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### LABOUR GAZETTE

Started in 1921, the *Labour Gazette*, issued monthly, is a journal for the use of all interested in obtaining prompt and accurate information on matters specially affecting and concerning labour in India and abroad. It contains statistical and other information on consumer price index numbers for working class, industrial disputes, industrial relations, cases under labour laws, labour legislation, etc. Special notices on labour etc., are published from time to time.

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### LABOUR GAZETTE

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# LABOUR GAZETTE

The "Labour Gazette" is a journal for the purpose of disseminating in prompt and accurate manner information relating to labour matters in Maharashtra and concerning labour.

VOL. LXVII

MAY 1988

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## CONTENTS

### THE MONTH IN BRIEF

#### CURRENT NOTES—

(1) Move to amend Trade Union Act	Page
(2) Minimum wages not being	481
(4) Mandays lost in industrial sector	482

#### ARTICLES, REPORTS, ENQUIRIES, ETC

Trade Unions in the 21st Century	483
yanan, President, ICI TU	484
The challenges ahead	485

#### LABOUR LEGISLATION

(1) The Sales Promotion Employees (Conditions of Service) Amendment Act 1986 (No. 48 of 1986)	492
(2) The Dock Workers (Safety, Health and Welfare) Amendment Act 1987	494

#### NOTICE OF IMPORTANT NOTIFICATIONS UNDER VARIOUS LABOUR LAWS

CONSUMER PRICE INDEX NUMBERS FOR WORKING CLASS IN MAHARASHTRA STATE.	506
--	-----

Bombay	542
Solapur	543
Nagpur	544
Pune	545
Jalgaon	546
Nanded	547
Aurangabad	548

#### ALL INDIA AVERAGE (1980-81) PRICE INDEX NUMBERS FOR INDUSTRIAL WORKERS.

STATEMENT SHOWING THE CONSUMER PRICE INDEX NUMBERS FOR WORKING CLASS IN SEVERAL GROUPS FOR SEVERAL CITIES OF MAHARASHTRA.	549
---	-----

#### LABOUR INTELLIGENCE—

Industrial Relation in Maharashtra State	551
Industrial Disputes in Maharashtra State	554
Industrial Disputes in Maharashtra State	557

## The Month in Brief

### Consumer Price Index Numbers for Working Class

Bombay, Solapur and Nagpur Consumer Price Index Numbers for working class for the month of March 1988 with average price for the year ended December, 1960 equal to 100 were 825, 748 and 761 respectively. The Pune, Jalgaon, Nanded and Aurangabad Consumer Price Index Numbers for working class for the month of March 1988 with the average prices for the year ended December 1961 equal to 100 were 118, 787 and 900 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 March 1988) was 753 as compared to 749 in February 1988. On base 1949 = 100 it worked out to 915 as against 910 for February 1988.

### Industrial Disputes in Maharashtra State

During the month of February 1988 there were 42 disputes involving 13,032 workmen and time loss of 2,89,720 mandays as compared to 48 disputes in January 1988 involving 16,377 workmen and time loss of 3,41,251 mandays.

Further particulars of Industrial Disputes are given at pages 554 to 556 of this issue.

### Benefits under the Employees State Insurance Scheme

During the month of March 1988, 65,316 workmen were paid Rs. 67,00,000 on account of sickness and Rs. 4,74,00,000 were paid for the long term diseases e.g. T. B., Cancer, Hemiplegia, Paraplegia, Psychosis etc. 20,254 workers were paid Rs. 48,93,678.55 on account of accidents and employment injury which included 8,712 cases for the permanent disablement and 3,076 for pension to the dependents/families due to death of the workers in the accidents.

## Current Notes

### Move to amend Trade Union Act

The Government proposes to amend the Trade Union Act, 1926 and the Industrial Disputes Act, 1947, the Labour Minister, Shri Jagdish Tytler, informed the Lok Sabha on March 14.

The amendment of the Trade Union Act, mainly to prescribe a procedure for verification of membership of trade unions, is under finalisation, the Minister told a member in a written reply.

Other amendments proposed include an increase in the minimum membership for registration of a trade union, further restriction on the number of office-bearers, from among non-workmen and increase in the payment of subscription by members, the Minister told another member in another reply.

*(Indian Workers, dated 4th April 1988).*

### Minimum wages not being implemented

Members in the Lok Sabha on March 15 strongly complained of wide-spread irregularities in the implementation of rural employment generation programmes as well as non-payment of the minimum wages in several States.

Answering supplementaries by the members of the House, Minister of State for Agriculture Shri Janardhan Poojary admitted that the minimum wage of Rs. 15.85 a day was not being paid in several States, including Uttar Pradesh, Rajasthan, Maharashtra and Bihar.

In West Bengal, he said the payment of the minimum wage started only since December last year.

Agriculture Minister Bhajan Lal replied that the Centre was totally against using contractors or any other middlemen in implementing these programmes. He assured the members that efforts would be made to involve public representatives and local leaders in the task.

### Amendment of dock workers rules mooted

The committee on subordinate legislation has suggested amendment of the rules governing appointment of representatives of dock workers and the employers on the Dock Labour Board so as to place the existing practice of appointments on a statutory footing.

In its 18th report, presented to Lok Sabha on March 15, the committee headed by Shri Zainul Basher has noted that the existing rules of appointment are not precise in their phraseology which is liable to be interpreted differently by different persons.

The committee has also recommended that since the dock workers (regulation of employment) rules 1962 are applicable to all the major ports with dock labour boards of India, the name of these ports—Kandla, Visakhapatnam, Bombay, Calcutta, Cochin, Marmogoa and Madras—should be included in the rules so as to make them self-contained and more informative.

*(Indian Worker, dated 4th April 1988).*

### Voluntary retirement plan for coal mine workers

The Centre is considering a draft voluntary retirement scheme for the 6.7 lakh employees of State-owned Coal India Limited. When the scheme begins to be implemented, about one lakh employees may come under its purview. The scheme is however not a "golden hand-shake", whereby an employee retires with substantial benefits by virtue of retiring prematurely. Under the scheme, an employee would be entitled to retire with usual retirement benefits and a dependent of him would be employed immediately by the CIL.

The CIL expects absolutely no resistance to the scheme for the reason that it has been drafted jointly with the trade unions representing the employees. As both the CIL and the unions see it, the scheme is expected to benefit all the three sides concerned. The CIL will get fresh blood easily trainable and obviously with a higher productivity than the retiring employee. Simultaneously, it gets rid of the old employee who is probably getting more from the CIL than the other way round. The unions also stand to gain as they get fresh blood to be inducted into trade union activity. As for the retiring employee, while he retires with the full benefits his dependent gets a job in the CIL, probably the most potent lure of all in this unemployment ridden country.

Quite surprisingly, it was only two years ago that the CIL was able to start maintaining service books for its legion of employees. The coking coal mines were nationalised in 1971 and the non-coking coal mines in 1973 but no attempt was ever made to regularise the abnormally haphazard personal records of the employees who had retired from the organisation in the 17 years of nationalisation than they should normally have. The CIL, perhaps justifiably, traces almost all its ills to the origins of Bharat Coking Coal Ltd. & Eastern Coal Fields Limited, the two companies inheriting all the debilitating legacies of the private sector coking and non-coking coal companies. It was in their and the trade unions interests that no proper records of the employees were maintained by the majority of the companies.

The present CIL management blames the pioneers of coal nationalisation for having neglected a proper check of the antecedents of the lakhs of the people who came over to the public sector overnight as the private companies were nationalised. "It was only later and particularly now that the nationalised industry is paying the price of this forgetfulness

on the part of the initiators of coal nationalisation". The latest strike in Coal India Ltd. last month has set the management thinking seriously about correcting the "immense" imbalance in its manpower-output ratio. Like almost all other ills, this particular imbalance is also traceable to the BCCL and ECL.

(*Indian Worker*, dated 15th April 1988)

#### Mandays lost in industrial sector

According to information furnished by the Union Minister of State Labour of the Lok Sabha on April 18, 1988, the loss of mandays due to strikes lockouts and lay-offs was 29.86 million in 1985, 36.09 million in 1986 and 31.08 million in 1987. The number of industrial units affected for more than 90 days, due to strikes and lockouts was 259, 279 and 293 for 1985, 1986 and 1987 respectively.

(*EFI Bulletin*, dated 15th November 1988)

## Articles, Reports, Enquires, etc.

Articles expressed in signed Articles appearing in this section carry weight in as much as they are expressed by the persons who know their subjects well. They, however, do not necessarily reflect the views of Government. All rights concerning these Articles are reserved.

### TRADE UNIONS IN THE 21st CENTURY—THE CHALLENGES AHEAD

Dr. P. P. Narayanan

*President, ICFTU*

This article is based on Dr. P. P. Narayanan's Michael John Memorial Lecture delivered at the Michael John Auditorium, Jamshedpur on March 2, 1988. Dr. Narayanan's is the fourth in the series of the Michael John Memorial Lecture instituted by the INTUC-led Tata Workers' Union of which Shri V. G. Gopal is the President in memory of the legendary labour leader, late Michael John. The dignitaries who had delivered the memorial lecture in the past were the INTUC President, Shri G. Ramanujam, the doyen of Indian industrialists, Shri J. R. D. Tata, who had been till recently heading the Tata Iron and Steel Co. Ltd. and the noted administrator and economist, late Shri L. K. Jha.

Dr. Narayanan in his lecture, clarified that he had chosen the topic, "Trade Unions in the 21st Century—The Challenges Ahead", not to come with any astrological prediction, but to give a talk based on his life-time experience as a trade unionist.

Dr. Narayanan is the pioneer in organising the plantation workers in Malaysia and has been the founder President of the National Union of Plantation Workers of Malaysia. He has had the privilege of heading the Malaysian Trade Union Congress and the Asian Regional Organisation of the International Confederation of Free Trade Unions. He is now the President of the International Confederation at the global level. He has thus a rich and wide experience in trade unionism at the industry level as well as at the national and international levels. He has been deeply involved in trade unions in action at the micro, macro, regional and global levels.

The challenges for trade unions are always clear. The objectives of trade unions are to improve the quality of life of the workers and people in society through positive collective action. Although the basic issues are related to employment, terms and conditions of service, collective bargaining and industrial relations and the quality of life of the workers, we must not forget our role as an equal social partner in sharing the responsibilities of economic and social development in society, and the equitable distribution

of benefits of development between the factors of production which contribute to the development process. We are an equal social partner in society with the Government and the employers. We must never forget this basic reality. The philosophy of tripartism, is, therefore, necessary and should be maintained and implemented sincerely and effectively in all aspects of labour relations at all levels, namely, the firm, the industry, the nation and the international level.

#### 20th Century Remarkable Era

Before we look at the 21st century, it is necessary for us to look at our own performance in the process of economic and social change in the 20th century. The 20th century is indeed a remarkable era in the history of man-kind. The world has already seen two world wars and tremendous advancement in technology, it has also seen the breakdown of the colonial empires and the emergence of independent nation striving for economic and social emancipation that they have achieved. Ideologies and the goals of human welfare have been critically examined and new features in international, economic and social relations have emerged.

Empire based corporations like the East India Company had given way to multinational corporations. Comparative cost advantage based theories of economic development have given way to new forms of strategies in planned economic development especially in the young independent developing countries.

Although the world has seen phenomenal economic growth after World War II, a matter of great concern to all of us is the inequitable distribution of income and wealth both in the developed and the developing countries; and between the developed and the developing nations. Let us therefore, focus on what has taken place with the trade union movement within nations especially in the developing countries. Trade unions have been the crucible for the birth of anti-colonial sentiments, nationalist and self-respect movements. It is the concern for dignity of labour and human welfare that fired sentiments for collective action. It is, therefore, not uncommon in the history of developing countries to find trade union leaders in the forefront of nationalist and independence movements. The aspirations of these leaders were to build an independent, prosperous and peaceful society based on principles of economic and social justice.

Although trade unions function with noble ideas, the actual performance has only brought about small changes in the lives of some of the workers in some parts of the world. We can safely conclude that we have had only pockets of success with regard to workers' welfare. There is still plenty to be done. Trade unions have been gradually relegated to non-functional roles through restrictive labour laws and union busting tactics. Further trade unions themselves had been pre-occupied with basic (bread and butter) issues and have forgotten that the world and society as a whole were undergoing rapid changes. Thus through default we have allowed events to overtake us. Perhaps it is not too late to take stock and prepare for the 21st century.

#### Technological Impact

The impact of technological change on the lives of people in the world in the 20th century is phenomenal. In fact the discoveries of the industrial revolution took off at an accelerated pace in the 20th century. Techniques in production, communication and distribution of goods and services are revolutionalised. Division of labour and specialisation acquired a new meaning in the 20th century. Today, we speak of division of labour in a global context through multinational corporations. We are in the era of high technology today. Robotics, computers and the discoveries in science and technology have changed our life styles and have brought the people of the world closer. In simple terms, the world has grown smaller with improvements in communication technology.

While all these wonders are taking place in our lives, it is necessary for us to evaluate how the quality of life of the people has changed. All of us are aware that the standard and quality of life for some workers have improved, but the masses still remain trapped in vicious cycle of poverty—in some cases in absolute poverty and not merely in relative terms.

All of us are aware of the plight of poverty of the rural workers and that workers in the urban areas who depend on squatter areas and shabby towns for shelter. More than three quarters of the world's population is caught in this trap of rural and urban poverty. The question we ask ourselves today is—why all these wonder discoveries and progress in technology have not helped the workers who are the critical resource for the creation of wealth for mankind to improve their quality of life. Where have trade unions succeeded and where have we failed?

#### New Era

Twelve years from now we will see a new technological era. The sophistication will be such that human resources will need to adapt rapidly to be able to use the technology for improvement of human welfare. Today we still speak of technological improvement in an isolated sense without evaluating the relevance of technology in human welfare. Technology is often considered, as an exercise to influence the increase in efficiency of resource use, that is, an influence in input-output relationships. While this may be true to an extent, it is important for use to remember that without labour no technology can generate income or create wealth on its own. Therefore the role of labour as a critical resource must always be given due recognition in any evaluation of technological progress for human welfare.

Further, technology must also be evaluated in the context of how technology influences the various aspects of our lives. Technological improvements have also influenced Management Science and Social Science. Labour relations has also been subjected to new concepts and tools of analysis in the decision making processes. Trade unions cannot therefore

sit back and work merely with a high level of commitment to the aspirations of trade unions to build a prosperous and peaceful society based on principles of economic and social justice, but, must reconcile with the reality today that technological changes must be faced with a fair and open mind.

Trade unions must also examine their own resource base to cope with these rapid changes that take place in the environment of their working lives and adapt and adopt these changes so that their thoughts and actions do not become obsolete. Gone are the days when union solidarity alone can deliver the benefits for our members. In the past employers relied on gangsters and musclemen to break unions. Today union busters are sophisticated people with quality training in Management Science. They therefore do not operate with brawn alone but more with brains. Perhaps trade unions have not paid much attention to techniques of union busting today. I am aware of both the brawn and brains tactics of employers and Governments. Today, the brawn and brains tactics of the employers and Governments are sophisticated psychological tactics to destroy trade unions through castrating the potency of trade unions in the social process of collective decision making in society. In fact the thrust is to render trade unions irrelevant in society.

This is done by a carefully designed process of education, campaigns and propaganda to discredit trade union institutions in society. Trade union solidarity which is crucial for a collective action is easily broken by agents who propagate racial, religious and ethnic issues so that workers no longer associate with one another on the basis of being workers. In fact caste and parochial issues are created and nurtured in the hearts and minds of the workers so that there will always be an element of doubt in the role of trade unions to protect the interest of the workers. This is the sure way to counter the strength of solidarity of the workers.

#### Educational Bias

All of us who have had the benefit of looking at the university curriculum today will recognise the basis that the curriculum content has for labour exploitation oriented strategies. Labour is dealt with merely as a critical human resource. Very few universities in the world have M.B.A. courses which recognise the positive role of trade unions and the relevance of trade unions in the creation of wealth and the distribution of income and wealth in society. The bias in the education system is towards building a breed of managers and technocrats who will adopt an attitude of confrontation with unions; rather than to understand unions and work with them for the prosperity of the firm, the industry and the nation.

Education on trade unions is merely dealt with as an ideology oriented subject and does not have any significant place in the curriculum of universities and colleges which teach Management Sciences. This void in the education system has never been dealt with seriously by trade unionists. I am aware that some universities have a Workers Education Centre

attached to the Faculty of Social Sciences. In my opinion this is merely to appease the pressure from trade unionists to have access to university education on a part-time basis. This is not helpful because the status of trade unions and education on trade unions is only relegated to a casual status and is not in the mainstream of the education system. I am emphasising education on a part-time basis. This is not helpful because the status of trade unions is brought into the mainstream of society. It is the universities and colleges and the education system as a whole that shape the leaders of tomorrow. It is therefore necessary that the universities accord an equal status to education on trade unions in the curriculum of Management and Social Sciences. It must not be dismissed as a casual course for trade unionists alone or merely as ideology based left wing or right wing movements. Workers work with both their hands. They need the right hand and the left hand to earn their daily bread. Let us therefore not confuse them further with ideological idiosyncracies and break up the solidarity of the workers on which the foundation of trade unions is built.

#### Multinationals

Multinational corporations have successfully built a system and agents for union busting and union castration especially in developing countries. Governments in developing countries, who are at the mercy of multinational corporations for investment, have often amended labour laws to a point where fundamental trade union rights and human rights are eroded. Developing countries compete for foreign capital and in the process trade unions and workers welfare are sacrificed. Many of us are aware of the consequences of free trade zones and the exploitation of labour by multinational corporations in such zones. Foreign capital through multinational corporations is courted by promises of employment opportunities, transfer of technology and equity participation. It is not wrong to say that these promises have only been elusive dreams in many developing countries. The young population which constitutes the cream of the labour force is exploited in the free trade zones with little or no trade union protection. When multinational corporations have exhausted all their privileges of tax holidays and preferences, they fold up and retrench the workers and return with a new corporate identity. In the past the colonialists exploited our natural resources. Today the multinational corporations exploit our human resources as well.

What will be the status of trade unions in society in the 21st century? It is clear that if we do nothing about it now we will become extinct in the 21st century. Already the castrating of unions through busting has caused the trade union movement to be questioned in terms of its relevance in society. How can we then perpetuate our economic and social relevance in the 21st century.

There is a need for us to examine the status of trade unions in the education system our country. This will enable us to achieve a rightful

status in the hearts and minds of the people. Only when we are convinced about relevance will the institutions grow in strength and become effective. Education is a long term process but it is critical for the creation of values of the individuals and people in society. This education must include positive values of trade unions, work tactics and knowledge on responsible and effective participation in a democratic society. If negative values about unions and work ethics, clearly heading for extinction, are perpetuated then we are clearly heading for extinction.

#### Co-determination

Together with education trade unions must evaluate their performance and work fresh strategies for co-determination in decision making in the firm, industry and society. This will mean that the trade unions enjoy a high credibility in terms of its relevance and performance in society. It is necessary for us therefore to build up a trade union organisation which will function effectively in a responsible manner so that the credibility and relevance of unions never in question. This will require an upgrading in the skills of leadership and management of the unions and the leadership of the unions must also be dynamic and sensitive to changes in society. Without this dynamism and ability to comprehend the process of social change and the capacity for adapting to social change, we will render ourselves obsolete. In fact many good unions have failed because of lack of capacity to upgrade the quality of leadership management and services to the members within the union and plan strategies to adapt to the changed circumstances from time to time. The crystallisation of systems of responsible and effective participation in the unions based on the democratic constitution is very necessary for the continuity of trade unions. Co-determination can only come about when we enjoy the status of an equal social partner in society together with employers and Governments.

Today we still have the infrastructure for trade unions in individual countries and at the international level. But the task before us is to build a strong and effective linkage between the workers in industries, within nations and at the global level through responsible and meaningful participation of all workers. Several programmes for the strengthening of trade union membership have been worked out and implemented from time to time. All of us are aware of programmes for organising the rural poor, the urban poor, women, young workers and self-employed. However, all these programmes are mainly motivated from the international bodies and national trade union centres. Perhaps it is time for us to work out programmes which are grass roots oriented and directed towards building up self-reliance through collective action rather than depend on handouts and assistance from outside.

No movement can succeed merely through patronage. Patronising is one sure way to keep an organisation in a retraded situation. Only when

workers can understand the significance of collective action and self-reliance will there be success. Workers must understand the significance of being united to speak with one voice and participate in society as an organised class of workers rather than splinter group unions. Our concern for trade union rights, human rights and the welfare of the people will have to continue into the 21st century with a complete re-orientation of our thoughts and actions in the direction of co-determination in a sophisticated and rapidly changing society based on high technology.

Co-determination based on effective and meaningful tripartism will be the key to improvement of the workers welfare in the future. Co-determination will have to be examined not merely in the narrow confines of labour relations but must extend into a wider scope for discussing the economic and social well being of the workers in society as a whole. We are aware of the consequence of technological change especially the negative influences, for example, unemployment. Trade unions must therefore build up their capacity in terms of knowledge and positive attitude to look at issues and work out solutions which are fair and meaningful to improve the welfare of both the workers and society. Their rough and tough tactics of the old days will only achieve limited success in the future.

It is for this reason that trade unions must now plan and involve themselves in programmes for human resource development, economic projects through collective action for the creation of employment opportunities and social projects to improve the quality of life of the workers. Leadership by example will be more meaningful and it is critical that trade union leaders embark on projects which they are confident of making a success. Many trade union projects which fail due to various reasons end up as coffins for the trade union itself. It is crucial that trade unions do not risk credibility for "adventures" in fields where they lack competence. It is important that competence and professionalism in trade union leadership and management must always be maintained for the effective development of trade unions in the future.

*(Indian Worker, dated 4th April 1988).*

## Labour Legislation

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 24th November, 1986/Agrahayana 3, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 23rd November, 1986 and is hereby published for general information.

### THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1986

No. 48 of 1986

[ 23rd November 1986 ]

*An Act further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Sales Promotion Employees (Conditions of Service) Amendment Act, 1986.

(2) It shall come into force on such date as\*

2. *Amendment of Section 2.*—In section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1978), (hereinafter referred to as the principal Act), for clause (d), the following clause shall be substituted, namely:—

(d) "sales promotion employee" means any person by whatever name called (including an apprentice) employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales or business, or both, but does not include any such person—

(i) who, being employed or engaged in a supervisory capacity, draws wages exceeding sixteen hundred rupees per mensem; or

(ii) who is employed or engaged mainly in a managerial or administrative capacity.

*Explanation.*—For the purposes of this clause, the wages per mensem of a person shall be deemed to be the amount equal to thirty times his total wages (whether or not including, or comprising only of, commission)\* the Central Government may, by notification in the Official Gazette appoint.

in respect of the continuous period of his service falling within the period of twelve months immediately preceding the date with reference to which the calculation is to be made, divided by the number of days comprising that period of service.

3. *Amendment of section 4.*—Section 4 of the principal Act shall be re-numbered and shall be deemed to have been re-numbered with effect from the 8th day of March, 1976 as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered, in the opening portion, the words and brackets "drawing wages (being wages, not including any commission)" shall be omitted;

(b) in sub-section (1), as so renumbered, the following sub-sections shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976, namely:—

"(2) The maximum limit up to which a sales promotion employee may accumulate earned leave shall be such as may be prescribed.

(3) The limit up to which the earned leave may be availed of at a time by a sales promotion employee and the reasons for which such limit may be extended shall be such as may be prescribed.

(4) A sales promotion employee shall,—

(a) when he voluntarily relinquishes his post or retires from service, or

(b) when his services are terminated for any reason whatsoever (not being termination as punishment),

be entitled to cash compensation, subject to such conditions and restrictions as may be prescribed (including conditions by way of specifying the maximum period for which such cash compensation shall be payable), in respect of the earned leave earned by him and not availed of.

(5) Where a sales promotion employee dies while in service, his heirs shall be entitled to cash compensation for the earned leave earned by him and availed of.

(6) The cash compensation which will be payable to a sales promotion employee or, as the case may be, his heirs in respect of any period of earned leave for which he or his heirs, as the case may be, is or are entitled to cash compensation under sub-section (4) or sub-section (5), as the case may be, shall be an amount equal to the wages due to such sales promotion employee for such period."

4. *Amendment of section 6.*—In section 6 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) Notwithstanding anything contained in the foregoing sub-sections,—

(a) in the application of any Act referred to in any of the said sub-sections to sales promotion employees, the wages of a sales promotion employee for the purposes of Such Act, shall be deemed to be his wages as computed in accordance with the provisions of this Act;

(b) where an Act referred to in any of the said sub-sections provides for a ceiling limit as to wages so as to exclude from the purview of the application of such Act persons whose wages exceed such ceiling limit, such Act shall not apply to any sales promotion employee whose wages as computed in accordance with the provisions of this Act exceed such ceiling limit.”

5. *Amendment of section 12.*—In section 12 of the principal Act, in sub-section (2), in clause (a), after the words “sales promotion employee”, the words “the limit up to which he may accumulate earned leave, the limit upto which he may avail of earned leave at a time and the reasons for which such limit may be exceeded, the conditions and restrictions subject to which he may be entitled to cash compensation” shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March 1976.

(Published in *Maharashtra Government Gazette*, Part VI, dated 3rd March 1988, at pages Nos. 2 to 5).

#### MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 9th December, 1986/Agrahayana 18, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 7th December, 1986 and is hereby published for general information

#### THE DOCK WORKERS (SAFETY, HEALTH AND WELFARE) ACT, 1986

No. 54 of 1986

[7th December 1986]

*An Act to provide for the safety, health and welfare of dock workers and for matters connected therewith.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title, extent, commencement and application.*—(1) This Act may be called the Dock Workers (Safety, Health and Welfare) Act, 1986.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the *Official Gazette*, appoint.

(4) It shall not apply to any ship of war of any nationality.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means, in relation to any major port, the Central Government, and, in relation to any other port, the State Government;

(b) “cargo” includes anything carried or to be carried in a ship or other vessel;

(c) “Chief Inspector” means the Chief Inspector of Dock Safety, appointed under sub-section (1) of section 3;

(d) “dock work” means any work in or within the vicinity of any port in connection with, or required for, or incidental to, the loading, unloading, movement or storage of cargoes into or from ship or other vessel, port, dock, storage place or landing place, and includes—

(i) work in connection with the preparation of ships or other vessels for receipt or discharge of cargoes or leaving port; and

(ii) chipping, painting or cleaning of any hold, tank, structure or lifting machinery or any other storage area on board the ship or in the docks;

(e) “dock worker” means a person employed or to be employed directly or by or through any agency (including a contractor) with or without knowledge of the principal employer, whether for remuneration or not on dock work;

(f) “employer”, in relation to a dock worker, means the person by whom he is employed or is to be employed on dock work, whether for remuneration or not;

(g) “principal employer”, in relation to a dock worker employed or to be employed by or through any agency (including a contractor), means the person in connection with whose work he is employed or is to be employed by such agency;

(h) “regulation” means a regulation made under this Act.

3. *Inspectors.*—(1) The appropriate Government may, by notification in the *Official Gazette*, appoint such person as it thinks fit to be the Chief Inspector of Dock Safety and such person as it thinks fit to be Inspectors sub-ordinate to the Chief Inspector for the purposes of this Act at such ports as may be specified in the notification.

(2) The Chief Inspector shall also exercise the powers of an Inspector.

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(3) The Chief Inspector and all Inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

4. *Powers of Inspectors.*—An Inspector may, at any port for which he is appointed,—

(a) enter, with such assistance (if any), as he thinks fit, any ship, dock, warehouse or other premises, where any dock work is being carried on, or where he has reason to believe that any dock work is being carried on,

(b) make examination of the ship, dock, lifting machinery, cargo gear, staging, transport equipment, warehouses or other premises, used or to be used, for any dock work ;

(c) require the production of any register, muster roll or other document relating to the employment of dock worker and examine such document.

(d) take on the spot or otherwise such evidence of any person which he may deem necessary ;

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself ;

(e) take copies of registers, records or other documents or portions thereof as he may consider relevant in respect of any offence which he has reason to believe has been committed or for the purpose of any inquiry ;

(f) take photograph, sketch, sample, measure or record as he may consider necessary for the purpose of any examination or inquiry ;

(g) hold an inquiry into the cause of any accident which he has reason to believe was the result of the collapse of failure of lifting machinery, transport equipment, staging or non-compliance with any of the provisions of this Act or the regulation ;

(h) issue show cause notice relating to the safety, health and welfare provisions arising under this Act or the regulations ;

(i) prosecute, conduct or defend before any court any complaint or other proceedings arising under this Act or the regulations ;

(j) exercise such other powers as may be conferred upon him by the regulations.

5. *Powers of Inspector where employment of dock workers are dangerous.*—(1) If it appears to an Inspector that any place at which any dock work is being carried on is in such a condition that it is dangerous to life, safety or health, of dock workers, he may, in writing, serve on the owner or on the person in charge of such place an order prohibiting any

dock work in such place until measures have been taken to remove the cause of the danger to his satisfaction.

(2) An Inspector serving an order under sub-section (1) shall send a copy to the Chief Inspector who may modify or cancel the order or wait for an appeal.

6. *Facilities to be afforded to an Inspector.*—The owner or the person in charge of the place at which any dock work is being carried on, shall afford the Chief Inspector or the Inspector all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act or the regulations.

7. *Restriction on disclosure of information.*—(1) All copies of, and extracts from, registers or other records in relation to any dock work and all other information required by the Chief Inspector or an Inspector or by any one assisting him in the course of the inspection or investigation carried out for the purposes of this Act or the regulations shall be regarded as confidential and shall not be disclosed to any person or authority unless such disclosure is for the purpose of any action or proceeding under this Act or the regulations or under any other law or unless, the Chief Inspector or the Inspector considers such disclosure necessary to ensure the health, safety or welfare of any dock worker.

(2) The Chief Inspector or the Inspector shall not disclose the source of any complaint bringing to his notice a defect or breach of any legal provisions and if any visit or inspection is to be made in connection with such a complaint, he shall give no intimation to the employer that the visit is made in consequence of receipt of such a complaint ;

Provided that the restrictions imposed under this sub-section shall not apply to any case where the complainant himself has expressed his willingness to have the source of complaint disclosed.

(3) If the Chief Inspector or an Inspector or any other person referred to in sub-section (1) discloses, contrary to the provisions of this section, any information as aforesaid, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

8. *Appeal.*—Any person aggrieved by an order under section 5 may within fifteen days from the date on which the order is communicated to him, prefer an appeal to the Chief Inspector or where such order is by the Chief Inspector, to such authority as may be specified by the regulations and the Chief Inspector or such authority, shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible ;

Provided that the Chief Inspector or such authority may entertain the appeal after the expiry of the said period of fifteen days if he is satisfied

that the appellant was prevented by sufficient cause from filing the appeal in time:

Providing further that an order under section 5 shall be complied with, pending the decision of the Chief Inspector or such authority.

9. *Advisory Committee.*—(1) The appropriate Government may constitute an Advisory Committee to advise upon such matters arising out of the administration of this Act and the regulations as that Government may refer to it for advise.

(2) The members of the Advisory Committee shall be appointed by the appropriate Government and shall be of such number and chosen in such manner as may be prescribed by rules made under this Act:

Provided that the Advisory Committee shall include an equal number of members representing—

- (i) the appropriate Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

(3) The Chairman of the Advisory Committee shall be one of the members appointed to represent the appropriate Government, nominated in this behalf by that Government.

(4) The appropriate Government shall publish in the *Official Gazette* the names of all members of the Advisory Committee.

(5) The term of office of the members of the Advisory Committee and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members shall be such as may be prescribed by rules made under this Act.

10. *Power of appropriate Government to direct inquiry into cases of accidents or diseases.*—(1) The appropriate Government may, if it considers it expedient to do so, appoint a competent person to inquire into the causes of any accident occurring in connection with any dock work or into any cases where a disease specified by regulations as a disease connected with dock work has been or is suspected to have been contracted by dock workers and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) The person appointed to hold an inquiry under this section shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects and may also, so far as may be necessary for the purposes of the inquiry, exercise any of the powers of an Inspector under this Act; and every person

required by the person making the inquiry to furnish any information shall be deemed to be legally bound so to do within the meaning of section of the Indian Penal Code (45 of 1860).

(3) The person holding the inquiry under this section shall make a report to the appropriate Government stating the causes of the accident or, as the case may be, disease and any attendant circumstances and adding any observations which he or any of the assessors may think fit to make.

(4) The procedure to be followed at inquiries under this section shall be such as the appropriate Government may prescribe by rules under section 20.

11. *Obligations of dock workers.*—(1) No dock worker shall—

(a) wilfully interfere with, or misuse, any appliance, convenience or other thing provided in connection with any dock work for the purpose of securing the health, safety and welfare of dock workers;

(b) wilfully and without reasonable cause do anything likely to endanger himself or others; and

(c) wilfully neglect to make use of any appliance, convenience or other thing provided in connection with any dock work for the purpose of securing the health, safety and welfare of dock workers.

(2) If any dock worker contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

12. *Power to exempt.*—The appropriate Government may, by notification in the *Official Gazette*, exempt from all or any of the provisions of this Act and of the regulations, on such conditions, if any, as it thinks fit—

(a) any port or place, dock, wharf, quay or similar premises, if that Government is satisfied that dock work is only occasionally carried on or the traffic is small and confined to small ships and fishing vessels at such port, dock, wharf, quay or similar premises; or

(b) any specified ship or class of ships, if that Government is satisfied, having regard to the features of such ship or ships, the nature, quantum and periodicity of dock work carried thereon and all other relevant factors that it is necessary so to do:

Provided that the appropriate Government shall not grant exemption under this section unless it is satisfied that such exemption will not adversely affect the health, safety and welfare of dock workers.

13. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**14. Penalties.—(1) Whoever,—**

(a) wilfully obstructs an Inspector in exercise of any power conferred by or under this Act or fails to produce on demand by an Inspector any register or other documents kept in pursuance of the regulations or otherwise in connection with any dock work or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector; or

(b) unless duly authorised or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by, or under, the regulations; or

(c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) If any person, being a person whose duty is to comply with any of the regulations, contravenes such regulations and such contravention results—

(a) in any fatal accident to a dock worker, or

(b) an accident which incapacitates a dock worker from earning his full wages for more than a fortnight.

such person shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than two thousand rupees in a case falling under clause (a) and five hundred rupees in a case falling under clause (b) but which may extend, in either case, to five thousand rupees, or with both, and the court may order the whole or part of the fine to be paid to the dependent of the deceased dock worker or, as the case may be, to the injured dock worker.

*Explanation.*—The provisions of this sub-section shall be in addition to any provisions which may be, to the injured dock worker.

(3) Subject to the provisions of section 11, if any dock worker contravenes any provision of this Act or the regulations imposing any duty or liability on dock workers, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

(4) If any person who has been convicted for an offence punishable under any of the provisions of this Act or the regulations is again convicted for an offence committed within two years of the previous conviction and

involving a contravention of the same provision, he shall be punishable each subsequent conviction with double the imprisonment to which he would have been liable for the first contravention of such provision.

**15. Determination of the persons responsible for the offence in certain cases.**—If the person committing an offence made punishable by this Act the regulations or any abetment thereof is a firm or other association of individuals or a company or a local authority, all or any of the partners or members or directors thereof as well as the firm, association of individuals, company or local authority shall be deemed to be guilty of the offence or abetment and shall be liable to be proceeded against and punished accordingly:

Provided that where a firm, association or company has given notices in writing to the Chief Inspector and the Inspector of the port where any dock work is being carried that it has nominated,—

(a) in the case of a firm, any of its partners;

(b) in the case of an association, any of its members;

(c) in the case of a company, any of its directors, who is resident, in each case in any place to which this Act extends and who is in each case either in fact in charge of the management of, or holds the largest number of shares in, such firm, association or company, to assume the responsibility of the person in charge of any dock work for the purposes of this Act, such partner, member or director, as the case may be, shall, so long as he continues to so reside and be in charge or hold the largest number of shares as aforesaid, be deemed to be the person in charge of such dock work for the purposes of this Act unless a notice in writing cancelling his nomination or stating that he has ceased to be a partner, member, or director, as the case may be, is received by the Chief Inspector.

**16. Power of court to make orders.**—(1) Where a person is convicted of an offence punishable under this Act the court may, in addition to awarding him any punishment by order in writing, require him within a period specified in the order (which may be extended by the court from time to time on application made in this behalf) to take such measures as may be so specified for remedying the matters in respect of which offence was committed.

(2) Where an order is made under sub-section (1), the person shall not be liable under this Act in respect of the continuance of the offence during the period, or extended period, if any, but if on the expiry of such period or extended period the order of the court has not been fully complied with, the person shall be deemed to have committed a further offence and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with, or with both.

17. *Provision relating to jurisdiction.*—(1) No court inferior to that of a metropolitan magistrate or a magistrate of the first class shall try any offence under this Act or the regulations.

(2) No prosecution for any offence under this Act or the regulations shall be instituted except by or with the previous sanction of an Inspector.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court shall take cognizance of an offence under this Act or the regulations unless complaint thereof has been made—

(a) in the case of an offence punishable with fine,—

(i) within six months from the date of the offence ; or

(ii) where the commission of the offence was not known to the Inspector, within six months from the first day on which the offence comes to the knowledge of the Inspector ; or

(iii) where it is not known by whom the offence was committed, within six months from the first day on which the identity of the offender is known to the Inspector ; or

*Explanation.*—For the purposes of this section, in the case of a continuing offence a fresh period of limitation shall begin to run at every moment of the time during which the offence continues.

18. *Provision regarding fine.*—Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for a metropolitan magistrate or a magistrate of the first class to pass a sentence of fine exceeding five thousand rupees authorised by this Act or the regulations on any person convicted of any offence thereunder.

19. *General provision for punishment for other offences.*—Any person who contravenes any provision of this Act shall, if no other penalty is provided for such contravention under this Act, be punishable with fine which may extend to five hundred rupees.

20. *Power to make rules.*—The appropriate Government may, by notification in the *Official Gazette*, make rules consistent with this Act for all or any of the following purposes, namely:—

(a) the manner in which an Inspector is to exercise the powers conferred upon him under this Act ;

(b) the inspection of premises of ships where any dock work is carried on ;

(c) the manner of services of orders made under this Act ;

(d) the term of office and other conditions of service of members of the Advisory Committee, the manner of filling vacancies among, and

the procedure to be followed in, the discharge of their functions under sub-section (5) of section 9 ;

(e) the procedure at inquiries under section 10 ;

(f) any other matter which is to be provided for by rules under this Act.

21. *Power to make regulations.*—(1) The appropriate Government may, by notification in the *Official Gazette*, make regulations consistent with this Act for providing for the safety, health and welfare of dock workers.

(2) Such regulations may provide for all or any of the following purposes namely:—

(a) providing for the general requirement relating to the construction, equipping and maintenance for the safety of working places on shore, ship, dock, structure and other places at which any dock work is carried on ;

(b) providing for the safety of any regular approaches over a dock, wharf, quay or other places which dock workers have to use for going for work and for fencing of such places and projects,

(c) providing for the efficient lighting of all areas of dock, ship, any other vessel, dock structure or working places where any dock work is carried on and of all approaches to such places to which dock workers are required to go in the course of their employment ;

(d) providing and maintaining adequate ventilation and suitable temperature in every building or an enclosure on ship where dock workers are employed ;

(e) providing for fire and explosion prevention and protection ;

(f) providing for safe means of access to ships, holds, stagings, equipment, lifting appliances and other working places ;

(g) providing for the safety of workers engaged in the opening and closing of hatches, protection of ways and other opening in the docks which may be dangerous to them ;

(h) providing for the safety of workers on docks from the risk of falling overboard being struck by cargo during loading or unloading operations ;

(i) providing for the construction, maintenance and use of lifting and other cargo handling appliances and services, such as, pallets containing or supporting loads and provision of safety appliances on them, if necessary ;

(j) providing for the safety of workers employed in freight container terminals or other terminals for handling unitised cargo ;

(k) providing for the fencing of machinery, live electrical conductors, steam pipes and hazardous openings ;

(l) providing for the construction, maintenance and use of staging ;

(m) providing for the rigging and use of ship's derricks ;

(n) providing for the testing, examination, inspection and certification as appropriate of loose gears including chains and ropes and of slings and other lifting devices used in dock work ;

(o) providing for the precautions to be taken to facilitate escape of workers when employed in a hold, bin, hopper or the like or between decks of a hold while handling coal or other bulk cargo ;

(p) providing for the measures to be taken in order to prevent dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo or handling in connection therewith ;

(q) providing for the handling of dangerous substances and working in dangerous or harmful environments and the precautions to be taken in connection with such handling ;

(r) providing for the work in connection with cleaning, chipping, painting operations and precautions to be taken in connection with such work ;

(s) providing for the employment of persons for handling cargo, handling appliances, power operated hatch covers or other power operated ship's equipment, such as, door in the hull of a ship, ramp, retraceable car deck or similar equipment or to give signals to the drivers of such machinery ;

(t) providing for the transport of dock workers ;

(u) providing for the precautions to be taken to protect dock workers against harmful effects of excessive noise, vibrations and air pollution at the work place ;

(v) providing for protective equipment or protective clothing ;

(w) providing for the sanitary, washing and welfare facilities ;

(x) providing for—

(i) the medical supervision ;

(ii) the ambulance rooms, first aid and rescue facilities and arrangements for the removal of dock workers to the nearest place of treatment ;

(iii) the safety and health organisation ; and

(iv) the training of dock workers and for the obligations facilities and rights of the dock workers for their safety and health at the work place.

(y) providing for the investigation of occupational accidents, dangerous occurrences and diseases, specifying such diseases and the forms of notices,

the persons and authorities to whom, they are to be furnished, the particulars to be contained in them and the time within which they are to be submitted ; and

(z) providing for the submissions of statement of accidents, man-days lost, volume of cargo handled and particulars of dock workers.

(3) The regulations made under this section may,—

(a) provide for the circumstances in which and the conditions subject to which, exemptions from any of the regulations made under this section may be given specifying the authorities who may grant such exemptions and regulating their procedure ; and

(b) make special provision to meet the special requirement of any particular port or ports.

(4) In making a regulation under this section, the appropriate Government may direct that a breach thereof shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, if the breach is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the breach is so continued.

22. (1) The power to make rules and regulations conferred by sections 20 and 21 is subject to the condition of the rules and regulations being made after previous publications.

(2) *General provision relating to rules and regulations.*—The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), as that after which a draft of rules or regulations proposed to be made will be taken under consideration, shall not be less than forty-five days from the date on which the draft of the proposed rules or regulations is published for general information.

(3) Every rule and every regulation made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation 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 or regulation, as the case may be.

(4) Every rule and every regulation, made under this Act by a State Government shall be laid, as soon as may be after it is made, before the State Legislature.

23. *Amendment Act 9 of 1948.*—In the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), in section 3, in sub-section (2),—

- (a) in clause (g), the words “and welfare” shall be omitted;
- (b) clause (h) shall be omitted.

24. The Indian Dock Labourers Act, 1934 (19 of 1934), is hereby repealed.

25. *Repeal, Savings.*—The Indian Dock Labourers Regulations, 19, made under section 5 of the Indian Dock Labourers Act, 1934 (19 of 1934) so repealed and the Dock Workers (Safety, Health and Welfare) Scheme, 1961 made under section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), shall be deemed to be regulations framed under this Act and shall be in force unless they are altered or repealed under this Act.

MINISTRY OF LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT)

New Delhi, the 23rd December, 1986/Pausa 2, 1908 (Saka)

The following Act of Parliament receive the assent of the President on the 23rd December 1986 and is hereby published for general information

THE CHILD LABOUR (PROHIBITION AND REGULATION)  
ACT, 1986

No. 61 of 1986

[ 23rd December 1986 ]

*An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows :—

PART I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Child Labour (Prohibition and Regulation) Act, 1986.

(2) It extends to the whole of India.

(3) The provisions of this Act, other than Part III, shall come into force at once, and Part III shall come into force on such date as the Central Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different States and for different classes of establishments.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means, in relation to an establishment under the control of the Central Government or a railway administration or a major port or a mine or oilfield, the Central Government, and in all other cases, the State Government;

(ii) “child” means a person who has not completed his fourteenth year of age;

(iii) “day” means a period of twenty-four hours beginning at midnight;

(iv) “establishment” includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;

(v) “family”, in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;

(vi) “occupier”, in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;

(vii) “port authority” means any authority administering a port;

(viii) “prescribed” means prescribed by rules made under section 18;

(ix) “week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Inspector;

(x) “workshop” means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of section 67 of the Factories Act, 1948 (63 of 1948), for the time being, apply.

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

3. *Prohibition of employment of children in certain occupations and processes.*—No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on:

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

4. *Power to amend the Schedule.*—The Central Government, after giving notification in the *Official Gazette*, not less than three months' notice of its intention so to do, may, by like notification, add any occupation or process to the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly.

5. *Child Labour Technical Advisory Committee.*—(1) The Central Government may, by notification in the *Official Gazette* constitute an advisory committee to be called the Child Labour Technical Advisory Committee. It shall be the duty of the Committee to advise the Government for the purpose of addition of occupations and processes to the Schedule.

(2) The Committee shall consist of a Chairman and such other members not exceeding ten, as may be appointed by the Central Government.

(3) The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.

(5) The term of office of, the manner of filling casual vacancies in the office of, and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

### PART III

#### REGULATION OF CONDITIONS OF WORK OF CHILDREN

6. *Application of Part.*—The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in section 3 is carried on.

7. *Hours and period of work.*—(1) No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.

(3) The period of work of a child shall be so arranged that inclusive of his interval for rest, under sub-section (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.

(4) No child shall be permitted or required to work between 7 p.m. and 6 a.m.

(5) No child shall be required or permitted to work overtime.

(6) No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

8. *Weekly holidays.*—Every child employed in any establishment shall be allowed in each week, a holiday of one whole day which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

9. *Notice to Inspector.*—(1) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely:—

(a) the name and situation of the establishment;

(b) the name of the person in actual management of the establishment;

(c) the address to which communications relating to the establishment should be sent; and

(d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment is situated, a written notice containing the particulars as are mentioned in sub-section (1).

*Explanation.*—For the purposes of sub-sections (1) and (2), "date of commencement of this Act, in relation to an establishment" means the date of bringing into force of this Act in relation to such establishment.

(3) Nothing in sections 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

10. *Disputes as to age.*—If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

11. *Maintenance of register.*—There shall be maintained by every occupier in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment, showing—

(a) the name and date of birth of every child so employed or permitted to work ;

(b) hours and periods of work of any such child and the intervals of rest to which he is entitled ;

(c) the nature of work of any such child ; and

(d) such other particulars as may be prescribed.

12. *Display of notice containing abstract of sections 3 and 14.*—Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of sections 3 and 14.

13. *Health and Safety.*—(1) The appropriate Government may, by notification in the *Official Gazette*, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.

(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely:—

(a) cleanliness in the place of work and its freedom from nuisance ;

(b) disposal of wastes and effluents ;

(c) ventilation and temperature ;

(d) dust and fume ;

(e) artificial humidification ;

(f) lighting ;

(g) drinking water ;

(h) latrine and urinals ;

(i) spittoons ;

(j) fencing of machinery ;

(k) work at or near machinery in motion ;

(l) employment of children on dangerous machines ;

(m) instructions, training and supervision in relation to employment of children on dangerous machines ;

(n) device for cutting off power ;

- (o) self-acting machines ;
- (p) easing of new machinery ;
- (q) floor, stairs and means of access ;
- (r) pits, sumps, openings in floors, etc. ;
- (s) excessive weights ;
- (t) protection of eyes ;
- (u) explosive or inflammable dust, gas, etc. ;
- (v) precautions in case of fire ;
- (w) maintenance of buildings ; and
- (x) safety of buildings and machinery.

#### PART IV

#### MISCELLANEOUS

*Penalties.*—(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

(3) Whoever—

(a) fails to give notice as required by section 9, or

(b) fails to maintain a register as required by section 11 or makes any false entry in any such register ; or

(c) fails to display a notice containing an abstract of section 3 and this section as required by section 12 ; or

(d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder.

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

15. *Modified application of certain laws in relation to penalties.*—

(1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of section 14 of this Act and not under the Acts in which those provisions are contained.

(2) The provisions referred to in sub-section (1) are the provisions mentioned below:—

(a) section 67 of the Factories Act, 1948 (63 of 1948) ;

(b) section 40 of the Mines Act, 1952 (35 of 1952) ;

(c) section 109 of the Merchant Shipping Act, 1958 (44 of 1958); and

(d) section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).

**16. Procedure relating to offences.**—(1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

**17. Appointment of Inspectors.**—The appropriate Government may appoint Inspectors for the purposes of securing compliance with the provisions of this Act and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code 45 of 1860.

**18. Power to make rules.**—(1) The appropriate Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

(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 term of office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Child Labour Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of section 5;

(b) number of hours for which a child may be required or permitted to work under sub-section (1) of section 7;

(c) grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificate, the form of such certificate, the charges which may be made thereunder and the manner in which such certificate may be issued;

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

(d) the other particulars which a register maintained under section 11 should contain.

**19. Rules and notifications to be laid before Parliament or State Legislature.**—(1) Every rule made under this Act by the Central Government and every notification issued under section 4, shall be laid as soon as

after it is made or issued, before each House of Parliament, while session for a total period of thirty days which may be comprised session or in two or more successive sessions, and if, before the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the legislature of that State.

**20. Certain other provisions of law not barred.**—Subject to the provisions contained in section 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948 (63 of 1948) the Plantations Labour Act, 1951 (69 of 1951), and the Mines Act, 1952 (35 of 1952).

**21. Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Houses of Parliament.

**22. Repeal and savings.**—(1) The Employment of Children Act, 1938 (26 of 1938), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

**23. Amendment of Act 11 of 1984.** In section 2 of the Minimum Wages Act, 1948,

(i) for clause (a) the following clauses shall be substituted, namely:

"(a) "adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

(aa) "adult" means a person who has completed his fourteenth year of age;

(b) "child" means a person who has not completed his fourteenth year of age;

24. Amendment of Act 69 of 1937.—In the Matriculation Labour Act 1937,

(a) in section 2, in clauses (a) and (b), for the word "fourteen" the word "fourteenth" shall be substituted;

(b) section 24 shall be omitted;

(c) in section 26, in the opening portion, the words "who has completed his twelfth year" shall be omitted.

25. Amendment of Act 44 of 1958.—In the Merchant Shipping Act, 1958, in section 109, for the word "effect", the word "fourteenth" shall be substituted.

26. Amendment of Act 25 of 1961.—In the Motor Transport Workers Act, 1961, in section 2, in clauses (a) and (b), for the word "fourteenth" the word "fifteenth" shall be substituted.

### THE SCHEDULE

(See section 3)

#### PART A

##### Occupations

Any occupation connected with—

- (1) Transport of passengers, goods or mails by railway;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
- (3) Work in a waiting establishment at a railway station, assisting the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port.

- (1) Bidi-making.
- (2) Carpet-weaving.
- (3) Cement manufacture, including bagging of cement.
- (4) Cloth printing, dyeing and weaving.
- (5) Manufacture of matches, explosives and fire-works.
- (6) Mica-cutting and splitting.
- (7) Shellac manufacture.
- (8) Soap manufacture.
- (9) Tanning.
- (10) Wool-cleaning.
- (11) Building and Construction industry.

(Published in Maharashtra Government Gazette, Part IV, dated 24th March 1988 at page Nos. 91 to 99).

## Gist of Important Notifications Under Various Labour Laws

### 1. INDIAN BOILER ACT, 1923.

(A) *Exemptions under the Act.*—(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-7795 and belonging to the Bharat Petroleum Corporation Limited, Mahul, Bombay 400 074 from the operation of clause (c) of section 6 of the said Act, for the period of One year from 8th December 1987 to 7th December, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department, No. IBA-1087/431750/(3014)/Lab-9, dated 7th December, 1987 published in *Maharashtra Government Gazette*, Part I-L, dated 3rd March 1988, at page No. 317).

(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 boiler bearing No. MR-9522 and belonging to the Indian Ordnance Factory, High Explosive Factory, Khadki, Pune 411 003, from the operation of clause (c) of Section 6 of the said Act, for the period of 3 months from 11th December, 1987, to 10th March 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department, No. IBA-1087/433106/(3025)/Lab-9, dated 9th December 1987 published in *Maharashtra Government Gazette*, Part I-L, dated 3rd March 1988, at page No. 317).

(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. MYS-731 and Economiser Btring No. E-388 and belonging to Madhavnagar Cotton Mills Limited, Madhavnagar Pin 416 406, district Sangli (India) from the operation of clause (c) of Section 6 of the said Act, for the period of two months from the 17th December 1987 to 16th February 1988 and 24th December 1987 to 23rd February 1988 respectively (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department, No. IBA-1087/433306/(3033)/Lab-9, dated 16th December 1987 published in *Maharashtra Government Gazette*, Part I-L, dated 3rd March 1988, at page No. 317).

(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-10209 and belonging to the Western Maharashtra Development Corporation Ltd., Distillery Division, Chitali 413 719, Taluka

rampur Distret Ahmednagar from the operation of clause (c) of section 6 of the said Act, for the period of two months from 22nd December, 1987 to 21st February, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department, No. IBA-1087/433804/(3036)/Lab-9, dated 18th December, 1987 published in *Maharashtra Government Gazette*, Part I-L, dated 3rd March 1988, at page No. 318).

*Amendment to Rules.*—The Government of Maharashtra Industries, Energy and Labour Department has in exercise of the powers conferred by clauses (c) and (e) of section 29 of the said Act, and all other powers enabling it in that behalf amended the Maharashtra Economiser Rules, 1965, and the same having been published as required by sub-section (1) of Section 31 of the said Act, namely :—

### RULES

1. These rules may be called the Maharashtra Economiser (1st Amendment) Rules, 1987.

2. Rule 7 of the Maharashtra Economiser Rules, 1965 (hereinafter referred to as "the principal rules") shall be renumbered as sub-rule (1) of that rule 7 and following shall be added at the end, namely :—

"(2) Whenever any registered economiser is transferred, the transferee shall give an intimation of the transfer to the Chief Inspector within 15 days from the date on which the transfer takes effect and shall pay a fee of Rs. 20 to the Chief Inspector for recording an entry regarding such transfer of ownership in the Register of registered economisers. On receipt of such intimation and the fees, the Chief Inspector shall record the entry regarding the transfer of ownership in the said Register".

3. In Rule 14 of the principal rules, for the words "rupees ten" the words "rupees twenty" shall be substituted.

4. For rules 16, 16A, and 16B of the principal rules, the following shall be substituted, namely :—

"16. *Inspection fees for renewal of certificate.*—Fees for inspection of economiser for renewal of its certificate shall be levied in accordance with the following scale :—

	Rs.
For an economiser rating not exceeding 50 square metres.	150
For an economiser rating exceeding 50 square metres, but not exceeding 100 square metres.	175
For an economiser rating exceeding 100 square metres, but not exceeding 150 square metres.	200

	Rs.
For an economiser rating exceeding 150 square metres, but not exceeding 200 square metres.	225
For an economiser rating exceeding 200 square metres, but not exceeding 250 square metres.	250
For an economiser rating exceeding 250 square metres, but not exceeding 300 square metres.	300
For an economiser rating exceeding 300 square metres, but not exceeding 350 square metres.	350
For an economiser rating exceeding 350 square metres, but not exceeding 400 square metres.	400
For an economiser rating exceeding 400 square metres for every 100 square metres or part thereof, in excess of 400 square metres an additional fee of Rs. 50 shall be charged :	

Provided that when any owner is willing to accept a renewed certificate for less than 24 months in order to approximate the date of the bi-annual inspection to the date on which other economisers in the locality are inspected, a certificate for such shorter period as may be necessary for such approximation of such dates may be granted at a reduced fee to be calculated at the rate of one-twenty-fourth of the ordinary fee for each full month, fraction of a month not being reckoned for such calculation.

16A. *Scrutiny fees for approval of drawings.*—Scrutiny fees for approval of economiser drawing showing particulars of materials, design and construction shall be equal to the inspection fees specified in rule 16.

16B. *Inspection fees for economiser, under construction.*—Inspection fees for economiser under construction shall be calculated at four times the inspection fees specified in rule 16."

5. In rule 16-C of the principal rules, for the words "five rupees" and "one hundred rupees", the words "twenty rupees" and "two hundred rupees" shall respectively be substituted.

6. In rule 29 of the principal rules, for the words, "rupees ten" the words "rupees fifty" shall be substituted.

(Vide Government Notification, Industries, Energy and Labour Department, No. IBA-1087/406634/(2575)/Lab-9, dated 2nd February 1988, published in *Maharashtra Government Gazette*, Part 1-L, dated 3rd March 1988 at pages Nos. 320 to 321).

#### MAHARASHTRA STATE INSURANCE ACT, 1948

(x) *Exemptions under the Act.* (1) The Government of Maharashtra Industries, Energy and Labour Department has in exercise of the powers conferred by section 90 read with section 91 A of the said Act and of the powers enabling it in that behalf, exempted retrospectively from 1st August 1970 till the date of issue of this Notification and prospectively the employees of the Zilla Parishad Workshop, Solara from the operation of the said Act.

(Vide Government Notification, Industries, Energy and Labour Department, No. SIA-1085/153 Lab-4, dated 11th December, 1987, published in *Maharashtra Government Gazette*, Part 1-L, dated 3rd March 1988 at page No. 518).

#### III BOMBAY INDUSTRIAL RELATIONS ACT, 1946

(A) *Constitution of Labour Court and appointment under the Act.* (1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by Section 9 of the said Act

(1) constituted a Labour Court at Ahmednagar having jurisdiction in the local areas of Ahmednagar District; and

(2) appointed from the date of taking over charge Shri R. F. Muniyar, Civil Judge (Senior Division), Osmanabad (having the powers and specification laid down in the said section), to preside over the said Labour Court.

(Vide Government Notification, Industries, Energy and Labour Department, No. BIR-0188-7426-A-1 ab-2, dated 2nd February, 1988, published in *Maharashtra Government Gazette*, Part 1-L, dated 3rd March, 1988, at page No. 319).

#### IV.—INDUSTRIAL DISPUTES ACT, 1947.

(A) *Constitution of Labour Court and appointments under the Act.* (1) The Government of Maharashtra, Industries, Energy and Labour Department, has in exercise of the powers conferred by section 7 of the said Act

(1) Constituted the Labour Court at Ahmednagar, for the adjudication of Industrial Disputes Act, relating to any matter specified in the Second Schedule to the said Act, and for performing such other functions as may be assigned to them under the said Act; having jurisdiction of local areas of Ahmednagar District and;

(2) appointed from the date of taking over charge Shri R. F. Muniyar, Civil Judge (Senior Division), Osmanabad, to be the Presiding Officer thereof, being person qualified for appointment as Presiding Officer of a Labour Court, Ahmednagar.

(*Vide* Government Notification Industries, Energy and Labour Department, No. 1DA. 0188-7426-B-Lab-2, dated 2nd February, 1988, published in Maharashtra Government Gazette, Part 1-L, dated 3rd March 1988, at page No. 319).

(B) *Declaration of Public Utility Services.*—(1) The Government of Maharashtra Industries, Energy and Labour Department, has in exercise of the powers conferred by sub-clause (vi) of clause (a) of section 2 of the said Act, declared "Service in Hospitals" to be public utility service for the purpose of the Act for a further period of six months from 12th February 1988.

(*Vide* Government Notification Industries, Energy and Labour Department, No. 1DA. 0288/(7462)/Lab-2, dated 12th February 1988, published in Maharashtra Government Gazette, Part 1-L, dated 3rd March 1988, at page No. 335).

V—MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971.

(A) *Constitution of Labour Court and appointments under the Act.*—The Government of Maharashtra, Industries, Energy and Labour Department, has in exercise of the powers conferred by section 6 of the said Act—

(1) constituted a Labour Court at Admednagar having jurisdiction in the local areas of Ahmednagar District; and

(2) appointed from the date of taking over charge Shri R. E. Miniyar, Civil Judge (Senior Division), Osmanabad (having the prescribed qualification laid down in the said section), to preside over the said Court.

(*Vide* Government Notification, Industries, Energy and Labour Department No. ULP/0188/7426/C/Lab-2, dated 2nd February 1988, published in Maharashtra Government Gazette, Part 1-L, dated 3rd March 1988, at Page No. 320).

VI—MOTOR TRANSPORT WORKERS ACT, 1961.

(A) *Amendment to Rules.*—(1) The Government of Maharashtra, Industries, Energy and Labour Department, has in exercise of the powers conferred by sub-section (1) and clause (b) of sub-section (2) of section 40 of the said Act, and of all other powers enabling it in that behalf, amended the Maharashtra Motor Transport Workers Rules, 1962, the same having been previously published as required by sub-section (1) of the said section 40 of the said Act, namely :—

**RULES**

1. These rules may be called the Maharashtra Motor Transport Workers (First Amendment) Rules, 1987.
2. For rule 5 of the Maharashtra Motor Transport Workers Rules, 1962, following rule shall be substituted, namely :—

5. *Grant of certificate of registration.*—A certificate of registration for undertaking shall be granted by the Chief Inspector in Form II on payment of fees specified in the following schedule.

**SCHEDULE**

Maximum number of Motor Transport Workers to be employed during the year	Fees
1	2
	Rs.
5	50
25	100
50	200
100	400
250	500
500	1,000
750	1,500
1,000	2,000
1,500 and above	2,500

(*Vide* Government Notification, Industries, Energy and Labour Department, No. MFW-1087/(123)/Lab-11, dated 5th February 1988, published in Maharashtra Government Gazette, Part 1-L, dated 3rd March 1988, at page No. 322).

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

(A) *Nomination/Re-nomination under the Act.*—(1) The Government of Maharashtra Industries, Energy and Labour Department, has in exercise of the powers conferred by sub-sections (3), (5) and (6) of Section 6 of the said Act—

(a) nominated or, renominated, as the case may be, the following persons to be the members of the said Board representing the employers, unprotected workers and the State Government as follows, namely :—

*Members Representing Employers—*

- (1) Shri S. P. Khosla, Secretary, Iron and Steel and Hardware Merchants and Manufacturers Chamber of India, Steel Chamber, 418, Loha Bhavan, P. D'Mellow Road, Bombay 400 009.

- (2) Shri Abbasbhai F. Bharthi, Member, Darukhana, Iron and Steel and Scrap Merchants Association, 4th Galli, Darukhana, Bombay 400 010.
- (3) Shri Pratapare B. Goradiya, Director, the Bombay Iron Merchants Association, Messrs. Pratapare and Brothers, 241, Sant Tukar Road, Bombay 400 009.
- (4) Shri B. R. Jindal, Member, Steel Re-Rollers Association of Maharashtra, Messrs. Vijay Kumar and Company, 28/30, Krantisingh Nana Patil Marg, Bombay 400 009.
- (5) Shri Krishnan Nair, Deputy General Manager (Personnel Corporation Division), Corn Federation of Engineering Industries, Mukund Iron and Steel Works Limited, Lal Bahadur Shastri Marg, Kurla, Bombay 400 070.

*Members Representing Unprotected Workers—*

- |  |  |
|--|--|
| (1) Shri Baburao Hari Ramiste,<br>General Secretary.           | C/o. Maharashtra Rajya<br>Mathadi, Transport<br>General Kamgar Union,<br>Jivraj Bhanji Shah Market,<br>3rd floor, Yusuf Meherali<br>Road, Near Masjid Station<br>Bombay 400 009. |
| (2) Shri Balwantrao Sonappa Pawar,<br>Joint General Secretary. |  |
| (3) Shri Gulabrao Ganpatrao Jagtap,<br>Secretary.              |  |
| (4) Shri Yeshwant Pandurang Koli,<br>General Secretary.        | C/o. Lokhandi Jatha General<br>Kamgar Union, 41, Devi<br>Galli, Baburao Bobade<br>Marg, Lokhandi Jatha<br>Bombay 400 009.  |
| (5) Shri Jagadish Yeshwant Koli, Joint<br>General Secretary.   |  |

*Members Representing the State Government—*

- (1) Shri M. K. Ambole,  
Assistant Commissioner of Labour, Bombay.
- (2) Shri A. S. More,  
Assistant Commissioner of Labour, Bombay.
- (b) nominates Shri M. K. Ambole, Assistant Commissioner of Labour, to be the Chairman of the said Board, and
- (c) publishes the names of the members of the said Board including the Chairman, as follows, namely:—
- Shri S. P. Khosla,  
Shri Abbasbhai F. Bharthi,  
Shri Pratapare Goradiya,  
Shri B. R. Jindal,

- Shri Krishnan Nair,  
Shri Baburao Hari Ramiste,  
Shri Balwantrao Sonappa Pawar,  
Shri Gulabrao Ganpatrao Jagtap,  
Shri Yeshwant Pandurang Koli,  
Shri Jagadish Yeshwant Koli,  
Shri M. K. Ambole,  
Shri A. S. More.

(vide Government Notification I. E. & L. D., No. UWA-1387/CR-(11531)/1985, dated 23rd February 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 3rd March 1988, at pages Nos. 337 to 338).

FACTORIES ACT 1948.

*Amendment to Rules.*—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 112 of the said Act, and of all other powers enabling it in that behalf, made the following rules further to amend the Maharashtra Factories Rules, 1963, the same having been previously published as required by section 115 of the said Act, namely:—

1. These rules may be called the Maharashtra Factories (Amendment) Rules, 1987.

2. In rule 3 of the Maharashtra Factories Rules, 1963 (hereinafter referred to as "the principal Rules"), in sub-rule (1), for clause (a), the following shall be substituted, namely:—

"(a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages, list of the raw materials used, intermediate products, including emission of toxic gases, etc. finished products, by-products, their quantities, methods of storage and handling, loading and transport and details of the arrangements for the disposal of trade waste and effluents, the likely hazards and the methods to control or eliminate them."

3. In rule 4 of the principal rules,—

(i) in sub-rule (1), for clause (c), the following shall be substituted,

"(c) The layout of plant and machinery, including the storages for raw materials and finished products, intermediate by-products";

(ii) after existing sub-rule (4), the following new sub-rule (5) shall be inserted namely:—

"(5) Necessary Certificates under Rule 22 are obtained

(iii) existing sub-rule (5) shall be renumbered as sub-rule (6).

4. In rule 5 of the principal rules, under sub rule (1), Form No. 2 the existing entry No. 4, the following shall be substituted, namely -

" A flow chart of the manufacturing process -

(a) Carried on in the factory during the last twelve months case of factories in existence on the date of commencement of Act),

AND

(b) to be carried on in the factory during the next twelve months the case of factories).

AND

(c) Supplemented by a brief description of the process in its various stages, list of the raw materials used, intermediate products including emission of toxic gases, etc., finished products, by-products, their quantities methods of storages and handling, loading and transport details of the arrangements for the disposal of trade waste and effluents the likely hazards and the methods to control or eliminate them."

5. In Form No. 3 prescribed under rules, 5, 8 and 11 of the principal rules, after item No. 3, the following new item shall be inserted, namely,

" 3(A). A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages, list of the raw materials used, intermediate products, including emission of toxic gases etc., finished products, by-products, their quantities, methods of storage and handling, loading and transport and details of the arrangements for the disposal of trade waste and effluents, control or eliminate them".

6. In Rule No. 6 of the principal Rules, in the proviso, after item No. (v), the following new item No. (vf) shall be inserted, namely;

" (vf) That the details of the raw materials, intermediate products, finished products, quantities, methods of storages, hazards, safety measures, arrangements for trade-waste and effluents, the likely hazards and the methods to disposal etc., have not been furnished."

7. In rule No. 22 of the principal rules, -

(b) after sub-rule (1), the following new sub-rule (2) shall be inserted, namely:—

" For the areas notified under Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) necessary approval to arrangements made for the treatment and disposal of all types of trade-waste and effluents shall be obtained from Maharashtra Water (Prevention and Control of Pollution) Board, constituted under that Act;"

(d) The existing sub-rule (2) shall be re-numbered as sub rule (3)

In rule 114 of the principal rules, -  
In sub rule (1) the following entries shall be inserted

Highly Flammable Liquids and Flammable Compressed Gases

" 34 involving High Speed Locomotives"

for the existing Schedule XVII, the following Schedule shall be substituted, namely, -

SCHEDULE XVII

Handling and processing of Asbestos, Manufacture of any article of Asbestos and any process of manufacture or extraction in which asbestos is used.

This schedule shall apply to all factories in part of which any of the following processes is carried out -

(a) breaking, crushing, disintegrating, grinding, pressing, mixing or any other processes involving handling and manipulation of asbestos and any other processes involving handling and manipulation of asbestos;

(b) all processes in the manufacture of asbestos articles including preparatory and finishing processes;

(c) making of insulation slabs or articles, asbestos wholly or partly of asbestos, and processes incidental thereto;

(d) making or mixing of asbestos cement, compound wholly or partly of asbestos, and processes incidental thereto;

(e) manufacture of asbestos vermiculite and paper;

(f) manufacture of asbestos cement pipes;

(g) manufacture of asbestos by any method;

(h) sawing, grinding, mixing, chipping and polishing in dry state of articles composed wholly or partly of asbestos;

(i) cleaning of any vessel, chamber, tank or appliance for the collection of asbestos dust; and

(j) any other processes in which asbestos dust is given off into the work of environment.

2. Definition. For the purpose of this schedule -

(a) "asbestos" means any silicate mineral or any admixture containing silicate mineral, vermiculite, chrysotile, crocidolite, tremolite or any mixture thereof, whether or not crushed or ground.

(b) "asbestos' textiles" means yarn or cloth composed of asbestos or asbestos mixed with any other material;

(c) "approved" means approved for the time being in writing by the Chief Inspector;

(d) "breathing apparatus" means a helmet or face piece with necessary connection by means of which a person using it breathes air free from dust, or any other approved apparatus;

(e) "efficient exhaust draught" means localised ventilation by mechanical means for the removal of dust so as to prevent dust from escaping into air of any place in which work is carried on. No draught shall be deemed to be efficient which fails to control dust produced at the point where such dust originates.

(f) "preparing" means crushing, disintegrating and any other processes in or incidental to the opening of asbestor dust.

(p) "protective clothing" means overalls and head covering which (in either case) will when worn exclude asbestos dust.

3. *Tools and Equipment.*—Any tools or equipment used in processes to which this schedule applied shall be such that they do not create asbestos dust above the permissible limit or are equipped with efficient exhaust draught.

4. *Exhaust draught.*—(1) An efficient exhaust draught shall be provided and maintained to control dust from the following processes and machines;

(a) manufacture and conveying machinery namely:

(i) manufacture and conveying machinery namely:

(ii) carding, card waste and ring spinning machines and looms;

(iii) machines or other plant fed with asbestos; and

(iv) machines used for the sawing, grinding, turning, drilling, abrading or polishing; in the dry state of articles composed wholly or partly of asbestos;

(b) cleaning and grinding of the cylinders or other parts of a carding machine;

(c) chambers, hoppers or other structures into which loose asbestors is delivered or passes;

(d) work-benches for asbestos waste sorting or for other manipulation of asbestos by hand;

(e) workplaces at which the filling or emptying of sacks, skips or other portable containers, weighing or other process incidental thereto which is effected by hand, is carried on;

(f) sack cleaning machines;

(g) mixing and blending of asbestos by hand; and

(h) any other process in which dust is given off into the work environment.

(2) Exhaust ventilation equipment provided in accordance with sub-paragraph (1) shall, while any work of maintenance or repair to the machinery, apparatus or other plant or equipment in connection with which it is provided is being carried on, be kept in use so as to produce an exhaust draught which prevents the entry of asbestos dust into the air of any work place.

(3) Arrangements shall be made to prevent asbestos dust discharged from exhaust apparatus being drawn into the air of any workroom.

(4) The asbestos bearing dust removed from any workroom by the exhaust system shall be collected in suitable receptacles or filter bags which shall be isolated from all work areas.

5. *Testing and examination of ventilating systems.*—(1) All ventilation systems used for the purpose of extracting or suppressing dust as required by this schedule shall be examined and inspected once every week by a responsible person. It shall be thoroughly examined and tested by a competent person once in every period of 12 months. Any defects found by such examinations or test shall be rectified forthwith.

(2) A register containing particulars of such examination and tests and the state of the plant and the repairs or alteration (if any) found to be necessary shall be kept and shall be available for inspection by an Inspector.

6. *Segregation in case of certain process.* Mixing or blending by the hand of asbestos, or making or repairing of insulating mattresses composed wholly or partly of asbestos shall not be carried on in any room in which any other work is done.

7. *Storage and distribution of loose asbestos.*—All loose asbestos shall while not in use, be kept in suitable closed receptacles which prevent the escape of asbestos dust there from such asbestos shall not be distributed within a factory except in such receptacles or in a totally enclosed system of conveyance.

8. *Asbestos sacks.*—(1) sacks used as receptacles for the purpose of ~~transport~~ of asbestos within the factory shall be constructed of impermeable materials and shall be kept in good repair.

(2) A sack which has contained asbestos shall not be cleaned by hand beating but by a machine, complying with paragraph 3.

9. *Maintenance of floors and workplaces.*—(1) In every room in which any of the requirements of this scheme apply—

(a) the floors, work-benches, machinery and plant shall be kept in a clean state and free from asbestos debris and suitable arrangements shall be made for the storage of asbestos not immediately required for use and

(b) the floors shall be kept free from any materials, plant or other articles not immediately required for the work carried on in the room, which would obstruct the proper cleaning of the floor.

(2) The cleaning as mentioned in sub-rule (1) shall so far as is practicable, be carried out by means of vacuum cleaning equipment so designed and constructed and so used that asbestos dust neither escapes nor is discharged into the air of any work place.

(3) When the cleaning is done by any method other than that mentioned in sub-paragraph (2), the persons doing cleaning work and any other person employed in that room shall be provided with respiratory protective equipment and protective clothing.

(4) The vacuum cleaning equipment used in accordance with provisions of sub-paragraph (2), shall be properly maintained and after each cleaning operation, its surfaces kept in a clean state and free from asbestos waste and dust.

(5) Asbestos waste shall not be permitted to remain on the floors or other surfaces at the work place at the end of the working shift and shall be transferred without delay to suitable receptacles. Any spillage of asbestos waste occurring during the course of the work at any time shall be removed and transferred to the receptacles maintained for the purpose without delay.

10. *Breathing apparatus and Protective Clothing.*—(1) An approved breathing apparatus and protective clothing shall be provided and maintained in good conditions for use of every persons employed:—

(a) in chambers containing loose asbestos;

(b) in cleaning, dust settling or filtering chambers of apparatus;

(c) in cleaning, the cylinders, including the doffer cylinders, or other parts of a carding machine by means of hand-strickles;

(d) in filling, beating, or levelling in the manufacture or repair of insulating mattresses, and

(e) in any other operation or circumstance in which it is impracticable to adopt technical means to control asbestos dust in the work environment within the permissible limit.

(2) Suitable accommodation in conveniently accessible position shall be provided for the use of persons when putting on or taking off breathing

apparatus and protective clothing provided in accordance with this rule and such apparatus and clothing when not in use

(3) All breathing apparatus and protective clothing when not in use shall be stored in the accommodation provided in accordance with sub-rule (2)

(4) All protective clothing in use shall be de-dusted under an efficient exhaust draught by vacuum cleaning and shall be washed at suitable intervals. The cleaning schedule and procedure should be such as to ensure the efficiency in protecting the wearer.

(5) All breathing apparatus shall be cleaned and disinfected at suitable intervals and thoroughly inspected once every month by a responsible person.

(6) A record of the cleaning and maintenance and of the condition of the breathing apparatus shall be maintained in a register provided for that shall be readily available for inspection by an Inspector.

(7) No persons shall be employed to perform any work specified in sub-paragraph (1) for which breathing apparatus is necessary to be provided under that sub-paragraph unless he has been fully instructed in the proper use of that equipment.

(8) No breathing apparatus provided in pursuance of sub-paragraph (1) which has been worn by a person shall be worn by another person unless it has been thoroughly cleaned and disinfected since last being worn and the person has been fully instructed in the proper use of that equipment.

11. *Separate accommodation for personal clothing.* A separate accommodation shall be provided in conveniently accessible for all persons employed in operations to which this schedule applies for storing of personal clothing. This should be separated from the accommodation provided under sub-paragraph (2) to prevent contamination of personal clothing.

12. *Washing and bathing facilities.*—(1) There shall be provided and maintained in a clean state and in good repair for the use of all workers employed in the processes covered by the schedule, adequate washing and bathing places having a constant supply of water under cover at the rate of one such place for every 15 persons employed.

(2) The washing places shall have standpipes placed at intervals of not less than one metre.

(3) Not less than one half of the total number of washing places shall be provided with bathrooms.

(4) Sufficient supply of clean towels made of suitable material shall be provided.

Provided that such towels shall be supplied individually for each worker if so ordered by the Inspector.

(5) Sufficient supply of soap and nail brushes shall be provided.

13. *Mess-room.*—(1) There shall be provided and maintained for the use of all workers employed in the factory covered by this schedule remaining on the premises during the rest intervals, a suitable mess-room which shall be furnished with:—

- (a) sufficient tables and benches with back rest, and
- (b) adequate means for warming food.

(2) The mess-room shall be placed under the charge of a responsible person and shall be kept clean.

14. *Prohibition of employment of young persons.*—No young person shall be employed in any of the process covered by this schedule.

15. *Prohibition relating to smoking.*—No person shall smoke in any area where processes covered by this schedule are carried on. A notice in the language understood by majority of the workers shall be posted in the plant prohibiting smoking at such areas.

16. *Cautionary Notices.*—(1) Cautionary notices shall be displaced at the approaches and along the perimeter of every asbestos processing area to warn all persons regarding:—

- (a) hazards to health from asbestos dust.
- (b) need to use appropriate protective equipment.
- (c) prohibition of entry to unauthorised persons or authorised persons but without protective equipment.

(2) Such notice shall be in the language understood by the majority of the workers.

17. *Air monitoring.*—To ensure the effectiveness of the control measures, monitoring of asbestos fibre in air shall be carried out once atleast in every shift and the record of the results so obtained shall be entered in a register specially maintained for the purpose.

18. *Medical examination.*—(a) No worker shall be employed in any factory on any of the processes specified in clause 1, unless he has been medically examined by the Medical Inspector of Factories/certifying Surgeon and has been declared fit and granted a certificate of fitness in Form No. 32.

(b) Every worker employed on any of the aforesaid processes on the date on which the Schedule comes into force shall be radiologically examined by the qualified radiologist at the cost of the occupier and the standard size-X-ray plate shall be submitted to the Medical Inspector of Factories/certifying Surgeon for medical examination within three months of the said date.

(c) Every worker employed on any of the aforesaid processes shall be medically examined by the Medical Inspector of Factories/certifying Surgeon at intervals of twelve months after the first medical examination conducted

sub-clauses (a) and (b). If at any time the Medical Inspector of Factories/Certifying Surgeon is of the opinion that the person employed in the said process shall be examined radiologically by a qualified radiologist he may direct the occupier to arrange for such examination at his cost and then to submit the standard size X-ray plate of the worker to the Medical Inspector of Factories/Certifying Surgeon.

(d) A worker already in employment and declared unfit by the Medical Inspector of Factories/Certifying Surgeon shall not be allowed to work on any of the processes specified in clause (1), unless he has been examined again along with standard size chest X-ray plate from a qualified radiologist at the cost of the occupier and has been certified to be fit to work on the said processes again.

(e) A worker declared to be unfit to work on any of the aforesaid processes, may be employed on such other work or process as may be considered safe and as may be advised by the Medical Inspector of Factories/Certifying Surgeon.

(f) The Medical Inspector of Factories/Certifying Surgeon may direct that a worker may be X-rayed or he may be subjected to further examination by a specialist or to any other examination clinical pathological or otherwise or that he should undergo a specified treatment, and it shall be the responsibility of the employer (occupier and manager to arrange for the specified examination and/or treatment and to bear all expenses thereof or in connection therewith.

(g) The Certifying Surgeon shall after each examination grant a certificate in Form No. 32.

(h) The manager shall maintain all the certificates in a proper register or file and shall produce all the certificates before an Inspector whenever demanded.

(i) The manager shall maintain the detail of every Medical Examination in Form No. 7 and the register shall be produced before an Inspector whenever demanded.

19. *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 employed in the factory.
- (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 be provided 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 for such examinations and such other equipments as may be prescribed by the Chief Inspector from time to time.

20. *Exemptions.*—If in respect of any factory, the Chief Inspector is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reasons all or any of the provisions of this schedule is not necessary for protection of the workers, in the factory, the Chief Inspector may by a certificate in writing which he may at his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any, as he may specify therein.

- (iii) After Schedule XXII, the following Schedules, shall be inserted, namely:—

#### SCHEDULE XXIII

##### *Highly Flammable Liquids and Flammable Compressed Gases.*

1. *Application.*—These rules shall be applicable to all factories where highly flammable liquids or flammable compressed gases are manufactured, stored, handled or used.

2. *Definition.*—For the purpose of this schedule—

(a) "highly flammable liquid" means any liquid including its solution, emulsion or suspension which when tested in a manner specified by sections 14 and 15 of the petroleum Act, 1934 (30 of 1934) gives off flammable vapours at a temperature less than 32 degree centigrade;

(b) "flammable compressed gas" means flammable compressed gas as defined in section 2 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 framed under the Explosives Act, 1884.

3. *Storage.*—(1) Every flammable liquid or flammable compressed gas used in every factory shall be stored in suitable fixed storage tank, or in suitable closed vessel located in a safe position under the ground in the open or in a store room adequate fire resistant construction.

(2) Except as necessary for use, operation or maintenance, every vessels or tank which contains or had contained a highly flammable liquids or flammable compressed gas shall be always kept closed and all reasonably practicable steps shall be taken to contain or immediately drain off to a suitable container any spill or leak that may occur.

(3) Every container vessels, tank, cylinder, or store room used for storing highly flammable liquid or flammable compressed gas shall be clearly and in bold letters marked 'Danger Highly Flammable Liquid' or 'Danger-Flammable Compressed Gas.'

4. *Enclosed System for Conveying Highly Flammable Liquids.*—Wherever it is reasonably practicable, highly flammable liquids shall be conveyed within a factory in totally enclosed system consisting of pipe lines, pumps and similar appliances from the storage tank or vessel to the Point of use. Such enclosed systems shall be so designed, installed, operated and maintained as to avoid leakage or the risk of spilling.

5. *Preventing formation of flammable mixture with Air.*—Wherever there is possibility for leakage or spill of highly flammable liquid or flammable compressed gas from an equipment, pipe line, valve joint or other part of a system all practicable measures shall be taken to contain, drain off or dilute such spills or leakage as to prevent formation of flammable mixture with air.

6. *Prevention of Ignition.*—(1) In every room, work place or other location where highly flammable liqui or flammable combustible gas is stored, conveyed, handled or used or where there is danger of fire or explosion from accumulation of highly flammable liquid or flammable compressed gas in air, all practicable measures shall be taken to exclude the sources of ignition. Such precautions shall include the following:—

(a) All electrical apparatus shall either be excluded from the area of risk or they shall be of such construction and so installed and maintained as to prevent the danger of their being a source of ignition;

(b) Effective measures shall be adopted for preventive of accumulation of static charges to a dangerous extent;

(c) No person shall wear or be allowe to wear any footwear having iron or steel nails or any other exposed ferrous materials which is likely to cause sparks by friction;

(d) Smoking, lighting of matches, lighters or smoking materials shall be prohibited;

(e) transmission belts with iron fasteners shall not be used; and

(f) all other precautions, as are reasonably practicable, shall be taken to prevent initiation of ignition from all other possible sources such as open flames, frictional sparks, overheated surfaces of machinery or plant, chemical or physical-chemical reaction and radiant heat.

7. *Prohibition of smoking.*—No person shall smoke in any place where highly flammable liquid or flammable compressed gas is present in circumstances that smoking would give rise to a risk of fire. The occupier shall take all practicable measures to ensure compliance with this requirement including display of a bold notice indicating prohibition of smoking at every place where this requirement applies.

8. *Fire Fighting.*—In every factory where highly flammable liquid or flammable compressed gas is manufactured, stored handled or used, appropriate and adequate means of fighting a fire shall be provided. The adequacy and suitability of such means which expression includes the fixed and portable fire extinguishing systems, extinguishing materials, procedures and the process of fire fighting shall be to the standards and levels prescribed by the Indian Standards applicable, and in any case not inferior to the stipulations under Rule 71-B.

9. *Exemptions.*—If in respect of any factory, the Chief Inspector is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reasons all or any of the provisions of this schedule is not necessary for protection of the workers in the factory the Chief Inspector may by a certificate in writing, which he may at his discretion revoke at any time exempt such factory from all or any of such provisions subject to such conditions, if any, as he may specify therein.

#### SCHEDULE XXIV

##### Operations Involving High Noise Levels

1. *Application.*—This schedule shall apply to all operations in any manufacturing process having high noise level.

2. *Definitions.*—For the purpose of this schedule—

(a) "Noise" means any unwanted sound.

(b) "High noise level" means any noise level measures on the A-weighted scale is 90 dB or above.

(c) "Decibel" means one-tenth of "Bel" which is the fundamental division of a logarithmic scale used to express the ratio of two specified or implied quantities, the number of "Bels" denoting such a ratio being the logarithmic to the base of 10 of this ratio. The noise level (or the sound pressure level) corresponds to a reference pressure of  $28 \times 10^6$  newtons

per square meter 00002 or dynes per square centimeter which is the threshold of hearing, that is, the lowest sound pressure level necessary to produce the sensation of hearing in average healthy listeners. The decibel in abbreviated form is db.

(d) "Frequency" is the rate of pressure variations expressed in cycles per second or hertz.

(e) "DBA" refers to sound level in decibels as measured on a sound level meter operating on the A-weighting net work with slow meter response.

(f) "A-weighting" means making graded adjustments in the intensities of sound of various frequencies for the purpose of noise measurement, so that the sound pressure level measured by an instrument reflects the actual response of the human ear to the sound measured.

3. *Protection against noise.*—(1) In every factory, suitable engineering control or administrative measures shall be taken to ensure, so far as is reasonably practicable, that no worker is exposed to sound levels exceeding the maximum permissible noise exposure levels exceeding the maximum permissible noise exposure levels specified in Tables 1 and 2.

TABLE I  
Permissible Exposure in cases of continuous Noise.

Total time of exposure (continuous or a number of short term exposures) per day, in hours.	Sound pressure level in dBA
8	90
6	92
4	95
3	97
2	100
1 1/2	102
1	105
3/4	107
1/2	110
1/4	115

Notes.—(1) No exposure in excess of 115 dBA is to be permitted.

(2) For any period of exposure falling in between any figure and the next higher or lower figure as indicated in column 1, the permissible sound pressure level is to be determined by extrapolation on a proportionate basis.

TABLE 2

## Permissible Exposure Levels of Impulsive or Impact Noise

Peak sound pressure level in dB	Permitted number of impulses or impact per day
140	100
135	315
130	1,000
125	3,160
120	10,000

Notes.—(1) No exposure in excess of 140 dB peak sound pressure level is permitted.

(2) For any peak sound pressure level falling in between any figure and the next higher or lower figure as indicated in column 1, the permitted number of impulses or impacts per day is to be determined by extrapolation on a proportionate basis.

(2) For the purposes of this schedule, if the variations in the noise level involve maxima at intervals of one second or less, the noise is to be considered as a continuous one and the criteria given in Table 1 would apply. In other cases, the noise is to be considered as impulsive or impact noise and the criteria given in Table 2 would apply.

(3) When the daily noise exposure is composed of two or more periods of noise exposure at different levels their combined effect should be considered, rather than the individual effect of each. The mixed exposure should be considered to exceed the limit value if the

$$\text{sum of the fractions } \frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n} \text{ exceeds unity,}$$

Where the C<sub>1</sub>, C<sub>2</sub>, etc. indicate the total time of actual exposure at a specified noise level and T<sub>1</sub>, T<sub>2</sub>, etc. denote the time of exposure permissible at that level. Noise exposure of less than 90 dBA may be ignored in the above calculation.

(4) Where it is not possible to reduce the noise exposure to the levels specified in sub-rule (1) by reasonably practicable engineering control or administrative measures, the noise exposure shall be reduced to the greater extent feasible by such control measures, and each worker so exposed shall be provided with suitable protectors so as to reduce the exposure to noise to the levels specified in sub-clause (1).

(5) Where the ear protectors provided in accordance with sub-clause (2) and worn by a worker cannot still attenuate the noise reaching near his ear, as determined by subtracting the attenuation value in dBA of the ear protectors concerned from the measured sound pressure level, to a level permissible under Table 1 or Table 2 as the case may be, the noise exposure period shall be suitably reduced to correspond to the permissible noise exposures specified in sub-clause (1).

(6) (a) In all cases where the prevailing sound levels exceed for permissible levels specified in sub-clause (1) there shall be administered an effective conservation measures, pre-employment and periodical auditory surveys hearing conservation programme which shall include among other hearing conducted on workers exposed to noise exceeding the permissible levels, and rehabilitation of such workers either by reducing the exposure to the noise levels or by transferring them to places where noise levels are relatively less or by any other suitable means.

(b) Every workers employed in areas where the noise exceeds the maximum permissible exposure levels specified in sub-clause (1) shall be subjected to an auditory examination by a Certifying Surgeon within 14 days or his first employment and thereafter, shall be re-examined at least once in every 12 months. Such initial and periodical examinations shall include tests which the Certifying Surgeon may consider appropriate, and shall include determination of auditory thresholds for pure tones of 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 cycles per second.

(Vide Government Notification, Industries, Energy and Labour Department, No. FAC. 1086/CR-9/Lab-4, dated 8th February 1988, published in Maharashtra Government Gazette, Part I-L, dated 3rd March 1988 at pages Nos. 323 to 334).

## IX. PAYMENT OF BONUS ACT, 1965.

Below Notification Government of India, Ministry of Labour, Notification No. S. 65016/51/87-WB, dated the 4th December 1987, is hereby republished for the information of the General Public —

## GOVERNMENT OF INDIA/BHARAT SARKAR

MINISTRY OF LABOUR/SHRAM MANTRALAYA

New Delhi, dated the 4th December 1987

## NOTIFICATION

S.O. .... In exercise of the powers conferred by sub-section (1) of section 30 of the Payment of Bonus Act, 1965 (21 of 1965), the Central Government hereby authorises the Officers specified in column 1 of the Table below to make complaint in a court for and under the authority of Central Government in cases where the Central Government is the appropriate Government.

TABLE

Officers 1	Limits 2
I. Regional Labour Commissioner (Central), Ajmer.	Whole of Rajasthan State.
II. Regional Labour Commissioner (Central), Asansol.	District of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.
III. Regional Labour Commissioner (Central), Bombay.	Whole of Maharashtra and Goa States and the Union Territories of Daman and Diu.
IV. Regional Labour Commissioner (Central), Bangalore.	Whole of Karnataka State.
V. Regional Labour Commissioner (Central), Bhubaneswar.	Whole of Orissa State.
VI. Regional Labour Commissioner (Central), Calcutta.	Whole of West Bengal State (excluding the Districts of Burdwan, Birbhum, Bankura and Purulia).

TABLE—contd.

Officers 1	Limits 2
VII. Regional Labour Commissioner (Central), Chandigarh.	Whole of Himachal Pradesh, Haryana, Punjab, Jammu and Kashmir States and the Union Territory of Chandigarh.
V. Regional Labour Commissioner (Central), Dhanbad.	Whole of Bihar State.
IX. Regional Labour Commissioner (Central), Gauhati.	Whole of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura States.
X. Regional Labour Commissioner (Central), Hyderabad.	Whole of Andhra Pradesh State and 'Yaman' of Union Territory of Pondicherry.
XI. Regional Labour Commissioner (Central), Jabalpur.	Whole of Madhya Pradesh State.
XII. Regional Labour Commissioner (Central), Kanpur.	Whole of Uttar Pradesh State. Officers
XIII. Regional Labour Commissioner (Central), Madras.	Whole of Tamil Nadu State and the Union Territory of Pondicherry except 'Yaman' area of Union Territory of Pondicherry.
XIV. Regional Labour Commissioner (Central), Delhi.	Whole of Union Territory of Delhi.
XV. Regional Labour Commissioner (Central), Ahmedabad.	Whole of Gujarat State and Union Territory of Dadra and Nagar Haveli.
XVI. Regional Labour Commissioner (Central), Cochin.	Whole of Kerala State and Union Territory of Lakshadweep.

(Vide Govt. Notification I. E. & L. D., Misc. 1087/1767/432848/(8039)/Lab-9, dated 18th February 1988, published in Maharashtra Government Gazette, Part IV-C, dated 3rd March 1988 at pages Nos. 208 to 209).

## X. THE DOCK WORKERS (REGULATION OF EMPLOYMENT) ACT, 1948.

(A) Notification under the Act.—No. Misc. 1087-1767/427564/(301)-LAB-9.—The Government of India Ministry of Labour, Notification No. LB-11013/1/87-US(L), dated the 25th September 1987, is hereby republished:—

## GOVERNMENT OF INDIA/BHARAT SARKAR

MINISTRY OF SURFACE TRANSPORT

(JAL-BHUTAL PARIVAHAN MANTRALAYA)

TRANSPORT WING/PARIVAHAN PAKSHA

New Delhi, the 25th September, 1987.

## NOTIFICATION

S. O.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), and in supersession of the Notification of the Government of India in the then Ministry of Shipping and Transport (Transport Wing), No. S. O. 756(E), dated the 21st October 1982, the Central Government hereby, appoints the following persons to be members of the Bombay Dock Labour Board established under sub-section (1) of the said section 5A, namely:—

*Members representing the Central Government—*

- 1 The Chairman, Bombay Port Trust, Bombay.
- 2 The Deputy Chairman, Bombay Dock Labour Board, Bombay.
- 3 The Dock Manager, Bombay Port Trust, Bombay.
- 4 The Commissioner of Labour, Government of Maharashtra, Bombay.
- 5 The Joint Manager (Port Operations), Food Corporation of India, Bombay.

*Members representing the Dock Workers—*

- |                           |  |
|---------------------------|--|
| 1 Shri S. R. Kulkarni.    | Representatives of the Transport and Dock Workers Union. |
| 2 Shri Manohar G. Kotwal. |  |
| 3 Shri K. A. Khan.        |  |
| 4 Shri K. R. Prabhudesai  |  |
| 5 Shri K. B. Baipai.      |  |

*Members representing the employers of Dock Workers and Shipping Companies—*

- |                        |  |
|------------------------|--|
| 1. Shri B. K. Dubash   | Representatives of the Bombay Stevedores Association.                |
| 2. Shri B. B. Dubash   |  |
| 3. Shri J. C. Nanavati | Representative of the Indian National Shipowners Association.        |
| 4. Shri Devinder Singh |  |
| 5. Shri S. R. Prasad.  | Representative of Karmahom Conference (Overseas) Shipping Interests. |

2. The Central Government hereby nominates the Chairman, Bombay Port Trust, Bombay as the Chairman of the said Board.

[Vide Government Notification, Industries, Energy and Labour Department, No. Misc. 1087/1767/427564/(3015)/Lab-9, dated 9th March 1988, published in *Maharashtra Government Gazette*, Part IV-C, at pages Nos. 230 to 231].

### Consumer Price Index Numbers for Industrial Workers for March 1988

#### BOMBAY CENTRE\*

##### A rise of 10 Points

In March 1988 the Consumer Price Index Number for Industrial Workers (1960=100) for the Bombay Centre with base January to December 1960 equal to 100 was 825 being 10 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 the Bombay Centre.

The index number for the Food group increased by 15 points to 928 due to a rise in the average prices of Rice, Moongdal, Goat meat, Fresh fresh, Milk, Coconut, Vegetables and Fruits Subgroup, Bhajia and Tea readymade.

The index number for the Pan, Supari and Tobacco etc. group increased by 11 points to 872 due to a rise in the average price of Pan leaf.

The index number for the Fuel and Light group increased by 2 points to 1141 due to a rise in the average price of Charcoal.

The index number for housing remained steady at 215 being a six monthly item.

The index number for the clothing, bedding and footwear group increased by 4 points to 691 due to a rise in the average prices of Shirting Sherrock and Fafatlal.

The index number for the miscellaneous group increased by 1 point to 634 due to a rise in the average prices of Tailoring Charges.

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

(Average prices for the calendar year 1960 = 100)

Groups	Weight proportional to the total expenditure.	Group Index Numbers	
		February 1988	March 1988
I-A. Food	57.1	913	928
I-B. Pan, Supari, Tobacco, etc.	4.9	861	872
II. Fuel and Light	5.0	1139	1141
III. Housing	4.6	215	215
IV. Clothing, Bedding and Foot-Wear	9.4	687	691
V. Miscellaneous	19.0	633	634
Total ..	100.00	....	....
Consumer Price Index Number ..	....	815	825

\*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

#### SOLAPUR CENTRE\*

##### 748—A fall of 4 Points

In March, 1988 the Consumer Price Index Number for Working Class (New Series) for Solapur Centre with base January to December 1960 equal to 100 was 748 being 4 points lower than that in the preceding 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 decreased by 6 points to 792 due to a fall in the average prices of Rice, Wheat, Arhaldal, Edible Oils, Garlic and Vegetables and Fruits Sub group.

The index number for the Pan, Supari and Tobacco etc. group decreased by 3 points to 686 due to a fall in the average price of Supari.

The index number for the Fuel and Light group increased by 4 points to 866 due to a rise in the average price of Coal.

The index number for housing remained steady at 337 being a six monthly item.

The index number for clothing, bedding and footwear group increased by 2 points to 669 due to a rise in the average price of Long cloth.

The index number for the miscellaneous group increased by 1 point to 706 due to a rise in the average price of Washing Soap.

#### 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	
		February 1988	March 1988
I. Food	63.0	798	792
II. Pan, Supari, Tobacco etc.	3.4	689	686
III. Fuel and Light	7.1	862	866
IV. Housing	5.2	337	337
V. Clothing, Bedding and Footwear	9.0	667	669
VI. Miscellaneous	12.3	705	706
Total	100.00	752	748
Consumer Price Index Number ..	....	....	....

\*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 192-23=100, the new index number should be multiplied by the linking factor of 3.82.

## NAGPUR CENTRE\*

## 761—A rise of 26 points

In March 1988 the Consumer Price Index Number for Working Class (New Series) for Nagpur Centre with base January to December 1960 equal to 100 was 761 being 26 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 28 points to 790 due to a rise in the average prices of Rice, Wheat, Gramdal, Moongdal, Milk, Chillies dry, Onions and Vegetables and Fruits Sub group.

The index number for the Pan, Supari and Tobacco etc. group increased by 15 points to 949 due to a rise in the average prices of Katha and Chewing Tobacco.

The index number for the Fuel and Light group increased by 117 points to 1144 due to a rise in the average prices of Firewood and Coal.

The index number for housing remained steady at 529 being a six monthly item.

The index number for clothing, bedding and footwear group increased by 10 points to 685 due to a rise in the average price of Saree.

The index number for the miscellaneous group increased by 13 points to 623 due to a rise in the average prices of Barber Charges and Earthenware.

## 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	
		February 1988	March 1988
I-A. Food	57.2	762	790
I-B. Pan, Supari, Tobacco, etc.	3.8	934	949
II. Fuel and Light	5.7	1027	1144
III. Housing	6.6	529	529
IV. Clothing, Bedding and Footwear	10.9	675	685
V. Miscellaneous	15.8	610	623
Total	100.00	735	761
Consumer Price Index Number		....	

\*Details regarding the scope and method of compilation of the index may be seen on pages 771 to 779 of January 1963 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 viz. 5.22.

## PUNE CENTRE\*

## A fall of 4 points

In March 1988 the Consumer Price Index Number for Industrial Workers (1961=100) for the Pune Centre with base January to December 1961 equal to 100 was 688 being 4 points lower than that in the preceding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at the Pune Centre.

The index number for the Food group decreased by 7 points to 770, due to a fall in the average prices of Turdal, Gramdal, Oils and fats, Fresh fish, Dry Chillies, Turmeric, Vegetable group, Sugar and Gur.

The index number for the Fuel and Light group remained steady at 879.

The index number for housing remains steady at 176 being a six monthly item.

The index number for the clothing and footwear group remained steady at 649.

The index number for the miscellaneous group remained steady at 586.

## 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	
		February 1988	March 1988
I. Food	55.85	777	770
II. Fuel and Light	6.89	879	879
III. Housing	6.65	176	176
IV. Clothing and Footwear	10.31	649	649
V. Miscellaneous	20.30	586	586
Total	100.00	....	....
Consumer Price Index Number	....	692	688

\*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 CENTRE\*

## 718- A fall of 4 points

In March 1988 the Consumer Price Index Number for Industrial Workers (1961=100) for the Jalgaon Centre with base January to December 1961 equal to 100 was 718 being 4 points lower than that in the preceding month. The index relates to the standard of life ascertained during the year 1958-59 family living survey at the Jalgaon Centre.

The index number for the Food group decreased by 6 points to 777 due to a fall in the average prices of Jowar, turdal, gramdal, Groundnut oil, Corriander, potatoes, garlic, other vegetables, gur garam masala.

The index number for the Fuel and Light group remain steady at 1029.

The index number for housing remained steady at 188 being six monthly item.

The index number for the clothing and footwear group increase by 3 points to 693 due to a rise in the average prices of Dhoti, Saree and Drill.

The index number for the miscellaneous group steady at 572.

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	
		February 1988	March 1988
I. Food	60.79	783	777
II. Fuel and Light	7.20	1029	1029
III. Housing ..	6.11	188	188
IV. Clothing and Footwear	10.29	690	693
V. Miscellaneous ..	15.61	572	572
Total	100.00	732	718
Consumer Price Index Number		732	718

\*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 of base 1961 = 100 should be multiplied by the linking factor viz. 5.29.

## NANDED CENTRE\*

## 787- A rise of 15 points

In March 1988 the Consumer Price Index Number for Industrial Workers (1961=100) for the Nanded Centre with base January to December 1961 equal to 100 was 787 being 15 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 the Nanded Centre.

The index number for the Food group increased by 23 points to 844 due to a rise in the average prices of rice, wheat, moongdal, milk, chillies dry and brinjals.

The index number for the Fuel and Light group remained steady at 931.

The index number for housing remained steady at 386 being a six monthly item.

The index number for the clothing and footwear group increased by 4 points to 709 due to a rise in the average price of Dhoti.

The index number for the miscellaneous group remained steady at 689.

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	
		February 1988	March 1988
I. Food	61.46	821	844
II. Fuel and Light	5.88	931	931
III. Housing	4.62	386	386
IV. Clothing and Footwear	12.22	705	709
Miscellaneous	15.82	689	689
Total ..	100.00	777	787
Consumer Price Index Number ..		777	787

\*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. 2.15.

## AURANGABAD CENTRE\*

788—A fall of 19 points.

In March 1988 the Consumer Price Index Number for Industrial Workers 1961=100 for the Aurangabad Centre with base January to December 1961 equal to 100 was 788 being 19 points lower than that in the preceding month. The index relates to the standard of life as during the year 1958-59 family living survey at the Aurangabad Centre.

The index number for the Food Group decreased by 31 points due to a fall in the average prices of jowar, turdal, oils and fats, potatoes, garlic, vegetables and gur.

The index number for the Fuel and Light group remained steady at 830.

The index number for housing remains steady at 333 being a six monthly item.

The index number for the clothing and footwear group remained steady at 696.

The index number for the miscellaneous group remained steady at 672.

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 Numbers	
		February 1988	March 1988
I. Food .. ..	60.72	921	890
II. Fuel and Light .. ..	7.50	830	830
III. Housing .. ..	8.87	333	333
IV. Clothing and Footwear .. ..	9.29	696	696
V. Miscellaneous .. ..	13.62	672	672
Total .. ..	100.00	....	....
Consumer price Index Number		807	788

\* Details regarding scope and method of compilation of the index will be found on pages 1130 to 1134 in 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 2.27.

ALL INDIA AVERAGE CONSUMER PRICE INDEX NUMBERS  
FOR INDUSTRIAL WORKERS

Statistics for the last 12 calendar months from April 1987 to March 1988 are given in the following table

TABLE

Month	Base 1961=100	Base 1949=100
	2	3
April 1987	801	840
May 1987	800	854
June 1987	800	869
July 1987	798	880
August 1987	798	895
September 1987	798	905
October 1987	798	912
November 1987	798	918
December 1987	798	914
January 1988	798	915
February 1988	798	910
March 1988	788	915

THE STATEMENT SHOWING THE CONSUMER PRICE INDEX NUMBER FOR (INDUSTRIAL WORKERS)  
GROUPS FOR SEVEN CENTRES OF MAHARASHTRA STATE FOR THE MONTH OF MARCH 1988

Centre	1	2	3	4	5	6	7	8	9	10	11	12
Bombay	..	1960=100	928	872	1141	215	691	674	825	3,663	815	3,619
Pune	..	1960=100	792	686	866	337	669	706	748	2,857	752	2,873
Nagpur	..	1960=100	790	949	1141	529	685	623	761	3,972	735	3,837
Amravati	..	1961=100	770	....	879	176	649	586	688	....	692	....
Jalgaon	..	1961=100	777	....	1,029	188	693	572	718	3,798	722	3,819
Nanded	..	1961=100	844	....	931	386	709	689	787	1,928	772	1,891
Aurangabad	..	1961=100	890	....	830	333	696	672	788	1,749	807	1,792

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 :—

PUNE : 4.44 SOLAPUR : 3.82 NAGPUR : 5.22

JALGAON : 5.29 NANDED : 2.45 AURANGABAD : 2.22

## Labour Intelligence

### INDUSTRIAL RELATIONS IN MAHARASHTRA REVIEW FOR THE MONTH OF FEBRUARY 1988

#### Industrial Courts, Tribunal and Labour Courts

In all 1,278 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
		O.L.R. Act, 1946	I.D. Act, 1947	Other Acts	
1	2	3	4	5	6
<b>I. Industrial Court/Tribunals—</b>					
1	Industrial Court, Bombay ..	13	37	292	342
2	Industrial Court, Nagpur ..	3	..	243	247
3	Industrial Court, Pune ..	19	5	91	115
4	Industrial Court, Thane ..	1	..	74	75
5	Industrial Court, Kolhapur ..	..	1	28	29
6	Industrial Court, Amravati ..	..	..	75	75
7	Industrial Court, Nashik ..	..	1	28	29
8	Industrial Court, Aurangabad ..	..	1	34	35
9	Industrial Court, Solapur ..	8	1	107	116
10	Industrial Court, Ahmednagar ..	..	1	142	143
	<b>Total ..</b>	<b>44</b>	<b>48</b>	<b>1,157</b>	<b>1,249</b>
<b>II. Labour Courts—</b>					
1	Labour Court, Bombay ..	47	312	327	686
2	Labour Court, Pune ..	1	81	44	126
3	Labour Court, Nagpur ..	6	66	147	219
4	Labour Court, Thane ..	27	126	68	221
5	Labour Court, Kolhapur ..	..	34	56	90
6	Labour Court, Solapur ..	7	21	76	104
7	Labour Court, Akola ..	..	23	47	70
8	Labour Court, Nashik ..	..	19	42	61
9	Labour Court, Aurangabad ..	..	..	..	..
10	Labour Court, Dhule ..	..	10	19	29
11	Labour Court, Sangli ..	6	73	37	116
12	Labour Court, Amravati ..	..	19	66	79
13	Labour Court, Jalgaon ..	..	113	17	130
14	Labour Court, Bhandara ..	..	26	27	53
15	Labour Court, Ahmednagar ..	..	2	30	32
16	Labour Court, Latur ..	..	2	11	13
	<b>Total ..</b>	<b>94</b>	<b>927</b>	<b>1,008</b>	<b>2,029</b>

Wage Boards—The following references were received by the Wage Boards during the month under review :—

- (1) Wage Board for the Cotton Textile Industry—Nil
- (2) Wage Board for the Silk Textile Industry— Nil
- (3) Wage Board for the Sugar Industry—Nil
- (4) Wage Board for the Co-op. Banks Industry— Nil

(G.C.P.) Ra 4181—7 (535—8-88)

**Cconciliation**

An analysis of disputes handled by the Conciliation machinery in the State during February 1988 under various Acts is given below

(a) Cause-wise analysis of the cases received during the month :—

Act 1	Issues relating to pay, allowances and Bonus 2	Employment, leave, hours of work and miscellaneous causes 3	Total 4
(1) Industrial Disputes Act, 1947	12	36	48
(2) Bombay Industrial Relations Act, 1946	4	4	8
(3) Bombay Industrial Relations (Extensions and Amendment) Act, 1964.	3	6	9
<b>Total</b>	<b>19</b>	<b>46</b>	<b>65</b>

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

Act 1	Pending at the beginning of the month 2	No. of cases received during the month 3	Settled amicably 4	Ended in failure 5	Withdrawn or not pursued by parties 6	Closed 7	Total (4 to 7) 8	Pending at the end of the month 9
I. D. Act, 1947	435	105	23	62	13	36	134	406
B. I. R. Act, 1946	77	8	2	12	3	..	17	68
B. I. R. (Ext. and Amdt.) Act, 1964.	47	9	4	1	10	1	16	40
<b>Total</b>	<b>559</b>	<b>122</b>	<b>29</b>	<b>75</b>	<b>26</b>	<b>37</b>	<b>167</b>	<b>514</b>

analysis of the cases received during the month under Industrial Relations Act, 1947 and Bombay Industrial Relation (Extension and Amendment) Act, 1964 are given below :—

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

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

District-wise analysis is given below :—

Act 1	Konkan 2	Pune 3	Thane 4	Nagpur 5	Nashik 6	Auranga-bad 7	Amravati 8	Total 9
B. I. R. Act, 1946	8	..	..	..	..	..	..	8

Act 1	Akola 2	Gadchiroli 3	Wardna 4	Chanda 5	Nagpur 6	Bhandara 7	Total 8
B. I. R. (Extension and Amendment) Act, 1964	1	..	..	..	6	2	9

THE MONTH OF FEBRUARY 1988

	February 1988	January 1988	February 1987
No. of Disputes	42	48	71
No. of Workers involved	13,032	16,377	13,752
No. of Mandays lost	2,89,720	3,41,251	2,90,040

Industry-wise classification is given below :—

Name of the Industry Group	Number of disputes in progress			Number of work people involved in all disputes	Aggregate man-days lost
	Started before beginning of the month	Started during the month	Total (Col. 2+3)		
1	2	3	4	5	6
Textile	2	..	2	45	1,125
Engineering	23	..	23	8,623	2,14,545
Chemical	6	..	6	804	18,938
Miscellaneous	11	..	11	3,560	55,112
February 1988 Total	42	..	42	13,032	2,89,720
January 1988 Total	46	2	48	16,377	3,41,251

16 of the 42 disputes arose over question of "pay, allowances and bonus issues", related to "retrenchment and grievances about personnel", and the remaining 26 were due to other causes.

Out of the 2 disputes that terminated during the course of the month 2 disputes were settled entirely in favour of the workers and .. unsuccessful.

Note.—The figures given in the above Table are based on returns received under the collection of Statistics Act, 1953. In compiling Statistics of the Industrial Disputes, however, disputes in which 10 or more persons are involved are included.

THE FOLLOWING STATEMENT GIVEN THE DETAIL INFORMATION OF IMPORTANT INDUSTRIAL DISPUTES CAUSING MORE THAN 10,000 MANDAYS LOST DURING THE MONTH OF FEBRUARY, 1988

Serial No.	Name of the Concern	Sector	S/L	Reason	Date of Work Stoppages		No. of Workers Involved	Mandays		Remark
					Began	Ended		Lost during the month	Lost will the close of the month	
1	2	3	4	5	6	7	8	9	10	11
1	Bombay— Bombay Foragings Pvt. Ltd., Vidyanagari Marg, Kalina, Bombay 400 098.	Pvt.	S	Indiscipline (iv)	11-7-1984		825	14,875	7,00,724	Contin
2	Bombay— M/s. W. M. I. Cranes Ltd., Bhandup village Road, Bhandup, Bombay 400 078.	Pvt.	S	Other	5-2-1987		728	18,125	2,44,455	Do.
3	Bombay Everest Building Products Pvt. Ltd., Jatashankar Dass Road, Mulund (West), Bombay 400 080.	Pvt.	S	Wages and Allowances (i)	5-5-1987		624	12,650	1,33,637	Do.
4	Thane— Sion Garage Pvt. Ltd., E-5, Road No. 27, Wagle Industrial Estate, Thane, District Thane.	Pvt.	L	Indiscipline (vi).	28-6-1987		700	17,500	1,48,400	Do.

THE FOLLOWING STATEMENT GIVEN THE DETAILS INFORMATION OF IMPORTANT INDUSTRIAL DISPUTES CAUSING MORE THAN 10,000 MANDAYS LOST DURING THE MONTH OF FEBRUARY 1988

Serial No.	Name of the Concern	Sector	S/L	Reason	Date of Work Stoppage		No. of Workers Involved	Mandays		Remarks	
					Began	Ended		lost during the month	lost till the close of the month		
1	2	3	4	5	6	7	8	9	10	11	
	<i>Bombay</i>										
5	Bombay Knobs and W/llage Industries Association, 286, T. N. Road, Bomblay 400 001.	Co-operative.	S/L	Indiscipline (vt)	S 28-10-1987 .. L 18-12-1987	..	559	10,075	43,524	Do.	
	<i>Aurangabad</i>										
	Bajaj Auto Ltd., Bajaj Bagar, Walvi, District Aurangabad.	Pvt.	L	Violence	23-11-1987 ..	..	3,452	76,314	2,67,437	Do.	
7	V. I. P. Industries Ltd., 78-A, M. I. D. C. Estate, Satpur, Nashik 422 007.	Pvt.	L	Go-slow	15-12-1987 10-2-1988	2,417	19,062	1,14,281		Successful.	
	<i>Thane</i>										
8	Bharat Bijlee Ltd., Plot No. 1, M. I. D. C. Industrial Estate, Thane Road, Kalva, Thane.	Pvt.	S	Wages and Allowances (i)	19-1-1988 ..	..	1,339	31,193	45,598	Continued.	

(M. R. BALUTKAR),  
Officer on Special Duty,  
Bombay.

LABOUR GAZETTE- MAY 1988  
PRESS NOTE ON ESIS BENEFIT IN MAHARASHTRA AND GOA

The Employees' State Insurance Scheme, which was introduced in Maharashtra under the E.S.I. Act in the event of Sickness, Maternity, Disablement and Death due to employment injury benefits providing full medical cover to the workers and their families.

In Maharashtra 11,77,747 employees were under the coverage of the Scheme in the month of March 1988. The high lights of the benefits paid to those employees were as follows -

ESIC has paid Rs. 1.30 Crores as Cash Benefit in March 1988 -

(i) 65,316 workers were paid Rs. 67,00,090 40 on account of sickness and Rs. 4,74,213 25 were paid for the long term disease, e.g. P. H., Cancer, Hemiplegia, Paraplegia, Psychosis etc.

(ii) 20,254 workers were paid Rs. 48,93,678 55 on account of work related employment injury which included 8,712 cases for the permanent disablement and 3,076 for pension to the dependents/families due to death of the workers in the accidents.

(iii) Rs. 8,46,822 00 were paid to the women workers - Maternity Benefit for the period of confinement. In addition to the above 14 persons were sterilized and they were paid Rs. 5,380 00 as Family pension benefit.

(iv) There were 242 cases where legal proceedings were initiated against defaulting employers/Insured Persons for the recovery of arrears of contribution as under -

- (1) Under Section 45B
- (2) Under Section 75
- (3) Under Section 84
- (4) Under Section 85

153 cases.

14 cases.

2 cases.

68 cases.

**LIST OF THE EMPLOYEES WHO WERE FOUND GUILTY BY THE M. M. COURT  
DURING THE MONTH OF MARCH, 1988**

Serial No	Name of Accused employers and Code No.	Offence u/s	Fine imposed
1	2	3	4
1	Messrs. Rukmini Prints, 31-22598	85(a)	Rs. 100.
2	Messrs. Golden Flame Restaurant 21-30288-11	85(a)	Rs. 150 Cost Rs. 50.
3	Messrs. Ceenar Apparels, 31-12410	85(g)	Rs. 100.
4	Messrs. Ceenar Apparels, 31-12410	85(g)	Rs. 100.
5	Messrs. Ceenar Apparels, 31-12410	85(g)	Rs. 100.
6	Messrs. Ceenar Apparels, 31-12410	85(g)	Rs. 100.
7	Messrs. Jethwa Automobiles, 31-34128	85(a)	Rs. 200 cost Rs. 50.
8	Epoxy Coat Industries 32-648-66, Case No. 121/88/B	85(a)	Rs. 100.
9	Epoxy Coat Industries, 32-648-66, Case No. 122/88/B	85(a)	Rs. 100.
10	Epoxy Coat Industries, 32-648-66, Case No. 123/88/B	85(a)	Rs. 100.
11	Epoxy Coat Industries, 32-648-66, Case No. 124/88/B	85(g)	Rs. 100.
12	Shri Mathai Varghese, C/o Messrs. G. K. Feeders, Nagpur.	85(a)	The accused pleaded guilty and was awarded to suffer till rising of Court and fine of Rs. 100 in default 10 days for S. I. The Court also directed to pay the contribution within 10 day.
13	Shri Mathai Varghese, C/o Messrs. G. K. Feeders, Nagpur.	85(a)	100
14	Shri Mathai Varghese, C/o Messrs. G. K. Feeders, Nagpur.	85(a)	100
15	Shri Zakir Hussain Ali, Messrs. Yusufi Goods, Motor Services, Akola.	85(e)	The Honourable Court has awarded imprisonment till rising of Court and fine of Rs. 200 in default S. I. for 20 days.
16	Messrs. Shri Zakir Hussain Ali, Messrs. Yusufi Goods, Motor Services, Akola.	85(e)	Awarded fine of Rs. 700 in default S. I. for 3 months.
17	Shri Surendra E. Sharma, C/o Messrs. Hotel Shalimar Restaurant and Bar, Nagpur,	85(e)	The Honourable Court has awarded a fine of Rs. 150 and imprisonment till rising of court
18	Messrs. Ajay Kumar Khanyalal Smt. Mayalaben Khanyalal Smt. Renukaben Vasant Kumar C/o Messrs. Shree Tolaram Industries, Nagpur.	85(a)	The accused awarded fine of Rs. 150 in default S. I. for 10 days.
20	Messrs. Devidas Ramchand Gunani, Smt. Vishibav V. Gunani C/o Messrs. Mahalaxmi Oil Mills, Nagpur.	85(e)	The accused awarded a fine of Rs. 160.
21	Messrs. Shri Pradip S. Neware, Prop. Vishal Security Services, Nagpur.	85(a)	The accused pleaded guilty and was awarded a fine of Rs. 100 in default, S. I. for 10 days.
22	Messrs. Shri Pradip S. Neware,	85(e)	The accused pleaded guilty and was awarded a fine of Rs. 100 in default, S. I. for 10 days.
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