnish to the State Government, or the Corporation, or new Government company, as the case may be, or any person or body of persons specified by that Government, or the Corporation on such Government company, any document relating to the undertaking, which may be in his possession, custody or control ; or

(d) fails to deliver to the State Government, or the Corporation, or new Government company, as the case may be, or to any person or body of persons specified by that Government, or the Corporation, or such Government company, any assess, books of account, registers or other documents in his possession, custody or control relating to the undertaking ; or

(e) wrongfully removes or destroys any property forming part of the undertaking or ;

(f) wrongfully prefers any claim under this Ordinance which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall, on conviction, be punished with imprisonment for a term which may, extend to two years, or with fine which may extend to ten thousand rupees or with both.

29. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person, who, at the time when the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, 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 that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals ; and

(b) “director”, in relation to a firm, means a partner in the firm.

30. *Power to make rules.*—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given to the Commissioner ;

(b) the manner in which the monies in any provident fund or other fund under section 13 shall be dealt with ;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order, not inconsistent with the provisions of this Ordinance, remove the difficulty.

#### SCHEDULE

[See sections 2 (g), 17, 18, 19, 20(1) and 22]

#### ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE PROPRIETORS FOR PRE-TAKE-OVER MANAGEMENT PERIOD

##### Category I—

(a) Wages, salaries and other dues payable to the employees of the proprietors in the undertaking.

(b) Deductions made from the salaries and wages of the employees for provident fund, Employees' State Insurance premium relating to Life Insurance Corporation of India or for any other purposes.

(c) Arrears in relation to contributions to be made by the proprietors to the provident fund, Employees' State Insurance Fund, Life Insurance Corporation premium and any other arrears under any other law for the time being in force (excluding gratuity).

*Category II—*

Principal amount of secured loans advanced by—

- (a) the Central Government ;
- (b) the State Government ;
- (c) banks and public financial institutions ;
- (d) any other sources.

*Category III—*

(a) Any credits availed of by the proprietors for the purpose of carrying on any trading or manufacturing operations.

(b) Any dues of State Electricity Board or Government and semi-Government institutions against supply of goods or services.

(c) Arrears of interest on loans and advances.

(d) Revenue, taxes, cesses, rates or other dues to Central Government, the State Government or any local authority.

(e) Any other loans or dues.

## STATEMENT

Shivraj Fine Art Litho Works, Nagpur, a firm registered in Maharashtra under the Partnership Act, 1932, having its registered office at Subhash Road Nagpur was running at Nagpur an Industrial undertaking styled as the "Shivraj Fine Art Litho Works" which employed about 500 persons and was engaged in manufacture, production and distribution of printed engraved lithographic material, being articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951 (Act LXV of 1951).

2. The partnership was a partnership at will and was dissolved in 1977 and in Civil Suit No. 9 of 1974 filed by some of the partners in the court of the Civil Judge, Senior Division, Nagpur for the dissolution and rendition of accounts of the firm, receivers were appointed to manage the industrial undertaking but on the 17th May 1979 the undertaking was closed. As a result thereof, the manufacture, production and distribution of the articles which are essential to the needs of the economy of the State and the country was stopped and 460 employees were thrown out of employment on and from the date of closure of the undertaking. Thereafter, the undertaking continued to remain closed for a continuous period of over fifteen months and the Government of India was satisfied that such closure of the undertaking for more than three months was prejudicial to the Scheduled industry and its restarting was necessary in the public interest, that Government, by Government of India, Ministry of Industry (Department of Industrial Development), No. SO-634/(E)/I8AA/IDRA/80, dated the 23rd August 1980 issued under section 18AA(I)(b) of the Industries (Development and Regulation) Act, 1951, the Central Government took over the management of the said undertaking and appointed the Development Corporation of Vidarbha Limited, Nagpur, a Government company, to manage the undertaking as authorised person under the said Act for a period of one year which period has been extended from time to time and which will expire on the 22nd August 1984.

3. After the undertaking was taken over by the Central Government for management as aforesaid, some of the partners filed Writ Petition, being Writ Petition No. 2741 of 1980, in the High Court of Bombay, Nagpur Bench, which quashed the order issued by the Government of India. The Development Corporation of Vidarbha, Limited, Nagpur, filed an appeal in the Supreme Court against the judgment of the High Court, and the Supreme Court has, by its order dated the 26th May 1982, stayed the operation of the judgment of the High Court.

4. After the undertaking was taken over by the Government of India, the Government of Maharashtra invested rupees 20 lakhs in the said undertaking and the Development Corporation of Vidarbha, Limited has also invested by raising a loan of rupees 10 lakhs towards its working capital. The said Corporation has been successful to serve the interests of the general public by the continuance, by the undertaking of the manufacture, production and distribution of the aforesaid articles which are essential to the needs of the economy of the State and the country and to provide continuous employment to the workers of the undertaking. The undertaking could be run as a viable unit provided it is taken over permanently and entrusted to a continued and efficient management.

5. Government, therefore considers that in order to provide continuity of management to secure optimum level of manufacture, production and distribution and employment, to safeguard the investments of the State Government and the aforesaid Government company, to serve the interests of the general public by the continuance, by the undertaking, of the manufacture, production and distribution of the aforesaid articles which are essential to the needs on the economy of the State and the country and to provide continuous employment to the workers of the undertaking, it is expedient to acquire the undertaking and to have effective control of the State Government over the affairs of the undertaking without any delay ; and for that purpose to enact a special law immediately.

6. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes aforesaid, this Ordinance is promulgated.

(Published in *M.G.G.*, Part-IV, dated 16th August, 1984, at page Nos. 224 to 239).

By order and in the name of the Governor of Maharashtra,

J. G. KANGA,  
Secretary to Government

## Gist of Important Notifications under Various Labour Laws

### 1. INDIAN BOILERS ACT, 1923

(1) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-6641, belonging to the Carbide Chemicals Company, Anik, Chembur, Bombay 400 074 from the operation of clause (c) of Section 6 of the said Act, for a further period upto and inclusive of 28th June 1984.

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/68131/869/Lab-9, dated 16th June 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3036).

(2) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boilers bearing Nos. MR-9737 and MR-9737 belonging to the Hindustan Organic Chemicals Limited, Rasayani, District Raigad from the operation of clause (c) of section 6 of the said Act, for the further period upto and inclusive of 19th March 1984.

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72145/915/Lab-9, dated 21st May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3038).

(3) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-9235 and belonging to the Maharashtra State Electricity Board, Paras Thermal Station, P. O. Vidyutnagar, C. R. from the operation of clause (c) of section 6 of the said Act, for a further period upto and inclusive of 30th July 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72146/914/Lab-9, dated 21st May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3038).

(4) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-10021 and belonging to the Explosives Factory, Kirkee, Pune-3, from the operation of clause (c) of section 6 of the said Act, for the period of six months from the 10th May 1984 to 9th November 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/70995/906/Lab-9, dated 30th April 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3039).

(5) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-7881 and belonging to the Hindustan Petroleum Corporation Limited, Mahul, Bombay 400 074 from the operation of clause (c) of section 6 of the said Act, for the period of 12 months from the 5th May 1984 to 4th May 1985 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72618/919/Lab-9, dated 28th May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984, at Page No. 3039).

(6) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-10296 and belonging to the Hindustan Petroleum Corporation Limited, Mahul, Bombay 400 074 from the operation of clause (c) of section 6 of the said Act, for a period of six months from the 27th May 1984 to 26th November 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72145/915/Lab-9, dated 21st May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3038).

(7) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-10296 belonging to the Hindustan Petroleum Corporation Limited, Mahul, Bombay 400 074 from the operation of clause (c) of Section 6 of the said Act, for a period of six months from the 27th May 1984 to 26th November 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72145/915/Lab-9, dated 21st May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3038).

(8) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-9890 belonging to the Hindustan Petroleum Corporation, Limited, Mahul, Bombay 400 074 from the operation of clause (c) of Section 6 of the said Act, for a further period upto and inclusive of 19th November 1984.

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72146/914/Lab-9, dated 21st May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3038).

(9) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-6804 belonging to the Ahmed Oomerbhoj, Ahmed Oomer Street Tow Tanks, P. O. Box No. 4511, Bombay 400 008, from the operation of clause (c) of Section 6 of the said Act, for a period of one month from the 4th May 1984 to 3rd June 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/70995/906/Lab-9, dated 30th April 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984 at Page No. 3039).

(10) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boilers bearing No. MR-10468 and MR-10469 belonging to the Hindustan Lever Limited, Sewree, Bombay 400 015 from the operation of clause (c) of Section 6 of the said Act, for a period of twelve months from the 11th May 1984, to 10th May 1985 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/71248/909/Lab-9, dated 8th May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984, at Page No. 3039).

(11) In exercise of the powers conferred, by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-9379 belonging to the National Organic Chemical Industries Limited, Thane-Belapur Road, Post Box No. 73, Thane, from the operation of clause (c) of Section 6 of the said Act, for a period of 3½ months from the 1st June 1984 to 15th September 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1084/72618/919/Lab-9, dated 28th May 1984, published in *M. G. G.*, Part I-L., dated 2nd August 1984, at Page No. 3039).

(12) In exercise of the powers conferred by the first proviso to rule 68 of the Maharashtra Boiler Rules, 1962, the Government of Maharashtra has exempted Boiler No. MR/10590, belonging to Shivaji Works Limited, Solapur, from the operation of Rule 68 of the said Rules.

## II. BOMBAY SHOPS AND ESTABLISHMENTS ACT, 1948

(A) *Corrigenda under the Act.*—No. BSE. 1484/73622/926/LAB-9.—In Government Notification, Industries, Energy and Labour Department No. BSE. 1483/CR-262/LAB-9, dated 9th January 1984 for the words "six" and "City" appearing in the 1st and 3rd line in the second part of the entry below paragraph 2 thereof, the words "all" and "District" respectively should be substituted.

(Vide Government corrigendum, Industries, Energy and Labour Department No. BSE. 1484/73622/926/Lab-9, dated 20th June 1984, published in *M. G. G.*, Part I-L., dated August 1984, at Page No. 3066).

(B) *Suspension as the provisions of the Act.*—(1) In exercise of the powers conferred by Section 6 of the said Act, the Government of Maharashtra has suspended the operation of the provisions of section 18 of the said Act in respect of the retail grain dealers in Greater Bombay, for the period specified in column 1 of the Schedule appended hereto, subject to the condition that every employee shall on account of the loss of fixed weekly holiday, be granted compensatory holiday on the days specified in column 2 of the said Schedule within one month from the respective holiday.

## Schedule

| Period<br>1                       | Holiday<br>2                                    |
|-----------------------------------|---|
| 1. Week ending 20th April 1984    | .. Mahavir Jayanti (13th April 1984).           |
| 2. Week ending 30th August 1984   | .. Paryasan Parva first day (23rd August 1984). |
| 3. Week ending 6th September 1984 | .. Paryasan Parva first day (30th August 1984). |

(Vide Government Notification, Industries, Energy and Labour Department, No. P. 7384/68750/CR-808/Lab-9, dated 9th April 1984, published in *M. G. G.*, Part I-L., dated 9th August 1984, at Page No. 3484).

(2) In exercise of the powers conferred by section 6 of the said Act, the Government of Maharashtra has suspended the provisions of Sections 13 (relating to closing hours), 14(1) and 14(2) of the said Act, in the State of Maharashtra subject to certain conditions stipulated in the notification cited below on account of completion of the accounts and stock taking for the half yearly and yearly closing in June and December 1984.

(Vide Government Notification, Industries, Energy and Labour Department No. P. 7384/73484/924/Lab-9, dated 11th June 1984, published in *M. G. G.*, Part I-L., dated 16th August 1984, at Pages Nos. 3562-3563).

(3) In exercise of the powers conferred by section 6 of the said Act, the Government of Maharashtra has suspended the provisions of sections 11, 14, 16, 17, 18, 19, 22, 23 and 24 of the said Act, in the State of Maharashtra subject to certain conditions stipulated in the notification cited below on account of Ramzan Festival from 1st June 1984 to 1st July 1984 (both days inclusive).

(Vide Government Notification, Industries Energy and Labour Department No. P. 7384/CR-922/Lab-9, dated 29th May 1984, published in *M. G. G.*, Part I-L., dated 16th August 1984, at pages Nos. 3563-3564).

(4) In exercise of the powers conferred by section 6 of the said Act the Government of Maharashtra has suspended the provisions of sections 10(i), 11(i), 14, 16, 18, 19, 20, 21 and 24 of the said Act in the whole State of Maharashtra subject to certain conditions stipulated in the notification cited below on account of Balaji Maharaj Yatra, from 24th September 1984 to 23rd October 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department, No. P-7384/CR-984/Lab-9, dated 6th August 1984, published in *M. G. G.*, Part I-L., dated 16th August 1984, at Pages Nos. 3542-43).

(5) In exercise of the powers conferred by Section 6 of the said Act the Government of Maharashtra has suspended the provisions of Sections 10(i)(b), 11(i), 14, 16 and 18 of the said Act in the whole State of Maharashtra subject to certain conditions stipulated in the notification cited below on account of Ghandibaba Fair, from 24th September 1984 to 13th October 1984 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department, No. P-7384/LR-983/Lab-9, dated 6th August 1984, published in *M. G. G.*, Part I-L., dated 16th August 1984, at Pages Nos. 3543-3544.)

(6) In exercise of the powers conferred by section 6 of the said Act, the Government of Maharashtra has suspended certain provisions of the said Act, as shown in column 2 of the schedule appended hereto on account of the festivals shown in column 1 of the said Schedule for the periods mentioned in column 3 of the said schedule.

## Schedule

| Festival<br>1                  | Provisions of Sections<br>2                        | Period<br>3   |
|--------------------------------|--|---|
| 1. Ganesh Utsav                | Section 11(i)(a), 14, 16, 18, 19, 21, 23 and 24.   | 28th August 1984 to 9th September 1984 (both days inclusive).   |
| 2. Bakri-id                    | Section 10(i), 11(i), 16, 18, 19, 20, 21 and 24.   | 7th September 1984 to 9th September 1984 (both days inclusive). |
| 3. Navratra Utsav and Dassera. | Section 11(i)(a), 14, 16, 18, 19, 21, 23 and 24.   | 26th September 1984 to 10th October 1984 (both days inclusive). |
| 4. Moharram                    | Section 11, 13, 14, 16, 17, 18, 19, 21, 23 and 24. | 4th October 1984 to 6th October 1984 (both days inclusive).     |
| 5. Diwali                      | Section 11(i)(a), 14, 16, 18, 19, 20, 21 and 24.   | 18th October 1984 to 30th October 1984 (both days inclusive).   |
| 6. Kojagiri                    | Section 11(i)(a), 14, 16 and 18.                   | 8th October 1984 to 9th October 1984 (both days inclusive).     |

(Vide Government Notification, Industries, Energy and Labour Department, No. P-7384/CR-970 to 982/Lab-9, dated 6th August 1984, published in *M. M. G.*, Part I-L., dated 23rd August 1984, at Pages Nos. 3829-3835).

## III. BOMBAY INDUSTRIAL RELATIONS ACT, 1946.

(A) *Corrigendum.*—In annexure 'A' attached to the Government Notification, Industries, Energy and Labour Department No. BIR 1084/(7133)(ii)/Lab-9, dated 2nd June 1984 at Serial No. 1 for the words "Shri S. G." words "Shri S. G. Gawand" shall be substituted.

(Vide Government Corrigendum, Industries, Energy and Labour Department No. BIR-1084/(7133)(ii)/Lab-9, dated 18th June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984 at Page No. 3066).

(B) *Appointments under the Act.*—(1) In exercise of the powers conferred by section 10 of the said Act the Government of Maharashtra has appointed Shri R. V. Amrutwar as a member of the Court of Industrial Arbitration at Aurangabad.

(Vide Government Notification Industries Energy and Labour Department No. BIR-1084/(7325)/Lab-9, dated 12th June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984 at page No. 3077.)

(2) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri A. D. Deshpande, to preside over the Ninth Labour Court, Bombay in place of Shri S. B. Chaugule.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084 (7351)/Lab-9, dated 21st June 1984, published in *Maharashtra Government Gazette* Part I-L., dated 2nd August 1984, at page No. 3079).

(3) In exercise of the powers conferred by section 10 of the said Act, the Government of Maharashtra has appointed Shri R. A. Godekar, Extra Assistant Judge and Additional Sessions Judge, Thane as a member of the Court of Industrial Arbitration.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7340)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3081).

(4) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri J. A. Gaikwad as Presiding Officer, Labour Court at Jalgaon.

(Vide Government Notification, Industries, Energy and Labour Department No. BIR.-1084/(7347)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3082).

(5) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri A. G. Deo, in place of Shri V. D. Padamwar as a Presiding Officer, of the Fourth Labour Court.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7349)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3083).

(6) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri V. D. Padamwar in place of Shri M. S. Deshpande as a Presiding Officer of the Third Labour Court, Nagpur.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7353)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3084).

#### IV. MAHARASHTRA MATHADI, HAMAL AND OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT AND WELFARE) ACT, 1969 :—

##### (A) Amendments to the Scheme under the.

(1) In exercise of the powers conferred by sub-section (1) and the second proviso to sub-section (1) of section 4 of the said Act the Government of Maharashtra has amended the "Cotton Markets Unprotected Workers (Regulation of Employment and Welfare) Scheme 1972", after consultation with the Advisory Committee, as follows:—

##### DRAFT SCHEME

No. UWA. 1482/CR-8009/Lab-5.—Whereas as the Scheme called the "Cotton Markets Unprotected Workers (Regulation of Employment and Welfare) Scheme, 1972," published under Government Notification, No. UWA. 1272/101763/Lab-IV, dated the 30th March 1972, as amended from time to time (hereinafter referred to as "the principal Scheme") has been made for the employments in the cotton markets and godowns and in the cotton ginning and pressing factories, cotton waste factories and godowns thereof and in wool and in wool-waste establishments and godowns thereof in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations (any such work being work requiring handling of cotton, cotton waste, wool-waste, wool-tops, yarn-tops, chindi mendi, nylon and rayon-waste, terry-cotton, lintre or gunny bags, natural fibres and man made fibres (regenerated and synthetic) in the form of bales or any other commercial packing, (hereinafter referred to as "the said employment") in the areas comprising the Greater Bombay and the Thane District ;

And whereas, after consultation with the Advisory Committee and the employers and workers of the said employments, the Government of Maharashtra considers it necessary to make the provisions of the principal Scheme applicable to the said employment in the

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (a) of the second proviso to sub-section (1) and sub-section (2) of section 4 of the Maharashtra *Mathadi Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969* (Mah. XXX of 1969), read with section 24 of the *Bombay General Clauses Act, 1904* (Bom. I of 1904), and of all other powers enabling it in this behalf the Government of Maharashtra after consultation with the Advisory Committee and the employers and workers, hereby makes the following Scheme further to amend the principal Scheme, namely

1. (1) This Scheme may be called the Cotton Markets Unprotected Workers (Regulation of Employment and Welfare) (Amendment) Scheme, 1984.

(2) It shall come into force from the 1st day of September, 1984.

2. In clause 2 of the principal Scheme, for sub-clause (2), the following shall be substituted, namely

"(2) *Application.*—This Scheme shall be deemed to have applied to the workers and the employers in the scheduled employments specified in column 2 of the Schedule hereto in the areas respectively specified against each of them in column 3 and applicable on and from the date respectively specified in columns 4 and 5 of the said Schedule."

3. For Clause 3 of the principal scheme, the following shall be substituted, namely —

"3. *Commencement.*—This Scheme shall commence or as the case may be shall be deemed to have commenced on and from the date, in respect of each of the scheduled employment mentioned against each of them, in such area or areas as specified in the Scheduled hereto."

4. For clauses 14 and 15 of the principal Scheme, the following shall be substituted, namely —

"14. *Registration of Employers.*—Every employer engaged in any of the employments specified in the Schedule hereto shall, within forty-five days from the date on which the Scheme applies to him, apply to the Board for registration in 'Form A' appended to this Scheme, unless the said period has already expired :

Provided that, an employer of any establishment, factory or godown coming into existence after the dates referred to in this clause shall apply for registration simultaneously with the commencement of his business.

15. *Registration of existing and new workers.*—(1) Every worker, working in any of the employment referred to in the column 2 of the Schedule here to on the dates specified against each of such employment, shall be registered under this Scheme. Any other worker who has been or was working in the said scheduled employment on such date as has been or may be specified by the Board in that behalf, may be registered if he is a citizen of India and possesses such qualifications as have been or may be specified by the Board having regard to local conditions, physical fitness, capacity and or experience and is not more than sixty years of age or medically unfit.

(2) Notwithstanding anything contained in any of the provisions of this Scheme, where the Board is of opinion that a worker has secured his registration by furnishing false information in his application or by withholding any information required therein or where it appears that a worker has been registered improperly or incorrectly, the Board may direct the removal of his name from the Registers :

Provided that, before giving any such direction, the Board shall give such worker opportunity of showing cause why the proposed direction should not be issued."

5. In clause 16 of the said Scheme,—

(a) in the short title, for the word "workers" the words "registered workers" shall be substituted ;

(b) in sub-clause (1),—

(i) for the words "category of workers" the words "category of registered workers" shall be substituted ;

(iii) for the words "a worker" the words "a registered worker" shall be substituted ;

(c) in sub-clause (2),—

(i) for the words "monthly workers", wherever they occur, the words "registered

(2) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri A. D. Deshpande, to preside over the Ninth Labour Court, Bombay in place of Shri S. B. Chaugule.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7351)/Lab-9, dated 21st June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3079).

(3) In exercise of the powers conferred by section 10 of the said Act, the Government of Maharashtra has appointed Shri R. A. Godekar, Extra Assistant Judge and Additional Sessions Judge, Thane as a member of the Court of Industrial Arbitration.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7340)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3081).

(4) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri J. A. Gaikwad as Presiding Officer, Labour Court at Jalgaon.

(Vide Government Notification, Industries, Energy and Labour Department No. BIR.-1084/(7347)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3082).

(5) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri A. G. Deo, in place of Shri V. D. Padamwar as a Presiding Officer, of the Fourth Labour Court.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7349)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3083).

(6) In exercise of the powers conferred by section 9 of the said Act, the Government of Maharashtra has appointed Shri V. D. Padamwar in place of Shri M. S. Deshpande as a Presiding Officer of the Third Labour Court, Nagpur.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR.-1084/(7353)/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L., dated 2nd August 1984, at page No. 3084).

#### IV. MAHARASHTRA MATHADI, HAMAL AND OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT AND WELFARE) ACT, 1969

##### (A) Amendments to the Scheme under the.

(1) In exercise of the powers conferred by sub-section (1) and the second proviso to sub-section (1) of section 4 of the said Act the Government of Maharashtra has amended the "Cotton Markets Unprotected Workers (Regulation of Employment and Welfare) Scheme 1972", after consultation with the Advisory Committee, as follows:—

##### DRAFT SCHEME

No. UWA. 1482/CR-8009/Lab-5.—Whereas as the Scheme called the "Cotton Markets Unprotected Workers (Regulation of Employment and Welfare) Scheme, 1972," published under Government Notification, No. UWA. 1272/101763/Lab-IV, dated the 30th March 1972, as amended from time to time (hereinafter referred to as "the principal Scheme") has been made for the employments in the cotton markets and godowns and in the cotton ginning and pressing factories, cotton waste factories and godowns thereof and in wool and in wool-waste establishments and godowns thereof in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations (any such work being work requiring handling of cotton, cotton waste, wool-waste, wool-tops, yarn-tops, chindi mendi, nylon and rayon-waste, terry-cotton, lintre or gunny bags, natural fibres and man made fibres (regenerated and synthetic) in the form of bales or any other commercial packing, (hereinafter referred to as "the said employment") in the areas comprising the Greater Bombay and the Thane District ;

And whereas, after consultation with the Advisory Committee and the employers and workers of the said employments, the Government of Maharashtra considers it necessary to make the provisions of the principal Scheme applicable to the said employment in the area of Panvel Taluka of Raigad District :

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (a) of the second proviso to sub-section (1) and sub-section (2) of section 4 of the Maharashtra *Mathadi Hamal* and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (Mah. XXX of 1969), read with section 24 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), and of all other powers enabling it in this behalf the Government of Maharashtra after consultation with the Advisory Committee and the employers and workers, hereby makes the following Scheme further to amend the principal Scheme, namely

1. (1) This Scheme may be called the Cotton Markets Unprotected Workers (Regulation of Employment and Welfare) (Amendment) Scheme, 1984.

(2) It shall come into force from the 1st day of September, 1984.

2. In clause 2 of the principal Scheme, for sub-clause (2), the following shall be substituted, namely :—

"(2) *Application*.—This Scheme shall be deemed to have applied to the workers and the employers in the scheduled employments specified in column 2 of the Schedule hereto in the areas respectively specified against each of them in column 3 and applicable on and from the date respectively specified in columns 4 and 5 of the said Schedule."

3. For Clause 3 of the principal scheme, the following shall be substituted, namely

"3. *Commencement*.—This Scheme shall commence or as the case may be shall be deemed to have commenced on and from the date, in respect of each of the scheduled employment mentioned against each of them, in such area or areas as specified in the Schedule hereto."

4. For clauses 14 and 15 of the principal Scheme, the following shall be substituted, namely

"14. *Registration of Employers*.—Every employer engaged in any of the employments specified in the Schedule hereto shall, within forty-five days from the date on which the Scheme applies to him, apply to the Board for registration in 'Form A' appended to this Scheme, unless the said period has already expired :

Provided that, an employer of any establishment, factory or godown coming into existence after the dates referred to in this clause shall apply for registration simultaneously with the commencement of his business.

15. *Registration of existing and new workers*.—(1) Every worker, working in any of the employment referred to in the column 2 of the Schedule here to on the dates specified against each of such employment, shall be registered under this Scheme. Any other worker who has been or was working in the said scheduled employment on such date as has been or may be specified by the Board in that behalf, may be registered if he is a citizen of India and possesses such qualifications as have been or may be specified by the Board having regard to local conditions, physical fitness, capacity and or experience and is not more than sixty years of age or medically unfit.

(2) Notwithstanding anything contained in any of the provisions of this Scheme, where the Board is of opinion that a worker has secured his registration by furnishing false information in his application or by withholding any information required therein or where it appears that a worker has been registered improperly or incorrectly, the Board may direct the removal of his name from the Registers :

Provided that, before giving any such direction, the Board shall give such worker opportunity of showing cause why the proposed direction should not be issued."

5. In clause 16 of the said Scheme,—

(a) in the short title, for the word "workers" the words "registered workers" shall be substituted ;

(b) in sub-clause (1),—

(i) for the words "category of workers" the words "category of registered workers" shall be substituted ;

(iii) for the words "a worker" the words "a registered worker" shall be substituted ;

(c) in sub-clause (2),—

(i) for the words "monthly workers", wherever they occur, the words "registered monthly workers" shall be substituted ;

(ii) for the words "no worker" the words "no registered worker" shall be substituted;  
 (iii) for the words "a worker" the words "a registered worker" shall be substituted;  
 (iv) for the words "group of employers" the words "group of registered employers" shall be substituted.

(d) in sub-clause (3),—

(i) for the words "monthly worker" wherever they occur, the words "registered monthly worker" shall be substituted;  
 (ii) for the words "the employer" wherever they occur the words "the registered employer" shall be substituted;  
 (iii) for the words "the worker" the words "the registered worker" shall be substituted;

(e) in sub-clause (4),—

(i) for the words "monthly worker" the words "registered monthly worker" shall be substituted;  
 (ii) for the words "the employer" the words "registered employer" shall be substituted.  
 (iii) for the words "the worker" the words "registered worker" shall be substituted;

(f) in sub-clause (5),—

(i) for the words "monthly worker" the words "the registered monthly worker" shall be substituted;  
 (ii) for the words "the employer", wherever they occur, the words "the registered employer" shall be substituted;  
 (iii) for the words "the worker", wherever they occur, the words "the registered worker" shall be substituted;

6. In clause 19 of the principal Scheme, in sub-clause (2), for the words "the workers" the words "the registered workers" shall be substituted.

7. In clause 20 of the principal Scheme,—

(i) for the words "monthly and daily workers" the words "registered monthly and daily workers" shall be substituted;  
 (ii) for the words "the workers" the words "the registered workers" shall be substituted;  
 (iii) for the words "monthly workers" the words "monthly registered workers" shall be substituted.

8. In clause 22 of the principal Scheme,—

(a) for the words "A worker's" the words "A registered worker's" shall be substituted;

(b) in the proviso,—

(i) for the words "the employer" the words "the registered employer" shall be substituted;  
 (ii) for the words "monthly workers" the words "registered monthly workers" shall be substituted;  
 (iii) for the words "the worker" the words "the registered worker" shall be substituted;

9. In clause 23 of the principal Scheme,—

(a) in sub-clause (1) for the word "workers" the words "registered worker" shall be substituted;

(b) in sub-clause (2),—

(i) for the words "monthly worker" the words "registered monthly worker" shall be substituted;  
 (ii) for the word "employer" wherever it occurs the words "registered employer" shall be substituted.  
 (iii) for the word "worker" wherever it occurs the words "registered worker" shall be substituted.

10. In clause 24 of the said Scheme,—

(a) in the short title for the word "workers" the words "registered workers" shall be substituted;

(b) in sub-clause (1),—

(i) for the words "monthly worker" the words "registered monthly worker" shall be substituted;

(ii) for the words "group of employers" wherever they occurs the words "group of registered employers" shall be substituted;

(iii) for the word "employer" the words "registered employers" shall be substituted;

(iv) for the words "any worker" the words "any registered worker" shall be substituted;

(c) in sub-clause (2) for the word "workers" at both the places where it occurs the words "registered workers" shall be substituted;

(d) in sub-clause (3),—

(i) for the words "monthly worker" the words "registered monthly worker" shall be substituted;

(ii) for the word "employer" wherever it occurs the words "registered employer" shall be substituted;

(iii) for the words "group of employers" the words "group of registered employers" shall be substituted.

11. In clause 25 of the principal Scheme,—

(i) for the words "monthly worker" the words "registered monthly worker" shall be substituted;

(ii) for the word "employer" the words "registered employers" shall be substituted.

12. In clause 26 of the principal Scheme,—

(i) for the word "worker" wherever it occurs the words "registered worker" shall be substituted;

(ii) for the word "employer" the words "registered employer" shall be substituted.

13. In clause 27 of the principal scheme for the word "worker" the words "registered worker" shall be substituted.

14. In clause 29 of the principal Scheme the sub-clause (2) shall be deleted.

15. In clause 30 of the principal Scheme,—

(a) in sub-clause (2) for the words "than a worker" the words "than a registered worker" shall be substituted;

(b) in sub-clause (4) for the word "workers" the words "registered workers" shall be substituted;

(c) in sub-clause (5) for the words "daily workers" at both the places where they occur the words "registered daily workers" shall be substituted.

16. In clause 31 of the principal Scheme in sub-clause (1) for the words "No employer" the words "No registered employer" shall be substituted.

17. In clause 33 of the principal Scheme,—

(a) in the short title for the word "workers" the words "registered workers" shall be substituted.

(b) in sub-clause (1) for the word "workers" the words "registered workers" shall be substituted.

- (c) in sub-clause (2),—  
 (i) for the word "employers" it occurs the words "registered employers" shall be substituted;  
 (ii) for the word "worker" wherever it occurs the words "registered workers" shall be substituted.
18. In clause 34 of the said Scheme, for the words "workers other than monthly workers" the words "registered monthly workers" shall be substituted.
19. In clause 35 of the principal Scheme,—  
 (a) in sub-clause (4),—  
 (i) for the word "employers" the words "registered employers" shall be substituted;  
 (u) for the words "the worker" the words "registered workers" shall be substituted;  
 (b) in sub-clause (5a), for the words "the workers" the words "the registered workers" shall be substituted;  
 (c) in sub-clause (6) for the words "monthly workers" the words "registered monthly workers" shall be substituted.
20. In clause 36 of the principal Scheme,—  
 (a) in sub-clause (1),—  
 (i) for the words "individual worker" the words "individual registered workers" shall be substituted;  
 (ii) for the words "gang of workers or group of workers" the words "gang of registered workers of different gangs of registered workers" shall be substituted;  
 (iii) in sub-clause (2) (i), for the words "monthly workers" the words "registered monthly workers" shall be substituted;  
 (c) in sub-clause (3) (ii), for the word "worker" wherever it occurs, the words "registered workers" shall be substituted;  
 (d) in sub-clause 4,—  
 (i) for the words "any workers" wherever they occur, the words "any registered workers" shall be substituted;  
 (ii) for the words "gang of workers" wherever they occur, the words "gang of registered workers" shall be substituted.
21. In clause 38 of the principal Scheme,—  
 (a) in the title, for the word "workers" the words "registered workers" shall be substituted;  
 (b) in sub-clauses (1), (2) and (3), for the word "worker" the words "registered worker" shall be substituted.
22. In clause 39 of the principal Scheme, for the word "employers" the words "registered employers" shall be substituted.
23. In clause 41 of the principal Scheme,—  
 (i) for the word "a worker" the words "registered workers" shall be substituted;  
 (ii) for the words "workers" the words "registered workers" shall be substituted.
24. In clause 42 of the principal Scheme—  
 (a) in sub-clause (2), for the word "workers" the words "registered workers" shall be substituted;  
 (b) in sub-clause (6), for the word "employer" where it occurs for the second time, the words "registered employer" shall be substituted.

25. For the Schedule to the said Scheme the following shall be substituted, namely :—

SCHEDULE

| Serial No. | Name of Employment   | Area of application | Date of commencement of |                    |   |   |                   |
|------------|--|---------------------|-------------------------|--------------------|---|---|-------------------|
|            |  |                     | Clauses 14 and 15       | 3                  | 4 | 5 | Remaining clauses |
| 1          | Employment in cotton markets and godowns in connection with the loading, unloading, stacking, carrying, weighing, measuring, or such other work including work preparatory or incidental to such operations.   | Greater Bombay      | 1st May 1972            | 1st June 1973      |   |   |                   |
| 2          | Employment in cotton markets and godowns and in the sorting, ginning and pressing factories, cotton waste factories and godowns thereof in connection with the loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations.                             | Do.                 | 1st January 1973.       | 1st February 1973. |   |   |                   |
| 3          | Employment in cotton market and godowns and in the sorting, ginning and pressing factories, cotton waste factories and godowns thereof in connection with the loading, unloading, stacking, carrying, weighing, measuring, ginning, sorting, cleaning, or such other work including work preparatory or incidental to such operations. | Do.                 | 16th July 1973          | 16th August 1973.  |   |   |                   |
| 4          | Employment in cotton market and godowns and in the sorting, ginning and pressing factories, cotton waste factories and godowns thereof in connection with the loading, unloading, stacking, carrying, weighing, measuring, ginning, sorting, cleaning, or such other work including work preparatory or incidental to such operations. | Do.                 | 16th February 1975.     | 16th March 1975.   |   |   |                   |

Greater Bombay  
15th December 1979.  
15th January 1980  
(with reference to underlined establishment).

Greater Bombay  
1st March 1981.  
1st April 1981  
and Thane District.

Panvel Taluka  
of the Raigad District.  
1st September 1984.  
1st October 1984.

Vide—Government Notification, Industries, Energy and Labour Department No. UWA-1482/R-8009/Lab.-5, dated 2nd August 1984, at pages No. 5 3067 to 3074.

5 Employment in cotton and jute and godowns and in the cotton ginning and pressing factories and godowns thereof, and in wool waste establishments and godowns thereof, in connection with the loading, unloading, stacking, carrying, weighing, measuring, filling, sorting, cleaning, or such other work including work preparatory or incidental to such operations any such work requiring handling of cotton, cotton waste, wool tops, yarn tops, chandi, mendi, nylon, and rayon waste, terry cotton, lintre or gunny bags.

6 Employment in cotton markets and godowns and in the cotton ginning and pressing factories, cotton waste factories and godowns thereof and in wool and in wool waste establishments and godowns thereof in connection with the loading, unloading, stacking, carrying, weighing, measuring, filling, sorting, cleaning, or such other work including work preparatory or incidental to such operations any such work requiring handling of cotton, cotton waste, wool tops, wool tops, yarn tops, chandi, mendi, nylon and rayon waste, terry cotton gunny bags, natural fibres and man-made fibres regenerated and synthetic in the form of bales or any other commercial packing.

7 Employment in cotton markets and godowns and in the cotton ginning and pressing factories, cotton waste factories and godowns thereof and in wool and in wool waste establishments and godowns thereof in connection with the loading, unloading, stacking, carrying, weighing, measuring, filling, sorting, cleaning, or such other work including work preparatory or incidental to such operations any such work requiring handling of cotton, cotton waste, wool tops, wool tops, yarn tops, chandi, mendi, nylon and rayon waste, terry cotton, gunny bags, natural fibres and man-made fibres regenerated and synthetic in the form of bales or any other commercial packing.

Vide—Government Notification, Industries, Energy and Labour Department No. UWA-1482/R-8009/Lab.-5, dated 2nd August 1984, at pages No. 5 3067 to 3074.

(Vide Government Notification Industries, Energy and Labour Department No. UWA-1482/R-8009/Lab-5, dated 6th June, 1984, published in M. G. G., Part I-L, dated 2nd August 1984, at Page Nos. 5 3067 to 3074).

(B) Exemptions under the Act.—(1) In exercise of the powers conferred by Section 22 of the said Act, the Government of Maharashtra has exempted the unprotected workers working in the Wallace Flour Mills Company Limited, Shivdas Champs Marg, Hancock Bridge, Bombay 400 009, from the operation of all the provisions of the said Act and the Grocery Markets or Shops Unprotected Workers (Regulation of Employment and Welfare) Scheme 1970, subject to the following conditions, namely :—  
(i) the period of exemption shall be three years commencing from 15th June 1984 upto 14th June 1987 (both days inclusive) ;  
(ii) the said unprotected workers shall be given benefits and facilities which are, on the whole, not less favourable than the facilities and benefits enjoyed by the unprotected workers registered with the Grocery Markets and Shops Board for Greater Bombay ;  
(iii) the amount given as facilities and benefits by the Wallace Flour Mills Company, Limited, Bombay, shall not be given through wage bill ;  
(iv) the said unprotected workers shall have security of service and payment.

(Vide Government Notification, Industries Energy and Labour Department No. UWA-1581/CR-3866/Lab-5, dated 15th June 1984, published in M. G. G., Part I-L, dated 2nd August 1984, at Page No. 3078).

(C) Constitution of Board, under the Act.—(1) In exercise of the powers conferred by Sub-sections (3), (5) and (6) of Section 6 of the said Act, the Government of Maharashtra has nominated or re-nominated the following persons to be the members of the Cloth Market and Shops Board, representing the employers and unprotected workers and the State Government as follows, namely :—

- Members representing employers.—(1) Shri Harivadan Shantilal Fadia, Messrs. J. Fadia and Company, 111/113, Vithalwadi, 1st Floor, Sindh Cloth Market, Bombay 400 002 ;  
(2) Shri Navinlal Lallubhai Shah, Messrs. Narandas Maneklal, 162, Dadar Galli, Mulji Jetha Market, Bombay 400 002,  
(3) Shri Jai Ram Morarii Capadia, Messrs. Haridas Morarji, 23-25, Champa Gally, Bombay 400 002,  
(4) Shri Manoharlal Bhatia, Messrs. Keshodas Manoharlal, 395, Kalbadevi Road, 5th Floor, Bombay 400 002,  
(5) Shri Parmeshwariprasadji Kamalia, Messrs. Parmeshwariprasad Ramkaran, 33, Old, Hanuman Galli, 3rd Floor, 1st Cross Lane, Kalbadevi Road, Bombay 400 002,  
(6) Shri Tejpalji Poddar, Messrs. Joharimal Ramlal, 405, Kalbadevi Road, Bombay 400 002,  
(7) Shri Bhupendra Popatlal Shah, C/o. Bombay Yarn House and Exchange Limited 47/49, Nakhoda Street, Tambakanta, Bombay 400 003,  
(8) Shri Vasudeo Manilal Thakkar, C/o. Messrs. Pandit Vasudeo Manilal and Company Gopal Galli, Mulji Jetha Market, Bombay 400 002,  
(9) Shri Shreshbhai Manilal Shah, 498, Kalbadevi Road, Bombay 400 002,  
(10) Shri Prashantbhai Jagannath Jani, C/o H. Ramchandra, 259, Gandhi Gally, Swadeshi Market, Bombay 400 002.

Members representing unprotected workers—(1) Shri Baburao Vithoba Jadhav, C/o Shri Kapad Bazar Maratha Kamgar Mandali, 42/48, Kamwadi, 1st Floor, R. No. 6, Bombay 400 002

(2) Shri Gulabnath Shantaram Khopade, Shree Kapad Bazar Maratha Kamgar Mandali, 42/48, Kamwadi, 1st Floor, R. No. 6, Bombay 400 002,

- Surve, C/o. Shree Kapad Bazar Maratha Kamgar Mandal, 42/40, 1st Floor, R. No. 6, Bombay 400 002.
- Shree Kapad Bazar Maratha Kamgar Mandal, 42/40, 1st Floor, R. No. 6, Bombay 400 002.
- Pujari, Shree Kapad Bazar Maratha Kamgar Mandal, 42/40, 1st Floor, R. No. 6, Bombay 400 002.
- Surve, Shree Kapad Bazar Maratha Kamgar Mandal, 42/40, 1st Floor, R. No. 6, Bombay 400 002.
- Balwantrao Jadhav, Shree Kapad Bazar Maratha Kamgar Mandal, R. No. 6, Bombay 400 002.
- Nanasaheb Tarade, Shree Kapad Bazar Maratha Kamgar Mandal, R. No. 6, Bombay 400 002.
- Ramchandra Kadam, Shree Kapad Bazar Maratha Kamgar Mandal, 1st Floor, R. No. 6, Bombay 400 002.
- Krishna Shinde, Shree Kapad Bazar Maratha Kamgar Mandal, 1st Floor, R. No. 6, Bombay 400 002.

the State Government.—(1) (a) Shri G. S. Gangurde, Assistant Commissioner of Labour, Bombay,

(b) K. Bangale, Assistant Commissioner of Labour, Bombay,

(c) nominates Shri G. S. Gangurde, Assistant Commissioner of Labour, Bombay to be a member of the said Board, and

(d) publishes the names of all the members of the said Board including the Chairman, namely—

- |                                       |    |    |           |
|---------------------------------------|----|----|-----------|
| (1) Shri G. S. Gangurde               | .. | .. | Chairman. |
| (2) Shri P. K. Bangale                | .. | .. | Member.   |
| (3) Shri Harivadan Shantilal Fadia    | .. | .. | Member.   |
| (4) Shri Navnitlal Lallubhai Shah     | .. | .. | Member.   |
| (5) Shri Jairam Morarji Kapadia       | .. | .. | Member.   |
| (6) Shri Manoharlalji Bhatia          | .. | .. | Member.   |
| (7) Shri Parmeshwariprasadji Kamalia  | .. | .. | Member.   |
| (8) Shri Tejpalji Poddar              | .. | .. | Member.   |
| (9) Shri Bhupendra Popatlal Shah      | .. | .. | Member.   |
| (10) Shri Vasudeo Manilal Thakkar     | .. | .. | Member.   |
| (11) Shri Sireshbhai Manilal Shah     | .. | .. | Member.   |
| (12) Shri Prabodhbhai Jagannath Jani  | .. | .. | Member.   |
| (13) Shri Baburao Vithoba Jadhav      | .. | .. | Member.   |
| (14) Shri Gulabrao Sahamrao Khopade   | .. | .. | Member.   |
| (15) Shri Balkrishna Bhau Surve       | .. | .. | Member.   |
| (16) Shri Mansing Akoba Wagh          | .. | .. | Member.   |
| (17) Shri Laxman Daji Pujari          | .. | .. | Member.   |
| (18) Shri Maruti Kondiba Surve        | .. | .. | Member.   |
| (19) Shri Ganpatrao Balwantrao Jadhav | .. | .. | Member.   |
| (20) Shri Bhausaheb Ramchandra Kadam  | .. | .. | Member.   |
| (21) Shri Vithalrao Krishna Shinde    | .. | .. | Member.   |
| (22) Shri Shamrao Nanasaheb Tarade    | .. | .. | Member.   |

(2) In exercise of the powers conferred by Sub-Sections (1)(3), (5) and (6) of Section 6 of the said Act, the Government of Maharashtra has established a Board known as the Mathadi and Unprotected Labour Board, Sangli-Miraj for certain Scheduled employments in—

(a) establishes a Board to be known by the name of the Mathadi and Unprotected Labour Board, Sangli-Miraj for schedule employments in—

(1) Grocery Markets or Shops in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations;

(2) Markets or subsidiary markets established under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations;

(3) Public goods transport undertakings in connection with loading of goods into public transport vehicle, or unloading of goods therefrom or any other operations incidental and connected thereto;

(4) Iron and Steel markets or Shops in connection with loading, unloading, stacking, carrying, weighing, measuring, or such other work including work preparatory or incidental to such operations; and

(5) Cloth and Cotton Markets or Shops in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, cleaning, or such other work including work preparatory or incidental to such operations; for the areas within the limits of the Sangli Municipal Council and the Miraj Municipal Council as constituted under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)

(b) nominates the following persons to be members of the said Board (being members representing the State Government, employers and unprotected workers), namely—

*Members representing State Government (3).*

- (1) Shri S. P. Sawant, Assistant Commissioners of Labour, Chairman; Sangli.
- (2) Shri Dhondiram Appaji Patil, President, Agricultural Produce Market Committee, Sangli; Member.
- (3) Shri Anil D. Wagh, District Registrar, Co-operative Societies, Sangli; Member.

*Members representing Employers (5).*

- (1) Shri Appasaheb Gundappa Arwade, Shri Garpati Merchants' Association, 810, Ganpati Peth, Sangli. Member.
- (2) Shri Sanadkumar Vasudeo Arwade, President, Chamber of Commerce Market Yard, Sangli. Member.
- (3) Shri Manilal Popatlal Shah, Sangli Transport Association, Vakhar Bhag, Sangli. Member.
- (4) Shri Shrinarayan R. Sarda, Secretary, Cloth Merchants' Association, 1014, Kapad Peth, Sangli. Member.

## Members representing Unprotected Workers (5).

- (1) Sri Sitaram Bhaui Kharade, C/o. Sangli Zilla Hamal Panchayat, 1092, Revani Road, Sangli.
- (2) Sri Bapu Bhujappa Magdum, General Secretary, Sangli Zilla Hamal Panchayat, 1091, Revani Road, Sangli.
- (3) Sri Ramchandra Dhoondiram Salgar C/o, Sangli Zilla Hamal Panchayat, 1092, Revani Road, Sangli.
- (4) Sri Ibrahim Mohiuddin Attar, C/o. Sangli Zilla Hamal Panchayat, 1092, Revani Road, Sangli.
- (5) Sri Shivaji Sakharam Yadav, C/o, Sangli Zilla Hamal Panchayat, 1092, Revani Road, Sangli.

(a) Appoints the Assistant Commissioner of Labour Sangli to be the Chairman of the Board.

(b) Announces the names of all the members of the said Board including Chairman appointed by the State Government, as follows, namely :—

- (1) Sri S. P. Sawant.
- (2) Sri Dhoondiram Appaji Patil.
- (3) Sri Anil D. Wagh.
- (4) Sri Appasabeh Gundappa Arwade.
- (5) Sri Sanadkumar Vasudeo Arwade.
- (6) Sri Hemant Popatlal Shah.
- (7) Sri Srinarayan R. Sarda.
- (8) Sri Shankar Gursiddappa Gadve.
- (9) Sri Sitaram Bhaui Kharade.
- (10) Sri Bapu Bhujappa Magdum.
- (11) Sri Ramchandra Dhondiram Salgar.
- (12) Sri Ibrahim Mohiuddin Attar.
- (13) Sri Shivaji Sakharam Yadav.

(c) Government Notification, Industries, Energy and Labour Department, No. UWA-1487 R-7032) Lab-5, dated 13th July, 1984, published in *M.G.G.* Part I-L, dated 2nd August, at Nos. 3090-3092).

## V. BOMBAY RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1958

(A) Declaration of Relief Under the Act.—(1) In exercise of the powers conferred by Sections 3 and 4 of the said Act the Government of Maharashtra has declared that,—

(a) declares that the said relief undertaking shall for a further period of one year commencing on the 14th day of June 1984 and ending on the 13th day of June 1985 (both days inclusive) be conducted to serve as a measure of unemployment relief; and

(b) directs that in relation to the said relief undertaking and in respect of the said further period of one year commencing on the 14th day of June 1984 and ending on the 13th day of June 1985 (both days inclusive) for which the said relief undertaking continues as such, any right, privilege, obligation or liability (excepting the obligations or liabilities incurred in favour of workmen of the said relief undertakings, or in favour of the industrial units which are registered as small scale industrial units with the Directorate of Industries of the Government of Maharashtra, the Maharashtra State Electricity Board, the Maharashtra

State Finance Corporation, the State Industrial and Investment Corporation of Maharashtra Dena Bank, Bank of Baroda, United Bank of India, the Industrial Reconstruction Corporation of India Limited, the Employees' State Insurance Corporation of India, and any liability incurred under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), The Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975), and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) accrued or incurred before the 13th day of June and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed.

(Vide Government Notification, I. E. and L. Department No. BRU. 1084/(9872)/IND-10, dated 12th June, 1984, published in *M.G.G.*, Part I-L, dated 2nd August 1984 at page No. 3076)

(2) In exercise of the powers conferred by section 3 and Sub-clause (iv) of Clause (a) of Sub-section (1) of Section 4 of the said Act, the Government of Maharashtra has declared that—

(a) Declares that the industrial undertaking called "Messers Solid Containers Limited, Vadavali, District Thane (hereinafter referred to as "the said relief undertaking") to which the Government of Maharashtra has provided a loan of Rs. 13,64,649 (Rupees thirteen lakh, sixty four thousand, six hundred and forty nine only) by converting Sales Tax dues into loan, shall, for a period of one year commencing on the 26th day of June 1984 and ending on the 25th day of June 1985 (both inclusive), be conducted to serve as a measure of unemployment relief; and

(b) directs that in relation to the said relief undertaking and in respect of the said period for which the said relief undertaking continues as such, any right, privilege, obligation or liability (excepting the obligations or liabilities incurred in favour of workmen of the said relief undertaking, or in favour of the industrial units which are registered as Small Scale Industrial Units with the Directorate of Industries of the Government of Maharashtra the Maharashtra State Electricity Board, the State Industrial and Investment Corporation of Maharashtra Limited, the Maharashtra State Finance Corporation, Union Bank of India, and the dues of the Employees' State Insurance Corporation, and any liability incurred under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975), and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) accrued or incurred before the 26th day of June 1984 and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court tribunal officer or authority shall be stayed.

(Vide Government Notification I. E. and L. Department No. BRU. 1084/(9924)/IND-10, dated 26th June 1984 published in *M.G.G.* Part I-L, dated 2nd August 1984, at page No. 3085).

(3) In exercise of the powers conferred by Section 3 and 4 of the said Act, the Government of Maharashtra has declared that—

(1) declares that the said relief undertaking shall, for a further period of one year commencing on the 29th day of June 1984 and ending on the 28th day of June 1985 (both days inclusive) be conducted to serve as a measure of unemployment relief; and

(2) directs that in relation to the said relief undertaking and in respect of the said further period for which the said relief continues as such any right, privilege, obligation or liability excepting the obligations or liabilities incurred in favour of workmen of the said relief

undertakings, or in favour of the industrial units which are registered as small scale industries with the Directorate of Industries of the Government of Maharashtra, the Maharashtra State Electricity Board, the Maharashtra State Finance Corporation, Bank of Maharashtra, the Industrial Development Bank of India, the Industrial Finance Corporation of India, the Industrial Credit and Investment Corporation of India, the Employees' State Insurance Corporation of India, the Life Insurance Corporation of India, Unit Trust of India, General Insurance Corporation of India Limited, and any liability incurred under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), the Maharashtra State Tax on Professions Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975), the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) accrued or incurred before the 29th day of April 1981 and any remedy for the enforcement thereof shall be suspended and a proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed.

(Vide Government Notification, I. E. and L. Department No. BRU. 1084/(9900)/IND-10, dated 28th June 1984, published in *M.G.G.*, Part I-L, dated 2nd August 1984 at pages Nos 3086-3087).

#### VI. INDUSTRIAL DISPUTES ACT, 1947.

(A) *Constitution of Industrial Tribunal and Appointments under the Act.*—(1) In exercise of the powers conferred by section 7-A of the said Act the Government of Maharashtra has constituted industrial tribunal at Aurangabad and has appointed Shri R. V. Amrutwar, as Presiding Officer, of the said Industrial Tribunal Aurangabad.

(Vide Government Notification I. E. and L. Department No. IDA. 1084/(7324)/Lab-9 dated 12th June 1984, published in *M.G.G.*, Part I-L, dated 2nd August 1984, at page No. 3077)

(2) In exercise of the powers conferred by section 8 of the said Act, the Government of Maharashtra has appointed Shri R. M. Pathare, Judge, Labour Court, Bombay in place of Shri S. A. Paul.

(Vide Government Notification I. E. and L. Department No. IDA./1084/( 333)/Lab-9, dated 22nd June 1984, published in *M.G.G.*, part I-L, dated 2nd August 1984, at page No. 3080

(3) In exercise of the powers conferred by section 8 of the said Act, the Government of Maharashtra has appointed Shri R. A. Gadekar, extra Assistant Judge and Additional Sessions Judge, Thane as a Presiding Officer as the Industrial Tribunal in place of Shri R.V. Amrutwar.

(Vide Government Notification I. E. and L. Department No. IDA. 1084/(7339)/Lab-9, dated 22nd June 1984, published in *M.G.G.*, part I-L, dated 2nd August 1984 at pages Nos. 3080-3081).

(4) In exercise of the powers conferred by section 39 of the said Act, the Government of Maharashtra has notified the Assistant Commissioner of Labour, Bhandara as the authority for the purposes of sub-sections (1) and (2) of section 25 M of the said Act in Bhandara District.

(Vide Government Notification, I.E. and L. Department No. IDA. 1384/(7119)(i)/Lab-9, dated 24th January 1984, published in *M.G.G.*, part I-L, dated 9th August 1984, at pages Nos. 3484-3485).

(B) *Amendments to the Rules under the.*—The Government of Maharashtra has re-published the following Draft Rules of the Central Government vide Notification No. IDA. 1084

#### GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR AND REHABILITATION

(SHRAM AUR PUNARWAS MANTRALAYA)

DEPARTMENT OF LABOUR

(SHRAM VIBHAAG)

New Delhi, 110 001, dated the 18th January 1984.

#### NOTIFICATION

GSR. No. —The following draft of certain rules further to amend the Industrial Disputes (Central) Rules, 1957 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 38 of the Industrial Disputes Act, 1947 (14 of 1947), is hereby published as required by that sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft shall be taken into consideration on or after the expiry of a period of forty-five days from the date of publication of this notification in the *Official Gazette*.

Any objections or suggestions which, may be received from any person in respect of the said draft before the expiry of the said period so specified shall be considered by the Central Government.

#### DRAFT RULES

1. These rules may be called the Industrial Disputes (Central) (Amendment) Rules, 1983.
2. In the Industrial Disputes (Central) Rules, 1957,—
  - (a) in rule 39, for the second proviso, the following proviso shall be substituted, namely
 

“Provided further that there shall be equal number of representatives on the works committee representing the workers and the management.”
  - (b) for the existing rules 41, 42 and 43, the following rules shall be substituted namely :—
 

“41. *Representatives of the workmen.*—The representatives of the workmen shall be elected by the workmen employed in the establishment in the manner hereinafter provided.

42. *Electoral constituencies.*—To comply with the requirements of rule 39, the employer shall divide the workmen entitled to vote into different electoral constituencies so as to afford representation to the various categories, group and classes of workmen and to the sections, shops and departments of the establishment and direct that the workmen shall vote in the constituencies in which their names are included.

43. *Consultation with trade unions.*—The employer shall consult the registered trade union or unions, if any, of which the workmen of the establishment are members in regard to matters specified in rule 39 and rule 42, and decide the matters after giving due consideration to the views of the registered trade union or unions and the employer shall take a decision.”
  - (c) in rule 46,—
    - (i) in sub-rule (f), for the portion beginning with the words “The notice” and ending with the words “the non-members”, the following shall be substituted, namely
 

“The notice shall specify the number of seats to be filled by elections in each constituency.”
    - (ii) after sub-rule (4), the following sub-rules shall be inserted, namely
 

“(5) In exceptional circumstances beyond his control the employer, if he thinks fit, may postpone the closing date fixed for receiving nominations by a period not exceeding seven days and the date fixed for holding the election for a period not exceeding fifteen days in all the constituencies or in any one of the constituencies, as the

Provided that the employer has consulted the registered union or unions, has reduced the reasons in writing, and notifies the postponement to the workmen sufficiently in advance.

Provided further that if the election is not held within the period for which it was postponed, the election will stand cancelled and the election proceedings shall be deemed to be a new election as if it is a new election.

If a candidate whose nomination has been accepted as valid and who has not withdrawn his candidature expires, and a report of his death is received before the date of the election, the returning officer may countermand the election for the particular constituency in which the candidate was contesting the election and commence the proceedings as if it is a new election.

After rule 40, following rule shall be inserted, namely—

40A. Appointment of returning/election officer.—

The employer shall for the purpose of conducting the election appoint an officer, to be known as the Labour Officer, as the returning election officer and shall notify the name of the registered trade union or unions and the workmen defining in specific terms his functions and the powers delegated to him.

After rule 40A the following rule shall be inserted namely—

40B. Allotment of symbols —

(1) To facilitate easy identification, the employer may allot separate symbols to each of the candidates contesting the elections in a constituency.

(2) For this purpose the employer shall notify the symbols available for allotment at least seven days in advance of the closing date fixed for receiving the nominations.

(3) Candidate whose nominations are accepted as valid and who have not withdrawn their candidature may be allowed to choose a symbol from amongst the symbols so notified.

(4) In case two or more candidates choose the same symbol, the employer or the returning election officer may decide the matter by draw of a lot and the candidate or candidates the lot falls shall be allotted the symbol.

(5) Symbols depicting the National Flag or the National emblem, symbols allotted to the political parties or religious symbols shall not be used as symbols in the works committee elections under any circumstances.

(f) in rule 42, —

the portion beginning with the words "and if any of the candidates" and ending with the words "associated with the election" shall be omitted.

After sub-rule (1) the following sub-rule shall be inserted namely —

"(1) If after the counting of votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the employer or the returning officer shall forthwith decide between those candidate by draw of lot and proceed as if the candidate on whose the lot falls had received an additional vote."

After rule 51, —

for sub-rule (1) the following sub-rule shall be substituted namely —

"(1) The Secretary or the Joint Secretary to be elected from amongst the representa-

Provided further that in the event of more than one contestants for the office of Secretary or Joint Secretary securing equal number of votes, the issue shall be decided, by draw of lot :

Provided further that the post of Secretary or Joint Secretary, as the case may be shall not be held by a representative of the employer or the workmen for two consecutive years."

(ii) for sub-rule (4), the following sub-rule shall be substituted namely

"(4) In the absence of the Chairman the Vice-Chairman shall preside over the meetings of the works committee and give concurrence to the notice regarding the work of the committee, to be put up by the Secretary on the notice board including the minutes of the meetings presided over by him

(h) after rule 51, the following rule shall be inserted namely —

"51A. No-confidence in the office bearers.—In case majority of the representatives of the workmen express lack of confidence in any of the office bearers elected from amongst the representatives of workmen, such office bearer shall resign his office forthwith :

Provided that the office bearer is furnished with the reason or reasons of no-confidence against him at least seven days in advance of the date of the meeting at which the motion of no-confidence is to be considered and is afforded an opportunity to explain his conduct at the meeting, and two-thirds of the representatives of workmen present at the meeting vote in favour of the motion of no-confidence after fully taking into consideration the explanation tendered by the office bearer :

Provided further that after the vote of no confidence is passed in accordance with the foregoing provisions, if the office-bearer against whom such a no-confidence is passed does not resign forthwith on his own accord, he shall be deemed to vacate his office at a lapse of seven days from the date of meeting at which the motion of no-confidence is passed.

(i) for rule 57, the following rule shall be substituted namely

"57. Dissolution of works committee

The Central Government or where the power under section 3 has been delegated to any officer or authority under section 39, such officer or authority may, after making such inquiry as the Central Government or such officer or authority may deem fit dissolve any works committee at any time by an order in writing if the Central Government or such officer or authority is satisfied that the committee has not been constituted in accordance with these rules or that the committee has for any reason ceased to function :

Provided that where a works committee is dissolved under this rule, the employer may and if so required by the Central Government or, as the case may be, by such officer or authority shall take steps to re-constitute the committee in accordance with these rules."

Note.—Principal rule published vide Notification, No. SRO. 770, dated 10th March 1957, Gazette of India, Extraordinary, dated the 10th March 1957, Part II, section 3, pages 1137-

1159 Subsequently amended by,—

(i) Notification No. GSR. 141, dated 31st December 1957.

(ii) Notification No. GSR. 1215, dated 12th December 1958.

(iii) Notification No. GSR. 202, dated 22nd April 1959.

- (ix) Notification No. GSR. 1182, dated 19th October 1959.
- (x) Notification No. GSR. 229, dated 22nd February 1960.
- (vi) Notification No. GSR. 402, dated 31st March 1960.
- (xv) Notification No. GSR. 1220, dated 7th October 1960.
- (xiii) Notification No. GSR. 857, dated 22nd June 1961.
- (xiv) Notification No. GSR. 1078, dated 4th August 1962.
- (xv) Notification No. GSR. 488, dated 16th March 1965.
- (xvi) Notification No. GSR. 1253, dated 3rd August 1966.
- (xvii) Notification No. GSR. 908, dated 2nd May 1967.
- (xviii) Notification No. GSR. 1059, dated 30th May 1968.
- (vix) Notification No. GSR. 1283, dated 28th May 1969.
- (xx) Notification No. GSR. 1284, dated 28th May 1969.
- (xxi) Notification No. GSR. 795, dated 5th June 1972.
- (xxii) Notification No. GSR. 410(E), dated 13th September 1972.
- (xxiii) Notification No. GSR. 1151, dated 11th October 1974.
- (xxiv) Notification No. GSR. 931, dated 15th July 1975.
- (xxv) Notification No. GSR. 111(E), dated 5th March 1976.
- (xxvi) Notification No. GSR. 1070, dated 28th July 1977.
- (xxvii) Notification No. GSR. 289, dated 2nd March 1983.

(Vide Government Notification, I.E. and L. Department No. IDA. 1084/7164/Lab-9, dated 3rd March 1984, published in the *M.G.G.*, part I-L, dated 9th August 1984, at page Nos. 3439-3443).

(c) *Delegation of powers under the.*—In exercise of the powers conferred by section 39 of the said Act, the Government of Maharashtra has directed that the powers exercisable by it under sub-sections (1) and (4) of section 33-C of the said Act, shall be exercisable also by (1) The Assistant Commissioner of Labour, Pune in Pune Division (excluding the areas of Pune District) and (2) The Assistant Commissioner of Labour, Bhandara in Bhandara District.

(Vide Govt. Notification, I.E. & L.D. No. IDA. 1384/7119 (ii) Lab-9, dated 24th January 1984, published in the *M.G.G.*, Part I-L dated 9th August 1984, at page No. 3485).

#### VII. MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICE ACT, 1971

(A) *Constitution of Courts and appointments under the Act.*—(1) In exercise of the powers conferred by section 4 of the said Act the Govt. of Maharashtra has constituted an industrial Court Aurangabad and has appointed Shri R. V. Amrutwar as Member of the said Industrial Court at Aurangabad

(Vide Govt. Notification, Industries, Energy and Labour Department, No. ULP-1084/7326/Lab-9, dated 12th June 1984, published in *Maharashtra Government Gazette*, Part I-L, dated 2nd August 1984, at page No. 3077).

(2) In exercise of the powers conferred by section 4 of the said Act the Government of Maharashtra has appointed Shri R. A. Godekar, Extra Assistant Judge and Additional Sessions Judge, Thane as a member of the Industrial Court, Nashik.

(Vide Govt. Notification, Industries, Energy and Labour Department No. ULP-1084/7341/Lab-9, dated 22nd June 1984 published in *Maharashtra Government Gazette*, Part I-L, dated 2nd August 1984, at pages No. 3081-3082).

(Vide Govt. Notification Industries, Energy and Labour Department No. ULP-1084/7346/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L, dated 2nd August 1984 at page No. 3082).

(4) In exercise of the powers conferred by section 6 of the said Act the Government of Maharashtra has appointed A. G. Deo in place of Shri V. D. Padamwar as a Presiding officer of the 8th Labour Court Nagpur.

(Vide Govt. Notification Industries, Energy and Labour Department No. ULP-1084/7348/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L, dated 2nd August 1984, at pages No. 3082-3083).

(5) In exercise of the powers conferred by section 6 of the said Act, the Government of Maharashtra has appointed Shri A. D. Deshpande as Presiding officer of the 9th Labour Court, Bombay.

(Vide Govt. Notification, Industries, Energy and Labour Department No. ULP-1084/7305/Lab-9, dated 22nd June 1984 published in *Maharashtra Government Gazette*, Part I-L, dated 2nd August 1984 at page No. 3083.

(6) In exercise of the powers conferred by section 6 of the said Act, the Government of Maharashtra has appointed Shri V. D. Padamwar, as Presiding officer of the Third Labour Court, Nagpur.

(Vide Govt. Notification Industries, Energy and Labour Department No. ULP/1084/7352/Lab-9, dated 22nd June 1984, published in *Maharashtra Government Gazette*, Part I-L, dated 2nd August 1984 at page No. 3084.

#### VIII. BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) ACT, 1966

(A) *Exemption under the Act.*—(i) In exercise of the powers conferred by section 21 of the said Act, the Government of Maharashtra has exempted, for the period ending 31st December 1984 from the provisions of sub-section (3) of section 21 of the said Act, the employees employed on piece-rate or daily rate in any industrial premises where any tobacco (including bidi making) manufacturing is carried on, the minimum rates of wages in respect of whom have been fixed by the Government as mentioned in the said notification.

(Vide Government Notification, Industries, Energy and Labour Department No. BCA. 1084/CR-10474/Lab-5, dated 6th July, 1984, published in *M. G. G.*, Part I-L, dated 2nd August 1984, at page No. 3090.)

#### IX. EMPLOYEES' STATE INSURANCE ACT, 1948

(A) *Exemptions under the Act.*—(1) In exercise of the powers conferred by section 90 read with Section 91-A of the said Act, the Government of Maharashtra has exempted the Santacruz Workshop and Garage, Sardar Vallabhbhai Road, Santacruz(W), Bombay owned by the Municipal Corporation of Greater Bombay and formerly known as, "the workshop of the Executive Engineer (Transport) (Suburbs), Bombay from the operation of the said Act, retrospectively with effect from the date it came within the purview of the Act still 15th August, 1983, and directs that the new name should be inserted against the existing entry at Serial No. 6 in the Government Notification, I.E. and L. Deptt. No. SIA. 1676/485/Lab-11, dated 2nd April, 1983.

(Vide Govt. Notification, I.E. & L. Deptt. No. SIA. 1676/475/Lab-11, dated 14th February 1984, published in *M.G.G.*, Part I-L, dated 9th August, 1984, at page No. 3439.)

(2) In exercise of the powers conferred by section 87 read with Section 91-A of the said Act, the Government of Maharashtra has exempted every factory situated in the following areas from the operation of provisions of the said Act, retrospectively from 1st October, 1983 till the date of issue of this notification and prospectively upto and inclusive of the 30th September, 1984.

(3) The Revenue Survey Nos. 305/KH/309 and 310 of Village Visapur in Taluka and District Chandrapur.

(Vide Govt. Notification, I.E. & L. Deptt. No. SIA. 1784/4293/Lab-11, dated 20th March, 1984, published in M. G. G., Part I-L, dated 9th August, 1984, at page Nos. 3483-3484).

#### X. FACTORIES ACT

(4) *Amendments to the Rules under the . . . . .*—In exercise of the powers conferred by section 112 read with section 87 of the said Act, the Government of Maharashtra has amended the following Rules—

1. These Rules may be called the Maharashtra Factories (Amendment) Rules, 1984

2. In rule 114 of the Maharashtra Factories Rules, 1963 (hereinafter referred to as "the principal rules")—

(1) in Schedule III, after paragraph 15, the following new paragraph shall be inserted namely:—

"15-A. *Medical Facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having a post-graduate Diploma in Industrial Health or possessing M.B.B.S. degree and having five years experience in industry as occupational health physician. The medical practitioner so appointed shall be required to put in minimum four hours' attendance on every working day in the ambulance room for carrying out the duties specified in the following sub-paragraph (2):

Provided that, in cases of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration after taking into consideration all the relevant facts of each case.

(2) The medical practitioner, so appointed, shall perform the following duties, that is to say,—

(a) to maintain Health Register in Form 7 ;

(b) to undertake medical supervision of persons engaged on dangerous operations specified in rule 114 of these rules ;

(c) to look after health, education and rehabilitation of sick, injured or affected workers ;

(d) to carry out inspection of work rooms where dangerous operations are carried out and to advise the management in respect of the measures to be adopted for protection of health of the workers involved therein.

(3) For the purpose of medical supervision by the Medical practitioner so appointed the occupier shall provide for the former's exclusive use at the factory premises a room which shall be properly cleaned, adequately lighted, ventilated and furnished with a screen, a table and office stationery chairs and other facilities and instruments including X-raying arrangement for Schedules IV, X, XVII for such examinations and such other equipments as may be prescribed by the Chief Inspector of Factories from time to time."

(2) in Schedule IV, after paragraph 11, the following new paragraph 12 shall be added at the end, namely—

"12. *Medical Facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having post-graduate Diploma in Industrial Health or possessing M.B.B.S. degree and having five years experience in industry as occupational health physician. The medical practitioner so appointed shall be required to put in minimum four hours' attendance on every working day in the ambulance room for carrying out the duties specified in the following sub-paragraph (2):

(2) The medical practitioner so appointed, shall perform the following duties, that is to say—

(a) to maintain Health Register in Form 7 ;

(b) to undertake medical supervision of persons engaged on dangerous operations specified in rule 114 of the rules ;

(c) to look after health, education and rehabilitation of sick, injured or affected workers ;

(d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management in respect of the measures to be adopted for protection of health of the workers involved therein.

(3) For the purpose of medical supervision by the medical practitioner so appointed, the occupier shall provide for the former's exclusive use at the factory premises a room which shall be properly cleaned, adequately lighted, ventilated and furnished with a screen, a table with office stationery, chairs and other facilities and instruments including X-ray arrangements also for Schedules X and XVII for such examinations and such other equipments as may be prescribed by the Chief Inspector from time to time."

(3) in Schedule VI, after paragraph 8, the following new paragraph 8A shall be inserted, namely:—

"8A. *Medical Facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner possessing M.B.B.S., degree and having post-graduate Diploma in Industrial Health or possessing M.B.B.S. degree and having five years experience in industry as occupational health physician. The medical practitioner, so appointed, shall be required to put in minimum four hours' attendance on every working day in the ambulance-room for carrying out the duties specified in the following sub-paragraph (2):

Provided that, in cases of factories employing less than 500 workers per day, the Chief Inspector of Factories, may allow attendance for shorter duration after taking into consideration all the relevant facts of each case.

(2) The medical practitioner so appointed shall perform the following duties, that is to say,—

(a) to maintain Health Register in Form 7 ;

(b) to undertake medical supervision of persons engaged on dangerous operations specified in rule 114 of these rules ;

(c) to look after health, education and rehabilitation of sick, injured or affected-workers ;

(d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.

(3) For the purpose of medical supervision by the medical practitioner so appointed, the occupier shall provide for the former's exclusive use at the factory premises a room which shall be properly cleaned, adequately lighted, ventilated and furnished with a screen, a table with office stationery, chairs and other facilities and instruments including X-ray arrangement for Schedules IV, X, XVII for such examinations and such other equipments as may be prescribed by the Chief Inspector of Factories from time to time."

(4) In Schedule X, for paragraph 8, the following shall be substituted, namely

8. *Medical facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having post-graduate Diploma in Industrial Health or possessing M.B.B.S. degree and having five years experience, in industry as occupational health physician. The medical practitioner, so appointed shall examine and treat all workers, for chrome ulcerations and occupational diseases, on the premises at least thrice a week. The medical practitioner so appointed, shall be

Provided that, in the case of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration, after taking into consideration all the relevant facts of each case.

(2) The medical practitioner, so appointed shall perform in addition to the duties specified in sub-paragraph (1), the following duties, that is to say,—

- (a) to maintain Health Register in Form 7 ;
- (b) to undertake medical supervision of persons engaged on dangerous operations specified in rule 114 of these rules ;
- (c) to look after health, education and rehabilitation of sick, injured or affected workers ;
- (d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.

(3) The occupier shall in addition appoint a person trained in First Aid who shall inspect daily the hands and feet of all persons employed and shall keep a record of such inspection in a register maintained for the purpose in a Form approved by the Chief Inspector of Factories.

(4) The occupier shall also provide and maintain a sufficient supply of suitable antidotes, ointment and impermeable water-proof plaster in a separate box readily accessible to the workers and used solely for the purpose of keeping the antidotes, ointment and plaster. ;

(5) in Schedule XI, for paragraph 14, the following shall be substituted, namely —

“ 14. *Medical Facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having post-graduate Diploma in Industrial Health or possessing M.B.B.S. degree and having five years experience in industry as occupational health physician. The medical practitioner, so appointed, shall be required to put in minimum four hours' attendance on every working day in the ambulance room for carrying out the duties specified in the following sub-paragraph (2) :

Provided that, in the case of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration, after taking into consideration all the relevant facts of each case.

(2) The medical practitioner so appointed shall perform the following duties, that is to

- (a) to maintain Health Register in Form 7 ;
- (b) to undertake medical supervision of persons engaged on dangerous operations specified in rule 114 of these rules ;
- (c) to look after health, education and rehabilitation of sick, injured or affected workers ;
- (d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.

(3) For the purpose of medical supervision by the medical practitioner, the occupier shall provide for the former's exclusive use at the factory premises a room which shall be properly cleaned, adequately ventilated, lighted and furnished with a screen, a table with office stationery, chairs and facilities and instruments for such examination and oxygen gas with qualified personnel for its administration. ;

(6) In Schedule XIV, after paragraph 13, the following new paragraph 13A shall be inserted, namely

“ 13A. *Medical facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having post-graduate diploma in Industrial Health or possessing M.B.B.S. degree and having five years experience in industry as occupational health physician. The medical practitioner so appointed shall be required to put in minimum four hours' attendance on every working day in the ambulance-room for carrying out the duties specified in the following

Provided that, in cases of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration after taking into consideration all the relevant facts of each case.

(2) The medical practitioner so appointed shall perform the following duties, that is to say,—

- (a) to maintain Health Register in Form 7 ;
- (b) to undertake medical supervision of persons engaged in dangerous operations specified in rule 114 of these rules ;
- (c) to look after health, education and rehabilitation of sick, injured or affected workers ;
- (d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.

(3) For the purpose of medical supervision by the medical practitioner so appointed, the occupier shall provide for his exclusive use a room in the factory premises which shall be properly cleaned, adequately lighted, ventilated and furnished with a screen, a table with office stationery, chairs and other facilities and instruments including X-Ray arrangements for Schedules IV, X and XVII, for such examinations and such other equipments as may be prescribed by the Chief Inspector of Factories from time to time.

(7) In Schedule XV, for paragraph 14, the following shall be substituted, namely —

“ 14. *Medical facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having a diploma in Industrial Health or possessing M.B.B.S. degree and having five years' experience in industry as occupational health physician. The medical practitioner so appointed shall examine and, if necessary, treat on the premises of the factory all workers who handle dangerous pesticides for effects of excessive absorption at least once a week. The occupier shall make necessary arrangements to ensure quick availability of the medical practitioner so appointed or any other qualified medical practitioner in emergency cases. The medical practitioner, so appointed, shall be required to put in minimum four hours' attendance off every working day in the ambulance-room for carrying out the duties specified in the following sub-paragraph (2) :

Provided that, in cases of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration after taking into consideration all the relevant facts of each case.

(2) The medical practitioners so appointed, shall perform, in addition to the duties specified in sub-paragraph (1), the following duties, that is to say,—

- (a) to maintain Health Register in Form 7 ;
- (b) to undertake medical supervision of persons engaged in dangerous operations specified in rule 114 of these rules ;
- (c) to look after health, education and rehabilitation of sick, injured or affected workers ;
- (d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.

(8) In Schedule XVII, after paragraph 11, the following new paragraph 11A shall be inserted, namely :—

“ 11A. *Medical facilities.*—(1) The occupier of the factory shall appoint at least a part-time qualified medical practitioner, possessing M.B.B.S. degree and having post-graduate diploma in Industrial Health or possessing M.B.B.S. degree and having five years' experience in industry as occupational health physician. The medical practitioner so appointed shall be required to put in minimum four hours' attendance on every work-

Provided that, in cases of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration after taking into consideration all the relevant facts of each case.

(2) The medical practitioner so appointed shall perform the following duties, that is to say,—

(a) to maintain Health Register in Form 7 ;

(b) to undertake medical supervision of persons engaged in dangerous operations specified in rule 114 of these rules ;

(c) to look after health, education and rehabilitation of sick, injured or affected workers ;

(d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.

(3) For the purpose of medical supervision by the medical practitioner so appointed the occupier shall provide for his exclusive use a room in the factory premises which shall be properly cleaned, adequately lighted, ventilated and furnished with a screen a table with office stationery, chairs and other facilities and instruments including X-Ray arrangement also for Schedules IV and X, for such examinations and such other equipments as may be prescribed by the Chief Inspector from time to time.”

(9) In Schedule XVIII in paragraph 6,—

(i) in sub-paragraph (1), after the words “ Appointed Doctor ”, the following shall be added at the end, namely :—

“ Appointed Doctor shall be required to put in minimum four hours’ attendance on every working day in the ambulance-room for carrying out the duties specified in the following sub-paragraphs (3), (4) and (5) :

Provided that, in the cases of factories employing less than 500 workers per day, the Chief Inspector of Factories may allow attendance for shorter duration after taking into consideration all the relevant facts of each case.”;

(ii) after sub-paragraph (4), the following new sub-paragraph (5) shall be added, namely —

“ (5) In addition to the duties specified in sub-paragraphs (3) and (4), the appointed doctor shall perform the following duties, that is to say,—

(a) to maintain Health Register in Form 7 ;

(b) to undertake medical supervision of persons engaged in dangerous operations specified in rule 114 of these rules ;

(c) to look after health, education and rehabilitation of sick, injured or affected workers ;

(d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.”

(10) In Schedule XX, after paragraph 13, the following new paragraph 13A shall be inserted, namely :—

“ 13A. *Medical facilities.*—(1) The occupier of the factory shall appoint at least a parttime qualified medical practitioner, possessing M.B.B.S. degree and having a diploma in Industrial Health or possessing M.B.B.S. degree and having five years’ experience in industry as occupational health physician. The medical practitioner so appointed shall be required to put in minimum four hours’ attendance on every working day in the ambulance-room for carrying out the duties specified in the following sub-paragraph (2) :

(2) In addition to the duties specified in sub-paragraph (1) the medical practitioner so appointed shall perform the following duties, that is to say,—

(a) to maintain Health Register in Form 7 ;

(b) to undertake medical supervision of persons engaged in dangerous operations specified in rule 114 of these rules ;

(c) to look after health, education and rehabilitation of sick, injured or affected workers ;

(d) to carry out inspection of work-rooms where dangerous operations are carried out and to advise the management of the measures to be adopted for protection of health of the workers involved therein.”

3. In Form 7 appended to the principal rules for the brackets, words and figures “ [See rule 18 (7) ]”, the brackets, words and figures “ [See rule 18 (7) and Schedule II, III, IV, VI, VIII, X, XI, XIII, XIV, XV, XVII, XVIII and XX to rule 114] ” shall be substituted.

(Vide Government Notification, Industries, Energy and Labour Department, No. FAC-1183/8747, Lab-4, dated 13th March 1984, published in *M. G. G.*, Part I-L, dated 9th August 1984, at pages Nos. 3443-3449)

(XI) PAYMENT OF WAGES ACT, 1936.

(A) *Authorised deductions under the.*—The Government of Maharashtra has republished the following Notification of the Central Government *vide* Notification No. PWA. 2084/5855/Lab.-7, dated 9th May 1984.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR AND REHABILITATION

(DEPARTMENT OF LABOUR)

New Delhi, Dated the 5th November 1983

S.O. —In exercise of the powers conferred under clause (p) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby specifies the “ Relief Fund for Indian Origin Citizens in Sri Lanka ” for purpose of that clause of the said Act for effecting deductions from wages of the employed persons.]

(Vide Government Notification, Industries, Energy and Labour Department, No. PWA. 2084/5855/Lab.-7, dated 9th May 1984, published in *M.G.G.*, Part I-L, dated 9th August 1984, at Page No. 3482)

(XII) INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946.

(A) *Amendments to the Rules under the.*—The Government of Maharashtra has republished the following Draft Rules of the Central Government, *vide* Notification No. IER. 1084/7269/Lab. 9, dated 18th May 1984 .

DRAFT RULES

[1. These rules may be called the Industrial Employment (Standing Orders) Central Amendment) Rules, 1984.

2. In the Industrial Employment (Standing Orders) Central Rules, 1946, in schedule IB, under heading “ (3) Age of retirement ”, for figure “ 60 ”, figure “ 58 ” shall be substituted.

*Note.*—Principal Notification published, *vide* Notification No. LR. 11(37), dated 18th December 1946 and subsequently amended by—

(i) GSR No. 208, dated 31st January 1954.

(ii) GSR No. 556, dated 24th February 1956.

(iii) GSR No. 557, dated 20th March 1956.

- (v) GSR No. 1166, dated 28th June 1963.  
 (vi) GSR No. 1123, dated 18th July 1967.  
 (vii) GSR No. 1573, dated 10th October 1967.  
 (viii) GSR No. 1732, dated 12th May 1967.  
 (ix) GSR No. 824, dated 30th June 1975.  
 (x) GSR No. 30E, dated 17th January 1983.]

(Vide Government Notification, Industries, Energy and Labour Department, No. IER. 1084/(7269)/Lab.-9, dated 18th May 1984, published in *M.G.G.*, Part I-L, dated 9th August 1984, at Pages Nos. 3482-3483)

(XIII) WORKMEN'S COMPENSATION ACT, 1923.

(A) *Amendments to the Act.*—In exercise of the powers conferred by sub-section (1) of section 20 of the said Act, the Government of Maharashtra has amended the Government Notification, Industries, Energy and Labour Department, No. WCA. 1183/4150/Lab. 11, dated 15th March 1984, in the Schedule, for Entry (27) as follows—

"(27) Civil Judge (Senior Division), Rajura .. Rajura Taluka of Chandrapur District."

(Vide Government Notification, Industries, Energy and Labour Department, No. WCA. 1183/4150/Lab. 11, dated 4th May 1984, published in *M.G.G.*, Part I-L, dated 9th August 1984, at Page No. 3483)

(XIV) MINIMUM WAGES ACT, 1948.

(A) *Corrigendum under the.*—In the Notification, published in *M.G.G.*, Part I-L, dated 1st March 1984, at Page 1074, the following correction shall be made—

On Page 1074 in the Schedule in column 3 against month, July 1983 in Pune Index Number, the figure '541' shall be substituted for the figure '441'.

(Vide Government Corrigendum, Industries, Energy and Labour Department, No. MWA/SPL/RFDM/published in *M.G.G.*, Part I-L, dated 9th August 1984, at Page No. 3486)

(B) *Declaration of Special Allowance under the—*

(1) *Cloth Dyeing and Cloth Printing*—The Deputy Commissioner of Labour (Rural Wing and Enforcement), Bombay, in exercise of the powers conferred on him, has declared the Special Allowance (cost of living allowance), payable in addition to the rate of wages to the employees employed in the said 'Scheduled Employment' in the Zones mentioned in column (2) of Schedule III appended hereto in relation to three months commencing on the 1st day of July, 1984 at the rates mentioned in Column (3) of the schedule III—

SCHEDULE III

| Serial No. | Zones | Amount of Special Allowance (cost of living allowance) payable |
|------------|-------|--|
| (1)        | (2)   | (3)  |
| 1          | I     | Rs. 370.00 per month   |
| 2          | II    | Rs. 370.00 per month   |

*Explanation.*—For the purpose of this Notification, Zones I and II, shall respectively mean Zones I and II formed for the purpose and shown in the Notification, Industries, Energy and Labour Department, No. MWA-6274/904/Lab.-7, dated 4th January 1977.

(Vide Government Notification, Industries, Energy and Labour Department, No. MWA/SPL/Cloth Dyeing and Cloth Printing dated 4th August 1984, published in *M.G.G.*, Part I-L, dated 9th August 1984, at Page No. 3486)

XV. THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952.

(A) *Exemptions under the Act.*—In exercise of the powers conferred by sub-section (1) of section 17 of the said Act, the Government of Maharashtra has exempted the establishment Messrs. Nicholas Laboratories India Limited, Sion-Trombay Road, Deonar, Bombay 400 088 from the operation of the provisions of the said Scheme, with effect from 27th September 1979, subject to the conditions specified in the Schedule hereto.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advance, the scheme of the exempted establishment shall not be less favourable than the Employees' Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(1) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government as the case may be from time to time.

8. The Provident Fund shall vest in the Board of Trustees who will be responsible for an accountable to the Employees Provident Fund Organisation *inter-alia* for proper accounts of the receipts into and payments from the provident fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses on such re-audit shall be borne by the employer.

10. A copy of the audited annual provident fund accounts together with the audited balance-sheet of the establishment for accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For the purpose of the financial year of the provident fund shall be from the date of its audit to the 31st

10. The employers shall transfer to the Board of Trustees the contributions payment of the fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributors, in the same manner as an exempted establishment is liable under similar circumstances.

11. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Control of the Reserve Bank of India.

12. Failure to make the investments as per directions of the Government shall make the Board of Trustees, severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

13. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and redemption proceeds.

14. The Board of Trustees shall maintain detailed accounts to show the contribution credited, withdrawal and interest in respect of each employee.

15. The Board shall issue an annual statement of account to every employee within six months of the close of financial/according year.

16. The Board may, instead of the annual statement of accounts, issue passbooks to every employee. These passbooks shall remain in the custody of the employees and will be brought up-to-date by the Board on presentation by the employees.

17. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

18. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment in less or for any other reason, then the deficiency shall be made good by the employer.

19. The employer shall also make good any other loss that may be caused to the provident fund due to theft, burglary, defalcation, mis-appropriation or any other reason.

20. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

21. If the provident Fund rules of the establishment provide for forfeiture of the employees' contributions in cases where an Employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for purposes as may be determined with prior approval of the central.

22. Notwithstanding anything contained in the rules of the Provident Fund of the establishment, if the amount payable to any member upon this ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer and employees' contribution payable under the Gratuity of pension rules be less than the amount that would be payable as employer's and employees' contributions plus interest thereon if he were a member of the Provident Fund under the said Scheme, the employer

23. The employer in relation to the establishment shall provide for such facilities for inspection and pay such inspection charges within 15 days from the close of every month as the Central Government may from time to time decide under clause (a) of sub-section (3) of section 17 of the said Act.

24. The employer shall display on the notice-board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto along with a translation of the salient points thereof in the language of the majority of the employees.

25. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

26. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

27. The exemption is liable to be cancelled for violation of any of the above conditions vide Government Notification, Industries, Energy and Labour Department, No. EPF. 1083/9029/Lab-4, dated 14th March 1984, published in M. G. G., Part I L, dated 16th August 1984 at Pages Nos. 3554 to 3557.)

## Consumer Price Index Numbers for Industrial Workers for August 1984

### CENTRE BOMBAY

#### A fall of 1 point

In August, 1984 the Consumer Price Index Number for Industrial Workers (New Series) for Bombay Centre with base January to December 1960 equal to 100 was 610 being 1 point lower than that in the preceeding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at the Bombay Centre.

The index number for the food group decreased by 3 points to 679 due to a fall in the average prices of wheat, sugar and vegetables and fruits sub-group.

The index number for the pan, Supari and Tobacco etc. group decreased by 7 points to 642 due to a fall in the average price of pan-leaf.

The index number for the fuel and light group decreased by 1 point to 797 due to a fall in the average prices of fire wood.

The index number for housing remained steady at 184 being a six monthly item.

The index number for clothing, bedding and footwear group remained steady at 562.

The index number for the miscellaneous group increased by 2 points to 470 due to a rise in the average prices of news paper, durric and washing soap.

### CONSUMER PRICE INDEX NUMBERS FOR INDUSTRIAL WORKERS (NEW SERIES) FOR BOMBAY CENTRE

(Average prices for the calendar year 1960 = 100)

| Group                               | Weight proportional to the total expenditure. | Group Index Numbers |             |
|-------------------------------------|---|---------------------|-------------|
|                                     |   | July 1984           | August 1984 |
| I-A. Food                           | 57.1  | 682                 | 679         |
| I-B. Pan, Supari, Tobacco, etc.     | 4.9   | 649                 | 642         |
| II. Fuel and Light                  | 5.0   | 798                 | 797         |
| III. Housing                        | 4.6   | 184                 | 184         |
| IV. Clothing, Bedding and Foot-Wear | 9.4   | 562                 | 562         |
| V. Miscellaneous                    | 19.0  | 468                 | 470         |
| Total ..                            | 100.0   | 611                 | 610         |
| Consumer Price Index Number ..      | ....  | ....                | ....        |

\*Details regarding the scope and method of compilation of the index will be found on pages 598 to 605 of December 1965 issue of *Labour Gazette*, For Errata (see) page 867 of January 1966 issue.

Note.—To obtain equivalent old index number on base 1933-34=100, the general index number on base 1960=100 should be multiplied by the linking factor viz., 4.44.

### CENTRE-SOLAPUR\*

#### 611—A rise of 6 points

In August 1984 the Consumer Price Index Number for working Class (New Series) for Solapur Centre with base January to December 1960 equal to 100 was 611 being 6 points higher than that in the preceeding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at Solapur Centre.

The index number for the food group increased by 9 points to 664 due to a rise in the average prices of rice, wheat, arharda, gramdal, edible oils, onions and garlic.

The index number for the pan, supari and tobacco etc. group increased by 3 points to 535 due to a rise in the average price of pan leaf only.

The index number for the fuel and light group remained steady at 730.

The index number for housing remained steady at 266 being a six monthly item.

The index number for clothing, bedding and footwear group remained steady at 572.

The index number for the miscellaneous group decreased by 1 point to 465 due to a fall in the average prices of washing soap only.

### CONSUMER PRICE INDEX NUMBERS (NEW SERIES) FOR WORKING CLASS FOR SOLAPUR CENTRE

(Average prices for the calendar year 1960 = 100)

| Groups                                | Weight proportional to the total expenditure | Group Index Numbers |             |
|---------------------------------------|--|---------------------|-------------|
|                                       |  | July 1984           | August 1984 |
| I-A. Food                             | 63.0   | 655                 | 664         |
| I-B. Pan, Supari, Tobacco etc.        | 3.4  | 532                 | 535         |
| II. Fuel and Light                    | 7.1  | 730                 | 730         |
| III. Housing                          | 5.2  | 266                 | 266         |
| IV. Clothing, Bedding and Footwear .. | 9.0  | 572                 | 572         |
| V. Miscellaneous                      | 12.3   | 466                 | 465         |
| Total ..                              |  |                     | ....        |
| Consumer Price Index Number ..        | 100.00                                       | 605                 | 611         |

\*Details regarding the scope and method of compilation of the index may be seen on pages 607 to 613 December 1963 issue of *Labour Gazette*. For Errata (see) page 897 of January 1966 issue.

Note.—For arriving at the equivalent of the old index number 1927-28=100, the new index number should be multiplied by the linking factor of 3.82.

## CENTRE-NAGPUR\*

## 605—A rise of 8 points

In August 1984 the Consumer Price Index Number for Working Class (New Series) for Nagpur Centre with base January to December 1960 equal to 100 was 605 being 8 points higher than that in the preceding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at Nagpur Centre.

The index number for the food group increased by 12 points to 655 due to a rise in the average prices of jowar, gram, edible oils, goatmeat, ghee and vegetables and fruits.

The index number for the pan, supari and tobacco etc. group increased by 3 points to 578 due to a rise in the average prices of pan leaf and supari.

The index number for the fuel and light group remained steady at 848.

The index number for housing remained steady at 316 being a six monthly item.

The index number for clothing, bedding and footwear group increased by 5 points to 623 due to a rise in the average prices of shirting and marking.

The index number for the miscellaneous group increased by 3 points to 451 due to a rise in the average prices of hair oil, cinema and washing soap.

## CONSUMER PRICE INDEX NUMBER (NEW SERIES) FOR WORKING CLASS FOR NAGPUR CENTRE

(Average prices for the calendar year 1960=100)

| Groups                                | Weights proportional to total expenditure | Group Index Numbers |             |
|---------------------------------------|---|---------------------|-------------|
|                                       |   | July 1984           | August 1984 |
| I-A. Food ..                          | 57.2                                      | 643                 | 655         |
| I-B. Pan, Supari, Tobacco, etc. ..    | 3.8                                       | 575                 | 578         |
| II. Fuel and Light ..                 | 5.7                                       | 848                 | 848         |
| III. Housing ..                       | 6.6                                       | 316                 | 316         |
| IV. Clothing, Bedding and Footwear .. | 10.9                                      | 618                 | 623         |
| V. Miscellaneous ..                   | 15.8                                      | 448                 | 451         |
| Total ..                              | 100.0                                     | ....                | ....        |
| Consumer Price Index Number ..        | ....                                      | 597                 | 605         |

\*Details regarding the scope and method of compilation of the index may be seen on pages 771 to 779 in January 1968 issue of Labour Gazette.

Note.—For arriving at the equivalent of the old Index Number (1939=100), the new Index Number should be multiplied by the linking factor *vs.* 5.22.

## PUNE CENTRE\*

## A fall of 5 points

In August 1984 the consumer Price Index Number for Industrial Worker for Pune centre with base year 1961 equal to 100 was 569 being 5 points lower than that in preceding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at Pune centre.

The index number for the food group decreased by 8 points to 642 due to a fall in the average prices of wheat, Jowar, eggs, Vegetables and banana.

The index number for the fuel and light group remained Steady at 732.

The index number for housing remained steady at 146 being a six monthly item.

The index number for clothing and footwear remained Steady at 538.

The index numbers for the miscellaneous group remained steady at 467.

## CONSUMER PRICE INDEX NUMBERS FOR WORKING CLASS FOR PUNE CENTRE

(Average prices for the calendar year 1961 = 100)

| Groups                      | Weight proportional to total expenditure | Group Index Numbers |           |
|-----------------------------|--|---------------------|-----------|
|                             |  | July 1984           | Aug. 1984 |
| I. Food                     | 55.85                                    | 642                 | 642       |
| II. Fuel and Light          | 6.89                                     | 732                 | 732       |
| III. Housing                | 6.65                                     | 146                 | 146       |
| IV. Clothing and Footwear   | 10.31                                    | 538                 | 538       |
| V. Miscellaneous            | 20.30                                    | 467                 | 467       |
| Total ..                    | 100.00                                   | ....                | ....      |
| Consumer Price Index Number |  | 574                 | 569       |

\*Details regarding the scope and method of compilation of the index will be found on pages 1727 to 1730 of the August 1965 issue of Labour Gazette. For Errata thereto, see page 217 of September 1965 issue.

## JALGAON\*

## 595—A rise of 8 points

In August 1984 the Consumer Price Index Number for Industrial Workers (New Series) for Jalgaon Centre with base year 1961 equal to 100 was 595 being 8 points higher than that in preceding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at Jalgaon Centre.

The index number for the food group increased by 651 point to 5 due to rise in the average price of turdal, groundnut oil, chillies dry banana, gur.

The index number for the fuel and light group remained steady at 714.

The index number for housing increased by 188 points to 5 being six monthly item.

The index number for clothing and footwear increased 617 points to 48 due to a rise in the average prices of saree, long cloth, Chappals bata.

The index number for the miscellaneous group increased by 467 points to 1 due to a rise in the average prices of hair oil.

CONSUMER PRICE INDEX NUMBERS FOR WORKING CLASS FOR  
JALGAON CENTRE.

(Average prices for the calendar year 1961 = 100)

| Groups                      | Weight proportional to total expenditure. | Group Index Numbers |           |
|-----------------------------|---|---------------------|-----------|
|                             |   | July 1984           | Aug. 1984 |
| I. Food                     | 60.79                                     | 646                 | 651       |
| II. Fuel and Light          | 7.20                                      | 714                 | 714       |
| III. Housing                | 6.11                                      | 183                 | 188       |
| IV. Clothing and Footwear   | 10.29                                     | 569                 | 617       |
| V. Miscellaneous            | 15.61                                     | 466                 | 467       |
| Total ..                    | 100.00                                    | ....                | ....      |
| Consumer Price Index Number | ....                                      | 587                 | 595       |

\*Details regarding the scope and method of compilation of the index will be found on pages 758 to 760 of the January 1966 issue of *Labour Gazette*.

Note.—To obtain the equivalent old index number on base August 1939 = 100, the new index number on base 1961 = 100 should be multiplied by the linking factor viz. 5.29.

## NANDED\*

## 657—A rise of 10 points

In August 1984 the Consumer Price Index Number for Industrial Workers (New Series) for Nanded Centre with base year 1961 equal to 100 was 657 being 10 points higher than that in preceding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at Nanded Centre.

The index number for the food group increased by 9 point to 73 due to rise in the average price of jowar, turdal, gramdal, moongdal, chillies (dry), tamarind, and vegetables.

The index number for the fuel and light group remained steady at 780.

The index number for housing increased by 76 points to 386 monthly item

The index number for clothing and footwear increased 2 points to 520 due to a rise in the average prices of dhoti, saree, and drill.

The index number for the miscellaneous group remained steady at 504.

CONSUMER PRICE INDEX NUMBERS FOR WORKING CLASS FOR  
NANDED CITY

(Average prices for the calendar year 1961 = 100)

| Groups                         | Weight proportional to total expenditure | Group Index Numbers |           |
|--------------------------------|--|---------------------|-----------|
|                                |  | 1984                | Aug. 1984 |
| I. Food ..                     | 61.46                                    | 723                 | 732       |
| II. Fuel and Light             | 5.88                                     | 780                 | 780       |
| III. Housing                   | 4.62                                     | 310                 | 386       |
| IV. Clothing and Footwear      | 10.29                                    | 518                 | 520       |
| V. Miscellaneous               | 15.82                                    | 504                 | 504       |
| Total ..                       | 100.00                                   | ....                | ....      |
| Consumer Price Index Number .. | ....                                     | 647                 | 657       |

\*Details regarding the scope and method of compilation of the index will be found on pages 1107 to 1112 of the March 1966 issue of *Labour Gazette*.

Note.—To obtain the equivalent old index number on base August 1943 to July 1944 = 100 the new index number of base 1961 = 100 should be multiplied by the linking factor viz. 2.45 (o.c.p.) Ra 4526—6 (535—1-85)

## AURANGABAD\*

Index Number remained Steady

In August 1984 the consumer Price Index Number for Industrial Workers for Aurangabad centre with base year 1961 equal to 100 was 608 which remained unchanged at the figure which was utilised in the previous month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at Aurangabad centre.

The index number for the food group decreased by 2 points to 665 due to a fall in the average prices of jowar and Vegetables.

The index number for the fuel and light group remained steady at 771.

The index number for housing remained steady at 326 being a six monthly item.

The index number for clothing and footwear increased by 7 points to 565 due to a rise in the prices of Saree and long cloth.

The index numbers for the miscellaneous group increased by 1 point to 475 due to a rise in the average price of washing Soap (Sunlight).

## CONSUMER PRICE INDEX NUMBERS FOR WORKING CLASS FOR AURANGABAD CENTRE

(Average prices for the calendar year 1961=100)

| Groups                       | Weight proportional to total expenditure | Group Index Number |           |
|------------------------------|--|--------------------|-----------|
|                              |  | July 1984          | Aug. 1984 |
| I. Food ..                   | 60.72                                    | 667                | 665       |
| II. Fuel and Light ..        | 7.50                                     | 771                | 771       |
| III. Housing ..              | 4.87                                     | 326                | 326       |
| IV. Clothing and Footwear .. | 9.29                                     | 558                | 565       |
| V. Miscellaneous ..          | 13.62                                    | 474                | 475       |
| Total ..                     | 100.00                                   | 608                | 608       |
| Consumer price Index Number  |  | 608                | 608       |

\*Details regarding scope and method of compilation of the index will be found on pages 1130 to 1134 of March 1966 issue of Labour Gazette.

Note.—To obtain the equivalent old index number on base August 1943 to July 1944=100 the new index number on base 1961=100 should be multiplied by the linking factor viz 2.22.

## ALL INDIA AVERAGE CONSUMER PRICE INDEX NUMBERS FOR INDUSTRIAL WORKERS

The statistics for the Last 12 calendar months from September 1983 to August 1984 are given in the following table

TABLE

| Month             | Base 1960=100 | *Base 1949=100 |
|-------------------|---------------|----------------|
|                   | 2             | 3              |
| September 1983 .. | 554           | 673            |
| October 1983 ..   | 558           | 678            |
| November 1983 ..  | 561           | 682            |
| December 1983 ..  | 559           | 679            |
| January 1984 ..   | 563           | 684            |
| February 1984 ..  | 561           | 682            |
| March 1984 ..     | 558           | 678            |
| April 1984 ..     | 559           | 679            |
| May 1984 ..       | 562           | 683            |
| June 1984 ..      | 574           | 698            |
| July 1984 ..      | 585           | 711            |
| August 1984 ..    | 586           | 712            |

\*Index numbers under this column are derived from the 1960 based index.

| Centre     | Base | Food | Fuel, Transport, and Tobacco etc. | Housing | Clothing, Bedding & Household | Miscellaneous Consumer Goods | Price Index No. July 64 | Price Index No. August 64 | Price Index No. July 64 | Price Index No. August 64 | Employment |
|------------|------|------|-----------------------------------|---------|-------------------------------|------------------------------|-------------------------|---------------------------|-------------------------|---------------------------|------------|
|            |      |      |                                   |         |                               |                              |                         |                           |                         |                           |            |
| Bombay     | ..   | 679  | 642                               | 797     | 562                           | 470                          | 610                     | 2708                      | 611                     | 2713                      | 2713       |
| Solapur    | ..   | 664  | 535                               | 730     | 572                           | 465                          | 611                     | 2334                      | 605                     | 2331                      | 2331       |
| Nagpur     | ..   | 655  | 578                               | 848     | ..                            | 451                          | 605                     | 3158                      | 597                     | 3116                      | 3116       |
| Pune       | ..   | 642  | ..                                | 732     | 538                           | 467                          | 569                     | ..                        | 574                     | ..                        | ..         |
| Jalgaon    | ..   | 651  | ..                                | 714     | 617                           | 467                          | 595                     | 3148                      | 587                     | 3105                      | 3105       |
| Nanded     | ..   | 732  | ..                                | 780     | 520                           | 504                          | 657                     | 1610                      | 647                     | 1585                      | 1585       |
| Aurangabad | ..   | 665  | ..                                | 771     | 565                           | 475                          | 608                     | 1350                      | 608                     | 1350                      | 1350       |

NOTE.—For arriving at the equivalent Old Index Numbers the new Index Numbers may be multiplied by the linking factors mentioned against the respective centres as follows:—

BOMBAY  
JALGAON

: 4.44  
: 5.29

SHOLAPUR  
NANDED

: 3.82  
: 2.45

NAGPUR  
AURANGABAD

: 5.22  
: 2.22

## Labour Intelligence

### INDUSTRIAL RELATIONS IN MAHARASHTRA REVIEW FOR THE MONTH OF JULY 1964

#### Industrial Courts, Tribunals and Labour Courts

In all 1,970 applications were received by the Industrial Courts, Tribunals and Labour Courts during the month. Their break-up are as under:

| Serial No.                 | Name of the Industrial Court/Tribunal and Labour Court | No. of applications, etc. received during the month under the |                |             | Total |
|----------------------------|--|---|----------------|-------------|-------|
|                            |  | B.I.R. Act, 1946  | I.D. Act, 1947 | Other Acts. |       |
| 1                          | 2  | 3   | 4              | 5           | 6     |
| <b>I. Court/Tribunals—</b> |  |   |                |             |       |
| 1                          | Industrial Court, Bombay                               | 9   | ..             | 89          | 98    |
| 2                          | Industrial Tribunal, Bombay                            | ..  | 29             | ..          | 39    |
| 3                          | Industrial Court, Nagpur                               | 2   | ..             | 58          | 60    |
| 4                          | Industrial Tribunal, Nagpur                            | ..  | ..             | ..          | ..    |
| 5                          | Industrial Court, Pune                                 | 2   | ..             | 27          | 29    |
| 6                          | Industrial Tribunal, Pune                              | ..  | 2              | ..          | 2     |
| 7                          | Industrial Court, Thane                                | 1   | ..             | 28          | 29    |
| 8                          | Industrial Tribunal, Thane                             | ..  | 5              | ..          | 5     |
| 9                          | Industrial Court, Kolhapur                             | 6   | ..             | 11          | 17    |
| 10                         | Industrial Tribunal, Kolhapur                          | ..  | ..             | ..          | ..    |
| 11                         | Industrial Court, Amravati                             | ..  | ..             | 37          | 37    |
| 12                         | Industrial Tribunal, Amravati                          | ..  | ..             | ..          | ..    |
| 13                         | Industrial Court, Nashik                               | 4   | ..             | 15          | 19    |
| 14                         | Industrial Tribunal, Nashik                            | ..  | 45             | ..          | 45    |
| 15                         | Industrial Court, Ahmadnagar                           | ..  | ..             | 56          | 56    |
| 16                         | Industrial Tribunal, Ahmadnagar                        | ..  | ..             | ..          | ..    |
| Total ..                   |  | 24  | 91             | 321         | 436   |
| <b>II. Labour Courts—</b>  |  |   |                |             |       |
| 1                          | Labour Court, Bombay                                   | 92  | 191            | 230         | 513   |
| 2                          | Labour Court, Pune                                     | 1   | 49             | 38          | 88    |
| 3                          | Labour Court, Nagpur                                   | 42  | 83             | 104         | 229   |
| 4                          | Labour Court, Thane                                    | 2   | 8              | 33          | 43    |
| 5                          | Labour Court, Kolhapur                                 | 4   | 25             | 17          | 46    |
| 6                          | Labour Court, Solapur                                  | 14  | 11             | 100         | 125   |
| 7                          | Labour Court, Akola                                    | 2   | 20             | 46          | 68    |
| 8                          | Labour Court, Nashik                                   | 1   | 46             | 12          | 59    |
| 9                          | Labour Court, Aurangabad                               | 3   | 29             | 41          | 73    |
| 10                         | Labour Court, Sangli                                   | 1   | 38             | 11          | 50    |
| 11                         | Labour Court, Dhule                                    | 2   | 7              | 4           | 13    |
| 12                         | Labour Court, Amravati                                 | ..  | 15             | 50          | 65    |
| 13                         | Labour Court, Jalgaon                                  | ..  | ..             | 6           | 6     |
| 14                         | Labour Court, Bhandara                                 | 2   | 26             | 53          | 81    |
| 15                         | Labour Court, Ahmadnagar                               | 3   | 56             | 16          | 75    |
| Total ..                   |  | 169   | 604            | 761         | 1,534 |

Wage Boards.—No reference was received by the Wage Board for cotton textile industry during the month.

tion

Analysis of disputes handled by the Conciliation machinery in the State during April 1964 under various Acts is given below

41

Cause-wise analysis of the cases received during the month :-

| Act  | Issues relating to pay, allowances and Bonus | Employment, leave, hours of work and Miscellaneous causes | Total      |
|--|--|---|------------|
| 1  | 2  | 3   | 4          |
| Industrial Disputes Act, 1947                                    | 250  | 83  | 333        |
| Bombay Industrial Relations Act, 1946                            | 15   | 9   | 24         |
| Bombay Industrial Relations (Extensions and Amendment) Act, 1964 | ....   | ....  | ....       |
| <b>Total</b>   | <b>265</b>                                   | <b>92</b>   | <b>357</b> |

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b) Result-wise analysis of the cases dealt with during the month—

| Act                                 | Pending at the beginning of the month | No. of cases received during the month | Settled amicably | Ended in failure | Withdrawn or not pursued by parties | Closed     | Total (4 to 7) | Pending at the end of the month |
|-------------------------------------|---------------------------------------|--|------------------|------------------|-------------------------------------|------------|----------------|---------------------------------|
| 1                                   | 2                                     | 3                                      | 4                | 5                | 6                                   | 7          | 8              | 9                               |
| Industrial Disputes Act, 1947       | 1063                                  | 333                                    | 90               | 119              | 40                                  | 99         | 348            | 1048                            |
| B. I. R. Act, 1946                  | 124                                   | 24                                     | 8                | 5                | 9                                   | 1          | 23             | 135                             |
| B. I. R. (Ext. and Amdt.) Act, 1964 | ....                                  | ....                                   | ....             | ....             | ....                                | ....       | ....           | ....                            |
| <b>Total</b>                        | <b>1,187</b>                          | <b>357</b>                             | <b>98</b>        | <b>124</b>       | <b>49</b>                           | <b>100</b> | <b>371</b>     | <b>1,183</b>                    |

Industry-wise and District-wise analysis of the cases received during the month under Bombay Industrial Relations Act, 1946 and Bombay Industrial Relations (Extension and Amendment) Act, 1964 are given below —

| Act                | Cotton Textile | Silk Textile | Chemical | Textile Processing | Hosiery | Banking | Sugar | Misc. | Transport | Total |
|--------------------|----------------|--------------|----------|--------------------|---------|---------|-------|-------|-----------|-------|
| 1                  | 2              | 3            | 4        | 5                  | 6       | 7       | 8     | 9     | 10        | 11    |
| B. I. R. Act, 1946 | 4              | 4            | 3        | 5                  | 4       | ..      | 1     | 1     | 2         | 24    |

| Act  | Textile Industry | Paper Industry | Chemical Industry | Press Industry | Electricity | Banking | Chemical Engineering | Local Bodies | Other Misc. | Total |
|--|------------------|----------------|-------------------|----------------|-------------|---------|----------------------|--------------|-------------|-------|
| 1  | 2                | 3              | 4                 | 5              | 6           | 7       | 8                    | 9            | 10          | 11    |
| B. I. R. (Extension And Amendment) Act, 1964 |                  |                |                   |                |             |         |                      |              |             |       |

District-wise analysis is given below :-

| Act                | Bombay | Pune | Thane | Nagpur | Nanded | Aurangabad | Ahmadnagar | Total |
|--------------------|--------|------|-------|--------|--------|------------|------------|-------|
| 1                  | 2      | 3    | 4     | 5      | 6      | 7          | 8          | 9     |
| B. I. R. Act, 1946 | 6      | 5    | 3     | 2      | ..     | 5          | 3          | 24    |

| Act  | Amravati | Bombay | Wardha | Chandrapur | Akola | Buldana | Total |
|--|----------|--------|--------|------------|-------|---------|-------|
| 1  | 2        | 3      | 4      | 5          | 6     | 7       | 8     |
| B. I. R. (Extension and Amendment) Act, 1964 |          |        |        |            |       |         |       |

LABOUR GAZETTE—OCTOBER 1964

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INDUSTRIAL DISPUTES IN MAHARASHTRA STATE DURING JULY 1984

|                            | July 1984 | June 1984 | July 1983 |
|----------------------------|-----------|-----------|-----------|
| Total                      | 52        | 52        | 91        |
| Number of workers involved | 17,986    | 29,895    | 67,897    |
| Mandays lost               | 4,10,617  | 4,90,202  | 10,04,710 |

Classification is given below :—

| Name of the Industry | Number of disputes in progress                              |   |       | Number of work people involved in all disputes | Aggregate lost in |
|----------------------|---|---|-------|--|-------------------|
|                      | Started before beginning of the month i.e. before July 1984 | Started during the month i.e. July 1984 | Total |  |                   |
|                      | 1   | 2                                       | 3     | 4  | 5                 |
| Tectile              | 5   | 1                                       | 6     | 7,287  | 1,71,021          |
|                      | 24  | 3                                       | 27    | 5,915  |                   |
|                      | 8   | 1                                       | 9     | 3,184  |                   |
|                      | 7   | 3                                       | 10    | 1,600  | 21,491            |
| July 1984 Total      | 44  | 8                                       | 52    | 17,986   | 4,10,617          |
| Total                | 42  | 10                                      | 52    | 29,895   | 4,90,202          |

Seventeen of the disputes arose over question of "pay, allowances and bonus issues" 10 related to "Retrenchment and grievances about personnel", no dispute on leave and hours of work and the remaining 25 were due to other causes.

Out of the 9 disputes that terminated during the course of the month, 2 were settled either entirely or partially in favour of the workers and 7 in favour of the employers.

The figures in the above Table are based on returns received under the 1953. In compiling Statistics of the Industrial Disputes however 10 persons are included.

THE FOLLOWING STATEMENT GIVES THE DETAILED INFORMATION ON IMPORTANT INDUSTRIAL DISPUTES CAUSING MORE THAN 10,000 MANDAYS LOST DURING THE MONTH OF JULY, 1984.

| Serial No. | Name of the Concern  | Sector S/L | Reason                   | Date of work stoppage |       | No of Workers Involved | Mandays lost     |                             | Results   |    |
|------------|--|------------|--------------------------|-----------------------|-------|------------------------|------------------|-----------------------------|-----------|----|
|            |  |            |                          | Began                 | Ended |                        | During the month | Till the close of the month |           |    |
| 1          | 2  | 3          | 4                        | 5                     | 6     | 7                      | 8                | 9                           | 10        | 11 |
| 1          | Thane—<br>Teksons Ltd., Kolshet Road, Thane.   | Pvt. S     | Reinstatement            | 20-4-81               | ..... | 459                    | 11,700           | 4,55,128                    | Continued |    |
| 2          | Bombay—<br>Calico Dyeing Pig, Mills Ltd. Dr. Ambedkar Road, Bombay 400 012.            | Pvt. L     | Labour Trouble           | 22-12-82              | ..... | 585                    | 15,210           | 2,94,840                    | Do.       |    |
| 3          | Bombay—<br>M/s. Devidayal Stainless Steel Industries Pvt. Ltd Bhandup, Bombay 400 078. | Pvt. S     | Wages                    | 2-9-83                | ..... | 697                    | 17,053           | 1,89,867                    | Do.       |    |
| 4          | Bombay—<br>Estrela Batteries Ltd., Plot No. 1, Dharavi, Bombay 400 019.                | Pvt. L     | Unfair Labour Practices. | 3-11-83               | ..... | 1,170                  | 30,420           | 2,71,440                    | Do.       |    |
| 5          | Thane—<br>The National Rayon Corpn. Ltd., Moltore, Dist. Thane.                        | Pvt. L     | Go-slow                  | 24-11-83              | ..... | 5,985                  | 1,45,274         | 12,99,770                   | Do.       |    |
| 6          | Thane—<br>M/s. Mukund Iron and Steel Works Ltd., Kadwa, Dist. Thane.                   | Pvt. L     | Go-slow, indiscipline.   | 27-11-83              | ..... | 1,358                  | 35,308           | 2,86,538                    | Do.       |    |

THE FOLLOWING STATEMENT GIVES THE DETAILED INFORMATION ON IMPORTANT INDUSTRIAL DISPUTES CAUSING MORE THAN 10,000 MANDAYS LOST DURING THE MONTH OF JULY 1984

| Serial No. | Name of the Concern  | Sector | S/L  | Reason             | Date of work stoppages                   |         | No. of workers Involved | Mandays lost     |                             | Result     |
|------------|--|--------|------|--------------------|--|---------|-------------------------|------------------|-----------------------------|------------|
|            |  |        |      |                    | Begain                                   | Ended   |                         | During the month | Till the close of the month |            |
| 1          | 2  | 3      | 4    | 5                  | 6  | 7       | 8                       | 9                | 10                          | 11         |
| 7          | Thane—<br>Wimco Limited, Western Region, Ambernath, Dist. Thane. | Pvt.   | L    | Go-slow            | 12-1-84                                  | ....    | 1,176                   | 31,752           | 1,97,568                    | Continued. |
| 8          | Thane—<br>Krishna Glass Pvt. Ltd., Majiwada, Thane 400 607.      | Pvt.   | L    | Others—<br>Go-slow | 12-3-84                                  |         | 377                     | 10,179           | 46,371                      | Do.        |
| 9          | Bombay—<br>Bombay Forgings Ltd., Kalina, Bombay 400 098.         | Pvt.   | Pvt. | S                  | Others—<br>Fighting amongst the workers. | 11-7-84 | 625                     | 11,250           | 11,250                      | Do.        |

LABOUR GAZETTE—OCTOBER 1984

LABOUR GAZETTE—OCTOBER 1984  
PRESS NOTE ON ESIS BENEFITS IN MAHARASHTRA

Rs. 99 60 Lakhs as Cash Benefit in August 1984.

State Insurance Scheme protects the industrial workers in the event of Sickness, Maternity, Death and Employment injury besides providing full medical care to the workers and their families.

The Maharashtra 1299941 employees were under the coverage of the scheme in the month of August 1984. The highlights of the benefits paid to these employees were as follow:

(i) 77665 Workers were paid for the long term basis under Extended Sickness Benefit for the classified diseases e.g., T.B., Hemiplegia, Paralysis, etc. etc.

(ii) 20324 Workers were paid Rs. 17,57,446.33 on account of accident and employment injury which included 7032 cases for the permanent loss of the workers in the accidents.

(iii) Rs. 4,01,935.00 were paid to the Women Workers as Maternity benefit for the period of confinement.

Besides above 53 persons were sterilized and they were paid Rs. 13,000 each as family planning benefit.

There were 118 cases where legal proceedings were initiated against defaulting employers for the recovery of arrears of contributions.

KULDEEP SINGH,  
Deputy Regional Director.

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