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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 articles on labour etc., are published from time to time.

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VOL. LXVII

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## The Month in Brief

### Consumer Price Index Numbers for Working Class

The Bombay, Solapur and Nagpur Consumer Price Index Numbers for working class for the month of June 1988 with average price for the year ended December, 1960 equal to 100 were 657, 775 and 793 respectively. The Pune, Jalgaon, Shandol and Aurangabad Consumer Price Index Numbers for working class for the month of June 1988, with the average prices for the year ended December, 1960 equal to 100 were 717, 740, 801 and 813 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 June 1988 was 782 as compared to 771, in May 1988. On base 1949=100 derived from 1960 based Index worked out to 950 as against 937 for May 1988.

### Industrial Disputes in Maharashtra State

During the month of May 1988, there were 41 disputes involving 12,560 workmen and time loss of 2,99,291 mandays as compared to 40 disputes in April 1988 involving 15,523 workmen and time loss of 3,70,205 mandays.

Further particulars of Industrial Disputes are given at pages 771 of 773 as this issue.

### Benefits under the Employees State Insurance Scheme

During the month of June 1988, 57,973 workers were paid Rs. 5,83,712.00 on account of sickness and Rs. 4,91,798.40 were paid for the long term diseases like T. B., Cancer, Hemiplegia, Paraplegia, Psychosis etc., etc. 21,372 workers were paid Rs. 53,43,336.35 on account of accidents as employment injury which included 9,402 cases for the permanent disablement and 3,095 for pension to the dependents/families due to the death of the workers in the accidents.

## Current Notes

### Amended P. F. Act to become operative from August 1

Most provisions of the new Provident Fund (Amendment) Act, 1988 had come into operation with effect from August 1 this year.

The Employees' Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1988, after having been passed by both Houses of Parliament, became an Act with the assent of the President and the Government was to make the provisions of the amending Act operative through a notification.

Notification had since been issued by the Union Ministry of Labour on July 15, making the provisions of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15, 16, 17, 18, 19, 21, 24, 26 and 27 of the Employees Provident Fund and Miscellaneous Provisions (Amendment) Act, 1988 effective from August 1. Sections 11, 12, 14, 20 and 25 have not been notified and as such have not become effective.

These sections that had come into operation from the first of this month, relate to streamlining of the recovery process, greater autonomy for employers' organisations and enhanced rate of contribution.

The entire amount of arrears of provident fund dues would henceforth be treated as the first charge on the assets of an establishment in the event of its liquidation.

The contribution rate will go upto 8.33 per cent from 6.25 per cent and to 10 per cent from 8.33 per cent. Employees have been given objection to contribute even more.

Of the six provisions of the Act that have not been notified to come into operation, three important provisions pertaining to the creation of an independent machinery for recovering outstanding amounts of the provident fund, setting up of one or more single-member tribunals for hearing of appeals filed against the order of the provident fund authorities, authorising the unexempted establishments employing 100 or more persons to maintain a provident fund account of their employees to ensure prompt service to the members. The date of enforcement of these provisions will be notified later.

The existing legal and penal provisions, as applicable to unexempted establishments, would now be applicable to exempted establishments also to check the defaults on their part. A simple interest at the rate of 12 per cent will be charged from the employers.

*(Indian Worker, dated July 25 and August 1, 1988)*

### Dearth of Judges in Industrial, Labour Courts

As many as 17,010 cases were pending in industrial courts and 58,001 in labour courts, Minister of State for Labour Vilas Sawant told the State Legislative Council here on July 8.

Responding to a question the Minister added that of the seven industrial courts, there were no judges in two, adding that the Government proposed to establish 13 more industrial and labour courts in the State.

There are eight labour courts all over Maharashtra that do not have judges, and 1,600 cases come up every month in each industrial and labour court, the Minister said.

The Minister also accepted a suggestion that as per the demands of the Labour Law Practitioners' Association, 50 per cent of judges must be recruited from lawyers and concluded that such a proposal had been sent to the Chief Justice and his clearance was awaited.

*(Indian Worker, dated July 25 and August 1, 1988)*

### Women Beedi Workers denied benefits

The Beedi and Cigar Workers Act and the Beedi Workers Welfare Fund Act mainly aimed at protecting women workers in the tobacco processing sector are flouted with impunity to serve vested interests.

According to the commission on self employed women and women in the informal sector, the manufacturers had adopted contract system and employ between two and 600 contractors who in turn hire sub-contractors to deny the benefits of the law to the workers.

Despite the statutory minimum wage fixed in each State, these contractors set their own lower wage rate when hiring women to do the work, the commission says in its report.

After agriculture, the bidi and tobacco processing sector employees the largest number of women workers in the country.

Listing the modus operandi of the contractors to exploit the workers, the commission says that in most of the cases the raw materials delivered to the workers are under weight resulting the production of fewer number of beedis than assigned.

The workers have to pay from their wages for the shortfall in production which usually amounts to 10 to 30 per cent of their daily earnings.

To cap it all, contractors are also alleged to be rejecting five to 20 per cent of the finished beedis as defectively rolled.

The report observes that the commission came across such reports in every State where it visited bidi rollers and found women usually receiving barely half of the minimum wage prescribed because of these ploys adopted by manufacturers.

The report has also noted that because the primary employer does not want to comply with the requirements of the law it is virtually impossible to trace him.

Most women were found to be working for two or three different contractors at the same time and they were also not asked to sign when they received payment.

Provident Fund was also deducted from the wages but no receipts were given citing the case of Tamil Nadu, the report says, only 20 per cent of the collected provident funds were officially recorded.

The job of the workers involves collection of tendu leaves and selling them to traders. Others engaged in or grind them, mix them to manufacturers.

Most of the women involved in this industry are beedi rollers and a majority of them carry out this work at home.

Their work consists of acquiring the materials, filling, tendu leaves with tobacco, folding the ends, trying them closed with thread and binding them in bundles of a given size.

The commission has observed that rolling and folding is a skilled job which takes an average of six months for a woman or child to learn.

According to the laws, it is the responsibility of the principal employer to pay his workers a minimum wage, to provide creche and medical facilities to give maternity benefits, and register the worker for provident fund benefits.

Home-based workers are also eligible for these benefits.

Noting its encounter with beedi workers of a town in Madhya Pradesh who struggled for two years to establish a co-operative, the commission goes into the detail of the registration process.

The commission quotes from the account of the chief organiser: "When we started holding group meetings to discuss the possibility of starting a co-operative of 500 women, the contractors refused to give work to us, Our husband did not support our idea because they had no faith in our seriousness in the venture"

"We selected one big market complex which had been lying vacant for the last two years, but the municipal authorities showed total apathy. We did not know how to get the things done"

"Finally some bureaucratic pressure was exerted and a favourable decision was given. In the meantime, however, the chairman changed and we learned that decision had not been recorded in the minutes of the board meeting"

How do we know that was decided? What can we do? the other bureaucrats.

Again some pressure was applied from the State Government, so we finally got the building. But, then, the problems of registration began."

At this point, the field worker took up the story saying, "numerous forms had to be filled out. It was very tedious. For a 20 member society, a total of 600 signatures had to be collected. Then all these thumb impressions had to be attested, oh I did not know that.

"At last all the forms were completed and submitted to the department. After one month the inspector came and asked to do alterations in the by laws. We did everything still no action was taken. Through out the whole process no one took us seriously.

It finally dawned on us, aahha, we have not made bribes and gifts. We would not. Again we had to bring bureaucratic pressure from Bhopal.

"Within minutes, the co-operative was registered. But still minor harassments continued."

The Chief organiser said, "one day the inspector came at 4.30 p.m. and insisted on verifying all the members. They had to be collected from their homes.

Another inspector refused to submit the report until he was 'satisfied'. Attempts to collect bribes still continue, and there is no secret about it.

Once they realised that bribes were not coming, they resorted to other strategies. Excuses offered here like 'officer transferred', 'sub-stitute on leave' or 'open's bicycle broken.

Thus everything kept being delayed."

(*Indian Worker*, dated July 25 and August 1, 1988).

#### Job Satisfaction and Organizational Evaluation in a Government Bureaucracy

In organizations, whether they are private companies, public undertakings or Governmental Bureaucracies, employee's attitude, job satisfaction and morale assume increasingly higher significance. In view of their impact on individual performance and organizational productivity, attitudes have been subjected to a close scrutiny of how they are formed, their effects on the group and finally the change processes that bring in new attitudes. In the current theoretical analysis, attitudes are conceptualized as forming a dynamic structure which can act in a certain direction in a given situation (Cattell, 1957). Hence, there is a need to attach due significance to the formation and development of positive or negative attitudes in organizations mainly due to the fact that hardened attitudes take more time to change and attitudes are considered to be at the core of organizational development or OD processes cannot be successful until people bring in attitudinal changes.

The findings of present study showed that a very cohesive group of trainees working in a Research and Development oriented Government organization most positively valued their co-workers than their supervisors, thereby reflecting greater satisfaction in this fact of their jobs. The cohesiveness, being a very critical aspect of a long enduring group could be the sole factor that accounted for higher degree of positive evaluation for colleagues. It can also be observed that a trainee group generally tends to develop a strong sense of interpersonal relationship and also elicits a good amount of support behaviour, which turn out to be pivotal factors in inducing higher job satisfaction and binding members

together, besides facilitating a successful transition from a trainee position to a regular employee position.

The other two dimensions that were found to be gratifying to the respondents and thus received positive weightages were 'job itself' and 'the organization as a whole'. Through unstructured interviews, the above findings were further corroborated in that the trainees were quite ambitious for new learning on the job. The results were in line with the above contention even in the case of satisfaction with the organization they were in. It can be seen that Government organization nurture in their employees a value system that calls for valuing their own comforts more than any other thing. This outlook has recently been constructed by Sinha (1980) as a value domain of 'Aram', which seems to be the seething passion of Indian employees. It seems to contain some amount of truth in it yet the proposition needs to be tested closely for the managerial class and those who belong to upper echelon of the organization across various types of organizations. Since the Government bureaucracies also tend to have maximum security for their employees and look forward to attaining social objectives, the organization under evaluation might, therefore, have received higher weightage.

In comparison with the above, the other three factors that were found to be less satisfying to the trainee group were satisfaction with pay, promotion and immediate supervisor. It is a truism and in the present context seem to provide positive evidence that government system provides fewer opportunities for promotion and career growth as compared to development oriented organizations. The prevailing lower degree of satisfaction in the above two facets of the job i.e., promotion and pay testifies to the fact that perceptions of respondents are self-explanatory and have fathomed correctly the processes of government organizations. The contention that if an organization remain mostly a maintenance-oriented system, what implications it will have for the job level perception of employees seeking satisfaction in what they do on the job. In this connection it is interesting to note that an organization which follows OD intervention for development is supposed to indicate higher level of job satisfaction. Following this logic, Sayeed and Sinha (1983) reported significant differences in the job facet satisfaction between high and low quality of worklife organizations (QWL), which are regarded similar to OD and Non-OD organizations. Thus, the above arguments support the contention that governmental bureaucracies, irrespective of their R & D orientation remain to be maintenance oriented systems having only those qualities associated with non-OD or low QWL organizations.

With regard to the relationships between job facets and evaluation of organization as a whole, 'satisfaction with co-workers' and 'satisfaction with promotion' contributed to the extent of 60% ( $p/05$ ) and 38% ( $p/05$ ). It can be seen that the work environment with congenial co-workers helps in valuing organization more positively than the environment which lacks congenial co-workers. Although the data from congenial environment is not available for the purpose of comparison, it is, however, easy to support our contention in view of the strong relationship between the two. With respect to promotion only one item (i.e., good opportunities) was seen overwhelmingly

contributing to organizational evaluation. In a large set up employing more than 10,000 personnel, people at the bottom always nurture a feeling that opportunities for promotion are in abundance contrary to the simple analysis that has revealed that promotion is not very positively evaluated. However, its relationship with perception of organization as a whole simply indicates that those who perceived promotion opportunities are many tended to assess more positively their own organization.

(EFL Bulletin, dated July 1, 1988)

#### News-in-Brief—(From Press Reports).

**Amendment of Employees Provident Fund Scheme suggested.**—The Committee on Subordinate Legislation of Parliament has strongly recommended that suitable amendments be made 'immediately' in the Employees Provident Funds Scheme, 1952 for switching over to the new system of calculating interest on the running monthly balances of the employees. Under the present system, interest is credited to the subscribers' account on the opening balance standing to the credit of an employee in his Provident Fund account only once on the first day of the relevant accounting year. Thus, no interest is allowed on account of subsequent sub-scriptions credited to the account nor is there any loss of interest on account of withdrawals made during the year.

(EFL Bulletin, dated July 1, 1988)

## Articles, Reports, Enquires, etc.

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

### TRADE UNIONS AND INDUSTRIAL DISPUTES (AMENDMENTS) BILL, 1988

V. P. Gupta

Among the amendments apart, which are contained in clauses 48(a) and (b), 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 and certain to furnishing by an employer of a guarantee to pay wages and other dues of the workmen concerned whenever he applies for reinstatement, for retrenchment or closure and to strict punishments for violation of the Act, the Trade Unions and Industrial Disputes (Amendments) Bill, 1988 which is yet to be introduced in the Rajya Sabha has come out after an interval of about 20 years and can as such be said to be well thought-out. It is the Government on industrial relations and the recommendations of the National Commission on Labour. Some of the recommendations of the National Commission on Labour have already been the subject matter of amendments to the Industrial Disputes Act, 1947 and the instant amendment is the first instalment.

It can be said to the credit of the Government that they had really to take bold decisions—vesting the Labour Courts with powers to adjudicate on matters of 'right' brought before them by the workmen or by the unions which was hitherto the wisdom of employers as it would flood them with disputes—realising the need of vesting the Industrial Relations Commissions with power to refer a dispute for adjudication—a power which, heretofore, had been exercised by the appropriate Government—and which was against the considered views of some of the State Governments; and to decide on the representatives of unions whether by 'check-off' or by secret-ballot" on which various trade union centres had developed more or less a rigid stand.

#### Industrial Disputes

As the 'Statement of Objects and Reasons' appended to the bill states, the proposed comprehensive amendments to the Trade Unions Act, 1926 and the Industrial Disputes Act, 1947 are intended to promote healthy industrial relations, effective bargaining councils at unit, industry or national levels and speedy resolution of industrial disputes through a system of Industrial Relations Commissions (with Labour Courts working under them) from whose decisions appeals would lie only to the Supreme Court. The objective of the new law, the Statement further adds, is to set up, in a statutory frame work, institutions that will promote peace and harmony in industrial establishments and protect the legitimate interests of workers and employers, for increased production and

productivity, increased flow of goods and services and consequent improvement in the standard of living of the people and a greater measure of social justice. The measure is designed to promote responsible internally led trade unions which can engage in collective bargaining with employers with a full sense of the confidence reposed in them by substantial sections of the workers.

#### Principal Amendments Proposed

The principal amendments to the Trade Union Act, 1926 pertain to (a) raising the minimum limit of the number of workers who can form a trade union to 10 per cent of the number of workers employed in the establishment as against seven, heretofore, (b) all wing check-off in respect of the trade union subscription of workmen employed in an industrial establishment and to take that to be basis of the representatives status of the trade unions concerned, (3) limiting the number of office bearers of a trade union who are not employed in the industrial establishment concerned to 'two' and (4) resolution of 'trade union disputes' by Labour Courts. The principal amendments to the Industrial Disputes Act, 1947 pertain to (a) the adjudication by the Labour Court of certain disputes brought before it directly by the workmen or trade unions, (b) withdrawal by a workman or a trade union of an industrial dispute from 'conciliation' in case no settlement has come about in 60 days, (c) setting up of the Industrial Relations Commissions and Special Industrial Relations Commissions in the place of Industrial Tribunals and National Industrial Tribunals, (4) setting up of bargaining councils of workmen at the plant level and National and State Bargaining councils of workmen at the plant level and National and State Bargaining Councils at the industry or area level and (e) vesting the appropriate government with powers to prescribe terms and conditions of service which must be observed by the employers and workmen pending adjudication of their dispute.

#### National Commission on Labour

It may be recalled that the National Commission of Labour which was appointed in 1966 under the distinguished Chairmanship of Dr. P. B. Gajendragadkar, former Chief Justice of India having stalwarts like Dr. Baljit Singh, Dr. Bharat Ram, Shri R. K. Mulviya, Shri G. Ramanujam, Shri Naval Tata and Shri S. R. Vasavada had submitted its report in August 1969. Since then, these recommendations have been under the consideration of the Government of India, the industry and labour. The National Commission on Labour had made far reaching recommendations in respect of industrial relation set-up in the country. Their recommendations could broadly be said to be the following—

- (1) Under paragraph 24.29 and paragraph 24.30 the Commission observed that there should be a grievance procedure to resolve the personal grievances of the workmen. The grievance procedure should be simple and have (1) a provision for atleast one appeal. The provision should ensure that it gives a sense of satisfaction to the individual workers (2) reasonable exercise of authority to the Manager (3) participation to union. A formal grievance procedure should be introduced in units employing 100 or more workers.

(2) The National Commission on Labour observed under paragraph 23.65 that there should be Labour Courts to deal with disputes relating to 'rights' and obligations (in contradistinction to disputes relating to 'interest'), interpretation and implementation of awards and claims arising out of rights and obligations under relevant provisions of law or agreement as well as disputes in regard to unfair labour practices and the like. Appropriate powers should be conferred on the Labour Courts to enable them to try, decide and execute such claims.

(3) Under paragraph 23.36 the National Commission had observed that there is a case for shift in emphasis and increasingly greater scope for and reliance on collective bargaining. According to the Commission, conditions have to be created for promotion of collective bargaining, the most important among them being statutory recognition of a representative union as a sole bargaining agent. The Commission also felt that it would be desirable to make recognition compulsory under a central law in all undertakings employing 100 or more workers or where the capital invested is above a stipulated size. The trade unions seeking recognition as bargaining agents from their employer should have a membership of at least 30 per cent of the workers in the establishment. The minimum membership should be 25 per cent if recognition is sought for any local area.

(4) The National Commission under para 23.63 recommended the setting up of National Industrial Relations Commission by the Central Government and State Industrial Relations Commissions by State Governments for industries for which that Government is the appropriate authority. The National Industrial Relations Commission would deal with such disputes which involve questions of national importance or which are likely to affect on interest industrial establishments situated in more than one State. Its scope should be broadly the same as that of the National Tribunal under the Industrial Disputes Act, 1947. The main function of the National/State Industrial Relation Commission will be (a) adjudication in industrial disputes (b) conciliation; and (c) certification of union as representative unions. The Commission recommended that National/State Industrial Relations Commission should be constituted with a person having prescribed judicial qualifications and experience as its President and an equal number of judicial and non-judicial member need not have qualification to hold judicial posts but should be otherwise eminent in the field of industry, labour or management. The judicial member of the Industrial Relation Commission including its President should be appointed from among the persons who are eligible for appointment as judges of the High Court. The burden of the N.C.I. Recommendations was that the Industrial Relations Commissions should be sufficiently highly placed to be the arbitre of the 'right' of reference' hitherto exercised by the Government (appropriate government intervening only in emergent circumstances) with powers of superintendence and direction over the industrial relations in the country.

These recommendations formed a chain, in a sense grievance settlement failing Labour Court should be available for adjudication of disputes of 'right' and

collective bargaining failing, Industrial Relations Commission should be available with 'Conciliation' and 'adjudication' (if need be).

#### Amendments X-rayed Grievance Procedure

As regards the grievance procedure, Section 9C inserted into the Industrial Disputes Act (Act. 46 of 1982) provided for setting up of Grievance Settlement Authorities and reference of certain industrial disputes to such authorities. The section *inter-alia* provided that no dispute shall be referred for adjudication unless it has been referred to the Grievances Settlement Authority concerned and the decision of the Grievances Settlement Authority is not acceptable to any of the parties to the dispute. Unfortunately Section 9C has been still-born. It has not yet come into force and even the rules in this behalf have not been framed by the appropriate Government.

#### Labour Court

As regards setting up of Labour Courts to deal with the disputes relating to rights and obligations, interpretation and implementation of awards and claims arising out of rights and obligations under relevant provisions of the law or agreements as well as disputes in regard to unfair labour practice etc. the instant Amendment Act is one setp forward Section 2A of the Act which heretofore provided for disputes involving discharge, dismissal, retrenchment or otherwise termination of services of an individual workmen to be deemed an industrial dispute notwithstanding that no other workman nor any union of workmen is party to the dispute has been extended to cover disputes or differences between the workmen and employers regarding change in conditions of service of such workmen. The conditions of service has been defined to mean (a) wages, pension and other retirement benefits payable to worker (b) his tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation (c) leave of any kind due to a workman and (d) any disciplinary matter against him. Sub-section (3) of section 2A provides that a workman or any trade union of workmen of which the said workman is a member may refer in such manner as may be prescribed, any industrial dispute referred to earlier to a Labour Court for adjudication. In other words under the instant legislation a workman will have a right to agitate his disputes of 'right' directly at the Labour Court and the Labour Court will be competent to grant relief.

There has been a certain amount of criticism on this score. Firstly the provision makes the law court involving huge expanses as the last forum. rendering collective bargaining/industrial democracy to be only a pious wish. Secondly the provision allows direct reference by the workmen with the result that the trade union will become more or less irrelevant. Thirdly such a provision will undercut any effort at collective bargaining or conciliation. Not only that, sub-section (2) of Section 2A specifically lays down that where an industrial disputes of the specified nature has been raised before a Conciliation Officer or has been referred to a Board and 60 days have elapsed since such dispute was raised or reference was made and the said conciliation has not resulted in settlement or an agreement to refer the dispute for arbitration the workman or the trade union of workmen may refer the said industrial dispute

to Labour Court for adjudication. In other words the industrial dispute can be withdrawn from conciliation and referred to a Labour Court for adjudication setting all efforts at conciliation whether by the Conciliation Officer or the Board of Conciliation at naught. Employer may purposely delay conciliation proceedings. It is felt by some experts that this provision is more dangerous than compulsory adjudication as such. The provisions is at best status quo.

### Collective Bargaining

So far as the promotion of collective bargaining is concerned, the Government does not seem to have taken any step at all. Even under the instant amendments the question of recognition has been skirted. The present bill does visualise setting up of bargaining councils under Section 9V of the Industrial Relation Act, 1947 (as the present Act after the amendment will be titled) but there is no mention of recognition of the Councils by the employers and no obligation has been placed on them to accord any such status or to provide any extra facilities to the members of the bargaining councils. Section 9 lays down that registered bargaining council shall be entitled to raise industrial disputes with the employer (b) to settle industrial disputes with employer (c) to sign on behalf of the workmen the documents of settling industrial disputes; (d) to represent the workmen in any industrial dispute and (e) to exercise such other powers as may be prescribed. But the provision does not make it incumbent on the employer to bargain in good faith and to make a positive contribution towards settlement of industrial disputes raised by the registered bargaining council. S. 18 (IA) even provides that an agreement between the employer and the bargaining council shall be binding only on the parties to the agreements. It shall not be the 'rule'.

The provisions regarding 'bargaining council' are 'halty'. An industrial establishment will have a 'sole bargaining agent' only if it has only one trade union. If it has two or more trade unions with howsoever disparate a membership, all the unions will continue the 'bargaining council'. How far disparate lot of bargaining agents will be able to bargain effectively can be anybody's guess.

Perhaps, there is a case to expect a 'bargaining council' in industrial establishment of atleast a specified size; trade unions below a specified percentage of membership should be excluded from bargaining, if collective bargaining is to be a success; the size of the bargaining council should be specified so as not to be unwieldy, employer should be enjoined to nominate his representatives and required to bargain in good faith. In the event of the collective bargaining failing, either or both the parties may be required to submit a report to the Industrial Relations Commission so that it could monitor the situation.

### Industrial Relations Commission

As regards Industrial Relations Commissions, Chapter IIC (containing Section 9D to 9U), inserted by the instant legislation appears a step gradgngly taken. The section provides that Industrial Relations Commission consisting of the President and equal number of technical and judicial members shall be

set up and such Commission shall adjudicate in industrial disputes relating to any matter except matters which fall within the jurisdiction of the Labour Court or in industrial disputes referred to it for adjudication. The Commission shall also exercise all the jurisdiction, powers and authority exercisable in relation to appeal against a final order passed by the Labour Court. The Central Government can also establish a Special Industrial Relations Commission for adjudication of any dispute which, in the opinion of the Central Govt., involves any question of national importance or effects industrial establishments or undertakings situated in more than one State. It is also provided that no court except the Supreme Court shall have any jurisdiction, power or authority in relation to any matter in respect of which any proceedings would lie to the Industrial Relations Commission. In other words, Industrial Relation Commission would be an adjudicatory body with appellate authority over Labour Courts.

It however, appears that the basic purpose of the National Commission on Labour in recommending the establishment of such a high power body has been defeated. The National Commission on Labour was at pains to stress that under the present set-up, 'reference' of an industrial dispute to the Labour Court, Industrial Tribunal and National Tribunal was prone to abuse, by the party in power or is alleged to be so. So the proposed National Industrial Relations Commission or State Industrial Relations Commission should be a sufficiently high power body beyond the influence of the Central/State Government. Under the instant legislation, however, the appropriate Government still retains the right to refer any industrial dispute for adjudication. Instead of creating a high powered autonomy us body, the instant legislation has, in fact, converted the existing Industrial Tribunals into the benches of the National/State Industrial Relations Commission. The National Commission on Labour had also desired that the conciliation should also be a 'wing' of the National-State-Industrial Relations Commission but under the instant legislation it is still under the appropriate Government. The least that can be done is that the copies of all conciliation reports may be endorsed to the Industrial Relations Commission. 'Certification of bargaining agent' which according to the National Commission on Labour should have been under the National State Industrial Relation Commission remains outside it except as a measure of appeal against the ; decision of the Labour Court. It appears the bureaucracy is still not prepare to shed its powers of reference.

The instant amendments have devalued not only the Industrial Relation Commission but also every statutory machinery set up under the Act. The employers also have been saddled with huge clerical responsibilities involved check off.

### Check Off

The system of check off visualised under the Act will expose the workers to inter-union rivalry besides possible victimisation by employers. Moreover since the trade unionism is not very strong in the country—the extent is not even 30 per cent as observed by the National Commission on Labour—and the labour is mostly illiterate and ignorant, it may not be advisable to require

check off in all industrial establishments. It will militate against whatever little contact trade unions recently have with their constituents. It may be advisable to allow membership by-check off wherever the majority of workmen so desire. In other establishments, the representative status can be ascertained in such manner as the trade unions operating in the establishment decide and if there is no agreement, as the Labour Court deems just and proper.

One feature which has been talked of extensively is the amendment to the Trade Union Act requiring a minimum membership of 10 per cent before registration of a trade union, instead of only seven persons, as at present. It is felt that this provision would go a long way in reducing multiplicity of trade unions. The other feature reducing the number of office bearers in the trade union who are not engaged in industry to only two is also a welcome feature.

#### Not-so-important Amendments

A few not-so-important amendments refer to raising of minimum subscription of members of a trade union from 25 paise to Rs. 1.00 per month, requiring election of office bearers every year, registration of trade union by the Registrar within 60 days, cancellation of registration of a trade union on conviction of office bearers, bar to re-registration for a period of 6 months and provision precluding members of the Council of Ministers in the Union or State from holding executive office in registered trade union. Under the Industrial Dispute Act, such less important amendments refer to action against goslow abolition of Court of Enquiry, empowering the appropriate government to specify terms and conditions of employment binding on parties pending settlement of their disputes, empowering the Labour Courts, Industrial Relation Commission or Special Industrial Relation Commission to issue interim orders pending adjudication, deletion of appropriate Government's power to modify award (as available under Section 17A heretofore), prescribing the period of operation of the Award or settlement as 3 years, mandatory strike ballot before calling a strike and prescribing the time limit for filing an application before the Labour Court under Section 33C for computation of amount due.

On the whole the Trade Unions and the Industrial Dispute (Amendment) Bill, 1988 is a mixed bag. Let us see how it works.

*(Indian Worker, dated June 27, July 4, 11 and 18, 1988)*

## Labour Legislation

### THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1988

The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill of 1988 seeks to enhance the minimum rate of provident fund contribution from 6.25 to 8.33 per cent of basic wages. The Bill also contains an enabling provision for raising the rate of contribution from 8.33 per cent to 10 per cent.

The Bill provides for setting up an independent machinery for recovery of the outstanding amount of provident fund and other dues under the Act.

The Bill has been passed by both Houses of Parliament and has also since received the President's assent. The Government is, however, yet to notify the enforcement of the provisions of the amending Act.

### THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1988

#### A BILL

*further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the Indian Penal Code.*

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

1. *Short title and commencement.*—(1) This Act may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988.

(2) It 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 provisions of this Act.

2. *Amendment of section 1.19 of 1952.*—In section 1 of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) Notwithstanding anything contained in sub-section (3) of this section or sub-section (1) of section 16, where it appears to the Central Provident Fund Commissioner, whether on an application made to him in this behalf or otherwise, that the employer and the majority of employees in relation to any establishment have agreed that the provisions of this Act should be made applicable to the establishment, he may, by notification in the *Official Gazette*, apply the provisions of this Act to that establishment on and from the date of such agreement or from any subsequent date specified in such agreement.”

3. *Amendment of section 2.* In section 2 of the principal Act,

(a) after clause (a), the following clause shall be inserted, namely :

(aa) " authorised officer " means the Central Provident Fund Commissioner, Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the *Official Gazette* ;

(b) in clause (b), in the opening portion, for the words " on leave with wages " the words " on leave or on holidays with wages in either case " shall be substituted,

(c) in clause (f) for the words " and includes any person employed by or through a contractor in or in connection with the work of the establishment ", the following shall be substituted, namely :

" and includes any person,

(i) employed by or through a contractor in or in connection with the work of the establishment ;

25 52 of (ii) engaged as an apprentice, not being an apprentice engaged under the Apprentices Act 1961 or under the standing orders of the establishment

(d) after clause (k), the following clauses shall be inserted, namely :

(ka) " prescribed " means prescribed by rules made under this Act ;

(kb) " Recovery Officer " means any officer of the Central Government, State Government or the Board of Trustees constituted under section 5A, who may be authorised by the Central Government, by notification in the *Official Gazette* to exercise the powers of a Recovery Officer under this Act, "

(e) after clause (l), the following clause shall be inserted, namely —

(m) " Tribunal " means the Employees' Provident Funds Appellate Tribunal constituted under section 71),

4. *Amendment of section 5A.*— In section 5A of the principal Act, —

(a) in sub-section (1),—

(i) in the opening portion, for the word " persons ", the words " persons as members " shall be substituted ;

(ii) in clause (a), for the words " a Chairman ", the words " a Chairman and a Vice-Chairman " shall be substituted ;

(iii) after clause (a), the following clause shall be inserted, namely :

" (aa) the Central Provident Fund Commissioner, *ex officio* ;

(iv) in clause (d) and (e) for the words " six persons " the words " ten persons " shall be substituted,

namely :

" (5) The Central Board shall maintain proper accounts of its income and expenditure in such form and in such manner as the Central Government may, after consultation with the Comptroller and Auditor-General of India, specify in the Scheme,

(6) The accounts of the Central Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Central Board to the Comptroller and Auditor-General of India,

(7) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Central Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Central Board,

(8) The accounts of the Central Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Central Board which shall forward the same to the Central Government along with its comments on the report of the Comptroller and Auditor-General,

(9) It shall be the duty of the Central Board to submit also to the Central Government an annual report of its work and activities and the Central Government shall cause a copy of the annual report, the audited accounts together with the report of the Comptroller and Auditor-General of India and the comments of the Central Board thereon to be laid before each House of Parliament, "

5. *Insertion of new section 5AA.*—After section 5A of the principal Act, the following section shall be inserted, namely —

" 5AA. *Executive Committee.* (1) The Central Government may, by notification in the *Official Gazette*, constitute, with effect from such date as may be specified therein, an Executive Committee to assist the Central Board in the performance of its functions,

(2) The Executive Committee shall consist of the following persons as members, namely —

(a) a Chairman appointed by the Central Government from amongst the members of the Central Board ;

(b) two persons appointed by the Central Government from amongst the persons referred to in clause (b) of sub-section (1) of section 5A ;

(c) three persons appointed by the Central Government from amongst the persons referred to in clause (c) of sub-section (1) of section 5A ;

(d) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (d) of sub-section (1) of section 5A ;

(e) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (e) of sub-section (1) of section 5A ;

(f) the Central Provident Fund Commissioner *ex officio*.

(3) The terms and conditions subject to which a member of the Central Board may be appointed or elected to the Executive Committee and the time, place and procedure of the meetings of the Executive Committee shall be such as may be provided for in the Scheme".

6. *Amendment of section 5D.*—In section 5D of the principal Act,—

(a) in sub-section (2), for the words "as many Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners and other officers whose maximum monthly salary is not less than five hundred rupees as it may consider necessary", the words "a Financial Adviser and Chief Accounts Officer" shall be substituted.

(b) in sub-section (3), after the words "may appoint" the words "subject to the maximum scale of pay, as may be specified in the Scheme, as many Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and" shall be inserted ;

(c) in sub-section (4),—

(i) for the words "the post of the Central Provident Fund Commissioner or Deputy Provident Fund Commissioner or Regional Provident Fund Commissioner or to any other post under the Central Board carrying a maximum monthly salary not less than five hundred rupees", the words and letters "the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group 'A' or Group 'B' post under the Central Government" shall be substituted ;

(ii) in the proviso, in clause (b), in sub-clause (ii), for the words and figures "Class I or Class II post" the words and letters "Group 'A' or Group 'B' post" shall be substituted.

(d) in sub-section (6), for the words "Deputy Provident Fund Commissioner and Regional Provident Fund Commissioner", the words "and the Financial Adviser and Chief Accounts Officers" shall be substituted.

for sub-section (7), the following sub-section shall be substituted, namely

"(7) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the rules and orders, applicable to the officers and employees of the Central Government drawing corresponding scales of pay :

Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of officers and employees under clause (a), the Central Board shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Central Board shall refer the matter to the Central Government whose decision thereon shall be final."

7. *Insertion of new section 5DD.*—After section 5D of the principal Act, the following section shall be inserted, namely

"5DD. ~~and~~ *and proceedings of the Central Board or its Executive Committee or the State Board not to be invalidated on certain grounds.*—No act done or proceeding taken by the Central Board or the Executive Committee constituted under section 5AA or the State Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Central Board or the Executive Committee or the State Board, as the case may be."

8. *Amendment of section 5E.*—In section 5E of the principal Act, for the words "The Central Board may, with the prior approval of the Central Government and a State Board may, with the prior approval of the State Government concerned, delegate to its Chairman or to any of its officers", the words "The Central Board may delegate to the Executive Committee or to the Chairman of the Board or to any of its officers and a State Board may delegate to its Chairman or to any of its officers" shall be substituted.

9. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) in the opening paragraph,—

(i) for the words "six and a quarter per cent.", the words "eight and one-third per cent.", shall be substituted ;

(ii) for the words and brackets if any employee so desires and if the Scheme makes provision therefore, be an amount not exceeding eight and one-third per cent, of his basic wages, dearness allowance and retaining

allowance (if any), the words and brackets "if any employee so desires be an amount exceeding eight and one-third per cent, of his basic wages dearness allowance (if any), subject to the condition that the employee shall not be under an obligation to pay any contribution over and above his contribution payable under this section" shall be substituted.

(b) for the first proviso, the following proviso shall be substituted, namely

Provided that in its application to any establishment or class of establishments which the Central Government, after making such inquiry as it deems fit, may, by notification in the *Official Gazette*, specify, this section shall be subject to the modification that for the words "eight and one-third per cent", at both the places where they occur, the words "ten per cent" shall be substituted ;

10. *Amendment of section 7A.*—In section 7A of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely

"(1) The Central Provident Fund Commissioner, any Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner, or any Assistant Provident Fund Commissioner may, by order,—

(a) in a case where a dispute arises regarding the applicability of this Act to an establishment, decide such dispute ; and

(b) determine the amount due from any employer under any provision of this Act, the Scheme or the Family Pension scheme or the Insurance Scheme, as the case may be, and for any of the aforesaid purposes may conduct such inquiry as he may deem necessary." ;

(b) in sub-section (3),—

(i) the words "determining the amount due from any employer" shall be omitted ;

(ii) for the words "the employer" the words "the employer concerned" shall be substituted ;

(c) after sub-section (3), the following sub-section shall be inserted, namely—

"(3A) Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so, the officer conducting the inquiry may decide the applicability of the Act or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record

(d) for sub-section (4), the following sub-sections shall be substituted, namely

"(4) Where an order under sub-section (1) is passed against an employer *ex parte*, he may, within three months from the date of communication

of such order, apply to the officer for setting aside such order and if he satisfies the officer that the show cause notice was not duly served or that he was prevented by any sufficient cause from appearing when the inquiry was held, the officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry :

Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the officer is satisfied that the employer had notice of the date of hearing and sufficient time to appear before the officer.

*Explanation.*—Where an appeal has been preferred under this Act against an order passed *ex parte* and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the *ex parte* order.

(5) No order passed under this section shall be set aside on any application under sub-section (4) unless notice thereof has been served on the opposite party.

11. *Insertion of new sections 7B to 7Q.*—After section 7A of the principal Act, the following sections shall be inserted, namely—

"7B. *Review of orders passed under section 7A.*—(1) any person aggrieved by an order made under sub-section (1) of section 7A, but from which no appeal has been preferred under this Act, and who, from the discovery of new and important matter ; or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of such order may apply for a review of that order to the officer who passed the order :

Provided that such officer may also on his own motion review his order if he is satisfied that it is necessary so to do on any such ground.

(2) Every application for review under sub-section (1) shall be filed in such form and manner and within such time as may be specified in the Scheme.

(3) Where it appears to the officer receiving an application for review that there is no sufficient ground for a review he shall reject the application.

(4) Where the officer is of opinion that the application for review should be granted, he shall grant the same :

Provided that,—

(a) no such application shall be granted without previous notice to all the parties before him to enable them to appear and be heard in support of the order in respect of which a review is applied for, and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge or could not be produced by him when the order was made, without proof of such allegation.

(5) No appeal shall lie against the order of the officer rejecting an application for review, but an appeal under this Act shall lie against an order passed under review as if the order passed under review were the original order passed by him under section 7A.

7C. *Determination of escaped amount.*—Where an order determining the amount due from an employer under section 7A or section 7B has been passed and if the officer who passed the order,—

(a) has reason to believe that by reason of the omission or failure on the part of the employer to make any document or report available, or to disclose, fully and truly, all material facts necessary for determining the correct amount due from the employer, any amount so due from such employer for any period has escaped his notice.

(b) has, in consequence of information in his possession, reason to believe that any amount to be determined under section 7A or section 7B has escaped from his determination for any period notwithstanding that there has been no omission or failure as mentioned in clause (a) on the part of the employer.

he may, within a period of five years from the date of communication of the order passed under section 7A or section 7B, re-open the case and pass appropriate orders re-determining the amount due from the employer in accordance with the provisions of this Act :

Provided that, no order re-determining the amount due from the employer shall be passed under this section unless the employer is given a reasonable opportunity of representing his case.

7D. *Employees Provident Funds Appellate Tribunal.*—(1) The Central Government may, by notification in the *Official Gazette*, constitute one or more Appellate Tribunals to be known as the Employees' Provident Funds Appellate Tribunal to exercise the powers and discharge the functions conferred on such Tribunal by this Act and every such Tribunal shall have jurisdiction in respect of establishments situated in such area as may be specified in the notification constituting the Tribunal.

(2) A Tribunal shall consist of one person only to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a Tribunal (hereinafter referred to as the Presiding Officer, unless he is or has been, or is qualified to be, a Judge of a High Court.

7E. *Term of office.*—The Presiding Officer of a Tribunal shall hold office, for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier.

7F. *Resignation.*—The Presiding Officer may, by notice in writing under his hand addressed to the Central Government, resign his office :

Provided that the Presiding Officer shall, unless he is permitted by the Central Government to relinquish, his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

7G. *Salary and allowances and other terms and conditions of service of Presiding Officer.*—The salary and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer shall be such as may be prescribed :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Presiding Officer shall be varied to his disadvantage after his appointment.

7H. *Staff of the Tribunal.*—(1) The Central Government shall determine the nature and categories of the officers and other employees required to assist a Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(2) The officers and other employees of a Tribunal shall discharge their functions under the general superintendance of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the officers and other employees of a Tribunal shall be such as may be prescribed.

7I. *Appeals to the Tribunal.*—(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4), of section 1, or section 3, or sub-section (1) or section 7A or section 7B [except an order rejecting an application for review referred to in sub-section (5) thereof], or section 7C, or section 14B, may prefer an appeal to a Tribunal against such order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.

7J. *Procedure of Tribunals.*—(1) A Tribunal shall have power to regulate its own procedure in all matters arising out of the exercise of its powers or of the discharge of its functions including the place at which the Tribunal shall have its sittings.

(2) *45 of 1960.*—A Tribunal shall, for the purpose of discharging its functions have all the powers which are vested in the officers referred to in section 7A and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the Tribunal shall be deemed to

be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure 1973.

7K. *Right of appellant to take assistance of legal practitioner and of Government etc., to appoint presiding officers.*—(1) A person preferring an appeal to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

(2) The Central Government or a State Government or any other authority under this Act may authorise one or more legal practitioners or any of its officers to act as presiding officers and every person so authorised may present the case with respect to any appeal before a Tribunal.

7L. *Orders of Tribunal.*—(1) A Tribunal may, after giving the parties to the appeal, an opportunity of being heard pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against or may refer the case back to the authority which passed such order with such directions as the Tribunal may think fit, for a fresh adjudication or order, as the case may be after taking additional evidence, if necessary.

(2) A Tribunal may, at any time within five years from the date of its order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal :

Provided that an amendment which has the effect of enhancing the amount due from, or otherwise increasing the liability of, the employer shall not be made under this sub-section, unless the Tribunal has given notice to him of its intention to do so and has allowed him a reasonable opportunity of being heard.

(3) A Tribunal shall send a copy of every order passed under this section to the parties to the appeal.

(4) Any order made by a Tribunal finally disposing of an appeal shall not be questioned in any court of law.

7M. *Filling up of vacancies.*—If, for any reason, a vacancy occurs in the office of the Presiding Officer, the Central Government shall appoint another person in accordance with the provisions of this Act, to fill, the vacancy and the proceedings may be continued before a Tribunal from the stage at which the vacancy is filled.

7N. *Finality of orders constituting a Tribunal.*—No order of the Central Government appointing any person as the Presiding Officer shall be called in question in any manner, and no act or proceeding before a Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of such Tribunal.

7O. *Deposit of amount due on filing appeal.*—No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it seventy-

per cent of the amount due from him as determined by an officer referred to in section 7A ;

10. Provided that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under this section.

*Transfer of certain applications to Tribunal.*—All applications which are pending before the Central Government under section 19A, shall stand transferred to a Tribunal exercising jurisdiction in respect of establishments in relation to which such applications had been made as if such applications were appeals preferred to the Tribunal

7Q. The employer shall be liable to pay simple interest at the rate of twelve per cent per annum or at such higher rate as may be specified in the Scheme on any amount due from him under this Act from the date on which the amount has become so due till the date of its actual payment :

Provided that higher rate of interest specified in the Scheme shall not exceed the lending rate of interest charged by any scheduled bank. "

12. *Amendment of section 8.*—In section 8 of the principal Act, for the words " by the Central Provident Fund Commissioner or such other officer as may be authorised by him, by notification in the Official Gazette, in his behalf in the same manner as an arrear of land revenue ", the words, figures and letters " in the manner specified in sections 8B 8C " shall be substituted.

13. *Amendment of section 8A.*—In section 8A of the principal Act, in sub-section (1), the words " on the basis of such contribution " shall be omitted.

14. *Insertion of new section 8B to .* After section 8A of the principal Act, the following sections shall be inserted, namely

8B. *Issue of certificate to the Recovery Officer.*—(1) Where any amount is in arrear under section 8, the authorised officer may issue, to the Recovery Officer, a certificate under his signature specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the establishment or, as the case may be, employer by one or more of the modes mentioned below

(a) attachment and sale of the movable or immovable property of the establishment or, as the case may be, the employer ;

(b) arrest of the employer and his detention in prison ;

(c) appointing a receiver for the management of the movable or immovable properties of the establishment or, as the case may be, the employer :

Provided that the attachment and sale of any property under this section shall first be effected against the properties of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the certificate, the Recovery Officer may take such

proceedings against the property of the employer for recovery of the whole or any part of such arrears.

(2) The authorised officer may issue a certificate under sub-section (1), notwithstanding that proceedings for recovery of the arrears by any other mode have been taken.

8C. *Recovery Officer to whom certificate is to be forwarded.*—(1) The authorised officer may forward the certificate referred to in section 8B to the Recovery Officer within whose jurisdiction the employer,—

(a) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate; or

(b) resides or any movable or immovable property of the establishment or the employer is situate.

(2) Where an establishment or the employer has property, within the jurisdiction of more than one Recovery Officers and the Recovery Officer to whom a certificate is sent by the authorised officer,—

(a) is not able to recover the entire amount by the sale of the property movable or immovable, within his jurisdiction; or

(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do, he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the prescribed manner and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and there upon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.

8D. *Validity of certificate and amendment thereof.*—(1) When the authorised officer issues a certificate to a Recovery Officer under section 8B it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall also be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending an intimation to the Recovery Officer.

(3) The authorised officer shall intimate to the Recovery Officer any orders withdrawing or cancelling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of section 8F.

8E. *Stay of proceeding under certificate and amendment or withdrawal thereof.*—(1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the authorised officer

may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(3) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued has been modified in appeal or other proceeding under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject-matter of further proceeding under this Act, the authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Act, the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive amend the certificate or withdraw it, as the case may be.

8F. *Other modes of recovery.*—(1) Notwithstanding the issue of a certificate to the Recovery Officer under section 8B, the Central Provident Fund Commissioner or any other officer authorised by the Central Board may recover the amount by any one or more of the modes provided in this section.

(2) If any amount is due from any person to any employer who is in arrears, the Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may require such person to deduct from the said amount the arrears due from such employer under this Act, and such person shall, comply with any such requisition and shall pay the sum so deducted to the credit of the Central Provident Fund Commissioner or the officer so authorised, as the case may be:

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure 1908.

(3) (i) The Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may, at any time or from time to time, by notice in writing require any person subsequently hold money for or on account of the employer or as the case may be, the establishment or any person who holds or may subsequently hold money for or on account of the employer or as the case may be, the establishment to pay to the Central Provident Fund Commissioner either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(ii) notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the employer jointly with any other person and for the purposes of this sub-section, the shares of the joint-holders in such account shall be presumed, until the contrary is proved, to be equal.

(iii) A copy of the notice shall be forwarded to the employer at his last address known to the Central Provident Fund Commissioner or, as the case may be, the officer so authorised and in the case of a joint account to all the joint-holders at their last addresses known to the Central Provident Fund Commissioner or the officer so authorised.

(iv) Save as otherwise provided in this sub-section every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(v) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(vi) Where a person to whom a notice under this sub-section is sent objects to it by a statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer on the date of the notice, or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(vii) The Central Provident Fund Commissioner or the officer so authorised may at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(viii) The Central Provident Fund Commissioner or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section, and the person so paying shall be fully discharged from this liability to the employer to the extent of the amount so paid.

(ix) Any person discharging any liability to the employer after the receipt of a notice under this sub-section shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer so discharged or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(x) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Central Provident Fund

Commissioner or the officer so authorised he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceeding may be taken against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in section 8B to 8E and the notice shall have the same effect as an attachment of a debt by the Recovery Officer in exercise of his powers under section 8B.

(4) The Central Provident Fund Commissioner or the officer authorised by the Central Board in this behalf may apply to the court in whose custody there is money belonging to the employer for payment to him of the entire amount of such money, or if it is more than the amount due an amount sufficient to discharge the amount due.

(5) 43 of 1965.—The Central Provident Fund Commissioner or any officer not below the rank of Assistant Provident Fund Commissioner may, if so authorised by the Central Government by general or special order, recover any arrears of amount due from an employer or as the case may be from establishment by distraint and sale of his or its movable property in the manner laid down in the Third Schedule to the Income tax Act, 1961.

8G. *Application of certain provisions of Income-tax Act.*—The provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount mentioned in section 8 of this Act instead of to the income-tax :

Provided that any reference in the said provisions and the rules to the "assessee" shall be construed as a reference to an employer as defined in this Act."

15. *Amendment of section 10.*—In section 10 of the Principal Act, in sub-section (2), the following shall be added at the end, namely—

"and shall also not be liable to attachment under any decree or order of any court

16. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (2), for the words and brackets "in respect of the employer's contribution (deducted from the wages of the employee) for a period of more than six months, the words and brackets, "whether in respect of the employee's contribution (deducted from the wages of the employer) or the employer's contribution" shall be substituted.

17. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (3) shall be omitted.

18. *Amendment of section 14.*—In section 14 of the principal Act,—

(a) in sub-section (1), for the words "six months, or with fine which may extend to one thousand rupees, or with both" the words "one year, or with fine of five thousand rupees, or with both" shall be substituted ;

(b) in sub-section (1A),—

(i) in the opening portion, for the words "six months", the words "three years" shall be substituted;

(ii) in clause (a), for the words "three months", the words "one year and a fine of ten thousand rupees" shall be substituted;

(iii) for clause (b), the following clause shall be substituted, namely:—

"(b) which shall not be less than six months and a fine of five thousand rupees, in any other case;" ;

(iv) the words "and shall also be liable to fine which may extend to two thousand rupees" shall be omitted;

(v) in the proviso, the words "or of fine only in lieu of imprisonment" shall be omitted;

(c) in sub-section (1B),—

(i) for the words "six months", the words "one year" shall be substituted;

(ii) for the words "one month", the words "six months" shall be substituted;

(iii) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(iv) in the proviso, the words "or of fine only in lieu of imprisonment" shall be omitted;

(d) in sub-section (2), for the words "six months, or with fine which may extend to one thousand rupees, or with both" the words "one year, or with fine which may extend to four thousand rupees, or with both" shall be substituted;

(e) in sub-section (2A), for the words "three months, or with fine which may extend to one thousand rupees, or with both", the words "six months, but which shall not be less than one month and shall also be liable to fine which may extend to five thousand rupees" shall be substituted.

19. *Amendment of section 14AA.*—In section 14AA of the principal Act, for the words "one year but which shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees", the words "five years, but which shall not be less than two years and shall also be liable to a fine of twenty-five thousand rupees" shall be substituted.

20. *Amendment of section 14B.*—In section 14B of the principal Act,—

(a) for the words "from the employer such damages, not exceeding the amount of arrears as it may think fit to impose", the words "from the employer by way of penalty such damages, not exceeding the amount of arrears, as may be specified in the Scheme" shall be substituted;

(b) after the proviso, the following proviso shall be inserted, namely:—

1 of 1986—"Provided further that the Central Board may reduce or waive the damages levied under this section in relation to an establishment which is a sick industrial company and in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986) subject to such terms and conditions as may be specified in the Scheme."

21. *Amendment of section 16.*—In section 16 of the principal Act,—

(i) in sub-section (1), for clause (b), the following clauses shall be substituted namely

"(b) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any Scheme or rule framed by the Central Government or the State Government governing such benefits; or

(c) to any other establishment set up under any Central Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits; or

(d) to any other establishment newly set up, until the expiry of a period of three years from the date on which such establishment is, or has been, set up;" ;

(ii) in sub-section (2), after the word "exempt", the words "whether prospectively or retrospectively", shall be inserted.

22. *Insertion of new section 16A.*—After section 16 of the principal Act, the following section shall be inserted, namely:—

"16A. *Authorising certain employers to maintain provident fund account.*—

(1) The Central Government may, on an application made to it in this behalf by the employer and the majority of employees in relation to an establishment employing one hundred or more persons, authorise the employer by an order in writing, to maintain a provident fund account in relation to the establishment, subject to such terms and conditions as may be specified in the Scheme :

Provided that no authorisation shall be made under this sub-section if the employer of such establishment had committed any default in the payment of provident fund contribution or had committed any other offence under this Act during the three years immediately preceding the date of such authorisation.

(2) Where an establishment is authorised to maintain a provident fund account under sub-section (1) the employer in relation to such establishment shall maintain such account, submit such return, deposit the contribution

in such manner, provide for such facilities for inspection, pay such administrative charges, and abide by such other terms and conditions, as may be specified in the Scheme.

(3) Any authorisation made under this section may be cancelled by Central Government by order in writing if the employer fails to comply with any of the terms and conditions of the authorisation or where he commits any offence under any provision of this Act :

Provided that, before cancelling the authorisation, the Central Government shall give the employer a reasonable opportunity of being heard."

23. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) for the words "exempt from the operation", the words "exempt whether prospectively or retrospectively, from the operation" shall be substituted :

(ii) the following proviso shall be added at the end, namely :—

" Provided that no such exemption shall be made except after consultation with the Central Board which on such consultation shall forward its views on exemption to the appropriate Government within such time limit as may be specified in the Scheme. " ;

(b) for sub-section (1A), the following sub-section shall be substituted, namely :—

" (1A) Where an exemption has been granted to an establishment under clause (a) of sub-section (1),—

(a) the provisions of sections 6, 7A, 8 and 14B shall, so far as may be, apply to the employer of the exempted establishment in addition to such other conditions as may be specified in the notification granting such exemption, and where such employer contravenes, or makes default in complying with any of the said provisions or conditions or any other provision of this Act, he shall be punishable under section 14 as if the said establishment had not been exempted under the said clause (a) ;

(b) the employer shall establish a Board of Trustees for the administration of the provident fund consisting of such number of members as may be specified in the Scheme ;

(c) the terms and conditions of service of members of the Board of Trustees shall be such as may be specified in the Scheme.

(d) the Board of Trustees constituted under clause (b) shall,—

(i) maintain detailed accounts to show the contributions credited, withdrawals made and interest accrued in respect of each employee ;

(ii) submit such returns to the Regional Provident Fund Commissioner or any other officer as the Central Government may direct from time to time ;

(iii) invest the provident fund monies in accordance with the directions issued by the Central Government from time to time ;

(iv) transfer, where necessary, the provident fund account of any employee ; and

(v) perform such other duties as may be specified in the Scheme.

(1B) Where the Board of Trustees established under clause (b) of sub-section (1A) contravenes, or makes default in complying with, any provisions clause (d) of that sub-section, the Trustees of the said Board shall be deemed to have committed an offence under sub-section (2A) of section 14 and shall be punishable with the penalties provided in that sub-section.

(1C) The Central Provident Fund Commissioner may, by notification in the *Official Gazette*, and subject to such conditions as may be specified therein, exempt, whether prospectively or retrospectively, any employee or class of employees or any establishment from the operation of all or any of the provisions of the Family Pension Scheme, if such employee, class of employees or the employees of such establishment is or are in enjoyment of benefits in the nature of family pension, and the Central Provident Fund Commissioner is of the opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under this Act or the Family Pension Scheme in relation to employees in any other establishment of a similar character. " ;

(c) in sub-section (2A), for the words " The Central Government may, if requested so to do by the employer, by notification in the *Official Gazette*, and subject to such conditions as may be specified in the notification, exempt any establishment from the operation of all or any of the provisions of the Insurance Scheme, if it is satisfied ", the words " The Central Provident Fund Commissioner may, if requested so to do by the employer, by notification in the *Official Gazette*, and subject to such conditions as may be specified in the notification, exempt, whether prospectively or retrospectively any establishment from the operation of all or any of the provisions of the Insurance Scheme, if he is satisfied " shall be substituted ;

(d) in sub-section (3A) in clause (b), the word " and " occurring at the end and clause (c) shall be omitted ;

(e) in sub-section (4),—

(i) in clause (a), after the words " under that sub-section ", the words, brackets figure and letter " or sub-section (1A) " shall be inserted ;

(ii) in clause (aa), for the brackets, figure and letter " (1A) ", the brackets, figure and letter "(1C)" shall be substituted ;

(f) in sub-section (5),—

(i) for the brackets, figure and letter " (1A) ", the brackets, figure and letter "(1C)" shall be substituted ;

(ii) after the words "he is employed" the words "together with any amount forfeited from the employer's share of contribution to the credit of the employee who leaves the employment before the completion of the full period of service" shall be inserted;

(g) in sub-section (6), for the brackets, figure and letter "(1A)", the brackets, figure and letter "(1C)" shall be substituted.

24. *Substitution of new section for section 18.*— For section 18 of the principal Act, the following sections shall be substituted, namely :—

"18. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, a State Government, the Presiding Officer of a Tribunal, any authority referred to in section 7A, an Inspector or any other person for anything which is in good faith done or intended to be done in pursuance of this Act, the Scheme, the Family Pension Scheme or the Insurance Scheme.

18A. *Presiding Officer and other Officers to be public servants (45 of 1860).*—The Presiding Officer of a Tribunal, its officers and other employees, the authorities referred to in section 7A and every Inspector shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."

25. *Substitution for new Section for section 19A.*—For section 19A of the principal Act the following sections shall be substituted, namely

"20. *Power of Central Government to give direction.* The Central Government may, from time to time, give such directions to the Central Board as it may think fit for the efficient administration of this Act and when any such direction is given, the Central Board shall comply with such direction.

21. *Power to make rules.* (1) The Central Government may, by notification in the *Official Gazette*, make rules to carry out the provisions of this Act.

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

(a) the salary and allowances and other terms and conditions of service of the Presiding Officer and the employees of a Tribunal;

(b) the form and the manner in which, and the time within which, an appeal shall be filed before a Tribunal and the fees payable for filing such appeal;

(c) the manner of certifying the copy of the certificate to be forwarded to the Recovery Officer under sub-section (2) of section 8C; and

(d) any other matter which has to be or may be, prescribed by rules under this Act.

(3) Every rule made under this Act 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988, 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 the 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 the said amendment 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 each House of Parliament."

26. *Amendment of Schedule IV.*— In Schedule IV to the principal Act, for items 6 and 7, the following item shall be substituted, namely :—

"6. The scales of insurance benefits and conditions relating to the grant of such benefits to the employees

27. *Amendment of Act 45 of 1860 (19 of 1952).*— In section 405 of the Indian Penal Code, in *Explanation 1*, after the words "being an employer", the words and figures "of an establishment whether exempted under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 or not" shall be inserted.

(*Indian Worker*, dated June 27, July 4, 11 and 18, 1988)

## Gist of Important Notifications Under Various Labour Laws

### I. INDUSTRIAL DISPUTES ACT, 1947

(A) *Declaration of Public Utility Service under the Act.*—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of said Act declared the industry engaged in the manufacture of basic heavy organic chemicals and employing 20 or more workmen to be a public utility service for the purpose of the said Act, for a further period of six months from 6th July, 1988.

(Vide Government Notification, Industries, Energy and Labour Department No. ULP 588 7577 Lab-2, dated 10th June, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 16th June, 1988 at page No. 885).

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the said Act, declared the industry engaged in the Electronic Industry, the entire production of which is exported and employing 20 or more workmen to be a public utility service for the purpose of the said Act, for a further period of six months from 28th June, 1988.

(Vide Government Notification, Industries, Energy and Labour Department No. IDA 588 7589 Lab-2, dated 9th June, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 16th June, 1988 at page No. 885).

(3) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the said Act, declared the industry engaged in dairies connected with production, collection, processing transport and distribution of milk and employing 20 or more workmen to be a public utility service for the purpose of the said Act, for a further period of six months from 5th February 1988.

(Vide Government Notification, Industries, Energy and Labour Department No. IDA 188 7427 Lab-2, dated 19th January, 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 961).

(B) *Appointments Under the Act.*—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 8 of the said Act, appointed with effect from the date of taking over charge, Shri R. V. Kameshwarkar, Civil Judge (Senior Division), Aurangabad to be the Presiding Officer of the Labour Court, Aurangabad in place of S. L. Satonekar.

(Vide Government Notification, Industries, Energy and Labour Department No. IDA 488 7538 Lab-2, dated 21st April, 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June, 1988 at page No. 906).

The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 10 of the said Act, appointed with effect from the date of taking over charge Shri M. G. Awari, Additional District Magistrate, Nagpur as the Presiding Officer of the Labour Court, Nagpur in place of Gadmade.

(Vide Government Notification, Industries, Energy and Labour Department No. IDA 488, (7556 Lab-2, dated 29th April, 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June, 1988 at page No. 913).

### II. BOILER ACT, 1923

(1) *Exemption 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-10236 and belonging to the M/s. ... and Fertilizers Ltd., Chembur, Bombay 400 074, from the operation of clause (c) of section 6 of the said Act, for the period of 6th months from 1st February 1988 to 4th August, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1038 102221/(3101) Lab-9, dated 3rd February, 1988 published in *Maharashtra Government Gazette*, Part I-L dated 23rd June, 1988 at page No. 896).

(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-9337 and belonging to the Rama Krishna Rasayan Ltd., Loni-Labhor, Taluka-Haveli, District Pune 312 221, from the operation of clause (c) of section 6 of the said Act, for the period of 3 months from 3rd February 1988 to 2nd May, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/102220 (3104) Lab-9, dated 3rd February, 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June 1988, at page No. 896).

(3) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-11310 and belonging to the Herdillia Chemicals Ltd., Thane-Belapur Road, Turbhe, New Bombay-400 613, from the operation of clause (c) of section 6 of the said Act, for the period of 3 months from 5th February 1988 to 4th May, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/103073/3121) Lab-9, dated 4th February, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June, 1988 at page No. 896).

(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-9103 and MR-10439 and belonging to Messrs Indian Dye-stuff Industries Ltd., Near Shahad Station, Kalyan 421 304, from the

operation of clause (C) of Section 6 of the said Act, for the period from 1st February, 1988 to 2nd April, 1988 (both days inclusive).

(1) Government Notification, Industries, Energy and Labour Department No. IBA-1088/101921, 3091/Lab-9, dated 28th January, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 954).

(5) In exercise of the powers conferred by sub-section (2) of Section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-10776 and belonging to the Maharashtra State Electricity Board, Bhusawal Thermal Power Station, Deopnagar, District Jalgaon (M.S.) from the operation of clause (c) of section 6 of the said Act, for the period of six months from 28th January 1988 to 27th July 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/101413/(3089)/Lab-9, dated 25th January 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 954).

(6) In exercise of the powers conferred by sub-section (2) of Section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-11073 and belonging to the Maharashtra State Electricity Board, Parli Thermal Power Station, Parli Vaijanath 431 520 from the operation of clause (c) of section 6 of the said Act, for the period of six months from 28th January, 1988 to 27th July 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/101414/(3090)/Lab-9, dated 25th January, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 954).

(7) In exercise of the powers conferred by sub-section (2) of Section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MP-573 and belonging to the Mehata Oil and Dal Mill, Hinganghat-442 301 District-Vardha from the operation of clause (c) of section 6 of the said Act, for the period of three months upto and inclusive of 7th July, 1988.

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/119425/(3227)/Lab-9, dated 12th April, 1988, published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page No. 955).

(8) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-9235 and MR-9236 belonging to the Maharashtra State Electricity Board, Paras Thermal Power Station, P. O. Vidyut Nagar, Paras (C.R.)-444 109 from the operation of clause (C) of Section 6 of the said Act, for the period of six months from 20th April, 1988 to 19th October, 1988 and 12th May, 1988 to 11th November, 1988 respectively (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/119250/(3226)/Lab-9, dated 13th April, 1988, published in

*Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page No. 957).

(9) In exercise of the powers conferred by sub-section (2) of Section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-9980 and belonging to the Centaur Hotel, Bombay Airport, Bombay-400 099, from the operation of clause (c) of Section 6 of the said Act, for the period of one month from 15th April, 1988 to 14th May, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/119642/(3221)/Lab-9, dated 12th April, 1988, published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page No. 957).

(10) In exercise of the powers conferred by sub-section (2) of Section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-2197 and belonging to the M/s. Indo Agrique Paper Mills Pvt. Ltd. Village Paude, Pune Satara Road, Taluka Bhor, District Pune from the operation of clause (c) of Section 6 of the said Act, for the period of 2 months from 21st April, 1988 to 20th June, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/119969/(3240)/Lab-9, dated 20th April, 1988, published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page No. 957).

(11) In exercise of the powers conferred by sub-section (2) of Section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-10973, MR-10991, MR-10992, and MR-10993 and belonging to the M/s. Rashtriya Chemicals and Fertilizers Ltd., Thal Unit P. O. Thal Taluka-Alibag, District-Raigad-402 208 from the operation of clause (c) of Section of the said Act, for the period of one year from 18th April, 1988 to 17th April, 1989 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/119707/(3232)/Lab-9, dated 15th April, 1988, published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page No. 958).

(12) 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-10311 and belonging to M/s. Steam Generation Ltd., and Water treatment group of plants, Rashtriya Chemicals and Fertilizers Ltd. Chembur-400 074 from the operation of clause (c) of Section 6 of the said Act, for the period of one year from 20th April, 1988 to 19th April 1989 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/118315/(3221)/Lab-9, dated 13th April, 1988 published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page No. 958).

(13) 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-9595 and belonging to the Maharashtra State Electricity Board Nashik Power Station, Iklahare, District Nashik from the operation of clause (c) of Section 6 of the said Act, for the period of six months from 25th February, 1988 to 24th August, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/103231/(3149)/Lab-9, dated 23rd February, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 958).

(14) 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-11006 and belonging to the Maharashtra State Electricity Board, Koradi Thermal Power Station, Koradi, District Nagpur from the operation of clause (c) of Section 6 of the said Act, for the period of six months from 24th February 1988 to 23rd August, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/114214/(3161)/Lab-9, dated 23rd February, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 959).

(15) 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-10583 and belonging to the Tarapur Acid & Alkali Pvt. Ltd., Tarapur Industrial Area, M.I.D.C. Boisar, District Thane from the operation of clause (c) of Section 6 of the said Act, for the period of three months from 24th January 1988 to 23rd April, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/100056/(3069)/Lab-9, dated 21st June, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 960).

(16) 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-11211 and belonging to the Maharashtra State Electricity Board, Chandrapur Thermal Power Station, Durgapur, District Chandrapur from the operation of clause (c) of section 6 of the said Act, for the period of six months from 25th January, 1988 to 24th July, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/101002/(3077)/Lab-9, dated 21st January, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 960).

(17) 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-10713 and belonging to the Maharashtra State Electricity

Board, Koradi Thermal Power Station, Koradi, District Nagpur from the operation of clause (c) of Section 6 of the said Act, for the period of six months from 11th March, 1988 to 8th September, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/114992/(3168)/Lab-9, dated 8th March, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 961).

(18) 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 M/s. Ordinance Factories, High Explosives Factory, Khadki, Pune-411 003 from the operation of clause (c) of Section 6 of the said Act, for the period of one month from 11th March, 1988 to 10th April, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. IBA-1088/115423/(3172)/Lab-9, dated 10th March, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 961 to 962).

(19) 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-9594 and belonging to the Maharashtra State Electricity Board, Nashik Thermal Power Station, Iklahare 422 105 district Nashik from the operation of clause (c) of section 6 of the said Act, for the period of six months from 14th March, 1988 to 13th September, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/116018/(3176)/Lab-9, dated 11th March, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June 1988 at page No. 962).

(20) 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-9228 and belonging to the Maintenance and Services, Bhabha Atomic Research Centre, Trombay, Bombay-400 085 from the operation of clause (c) of section 6 of the said Act, for the period from 13th March, 1988 to 27th April, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/116019/(3177)/Lab-9, dated 11th March, 1988, published in Maharashtra Government Gazette, Part-I-I, dated 30th June, 1988 at page No. 962).

(21) 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-10800 and belonging to Messrs Tata Power Company Ltd., Trombay, Generating Section 'B' Bombay-400 074 from the operation of clause (c)

of section 6 of the said Act for the period of six months from 23rd March 1988 to 22nd September, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/116468/(3195)/Lab-9, dated 22nd March, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 966).

(22) 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-10848 and belonging to Messrs Dharamasi Morarji Chemical Co. Ltd., Ambernath-421 501, district Thane from the operation of clause (c) of section 6 of the said Act, for the period of one year from 25th March, 1988 to 24th March, 1989 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/116469/(3194)/Lab-9, dated 24th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 966).

(23) 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-10861 and belonging to the Hindustan Petroleum Corporation Ltd., Corridor Road, Mahul, Bombay-400 074, from the operation of clause (c) of section 6 of the said Act, for the period from 6th April, 1988 to 30th May, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/117940/(3216)/Lab-9, dated 5th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 968).

(24) 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-9245 and belonging to Hindustan Antibiotics Ltd., Pimpri-411 018 from the operation of clause (c) of section 6 of the said Act, for the period of one month from the 29th April, 1988 to 28th May 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/120510/3243/Lab-9, dated 28th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 974).

(25) 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-9131 and belonging to the IEL Ltd., Fibres Division, Post Office Box No. 87 Thane Balapur Road, Thane-400 601 from the operation of clause (C) of Section 6 of the said Act, for the period of two months from 27th April, 1988 to 26th June, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/119708/(3235)/Lab-9, dated 26th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 974).

(26) 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-10106 and belonging to the Polyolefins Industries Ltd., Chemicals Division Plant, C-37 T.T.C. Industrial Area, Off Thane Road, Post Turbie from the operation of clause (c) of Section 6 of the said Act, for the period of Seventeen days from 29th April, 1988 to 15th May, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/119706/(3234)/Lab-9, dated 25th April, 1988, published in *Maharashtra Government Gazette* Part I-L, dated 30th June, 1988 at page No. 975).

(27) 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-9111 and belonging to the National Rayon Corporation Ltd. Post Mahane 421 102 District Thane from the operation of clause (c) of Section 6 of the said Act, for the period of one year from 29th April, 1988 to 28th April 1989 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/119493/(3233)/Lab-9, dated 25th April, 1988 published in *Maharashtra Government Gazette* Part I-L, dated 30th June, 1988, at page No. 975).

(28) 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-11207 and belonging to the Chandrapur Thermal Power Station, Maharashtra State Electricity Board, Chandrapur from the operation of clause (c) of Section 6 of the said Act, for the period of six months from 5th May, 1988 to 4th November, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/121181/(3268)/Lab-9, dated 4th May 1988 published in *Maharashtra Government Gazette* Part I-L, dated 30th June, 1988, at page No. 975).

(29) 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-E-326 and belonging to Messrs. National Organic Chemical Industries Ltd., Thane Belapur Road, Post Box No. 73, Thane from the operation of clause (c) of Section 6 of the said Act, for the period of one month from 12th May, 1988 to 11th June, 1988 (both days inclusive).

(Vide Government Notification, Industries, Energy and Labour Department No. IBA-1088/121202/(3277)/Lab-9, dated 11th May, 1988 published in *Maharashtra Government Gazette* Part I-L, dated 30th June, 1988 at page No. 976).

(30) 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-7789 and belonging to Messrs. Bharat Petroleum Corporation Ltd., Mahul, Bombay-400 074 from the operation of clause (c) of Section 6 of the said Act, for the period of five months from 13th May, 1988 to 12th October, 1988 (both days inclusive).

(*vide* Government Notification, Industries, Energy and Labour Department No. IBA-1088/120846/(3260)/Lab-9, dated 11th May, 1988, published in *Maharashtra Government Gazette*, Part 1-1, dated 30th June, 1988 at page No. 976).

(31) In exercise of the powers conferred by sub-section (2) of section 34 of the said Act, the Government of Maharashtra has exempted the boiler bearing No. MR-7881 and belonging to Messrs. Bharat Petroleum Corporation Ltd., Mahul, Bombay-400 074 from the operation of clause (c) of section 6 of the said Act, for the period of one year from 15th May, 1988 to 14th May, 1989 (both days inclusive).

(*vide* Government Notification, Industries, Energy and Labour Department No. IBA-1088/121203/(3278)/Lab-9, dated 13th May, 1988 published in *Maharashtra Government Gazette*, Part 1-1, dated 30th June 1988 at page No. 976).

**B. NOTIFICATION**

Below Notification, Government of India, Ministry of Industry, Central Boilers Board, No. 6(5)/87-Boilers, dated the 22nd December 1987 is hereby republished for the information of the General public:—

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRY

(DEPARTMENT OF INDUSTRIAL DEVELOPMENT)

CENTRAL BOILERS BOARD

New Delhi, the 22nd December 1987.

**NOTIFICATION**

G.S.R. ....—Whereas, certain regulations, further to amend the Indian Boiler Regulations, 1950, were published as required by sub-section (1) of section 31 of the Indian Boilers Act, 1923 (5 of 1923), at page 3077 of the *Gazette of India*, Part II, section 3, sub-section (1), dated the 31st October 1987, under the notification of the Government of India in the Ministry of Industry, (Department of Industrial Development) (Central Boilers Board) No. G.S.R. 808, dated the 27th October 1987, inviting objections and suggestions from all persons likely to be affected thereby till the 16th December 1987;

and whereas the said Gazette was made available to the public on the 2nd November 1987;

And whereas, no objections or suggestions have been received;

Now, therefore in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following regulations further to amend the Indian Boiler Regulations, 1950.

(1) These regulations may be called the Indian Boiler (Tenth Amendment) Regulations, 1987.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

In the Indian Boiler Regulations, 1950,

(i) in Appendix 'C' in the list of 'Inspecting Authorities' after Serial No. 83 and entry relating thereto, the following shall be inserted, namely:—

"84. Messrs. Vincotte International Avenue du Roi Belgium, 157, B-1060, Brussels (Belgium).

"85. Messrs. Set Norske Veritas, Veritasvn. 1, P. O. Finland," Box 300, N-1322 Hovsvik, Norway.

(ii) in Appendix 'G', in the list of "Well-known Steel Makers", after serial 78 and the entry relating thereto, the following shall be inserted, namely:—

"79. Messrs. Bhilai Steel Plant, Bhilai-490 001 (Madhya Pradesh)";

(iii) in Appendix 'K',:—

(a) in the list of "Well-known Foundries", for serial No. 8 and the entry relating thereto, the following shall be substituted, namely:—

"8. Messrs. Godrej Boyce Manufacturing Co, Pvt. Ltd., Pirojshahungar, Vikhroli, Bombay 400 079,";

(b) in the list of "Well known Foundries", after serial No. 51, and the entry relating thereto, the following shall be inserted, namely:—

"52. Messrs, Uday Techno-Well Foundries (P) Ltd., Plot No. A 264, Mewar Industrial Area, Madri, Udaipur 313 001.

53. Messrs. Fleetralley Special Steel Castings (P) Ltd., Plot No. 25, SIPCOT Industrial Complex, 6th Cross Road, Hosur 625 126, Tamilnadu.

54. Messrs. Bengal Ingot Company, 5, Hide Road, Post Box No. 17205, Calcutta 700 043.

55. Messrs. Anto-Kast Ltd., P. B. No. 3, S. L. Puram P. O., Shertallay 688 523 (Kerala).

Messrs. Inductocast Steel Foundry Ltd.,  
14 Km, Old Madras Road, Bhattarahalli, Bangalor 560 049,"

(c) in the list of "Well-known Forges" after serial No 43 and the entry relating thereto, the following shall be inserted; namely: -

44. Messrs. Ajay Forgings (P) Ltd.,

S-A, Industrial Area, Site-4, Sahibabad,  
Ghaziabad 201 005.

45. Messrs. Chendur Forgings (P) Ltd.,

133, Madras-Mahabalipuram Road, Kandancha-  
vadi, Perungudi, Post Madras 600 096."

[Vide Government Notification, Industries, Energy and Labour Department No. MISC-1088 103213 (3148) Lab-9, dated 10th March, 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at pages Nos. 963 to 965].

### III—MAHARASHTRA MATHADI, HAMAL & OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT & WELFARE) ACT, 1969.

(A) *Extension of jurisdiction under the Act.*—(1) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, with effect from the 20th day of April, 1988 extended the jurisdiction of the Cotton Market Labour Board for Greater Bombay, established by Government Notification, Industries, Energy Labour Department No. UWA-1272/C-2108/Lab-IV, dated the 29th April, 1972 and reconstituted from time to time, to the areas comprising of Raigad District.

[Vide Government Notification, Industries, Energy & Labour Department No. UWA-1482/CR-8009/Lab-5, dated 20th April, 1988 published in *Maharashtra Government Gazette*, Part I-L, dated 2nd June, 1988 at page No. 897].

(B) *Amendment to Scheme.*—(1) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by sub-section (1) and clause (a) of the second proviso to sub-section (1) and sub-section (2) of Section 4 of the said Act read with Section 24 of the Bombay General Clauses Act, 1904 (Bom. 1 of 1904), and of all other powers enabling it in that behalf, after consultation with the Advisory Committee and the employers and workers made the following scheme further to amend the principal scheme, the same having been previously published as required by sub-section (1) of the said Section 4.

1. (1) This Scheme may be called the Cotton Markets Unprotected Workers Regulation of Employment and Welfare (Amendment) Scheme, 1988.

(2) It shall come into force from the 1st May 1988.

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

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

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

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

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

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

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

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

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

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

5. In clause 16 of the said Scheme,—

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

(b) in sub-clause (1),—

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

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

(c) in sub-clause (2),

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

(ii) for the words "no worker" the words "no registered workers" shall be substituted;

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

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

(d) in sub-clause (3),—

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

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

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

(e) in sub-clause (4),—

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

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

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

(f) in sub-clause (5),—

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

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

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

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

7. In clause 20 of the principal Scheme—

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

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

(iii) for the words "monthly workers" the words "monthly registered workers" shall be substituted.

8. In clause 22 of the principal Scheme,—

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

(b) in the proviso,—

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

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

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

9. In clause 23 of the principal Scheme,—

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

(b) in sub-clause (2),—

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

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

(iii) for the word "worker" wherever it occurs, the words "registered worker" shall be substituted.

10. In clause 24 of the said Scheme,—

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

(b) in sub-clause (1),—

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

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

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

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

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

(d) in sub-clause (3),—

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

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

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

11. In clause 25 of the principal Scheme,—

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

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

12. In clause 26 of the principal Scheme,—

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

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

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

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

15. In clause 30 of the principal Scheme,—

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

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

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

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

17. In clause 33 of the principal Scheme,—

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

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

(c) in sub-clause (2), —

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

(ii) for the word "worker" wherever it occurs, the words "registered workers" shall be substituted.

18. In clause 34 of the said Scheme, for the words "worker other than monthly workers" the words "registered workers other than registered monthly workers" shall be substituted.

19. In clause 35 of the principal Scheme,—

(a) in sub-clause (4),—

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

(ii) for the words "the worker" the words "registered workers" shall be substituted ;

(b) in sub-clause (5a) ; for the words "the workers" the words "the registered workers" shall be substituted ;

(c) in sub-clause (6) for the words "monthly workers" the words "registered monthly workers" shall be substituted.

20. In clause 36 of the principal Scheme,—

(a) in sub-clause (1),—

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

(ii) for the words "gang of workers or gangs of workers" the words "gang of registered workers or different gangs of registered workers" shall be substituted ;

(b) in sub-clause 2(i) , for the words "monthly workers" the words "registered monthly workers" shall be substituted ;

(c) in sub-clause 3(ii), for the word "worker" wherever it occurs, the words "registered workers" shall be substituted ;

(d) in sub-clause 4,—

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

(ii) for the words "gang of workers" wherever they occur, the words "gang of registered workers" shall be substituted ;

(e) in sub-clause (5), for the words "a worker or a gang of workers" the words "a registered worker or a gang of registered workers" shall be substituted.

21. In clause 30 of the principal Scheme,  
 (a) in the short title, for the word "workers" the words "registered workers" shall be substituted,  
 (b) in sub-clauses (1), (2) and (3) for the word "worker" the words "registered worker" shall be substituted.
22. In clause 34 of the principal Scheme, in the short title, for the word "employers" the words "registered employers" shall be substituted.
23. In clause 41 of the principal Scheme—  
 (i) for the words "a worker" the words "registered workers" shall be substituted,  
 (ii) for the words "an employer" the words "registered employers" shall be substituted.
24. In clause 42 of the principal Scheme—  
 (a) in sub-clause (2), for the word "workers" the words "registered workers" shall be substituted,  
 (b) in sub-clause (b) for the word "employer" wherever it occurs for the second time the words "the registered employers" shall be substituted.
25. In the principal Scheme, the following Schedule shall be added at the end, *mutatis* .

SCHEDULE  
 (See clauses 2 and 3)

Serial No.	Name of Employment	Area of application	Date of commencement of	
			Clause 14 and 15	Remaining clauses
(1)	(2)	(3)	(4)	(5)
1	Employment in Cotton Markets and Godowns in connection with the loading, unloading, stacking, carrying, weighing, measuring, or such other work including work preparatory or incidental to such operations.	Greater Bombay	1st May 1972	1st June 1972
2	Employment in the Cotton Ginning and Pressing Factories, Cotton Waste factories and godowns thereof in connection with the loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations.	Do.	1st January 1973	1st January 1973
3	Employment in Cotton Markets and Godowns and in the cotton ginning and pressing factories, cotton waste factories and godowns thereof in connection with the filling, sacking, sorting, cleaning or such other work including work preparatory or incidental to such operations.	Do.	16th July 1973	16th August 1973
4	Employment in cotton markets and godowns and in the cotton ginning and pressing factories, cotton waste factories and godowns thereof in connection with the work requiring handling of cotton, cotton waste, waste-waste, wool tops, yarns, chindi, mendi, nylon and rayon waste, very cotton, lime or gunny bags.	Do.	16th February 1973	16th March 1973
5	Employment in wool waste establishments and godowns thereof, in connection with the loading, unloading, stacking, carrying, weighing, measuring, filling, sacking, sorting, cleaning or such other work including work preparatory or incidental to such operations (any such work requiring handling of cotton, cotton waste, wool tops, yarns, chindi, mendi, nylon and rayon waste, very cotton, lime or gunny bags).	Do.	15th December 1968	15th January 1969



(a) nominated or re-nominated 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:—

(A) *Members Representing Employer—*

(1) Shri Jivrajbhai P. Patel, President, The Wooden Box Manufacturers' Association, Messrs. Prabhat Timber Industries, Bombay Timber Market, Reay Road, Bombay 400 010.

(2) Shri Chandrakant Anant Salunkhe, Committee Member, The Wooden Box Manufacturers' Association, Messrs. Chandrakant Wooden Workers, Murlidhar Baldeo Estate, Aarey Road, Goregaon (East), Bombay 400 063.

(3) Shri Vishanji Palan Mota, Committee Member, the Wooden Box Manufacturers' Association, Messrs. Pappu Packers, 31-Ashok Chamber, 56, Devji Ratansey Marg, Bombay 400 009.

(4) Shri Balwant Yeshwant Mane, President, Laghu Udyog Khoka Vyapari, Association, 194, Trimbak Parshuram Street, 1st floor, Bombay 400 004.

(5) Shri Rasiklal Manilal Lakdawalla, President, Bombay Fire Wood and Timber Commission Agent Association, Messrs. Shah Rasiklal Manilal, Lakdi Bunder, Darukhana, Bombay 400 010.

(B) *Members Representing Unprotected workers—*

(1) Shri Baburao Hari Ramishte, General Secretary C/o Maharashtra

(2) Shri Balwant Sonappa Pawar, Joint General Secretary Rajya Mathadi Transport and

(3) Shri Shivajirao Annasaheb Patil, Joint General Secretary General Kamgar Union, Jivraj

(4) Shri Khashaba Chandu Chorge, Member Bhanji Shah Market, 3rd floor, Yusuf Meherali Road, Near Masjid Station, Bombay 400 009.

(5) Shri Kashinath Pandurang Valvaikar, General Secretary, Purogami Mathadi, Transport Khoka and General Kamgar Union, Potdar Building No. 2, Gala No. 1, Dr. Maheshwari Road, Near Sandhurst Road Station, Dongri, Bombay 400 009.

(C) *Members Representing the State Government—*

(1) Shri M. K. Ambole, Assistant Commissioner of Labour, Bombay.

(2) Shri R. H. Patil, Assistant Commissioner of Labour, Bombay.

(b) nominates Shri M. K. Ambole, Assistant Commissioner of Labour, to be the Chairman of the said Board, and

(a) publishes the names of the members of the said Board including Chairman, as follows, namely:—

(1) Shri Jivrajbhai P. Patel,

(2) Shri Chandrakant Anant Salunkhe,

(3) Shri Vishanji Palan Mota,

(4) Shri Balwant Yeshwant Mane,

(5) Shri Rasiklal Manilal Lakdawalla,

(6) Shri Baburao Hari Ramishte,

(7) Shri Balwant Sonappa Pawar,

(8) Shri Shivajirao Annasaheb Patil,

(9) Shri Khashaba Chandu Chorge,

(10) Shri Kashinath Pandurang Valvaikar,

(11) Shri M. K. Ambole,

(12) Shri R. H. Patil.

(Vide Government Notification, Industries, Energy and Labour Department No. UWA-1387/CR-(11470)/Lab-5, dated 26th May, 1988, published in Maharashtra Government Gazette, Part I-L, dated 23rd June, 1988 at page Nos. 947 to 949).

IV. BOMBAY INDUSTRIAL RELATIONS ACT, 1946

(A) *Appointments 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, appointed with effect from the date of taking over charge, Shri R. V. Katteshwarkar, Civil Judge (Senior Division) Aurangabad to preside over the Labour Court, Aurangabad in place of Shri S. L. Satonekar.

(Vide Government Notification, Industries, Energy and Labour Department No. BIR-488/7539/Lab-2, dated 21st April 1988, published in Maharashtra Government Gazette, Part I-L, dated 23rd June, 1988 at page No. 907).

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 9 of the said Act, appointed from the date of taking over charge Shri M. G. Awari, Additional Chief Judicial Magistrate, Nagpur in place of Shri S. J. Gadmade to preside over as a Presiding Officer of the Labour Court, Nagpur.

(Vide Government Notification, Industries, Energy and Labour Department No. BIR-488/(7557)/Lab-2, dated 29th April, 1988, published in Maharashtra Government Gazette, Part I-L, dated 23rd June, 1988 at page No. 914).

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

(A) *Appointments under the Act.*—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 4 of the said Act, appointed from the date of taking over

charge Shri R. V. Katneshwarkar, Civil Judge (Senior Division) Aurangabad as Presiding Officer of the Labour Court, Aurangabad, in place of Shri S. I. Satonekar

In the said notification for the words and letters "Shri S. I. Satonekar" the words and letters "Shri R. V. Katneshwarkar" shall be substituted.

(Vide Government Notification, Industries, Energy and Labour Department No. ULP-488/7540/Lab-2, dated 21st April, 1988 published in Maharashtra Government Gazette, Part I-L, dated 23rd June, 1988 at page No. 914)

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 6 of the said Act, appointed from the date of taking over charge Shri M. G. Awari, Additional Chief Judicial Magistrate, Nagpur in place of Shri S. J. Gadmade as Presiding Officer of the Labour Court, Nagpur.

(Vide Government Notification, Industries, Energy and Labour Department No. ULP-488/(7558)/Lab-2, dated 29th April, 1988, published in Maharashtra Government Gazette, Part I-L, dated 23rd June, 1988 at page No. 914).

#### VI. MINIMUM WAGES ACT, 1948

(A) Fixation/Revision of minimum Rates of Wages.—The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by clause (b) of sub-section (1) of Section 3 read with sub-Section (2) of section 5 of the said Act, after considering the advice of the Committee which was appointed to hold enquiries into the conditions prevailing in the scheduled employment in agriculture, revised the minimum rates of wages in respect of employees employed in the said schedule employment and with effect from 1st May, 1988, refixed them as set out in column 2 of the schedule hereto, in respect of each Zone specified in that column for the classes of employees mentioned against them in column 1 of the said Schedule.

#### SCHEDULE

Class of Employees	Rates of minimum wages			
	Zone I	Zone II	Zone III	Zone IV
(A) (i) Daily rated employees	Rs. 20 per day.	Rs. 16 per day.	Rs. 14 per day.	Rs. 12 per day.
(ii) Mahinadar or monthly rated employees.	Rs. 640 per month.	Rs. 520 per month.	Rs. 460 per month.	Rs. 400 per month.
(iii) Saldar or Salkari or employees working on yearly basis.	Rs. 7,680 per year.	Rs. 6,240 per year.	Rs. 5,520 per year.	Rs. 4,800 per year.
B) Employees working on machines run by power, steam or oil—				
(i) Daily rated employees	Rs. 24 per day.	Rs. 20 per day.	Rs. 20 per day.	Rs. 20 per day.
(ii) Mahinadar or monthly rated employees.	Rs. 800 per month.	Rs. 640 per month.	Rs. 640 per month.	Rs. 640 per month.
(iii) Saldar or Salkari or employees working on yearly basis.	Rs. 9,600 per year.	Rs. 7,680 per year.	Rs. 7,680 per year.	Rs. 7,680 per year.

Explanation. For the purposes of this notification—

(a) Zone I, shall comprise of the areas within the limits of—

(i) the Municipal Corporation of Greater Bombay, Pune, Nagpur, Sholapur, Kolhapur, Aurrangabad, Thane, Pimpri-Chinchwad, Nashik, Kalyan, and Amravati.

(ii) the Pune and Kirkee cantonment.

(iii) the Command areas receiving perennial water supply from the irrigation schemes (including lift irrigation schemes) constructed and maintained by Government.

(b) Zone II, shall comprise of the areas within the limits of—

(i) the Municipal Councils of Bhiwandi, Ulhasnagar, Malegaon, Dhule, Jalgaon, Bhusawal, Ahmadnagar, Satara City, Sangli, Miraj, Ichalkaranji, Jalna, Parbhani, Beed, Nanded, Latur, Akola, Achalpur, Yavatmal, Wardha, Gondia and Chandrapur.

(ii) the Municipal Councils of Vasai, Panvel, Khopoli, Ratnagiri, Manmad, Nandurbar, Shirpur-Warwade, Amalner, Chalisgaon, Chopda, Pachora, Shirampur, Sangamner, Koparagaon, Lonavale, Baramati, Karad, Phaltan, Islampur, Barsi, Pandharpur, Hingoli, Parli-Vajinath, Ambejogai, Udgir,, Osmanabad, Khamgaon, Malkapur, Buldhana, Shegaon Akot, Karanja, Washim, Anjangaon-Surji, Badnera, Wani, Pusad, Hingnaghat, Arvi, Pulgaon, Kamptee, Umred, Bhandra, Tumsar and Ballarpur.

(iii) the Dehu Road, Ahmadnagar, Aurangabad, Kamptee, Nashik Road and Deolali Cantonments;

(iv) the areas receiving seasonal water supply from the Government constructed dams ;

(c) Zone III, shall comprise of the areas of the State excluding the areas included in Zones I, II and IV;

(d) Zone IV, shall comprise the following areas excluding the areas specified in sub-clause (iii) of clause (a) and sub-clause (iv) of clause (b), namely:—

Serial No.	District	Taluka	
1	Jalgaon	Chalisgaon Bhadgaon Parola Bhandol Bdalabad Amalner (Shirsala and Amalner Circles. Pachora (Nag: rdevala Circle).	Area not falling in the command of large irrigation canal system
2	Dhule	Sakri Dhule Sindkheda Nandurbar (excluding Dhanora Circle).	

Serial No.	District	Taluka	
3	Nashik	Chandor	.. ..
		Kalvan	.. ..
		Nevasar	.. ..
		Dindori (Vadi and Dindori Circles)	.. ..
		Baglan	.. ..
		Simar	.. ..
		Yelva	.. ..
4	Pune	Malegaon	.. ..
		Niphad	.. ..
		Junnar (Naravangaon Circle)	.. ..
		Amalgaon (Mamhar Circle)	.. ..
		Khed (Khed and Chakan Circle)	.. ..
		Daund	.. ..
		Baramati	.. ..
5	Solapur	Indapur	.. ..
		Purandar	.. ..
		Shirur	.. ..
		Solapur North	.. ..
		Barsi	.. ..
		Akkalkot	.. ..
		Solapur South	.. ..
6	Ahmadnagar	Mohol	.. ..
		Mangalvedha	.. ..
		Pandharpur	.. ..
		Sangola	.. ..
		Malshiras	.. ..
		Karmala	.. ..
		Madha	.. ..
7	Sangli	Akola (Akola and Kotul Circle)	.. ..
		Patwardi	.. ..
		Parner	.. ..
		Ahmadnagar	.. ..
		Jamkhed	.. ..
		Shegaon	.. ..
		Sangamner	.. ..
		Shrigonda	.. ..
		Karjat	.. ..
		Kopergaon	.. ..
		Shirampur	.. ..
Nevasa	.. ..		
Rahuri	.. ..		
		Areas not served by irrigation canal system.	
		Areas not served by large irrigation canal system.	
		Areas not served by large irrigation canal system.	

Serial No.	District	Taluka	
8	Sangli	Koregaon	.. ..
		Man	.. ..
		Khatav	.. ..
		Phaltan	.. ..
9	Aurangabad	Khandala	.. ..
		Vaijapur	.. ..
		Coangapur	.. ..
		Kannad	.. ..
		Paithan	.. ..
		Khuldabad	.. ..
10	Aurangabad	Aurangabad	.. ..
		Ambad (Vadi Godre and Ambad Circles)	.. ..
		Ashti	.. ..
		Patoda	.. ..
11	Aurangabad	Georai	.. ..
		Beed	.. ..
		Manjlegaon (Nitru and Talghat Circles)	.. ..
		Kej (excluding Gugulamba Circle)	.. ..
12	Aurangabad	Blum	.. ..
		Paranda	.. ..
		Osmanabad (excluding Thair Circle)	.. ..
13	Aurangabad	Chajapur	.. ..
		Kallamb (Kallamb and Moha Circles)	.. ..
14	Buldhana	Malkapur (Mehala Circle)	.. ..
		Khamgaon (Khamgaon Circle)	.. ..

Areas not served by large irrigation canal system.

(c) in the case of employees employed as Saldar or Salkari whose current employment year has commenced on any date prior to the 1st May 1988 and who were, prior to that date, paid wages at the minimum rates of wages then applicable to them (not rate being hereinafter referred to as "the old minimum rates of wages"), the wages to be payable for that part of the current employment year which precedes the 1st May 1988 shall be calculated on *pro-rata* basis at the old minimum rates of wages and for the remaining part of the current employment year, shall be calculated on *pro-rata* basis at the minimum rates of wages fixed by this notification.

(For Government Notification Industries, Energy and Labour Department No. MWA-2186/656 (A)/Lab-7, dated 27th April, 1988, published in Maharashtra Government Gazette, Part-I, dated 23rd June 1988 at pages Nos. 908 to 911).

#### (B) NOTIFICATION

(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-section (2) of Section 11 of the said Act and in supersession of Government Notification, Industries, Energy and Labour Department No. MWA-2182/517 (B)/Lab-7, dated the 31st January, 1983, authorities with effect from the 31st day of May, 1988,

payment of minimum wages employed as *saldars*, *Salkaris* or *Mahinedars*, and employees employed on daily wages in the schedule employment in agriculture in accordance with the mutual agreement between them and their employers subject to the maximum limit of 50 per cent of the total minimum wages payable to them.

(Vide Government Notification, Industries, Energy and Labour Department No. MWA-2388/6766(B)/Lab-7, dated 27th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June, 1988 at page No. 912).

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in pursuance of sub-rule (6) of rule 24 of the Maharashtra Minimum Wages Rules, 1963 and in supersession of Government Notification, Industries, Energy and Labour Department No. MWA-2382/5137 (C)/Lab-7, dated 31st January, 1983 notified that the provisions of sub-rules (1) and (2) of the said rule 24 shall, in the case of employees employed in the agricultural employment, whose minimum rates of wages have been fixed by the day, month or year, be subject to the following notifications namely:—

(i) In the said sub-rule (1) in clause (a) for the figure and word "9 hours" the figures and words "7 hours excluding interval for rest of 1 hour" shall be substituted;

(u) In the said sub-rule (2) for the words "half an hour" the words "one hour" shall be substituted.

(Vide Government Notification, Industries, Energy and Labour Department No. MWA-2388/6766(C)/Lab-7, dated 27th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June, 1988 at page No. 912).

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-section (2) of section 26 of the said Act, directed that for a period of three years or until further order, whichever is earlier, commencing on the 1st May 1988, the provisions of clause (b) of sub-section (1) of section 13 of the said Act, shall not apply to employees employed in the scheduled employment in agriculture subject to the following conditions namely

(1) Employees employed as *Saldar* or *Salkaris* shall, in each year of employment be given in the aggregate 24 days of rest with wages.

(2) Employees employed as *Mahinedars* shall, in each month of employment be given in the aggregate 2 days of rest with wages.

(3) In addition to days of rest mentioned in conditions (1) and (2), the *Saldar* or *Salkaris* and *Mahinedars* shall be given or granted 3 National public holidays, i.e. 26th January, 1st May and 15th August with wages. However, in the event of it not being possible to grant the said National holidays on those dates due to unavoidable urgent work in agricultural peak season, such as harvesting or planting etc., the said holidays shall be

granted to the employees in the same year with mutual consent and convenience or granted to the employees in the same year with mutual consent and convenience :

*Explanation.*—For the purpose of this notification, a day of rest given at any time may be equal to half or full normal working day, provided the aggregate number of days of rest so given in accordance with condition (1) or (2) or is equal to full 24 normal working days or, as the case may be, two full normal working days.

(Vide Government Notification, Industries, Energy and Labour Department No. MWA. 2388/6766-(D)/Lab-7, dated 27th April, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June 1988 at page No. 913).

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

(A) *Declaration under the Act.* (1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-sections (1) and (2) of Section 3 and sub-clause (iv) of clause (a) of sub-section (1) of section 4 of the said Act,—

(a) declared that the industrial undertaking called "Fancy Corporation, Limited, 16, Bombay Samachar Marg, Bombay 400 023" (hereinafter referred to as "the said relief undertaking") to which a loan of Rs. 1,66,765 (Rupees one lakh sixty six thousand seven hundred sixty five only) has been provided by the State Government, shall for a period of twelve months, commencing on 6th May 1988 and ending on the 5th May 1989 (both days inclusive) be conducted to serve as a measure of unemployment relief ; and

(d) directed that in relation to the said relief undertaking and in respect of the said period of twelve months commencing on 6th May 1988 and ending on 5th May 1989 (both days inclusive) for which the said relief undertaking continues as such, any right, privilege, obligation or liability (excepting the obligations or liabilities incurred in favour of the workmen of the said relief undertaking, United Bank of India and any liability incurred under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975) and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) and the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), accrued or incurred before the 6th May 1988 and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed.

(Vide Government Notification, Industries, Energy and Labour Department, No. BRU. 1088/(788)/IND-10, dated 6th May 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 25th June 1988 at page No. 915).

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-section (1) and (2) of

section 3 and sub-clause (iv) of clause (a) of sub-section (1) of section 4 of the said Act,—

(a) declared that the Industrial undertaking called "Paper and Pulp Conversions Limited, 1183, Shivajinagar, Fergusson College Road, Pune 411 005" (hereinafter referred to as "the said relief undertaking") to which a loan of Rs. 5,00,000 (Rupees five lakhs only), has been provided by the State Government, shall for a period of six months, commencing on 16th May 1988 and ending on 15th November 1988 (both days inclusive) be conducted to serve as a measure of unemployment relief; and

(b) directed that in relation to the said relief undertaking and in respect of the said period of six months commencing on 16th May 1988 and ending on 15th November 1988 (both days inclusive) for which the said relief undertaking continues as such, any right, privilege, obligation or liability (excepting the obligations or liabilities incurred in favour of the workmen of the said relief undertaking, Industrial Credit and Investment Corporation of India, Industrial Financial Corporation of India, Gujarat Industrial and Investment Corporation, Gujarat State Financial Corporation, Union Bank, General Insurance Corporation, Unit Trust of India, Bank of Maharashtra, Life Insurance Corporation, Maharashtra State Electricity Board and any liability incurred under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975), the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), and the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), accrued or incurred before the 16th May 1988 and any remedy for the enforcement thereof, shall be suspended and all proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed.

(Vide Government Notification, Industries, Energy and Labour Department No. BRU. 1087/(597)/IND-16, dated 10th May 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June 1988 at page No. 917).

(3) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 3 and sub-clause (iv) of clause (a) of section (1) of section 4 of the said Act,—

(a) declared that the industrial undertaking called the Phoenix Mill Limited, Bombay, to which a loan of Rs. 1,00,000 (Rupees One lakh only) has been provided by the State Government, shall for a period of one year commencing on 20th May 1988 and ending on the 19th May 1989 (both days inclusive) be conducted to serve as a measure of unemployment relief subject to fulfilling the conditions specified in the Schedule hereto; and

(b) directed that in relation to the said relief undertaking and in respect of the said period of one year commencing on the 20th May 1988 and ending on the 19th May 1989 (both days inclusive) for which the said relief undertaking continues as such, unless aforesaid declaration is withdrawn at an early date for breach of any of the condition specified in the said Schedule, any right, privilege, obligation or liability (excepting the obligation accrued

towards or liabilities incurred in favour of workmen of the said relief undertaking and the liabilities accrued towards or incurred in favour of the industrial units which are registered as small scale industrial units with the Directorate of Industries of the Government of Maharashtra, Bank of India and Dena Bank), accrued or incurred before the 4th day of January 1979 and any remedy for the enforcement thereof shall be suspended and all proceedings relating thereto pending before any court, tribunal, officer or authority shall be stayed.

#### Schedule

(1) The said relief undertaking shall pay the current wages, salaries and dues in respect of the Employees' Provident Fund Contribution (both employees' and employers' share) and the Employees' State Insurance to the appropriate authorities.

(2) The said relief undertaking shall pay every month Rs. 75,000 towards arrears on account of the Employees' Provident Fund and Rs. 25,000 towards past arrears on account of Employees' State Insurance to the appropriate authorities. In case the instalments granted by the Government of India are less than instalments mentioned above, payment shall be continued according to the above instalments only. If the Government of India's instalments are higher than the above instalments, the payment shall be according to the Government of India's instalments (and not according to the above instalments).

(3) The said relief undertaking shall pay in full the dues including gratuity to the workers retiring on or after the 4th May 1982, immediately on their retirement.

(4) The said relief undertaking shall furnish to the Secretary to the Government of Maharashtra, Industries, Energy and Labour Department, a monthly report about the details of the payments made towards the various items referred to above, by the 15th of each following month.

(5) In default of payment of any current dues of instalments of arrears, the declaration made and directions issued by the Government of Maharashtra under sections 3 and 4 of the Bombay Relief Undertakings (Special Provisions) Act, 1958, in respect of the said relief undertaking shall be withdrawn even without any further show cause notice.

(6) Government reserves the right to intimate directly to the Bankers of the said relief undertaking requiring them to make payment in respect of arrears as well as the current dues of the Provident Fund, Gratuity and other dues of the workers, in the manner as may be specified by Government.

(Vide Government Notification, Industries, Energy and Labour Department No. BRU. 1088/(754)/IND-10, dated 20th May 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 20th May 1988 at page Nos. 923 to 924).

(4) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by Sections 3 & 4 of the said Act, —

(a) declared that the said relief undertaking shall, for a further period of twelve months commencing on 20th May 1988 and ending on 19th May 1989 (both days inclusive), be conducted to serve as a measure of unemployment relief; and

(b) directed that in relation to the said relief undertaking and in respect of the said period of twelve months commencing on 20th May 1988 and ending on 19th May 1989 (both days inclusive) for which the said relief undertaking continues as such, any right, privilege, obligation or liability (excepting the obligation or liabilities incurred in favour of the workmen of the said relief undertaking or in favour of the industrial units which are registered as small scale industrial units with the Directorate of Industries of the Government of Maharashtra, the Maharashtra State Electricity Board, the State Industrial and Investment Corporation of Maharashtra Limited, the Maharashtra State Finance Corporation Limited, Bank of Baroda, Dena Bank, Saraswat Co-operative Bank Limited, and the dues of the Employees State Insurance Corporation, and any liabilities incurred under the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975), and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) accrued, or incurred before the 13th October 1983 and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto, pending before any court, tribunal, officer or authority shall be stayed.

(Vide Government Notification, Industries, Energy & Labour Department, No. BRU-1088/(782)/IND-10, dated 20th May, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June 1988 at page Nos. 924 to 926).

#### VIII. MAHARASHTRA PRIVATE SECURITY GUARDS (REGULATION OF EMPLOYMENT AND WELFARE) ACT, 1981.

(A) *Appointments under the Act* —The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by sub-sections (1), (2), (3) and (4) of section 15 of the said Act, and of all other powers enabling it in that behalf —

(a) constituted the Advisory Committee for the purposes of the said section 15;

(b) appointed and publishes the names of the members of the Advisory Committee (being members representing the State Government, the Legislature of the State, the employers and the Security Guards) as follows, namely —

##### Members representing the State Government—

- |   |           |
|---|-----------|
| (1) Minister of Labour  | Chairman. |
| (2) Commissioner of Labour, Bombay                            | Member.   |
| (3) Additional Commissioner of Police<br>(Shri A. S. Inamdar) | Member.   |

##### Members representing the Legislature of State—

- (1) Shri Chandrashekhar Prabhu, MLA, 3/38, Dattatraya Building, Tukaram Javaji Road, Bombay 400 007. Member.
- (2) Shri Shankar Sakharam Nam, MLA, At and Post Tawa, Taluka Dahanu, District Thane. Member.
- (3) Shri Shamim Rashid Quareshi, MLA, Nani Bungalow, Bldg, No. 2, 2nd Hasanabad Lane, Santacruz (West), Bombay 400 054. Member.

##### Members representing the Employers—

- (1) Shri A. A. Sanzagiri, Indian Merchants' Chamber, 76, Veer Nariman Point, Churchgate, Bombay 400 020. Member.
- (2) Shri Vijay Kalantri, All India Manufacturer's Organisation, Joevan Sahakar, Sir P. M. Road, Bombay 400 001. Member.
- (3) Shri Arvind D. Deshpande, Maharashtra Chamber of Commerce, Orikon House, 6th floor, 12-K, Dubhash Marg, Rampart Road, Fort, Bombay 400 023. Member.

##### Members representing the Security Guards—

- (1) Shri H. N. Trivedi, President, Bombay General Employees' Association (INTUC), Mazdoor Karyalaya, Congress House, V. P. Road, Bombay 400 004.
- (2) Shri Dajiba Parvat Patil, General Secretary, Rashtriya Mill Mazdoor Sangh (INTUC), Mazdoor Manzil, Amalner, District Jalgaon.
- (3) Capt. Shri G. S. Kirde (IMS), Ex-Servicemens Association, Subhashnagar, Nagpur.

(c) nominates Minister for Labour to the Chairman and Shri Y. G. Darne, Assistant Commissioner of Labour, Bombay to be the Secretary of the Advisory Committee.

(Vide Government Notification, Industries, Energy and Labour Department No. SGA-1288/CR-11727/Lab-5, dated 23rd May, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 23rd June 1988 at page Nos. 926 to 927).

#### X. EMPLOYEES STATE INSURANCE ACT, 1948

(A) *Exemption under the Act*—(1) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by section 87, read with section 91-A of the said Act, exempted M/s.

Paramount Sinters Pvt. Ltd., Chandrapur from the operation of the said Act, retrospectively with effect from 1st October, 1986 till the date of issue of this Notification and prospectively upto and inclusive of 31st March, 1988 or till the medical arrangements are made, whichever is earlier, subject to the condition that contributions, already paid will not be refunded.

(Vide Government Notification, Industries, Energy & Labour Department, No. SIA-1086/36/Lab-4, dated 27th January, 1988, published in *Maharashtra Government Gazette*, Part—I-L, dated 30th June, 1988 at page No. 955).

(2) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by section 88 read with section 91-A of the said Act, exempted Smt. Kusum B. Joshi, employee of M/s. Elpro International Ltd., Chinchwad Gaon, Pune-411 033 from the operation of the said Act, retrospectively from 23rd February 1978 upto 30th September 1986 (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department, No. SIA-1087/670/Lab-4, dated 27th January 1988, published in *Maharashtra Government Gazette* Part—I-L, dated, 30th June 1988 at page No. 955).

(3) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by section 87 read with section 91-A of the said Act, exempted the Distillery Unit of Shree Panchganga Sahakari Akhali Karkhana Ltd., Ganga Nagar Ichalkaranji, Dist. Kolhapur from the operation of provisions of the said Act, retrospectively from 1st March, 1975 upto and inclusive of the 31st March, 1983 subject to the condition that contribution already paid will not be refunded.

(Vide Government Notification, Industries, Energy & Labour Department, No. SIA-1086/493 Lab-4, dated 24th February, 1988, published in *Maharashtra Government Gazette* Part IL, dated 30th June, 1988 at page No. 959).

#### X—FACTORIES ACT, 1948.

(A) *Notification*.—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by clause (k) of sub-section (2) of section 64 of the said Act, notified the work of the Naval Dock Yard at Bombay as a work of national importance for the purpose of the said clause (X).

(Vide Government Notification, Industries, Energy and Labour Department, No. FAC-1684/9506/Lab-4, dated 23rd February 1988, published in *Maharashtra Government Gazette*, Part I-L at page No. 959).

(B) *Amendment to Notification under the Act*.—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-section (1) of section 85 of the said Act, amended

Government Notification, Industries, Energy and Labour Department, No. FAC.1082/8583/Lab-4, dated 1st July 1985 as follows namely

In the schedule appended to the said notification, for entry 7, the following shall be substituted, namely,—“ 7 any process involving use of pressure vessels except air receiver tanks having air under pressure ”.

(Vide Government Notification, Industries, Energy and Labour Department, No. FAC-1085/9868/Lab-4, dated 24th February 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June 1988 at page No. 960.)

(C) *Exemptions under the Act*.—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by section 84 of the said Act, exempted the workers in the Bhandup Complex of the Bombay Municipal Corporation situated at Mulund, Bombay 400 032, under the Deputy Hydraulic Engineers, Mulund coming under the purview of the provisions of the said Act, from the provisions of Chapter VIII of the said Act, subject to the following conditions namely :—

(1) An extract of leave account shall be given to each worker at the beginning of every calendar year and

(2) Annual leave with wages for the period prescribed under section 79 of the said Act shall be available as of right.

(Vide Government Notification, Industries, Energy and Labour Department, No. FAC-1087/758/Lab-4, dated 23rd March 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June 1988 at page No. 966 to 967.)

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by Section 86 of the said Act, exempted the workshop attached to the Chief Executive, Poona District Leprosy Committee Moledina Road, Pune 411 001, Institution from all provisions of the said Act, other than section 6 in Chapter I relating to “Approval, Licencing and Registration of Factories ” and Chapter IV relating to safety on condition that no change will be made in the scheme of hours of employment, Intervals for meals and holidays of persons employed in or attending the said Institution, without the previous approval of the Chief Inspector of Factories, Maharashtra,

(Vide Government Notification, Industries, Energy and Labour Department, No. FAC-1687/3591/506/Lab-4, dated 23rd March, 1988, published in *Maharashtra Government Gazette*, Part I-L, dated 30th June, 1988 at page No. 967).

#### XI—BOMBAY SHOPS AND ESTABLISHMENT ACT, 1948

(A) *Amendment to Schedule II under the Act*.—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the

conferred by the proviso of section 4 of the said Act, amended Schedule-II to said Act, namely

In the said Schedule II of the said Act, after entry No. 371 the following entry shall be added, namely,

372 Data System Services, The provision of section 13, subject to the Nalin Chambers, 173, conditions that.—

Dhole Patil Road, Pune. (i) No female employee shall be allowed Pune 411 001. or required to work in the Computer Department after 8-30 p.m.

(ii) The employee concerned, shall be entitled to over-time wages in accordance with section 63 of the said Act.

(iii) No employee shall be given without his/her consent night-duty continuously for more than fifteen days.

(Vide Government Notification, Industries, Energy and Labour Department No. BSE-1487/400122/CR-2460/Lab-9, dated 9th March, 1988 Published in Maharashtra Government Gazette Part I-L, dated 30th June 1988 at page No. 963.

(2) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by the proviso to Section 4 of the said Act, amended Schedule-II to the said Act as follows, namely

In the Schedule-II to the said Act, in entry 316, in column (3) in paragraph (iii) for the existing proviso the following proviso shall be substituted, namely —

“ Provided that its Main and Service Branches connected with clearing House of Reserve Bank of India may be opened at 6-30 a.m. and closed at 11-00 p.m.

(Vide Government Notification, Industries, Energy and Labour Department No. BSE-1587/420396/(2566)/Lab-9, dated 29th March 1988, published in Maharashtra Government Gazette part II, dated 30th June, 1988 at page No. 968).

(3) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by the proviso to Section 4 of the said Act, amended Schedule-II to the said Act, as follows namely —

“ 375 Oberoi Airport Services, Section 33(3) subject to the conditions that—  
Sehar Airport Road, Sahar, (1) No women employees shall be given Bombay 400 099. night duty continuously for more than one week.

(2) All women employees whose duty terminates or starts after 9-00 p.m. and before 6-00 a.m. should be provided escorted transport by the Establishment upto the residence of the concerned employees.

(3) Women employees should be placed in groups at night.

(4) The female employees are not required or allowed to work in the permit room.

(5) Rest rooms and separate lockers shall be provided in the Hotel Premises for women employees.”

(Vide Government Notification, Industries, Energy and Labour Department No. BSE-1487/412417/(2803)/Lab-9, dated 11th April 1988, published in Maharashtra Government Gazette, Part-I-L, dated 30th June 1988 at page No. 971)

(4) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by the proviso to Section 4 of the said Act, amended Schedule-II to the said Act, as follows namely :—

In the said Schedule II to the said Act, after entry No. 373 the following shall be added, namely :—

“ 374 The Resort Paramount Section 33(3) subject to the conditions that—  
Hotels Private Limited, (1) No women employee shall be given  
Aksa Beach Madh, Marve night duty continuously for more than  
Road, Malad (West), one week.  
Bombay 400 095.

(2) All women employees whose duty terminates or starts after 8-30 p.m. and before 6-00 a.m. should be provided escorted transport by the Establishment upto the residence of the concerned employees.

(3) Women employees should be placed in groups at night.

(4) The female employees are not required or allowed to work in the permit room.

(5) Rest rooms and separate lockers shall be provided in the Hotel Premises for women employees.”

(Vide Government Notification, Industries, Energy and Labour Department No. BSE-1486/218223/(2139)/Lab-9, dated 11th April 1988, published in the Maharashtra Government Gazette, Part-I-L, dated 30th June 1988 at page No. 970).

(B) Suspension as the provision of the Act.—(1) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by Section 6 of the said Act, suspended the operation of the provisions of Section 13, 14, 17 and 18 of the said Act, from 21st March

1988 to 23rd April 1988 (both days inclusive) in respect of the Divisional and Branch Offices of the Life Insurance Corporation of India in the State of Maharashtra subject to the conditions specified in the schedule appended hereto.

SCHEDULE

(1) Every employee on account of loss of prescribed holidays on Sundays the 27th March 1988, 3rd April 1988, 10th April 1988 and 17th April 1988 be granted compensatory holidays before the week ending 31st May 1988 and no deductions shall be made from the wages of the employees on account hereof.

(2) The employees shall in respect of the work done on Sundays the 27th March 1988, 3rd April 1988, 10th April 1988 and 17th April 1988 be entitled to over time wages at the rates not less than those specified in section 63 of the said Act.

(3) The employees shall be granted over-time wages at the rates not less than those specified in section 63 of the said Act, in respect of the work done in excess of their normal hours of work on the working days.

(Vide Government Notification, Industries, Energy and Labour Department No. P-7388 103713/(3139)/Lab-9, dated 15th March 1988, published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June 1988 at page No. 965).

(2) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by Section 6 of the said Act, has suspended certain provisions of the said Act, as shown in column 2 of the schedule appended hereto on account of the festivals shown in column 1 of the said schedule for the periods mentioned in columns 3 and 4 of the said schedule.

Festivals	Provisions of Sections	Periods
1	2	3
Jeshth Adhik ..	Sections 10(1), 11(1), (a), 14, 16, 18, 20, 21, 23 and 24.	dated 25th May, 1988 to 29th May, 1988 and dated 8th June, 1988 to 12th June, 1988. (total 10 days)

(Vide Government Notification, Industries, Energy & Labour Department No. P. 7388/CR-3270/Lab-9, dated 6th May, 1988, published in *Maharashtra Government Gazette* Part-I-L, dated 30th June, 1988 at page Nos. 982 to 983.)

(3) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by Section 6 of the said Act, has suspended certain provisions of the said Act, as shown in column 2 of the

schedule appended hereto on account of the festivals shown in column 1 of said schedule for the periods mentioned in column 3 and 4 of the said Schedule.

Festivals	Provisions of Sections	Periods
Shadhi Ekadashi ..	Sections 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	20th July, 1988 to 27th July, 1988. (both days inclusive).

(Vide Government Notification, Industries, Energy & Labour Department No. P. 7388/115654/(3290)/Lab-9, dated 1st June, published in *Maharashtra Government Gazette*, Part-I-L, dated 30th June, 1988 at page Nos. 984 to 985.)

(4) The Government of Maharashtra, Industries, Energy & Labour Department has in exercise of the powers conferred by Section 6 of the said Act, has suspended certain provisions of the said Act, as shown in the festivals shown in column 1 of the said schedule for the periods mentioned in columns 3 and 4 of the said Schedule.

Festivals	Provisions of Sections	Periods
Nag-Panchami ..	Sections 10(1), 11(1) (a), 14, 16, 18, 20, 21, 23 and 24.	16th August, 1988 to 17th August, 1988. (both days inclusive).

(Vide Government Notification Industries, Energy & Labour Department No. P. 7388/115654/(3291)/Lab-9, dated 10th June, 1988, published in *Maharashtra Government Gazette* Part-I-L, dated 30th June, 1988 at page Nos. 986 to 987).

(5) The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by Section 6 of the said Act, has suspended certain provisions of the Act, as shown in column 2 of the schedule appended hereto on account of the festivals shown in column 1 of the said schedule for the period mentioned in columns 3 and 4 of the said Schedule.

Festivals	Provisions of Sections	Periods
1. Book-Stall ..	Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	1st June, 1988 to 31st July 1988 (both days inclusive)
2. Bakri-Id. ..	Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	24th July 1988 to 26th July, 1988 (both days inclusive)
3. Ganesh Utsav ..	Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	11th September, 1988 to 25th September, 1988 (both days inclusive).

4. Moharam	..	Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	21st August, 1988 to 24th August, 1988 (both days inclusive).
5. Navratra Utsav & Dasara		Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	11th October, 1988 to 20th October, 1988 (both days inclusive)
6. Kojagiri Pournima		Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	23rd October, 1988 to 25th October, 1988 (both days inclusive).
7. Diwali	..	Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	4th November, 1988 to 16th November, 1988 (both days inclusive).
8. Natal (Christmas)		Section 10(1), 11(1) (a) 14, 16, 18, 20, 21, 23 and 24.	23rd December, 1988 to 1st January, 1989 (both days inclusive).

1134 Government Notification, Industries, Energy and Labour Department No. P. 7388/115654, (3236)/Lab-9, dated 2nd May, 1988, published in *Maharashtra Government Gazette* Part I-L, dated 30th June 1988 at page Nos. 988 to 996).

#### XII—EMPLOYEE'S PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952.

(A) *Exemption under the Act.*—The Government of Maharashtra, Industries, Energy and Labour Department has in exercise of the powers conferred by sub-section (4) of section 17 of the said Act, exempted from the operations of the Employees' Provident Funds Scheme, 1952, granted to M.S. Bentax Sales Corporation, 28 Tulsiwadi Road, Bombay-400 034 under Government of Maharashtra Notification, Industries, Energy and Labour Department No. EPF-1165 Lab-1, dated the 31st July 1965 should be cancelled with effect from 1st April 1988.

(Vide Government Notification, Industries, Energy and Labour Department No. EPF-1187 CR-805 Lab-4, dated 6th April 1988, Published in *Maharashtra Government Gazette* Part I-L dated 30th June 1988 at page No. 972).

### Consumer Price Index Numbers for Industrial Workers for June, 1988

#### BOMBAY CENTRE\*

##### 857—A rise of 9 Points

In June 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 857 being 9 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 968 due to a rise in the average prices of Rice, Goat meat, Fish Fresh, Eggs, Dry Chillies Onion, Vegetable and Fruits sub-group Sugar and Bhjia.

The index number for the Pan, Supari and Tobacco etc., group increased by 1 points to 916 due to a rise in the average price of Chewing Tobacco.

The index number for the Fuel and Light group increased by 9 points to 1,167 due to a rise in the average price of Char coal.

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

The index number for the clothing, bedding and footwear group decreased by 9 points to 707 due to a fall in the average price of Shoes-Gents.

The index number for the miscellaneous group increased by 3 points to 655 due to a rise in the average of price of Barber 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	
		1988	1987
I-A. Food	57.1	953	968
I-B. Pan, Supari, Tobacco, etc.	4.9	915	916
II. Fuel and Light	5.0	1158	1167
III. Housing	4.6	215	215
IV. Clothing, Bedding and Foot-Wear	9.4	716	707
V. Miscellaneous	19.0	652	655
Total ..	100.00		
Consumer Price Index Number ..		848	857

\*Details regarding the scope and method of compilation of the index will be found on pages 598 to 600 of December 1965 issue of *Labour Gazette*, For Errata (see) page 867 of January 1966 issue.

Note.—To obtain the 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\*

## 775—A rise of 17 Points

In June 1988 the Consumer Price Index Number for working Class (New Series) for Solapur Centre with base January to December 1960 equal to 100 was 775 being 17 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 Solapur Centre.

The index number for the Food group increased by 27 points to 820 due to a rise in the average prices of Jowar, Chillies green and Dry, Onions and Vegetables and Fruits sub-group.

The index number for the Pan, Supari and Tobacco etc., group increased by 13 points to 779 due to a rise in the average prices of Supari and Chewing Tobacco.

The index number for the Fuel and Light group increased by 2 points to 891 due to a rise in the average price of Firewood.

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

The index number for Clothing, Bedding and Footwear group increase by 2 points to 704 due to a rise in the average price of Long Cloth.

The index number for the Miscellaneous group increased by 1 point to 716 due to a rise in the average price of School Book.

## 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	
		May 1988	June 1988
I-A. Food ..	63.0	793	820
I-B. Pan, Supari, Tobacco etc. ..	3.4	766	779
II. Fuel and Light ..	7.1	889	891
III. Housing ..	5.2	337	337
IV. Clothing, Bedding and Footwear ..	9.0	702	704
V. Miscellaneous ..	12.3	715	716
Total	100.00	758	775
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 1927-28=100, the new index number should be multiplied by the linking factor of 3.82.

## NAGPUR CENTRE\*

## 793—A fall of 4 Points

In June 1988 the Consumer Price Index Number for Working Class (New Series) for Nagpur Centre with base January to December 1960 equal to 100 was 793 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 Nagpur Centre.

The index number for the Food group decreased by 9 points to 823 due to a fall in the average prices of Rice, Arhar dal and Moong dal.

The index number for the Pan, Supari and Tobacco etc., group decreased by 2 points to 999 due to a fall in the average price of Supari.

The index number for the Fuel and Light group increased by 18 points to 1260 due to a rise in the average prices of Firewood, Coke 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 steady at 713.

The index number for the Miscellaneous group increased by 2 points to 631 due to a rise in the average of Bus fare.

## 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	
		May 1988	June 1988
I-A. Food	57.2	832	823
I-B. Pan, Supari, Tobacco, etc.	3.8	1001	999
II. Fuel and Light	5.7	1242	1260
III. Housing	6.6	529	529
IV. Clothing, Bedding and Footwear	10.9	713	713
V. Miscellaneous	15.8	629	631
Total ..	100.00	797	793
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 1968 issue of Labour Gazette.

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

**PUNE CENTRE\*****717—A fall of 2 Points**

In June 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 717 being 2 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 8 points to 808 due to a fall in the average prices of Rice, Wheat, Fresh Fish, Vegetables and Banana.

The index number for the Fuel and Light group increased by 27 points to 948 due to a rise in the average prices of Firewood (Raywal) and Char coal (Patti).

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

The index number for the clothing and footwear group remained steady at 647.

The index number for the miscellaneous group increased by 1 point to 599 due to a rise in the average prices of Washing Soap and School books Kumar Bharti, Anganit and Apli Prithvi).

**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	
		May 1988	June 1988
I. Food	55.85	816	808
II. Fuel and Light	6.89	921	948
III. Housing ..	6.65	176	176
IV. Clothing and Footwear	10.31	647	647
V. Miscellaneous	20.30	598	599
Total	100.00	.....	.....
Consumer Price Index Number		719	717

\* 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\*****740—A rise of 14 Points**

In June 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 740 being 14 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 Jalgaon Centre.

The index number for the Food group increase by 22 points to 805 due to a rise in the average prices of Wheat, Jowar, Fresh fish, Chillies dry, Gram Masala, Potatoes, Other Vegetable Banana and Sugar.

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

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

The index number for the clothing and footwear group increase by 2 points to 695 due to a rise in the average prices of Saroe and Cloth for trouser.

The index number for the miscellaneous group increase by 3 points to 601 due to a rise in the average prices of School Book and School fee.

**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	
		May 1988	June 1988
I. Food	60.79	783	805
II. Fuel and Light	7.20	1029	1029
III. Housing ..	6.11	188	188
IV. Clothing bedding and Footwear ..	10.29	693	695
V. Miscellaneous	15.61	598	601
Total ..	100.00	.....	.....
Consumer Price Index Number		726	740

\*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\*

## 801—A rise of 4 Points

In June 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 801 being 4 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 4 points to 852 due to a rise in average prices of rice, gramdal, Chillies dry, potatoes, tomatoes and Vegetables.

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

The index number for the clothing and footwear group remained steady at 724.

The index number for the miscellaneous group increased by 2 points to 731 due to a rise in the average price of School books only.

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	
		May 1988	June 1988
I. Food ..	61.46	848	852
II. Fuel and Light ..	5.88	931	931
III. Housing ..	4.62	386	386
IV. Clothing and Footwear ..	12.22	724	724
V. Miscellaneous ..	15.82	729	731
Total ..	100.00	797	801
Consumer Price Index Number ..	....		

\*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\*

## 813—A fall of 7 Points

In June 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 813 being 13 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 Aurangabad Centre.

The index number for the Food group decreased by 16 points to 917 due to a fall in the average prices of rice, jowar, onions, Brinjals, tomatoes, garlic, other Vegetables.

The index number for the Fuel and Light group decreased by 44 points to 830 due to a fall in the average prices of firewood.

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

The index number for the clothing and footwear group remained steady at 700.

The index number for the miscellaneous group decreased by 2 points to 728 due to a fall in the average prices of pan-leaf only.

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	
		May 1988	June 1988
I. Food ..	60.72	933	917
II. Fuel and Light ..	7.50	874	830
III. Housing ..	8.87	333	333
IV. Clothing and Footwear ..	9.29	700	700
V. Miscellaneous ..	13.62	730	728
Total	100.00		....
Consumer price Index Number ..	....	826	813

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

Note.—To obtain the equivalent old index number on base August 1943 to July 1944=100 the new index number on base 1961=100 should be multiplied by the linking factor viz. 2.27.

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

The statistics for the last 12 calendar months from July 1987 to June 1988 in the following table

TABLE

Month	Base	*Base
	1960=100	1949=100
1	2	3
July 1987	724	880
August 1987	736	895
September 1987	745	905
October 1987	750	912
November 1987	755	918
December 1987	752	914
January 1988	753	915
February 1988	749	910
March 1988	753	915
April 1988	763	927
May 1988	771	937
June 1988	782	950

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

Centre	Base	Food	Pan, Supari Tobacco etc.	Fuel and light	Housing	Clothing, bedding and footwear	Miscellaneous	Consumer Price Index No. June 1988	Equivalent Old Index No. June 1988	Consumer Price Index No. May 1988	Equivalent Old Index No. May 1988
Bombay	1960=100	968	916	1167	215	707	655	858	3,805	848	3,765
Solapur	1960=100	820	779	891	337	704	716	775	2,960	758	2,896
Nagpur	1960=100	823	999	1260	529	713	631	793	4,139	797	4,160
Pune	1961=100	808	....	948	176	647	599	717	....	719	....
Jalgaon	1961=100	805	....	1029	188	695	601	740	3,915	726	3,841
Nanded	1961=100	852	....	931	386	724	731	801	1,962	797	1,953
Aurangabad	1961=100	917	....	830	333	700	728	813	1,805	826	18,34

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

BOMBAY : 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 MAY 1988

Industrial Courts, Tribunal and Labour Courts received by the Industrial Courts, Tribunals and Labour Courts during the month. Their classification are as under :-

Sl. No.	Name of the Industrial Court/Tribunal and Labour Court	No. of applications, etc., received during the month under the—			Total
		B.I.R. Act, 1946	I.D. Act, 1947	Other Acts	
		3	4	5	6
<b>Industrial Courts, Tribunals—</b>					
1	Industrial Court, Bombay	25	12	101	138
2	Industrial Court, Nagpur	..	..	46	46
3	Industrial Court, Pune	1	4	42	47
4	Industrial Court, Thane	2	2	17	21
5	Industrial Court, Kolhapur	..	..	64	64
6	Industrial Court, Amravati	..	..	84	84
7	Industrial Court, Nashik	..	..	4	4
8	Industrial Court, Aurangabad	..	..	..	..
9	Industrial Court, Solapur	1	..	65	66
10	Industrial Court, Ahmednagar	..	..	..	..
	<b>Total</b>	<b>31</b>	<b>34</b>	<b>449</b>	<b>514</b>
<b>Labour Courts—</b>					
1	Labour Court, Bombay	10	162	209	371
2	Labour Court, Pune	1	31	30	62
3	Labour Court, Nagpur	94	78	199	371
4	Labour Court, Thane	1	61	35	97
5	Labour Court, Kolhapur	1	35	23	59
6	Labour Court, Amravati	1	3	21	25
7	Labour Court, Aकोa	..	24	81	105
8	Labour Court, Nashik	..	6	37	43
9	Labour Court, Aurangabad	..	..	32	32
10	Labour Court, Dhule	..	2	40	42
11	Labour Court, Saंगli	3	3	39	45
12	Labour Court, Amravati	..	3	47	50
13	Labour Court, Jalgaon	..	24	47	71
14	Labour Court, Bhandara	1	10	65	76
15	Labour Court, Ahmednagar	1	47	27	75
16	Labour Court, Latur	..	4	25	29
	<b>Total</b>	<b>113</b>	<b>492</b>	<b>915</b>	<b>1,520</b>

references were received by the Wage Boards during the month :-

1	Wage Board for the Cotton Textile Industry—1
2	Wage Board for the Silk Textile Industry—58
3	Wage Board for the Sugar Industry—NH
4	Wage Board for the Co-operative Bank Industry—1

### Conciliation

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

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

Act	Issues relating to pay, allowances and Bonus	Employment, leave, hours of work and miscellaneous causes	Total
Industrial Disputes Act, 1947	11	28	39
Bombay Industrial Relations Act, 1946	7	3	10
Bombay Industrial Relations (Extensions and Amendment) Act, 1964	4	3	7
<b>Total</b>	<b>22</b>	<b>34</b>	<b>56</b>

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

Act	Pending at the beginning of the month	Settled amicably	Ended in failure	Withdrawn or not pursued by parties	Closed	Total (4 to 7)	Pending at the end of the month
Industrial Disputes Act, 1947	2	4	5	6	7	8	9
Bombay Industrial Relations Act, 1946	1824	43	154	56	68	321	1756
Bombay Industrial Relations (Amendment) Act, 1964	40	1	9	6	..	16	80
<b>Total</b>	<b>1941</b>	<b>44</b>	<b>164</b>	<b>63</b>	<b>69</b>	<b>340</b>	<b>1868</b>

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

Act	Cotton Textile	Silk Textile	Chemical	Textile Processing	Hosiery	Banking	Sugar	Misc.	Transport	Total
B. I. R. Act, 1946	2	3	4	5	6	7	8	9	10	11
	2	1	..	..	2	5	..	..	..	10
Act	Textile Industry	Paper Industry	Chemical Industry	Press Industry	Electricity	Banking	Chemical Engineering	Local Bodies	Other Misc.	Total
1	2	3	4	5	6	7	8	9	10	11
B. I. R. (Extension And Amendment) Act, 1964	4	..	..	..	..	..	2	..	1	7

District-wise analysis is given below :—

Act	Konkan	Pune	Thane	Nagpur	Nashik	Aurangabad	Amravati	Total
1	2	3	4	5	6	7	8	9
B. I. R. Act, 1946	10	..	..	..	..	..	..	10
Act	Wardha	Chandrapur	Chandrapur	Chandrapur	Chandrapur	Chandrapur	Bhandara	Total
1	4	5	6	7	8	9	10	11
B. I. R. (Extension and Amendment) Act, 1964	2	..	..	..	..	..	..	7
	2	..	..	..	..	..	..	8
	..	..	..	..	..	..	..	7

## INDUSTRIAL DISPUTES IN MAHARASHTRA STATE DURING THE MONTH OF MAY 1988

	May 1988	April 1988	May 1987
No. of Disputes	41	40	63
No. of Workers involved	12,560	15,523	13,213
No. of Mandays lost	2,99,291	3,70,205	2,96,649

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	5	1	6	5,117	1,29,472
Engineering	21	1	22	5,550	1,21,234
Chemical	4	1	5	480	12,025
Miscellaneous	7	1	8	1,413	36,560
May 1988 Total	37	4	41	12,560	2,99,291
Total for Last Month April 1988	37	3	40	15,523	3,70,205

15 of the 41 disputes arose over question of "pay, allowances and bonus issues", related to "retrenchment and grievances about personnel", and the remaining 25 were due to other causes.

Out of the 3 disputes that terminated during the course of the month 2 disputes were settled entirely in favour of the workers and 1 unsuccessful.

Note—The figures given in the above Table are based on returns received under the Statistics of Industrial Disputes 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 DISPUTE CAUSING MORE THAN 10,000 MANDAYS LOST DURING THE MONTH OF MAY, 1988

Serial No.	Name of the Concern	Sector	S/L	Reason	Date of Work Stoppages		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
1	Bombay— Bombay Foreings Pvt. Ltd., Vidyanagari Marg, Kalina Bombay 40 0 098.	Pvt.	S	Indiscipline (vi)	11-7-1984		825	15,470	7,46,947	Continued
2	Bombay— M. W. M. T. Group Ltd., Bhandup Village Road, Bhandup, Bombay 400 078.	Pvt.	S	Other (viii)	5-2-1987		728	18,850	3,01,730	Do.
3	Bombay— Everest Building Products Pvt. Ltd., Jatashankar Dass Road, Malad (West), Bombay 400 080.	Pvt.	S.	Wages and Allowances (i).	5-5-1987		624	13,028	1,73,405	Do.
4	Bombay— Bombay Khadi & Village Industries Association, 286, D. N. Road, Bombay 400 001.	Co-op	S/L	Indiscipline (VI).	S-28-10-1987 .. L-18-12-1987		559	10,478	75,361	Do.
5	Thane— Bharat Bijlee Ltd., Plot No. 2, M. I. D. C. Industrial Estate, Thane Belapur Kalva, District Thane.	Pvt.	S	Wages and Allowances (i).	19-1-1988		1,339	32,370	1,44,001	Do.

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

Serial No.	Name of the Concern	Sector	S/L	Reason	Date of Work Stoppages		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
6	Thane— Century Rayon (Rayon) Murbad Road, Post Box No. 22, P. O. Shahad-421, 103, District Thane.	Pvt.	L	Go-slow	2-4-1988		4,759	96,905	1,86,974	I
7	Thane— Century Rayon (Tyrecord Divn.) Murbad Road, Post Box No. 22, Shahad-421, 103, District Thane.	Pvt.	L	Go-slow	2-4-1988		1,073	24,633	46,998	

M. R. BALUTKAR,  
Officer on Special Duty, Bomb

**PRESS NOTE ON ESIS BENEFIT IN MAHARASHTRA AND GOA**

The Employees' State Insurance Scheme Protects the industrial workers as defined under the E. S. I. Act in the event of Sickness, Maternity, Disabloment and Death due to employment injury besides providing full medical care to the workers and their families.

In Maharashtra 10,90,727 employees were under the coverage of the Scheme in the month of June, 1988. The high lights of the benefits paid to these employees are as follows—

ESIS has paid Rs. 122 Crores as Cash Benefits in May, 1988

(i) 27,973 workers were paid Rs. 58,41,172.00 on account of Sickness and Rs. 4,91,798.40 were paid for the long term diseases, e.g. T. B., Cancer, Hemiplegia, Paraplegia, Psychosis etc., etc.

(ii) 21,372 workers were paid Rs. 53,43,336.35 on account of accidents as employment injury which included 9,402 cases for the permanent disablement and 1095 for payment to the dependents/due to the death of the workers in the accidents.

(iii) Rs. 6,08,066.00 were paid to the women workers as Maternity Benefit for the period of confinement. In addition to the above 23 persons were sterilized and they were paid Rs. 6,690.00 as family planning benefit.

(iv) There were 253 cases where legal proceedings were initiated against defaulting employers/Insured Persons for the recovery of arrears of contributions as under :—

- (1) Under Section 45B 207 cases.
- (2) Under Section 75 23 cases.
- (3) Under Section 84 2 cases.
- (4) Under Section 85 23 cases.

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

Serial No. (1)	Name of the Accused employer and Code No. (2)	Offence Under Section (3)	Fine imposed (4)	Cost awarded (5)
1	M/s. Amar Steel Constructions, 11-7411	85(g)	Rs. 125	25
2	M/s. Amar Steel Constructions, 31-7411	85(a)	125	25
3	M/s. Amar Steel Constructions, 31-7411	85(a)	125	25
4	M/s. Amar Steel Constructions, 31-7411	85(a)	125	25
5	M/s. Bhamburda S. Mali, 11-3702-43	85(g)	200	25
6	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
7	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
8	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
9	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
10	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
11	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
12	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
13	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
14	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
15	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
16	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
17	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
18	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
19	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
20	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
21	M/s. Bhamburda S. Mali, 31-1702-43	85(a)	200	25
22	M/s. Sunil Machinokrafts Code No. 33-30839	Non-payment of cont. for the period January 1983.	Rs. 250	25
		Non-payment of cont. for May 1985.	Rs. 250	25
		Case decided and Accused was fined Rs. 1,000 and out of Rs. 1,000, Rs. 500 awarded to E.S.I. C.	Rs. 100	.....
		Case decided and Accused was fined Rs. 200.	Rs. 100	.....

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