

COPY NO.

14463

INTERNATIONAL LABOUR OFFICE
INDIA BRANCH

INDIA - AUGUST - DECEMBER 1969.

Industrial and Labour Developments in August-
December 1969.

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

L.O. REGISTRY-GENEVA
10 FÉV 1970
File N° C 33-2311
With

<u>Contents.</u>	<u>Pages.</u>
<u>CHAPTER 1. INTERNATIONAL LABOUR ORGANISATION.</u>	
12. <u>Activities of External Services.</u>	1-2
13. <u>Press and Opinion.</u>	3
<u>CHAPTER 3. ECONOMIC QUESTIONS.</u>	
36. <u>Wages.</u>	
Central Government accepts Leather Board Recommendations.	4-5
<u>CHAPTER 4. PROBLEMS PECULIAR TO CERTAIN BRANCHES OF THE NATIONAL ECONOMY.</u>	
41. <u>Agriculture.</u>	
✓ (a) Tamil Nadu Agricultural Labourer Fair Wages Act, 1969 (Madras Act No.19 of 1969).	6-8
(b) Steps for ending Agrarian Problems - a Study by the Home Ministry.	9-10
(c) Agricultural Commission to Make Wide-ranging Study.	11-12
<u>CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS.</u>	
50. <u>General.</u>	
✕ (a) Kerala Shops and Commercial Establishments (Amendment) Act, 1969 (Act 32 of 1969).	13-14
(b) Working of the Plantations Labour Act, 1951 during the year 1967.	15-16
(c) Population Council to be Formed.	17

<u>Contents.</u>	<u>Pages.</u>
52. <u>Workers' Welfare, Recreation and Workers' Education.</u>	
Report on Activities financed from the Mica Mines Labour Welfare Fund for the Year ending 31 March 1968.	18-22
56. <u>Labour Administration.</u>	
Annual Report on the Working of Indian Dock Labourers Regulations 1948 and the Dock Workers (Safety, Health and Welfare) Scheme 1961 for the Year 1968.	23-26
<u>CHAPTER 6. GENERAL RIGHTS OF WORKERS.</u>	
67. <u>Conciliation and Arbitration.</u>	
Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Bill, 1969.	27-34
<u>CHAPTER 8. MANPOWER PROBLEMS.</u>	
81. <u>Employment Situation.</u>	
✓ (a) Tamil Nadu Relief Undertakings (Special Provisions) Act, 1969 (Act No.21 of 1969).	35-36
(b) Engineers Without Jobs.	37
(c) Rehabilitation of Repatriates from Ceylon and Burma.	38
(d) Employment Exchanges: Working during October 1969.	39-40
(e) Employment Rises by two per cent in 1968-69.	41-42
<u>CHAPTER 9. SOCIAL SECURITY.</u>	
92. <u>Legislation.</u>	
✓ (a) Kerala Industrial Employees Payment of Gratuity Ordinance, 1969 (Ordinance No.7 of 1969).	43-44
(b) Working of the Maternity Benefit Acts during 1967.	45-46
(c) Medical Care of Workers - More Funds to be Raised.	47

<u>Contents.</u>	<u>Pages.</u>
<u>LIST OF THE PRINCIPAL LAWS PROMULGATED DURING THE PERIOD COVERED BY THE REPORT FOR AUGUST-DECEMBER 1969 - India - AUGUST- DECEMBER 1969.</u>	48
<u>LIST OF ARTICLES - INDIA - AUGUST-DECEMBER 1969.</u>	49

* * * * *

CHAPTER 1. INTERNATIONAL LABOUR ORGANISATION.

INDIA - AUGUST-DECEMBER 1969.

12. Activities of External Services.

On the invitation of the Labour Department of the Government of ~~India~~ Rajasthan, the Director attended and addressed a meeting at Jaipur on 18 August 1969, to celebrate the 50th Anniversary of I.L.O. Mr. Beek Bai, the Minister for Local Self Government inaugurated the function.

The Indian Institute of Labour Studies arranged a short programme for celebrating the 50th Anniversary of ILO on 8th September 1969. The Director presided over the function.

addressed On the invitation of the Vice-Chancellor of the University of Indore, the Director ~~attended~~ a meeting arranged by the University to celebrate the 50th Anniversary of ILO at Indore on 22 September 1969. The meeting was presided over by Mr. J.L. Hathi, Union Labour Minister. The Labour Minister of the State of Madhya Pradesh was also present.

The General Assembly of the World Council for the Welfare of the Blind was held between 8 - 18 October 1969 in New Delhi. The Director represented ILO at the meeting. The details about the meeting were sent to headquarters vide this office minute F.23(a)/6187/69 dated 23-10-1969.

The Asian Trade Union College of the I.C.F.T.U. held an Asian Seminar on 'Practices in Collective Bargaining in Asia' from 2 - 24 October 1969. The Director addressed the participants on 10 October 1969 on 50th Anniversary of I.L.O.

The Director also attended the Inter Parliamentary Union Conference along with Mr. C.W. Jenks, Principal Deputy Director General on 1-11-1969.

On the invitation of the Ministry of Labour and Employment, Government of India, the Director attended the Tripartite Indian Labour Conference held in New Delhi on 12 - 13 November 1969. The details about the meeting were reported to headquarters vide this office minute F.3/7578/69 dated 18-12-1969.

The Director gave a talk on International Labour Organisation to the Indian Foreign Service Probationers at the Indian School of International Studies on 19-11-1969.

The Director attended the ILO Seminar on MIS/EDP organised with the collaboration of NITIE and the Bureau of Public Enterprises on 27-11-1969.

On the invitation of the Ramakrishna Mission Institute of Culture, the Director visited Calcutta and presided over a meeting convened by them to celebrate the 50th Anniversary of ILO.

The Director also attended the Golden Jubilee Conference of the Associated Chambers of Commerce held at New Delhi on 8-12-1969.

=====

13. Press and Opinion.

India - August-December 1969.

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

1. The August issue of Industrial Bulletin contains an editorial on the 'Role of ILO in Promoting Social Security'.
2. The August issue of Indian Shipping publishes an article 'ILO completes Fifty years of Service - Special significance on Maritime Industry'.
3. The October issue of the Indian Shipping contains a note on the 'Preparatory Technical Maritime Conference held at GENEVA in September 1969'.
4. The November issue of the Industrial Bulletin writes an editorial on 'Integrated Scientific Information Service of the ILO'.
5. The December 1, issue of the same Bulletin in an editorial has commended about the speech delivered by Mr. C.F. Jenks, Principal Deputy Director-General at the National Committee for the celebration of the Fiftieth Anniversary of ILO.
6. The December 15, issue of the same journal publishes the summary of the Director-General's speech at the Special Sitting of the United Nations General Assembly convened to honour ILO Golden Jubilee.
7. The November-December issue of the Labour World contains the full text of the speech delivered by the Union Labour Minister at the Indore University "on ILO and its Ideals".

=====

36. Wages.

India - August-December 1969.

Central Government accepts Leather Board
Recommendations.

The Ministry of Labour, Employment and Rehabilitation, Government of India, has, by a Resolution dated 18 September 1969, accepted the recommendations of the Central Wage Board for Leather and Leather Goods Industry. The Board was headed by Mr. N. Sriramamurty.

According to a suggestion of the board, all workers whether time-rated, piece-rated, daily-rated or monthly-rated shall be given an increase of 15 per cent over the existing wages on 1 April 1969.

The board has suggested that if under the Minimum Wages Act, wages are fixed only for unskilled workers, the semi-skilled workers shall get 20 per cent more. Similarly, skilled workers would get 40 per cent more than that of the unskilled workers.

Where wages for such categories of workers have been fixed the benefit of 15 per cent increase in wages shall also be extended to them.

Ad Hoc Payment.- The wage board has recommended an ad hoc payment of Rs.0.29 per day or Rs.7.50 per month to workers in tanneries and Rs.12.50 per month to clerical, technical and supervisory staff in tanneries and leather goods units if because of the salary, they are not covered by the maximum of the grades recommended by it. For such categories of workers it has recommended an increment on completion of five years, subject to a maximum of two increments, after they have been brought to the minimum of the grade or to a step in the recommended scale equivalent to immediately higher step in the recommended scale.

5

The wage board has recommended grant of additional D.A. of Rs.1.30 per month or Rs.0.05 per day if the average all-India consumer price index (1960=100) goes up by five points over 178, the average for the six months period, July to December, 1968, to which the wages recommended by the board have been nationally related. Correspondingly the D.A. will be reduced to the same extent if the consumer price index recorded a fall by five points. However, there would be no downward adjustment in D.A. for a fall ~~before~~ below 178 point.

Welfare Steps.- It has also suggested certain welfare measures such as formulation of gratuity scheme commensurate with financial position of the individual factories, constitution of welfare fund, grant of house building loans to workers on easy terms and equal pay for men and women workers for work of equal value.

To avoid hardship to units paying substantially lower wages than it has recommended, the board has suggested that the difference between the two should be made up in two equal instalments. The first instalment which should not be less than Rs.10 would be paid on the date of implementation and the balance, if any, on January 1, 1970.

In view of the fact that the leather and leather goods industry earns considerable foreign exchange, the board has recommended that the Khadi and Village Industries Commission should render technical help and also purchase goods manufactured in the cottage sector. It has suggested that effective cost control measures should be taken to arrest the downward trend in export of hides and skins and to promote further export of footwears. It has further suggested that the State Trading Corporation, should take the same interest in export of other leather goods as it has done in export of footwear. This has been brought to the attention of the department of industrial development and the department of foreign trade. Since the committee on welfare has recommended creation of welfare funds for various industries including the leather industry, no separate action is proposed to be taken.

(The Gazette of India, Extraordinary,
Part I, Sec.1, 18 September 1969,
pp. 799-807;
The Amrita Bazar Patrika, 21-9-1969).

CHAPTER 4. PROBLEMS PECULIAR TO CERTAIN
BRANCHES OF THE NATIONAL ECONOMY.

INDIA - AUGUST-DECEMBER 1969.

41. Agriculture.

Tamil Nadu Agricultural Labourer Fair Wages
Act, 1969 (Madras Act No. 19 of 1969).

The Tamil-Nadu Agricultural Labourer Fair Wages Bill, 1969, as passed by the Tamil Nadu Legislature received the assent of the President on 28 September 1969 and has been gazetted as Madras Act No. 19 of 1969. The Act which repeals the Tamil Nadu Agricultural Labourer Fair Wages Ordinance, 1969, provides for payment of fair rates of wages for agricultural labourers in certain areas of the State and for matters incidental thereto.

The Act which came into force on 5 August 1969 in six taluks in the Thanjavur District specified in Schedule I to the Act provides that every landowner shall pay fair wages to any agricultural labourer engaged by him. The following fair rates of wages have been specified in Schedule II to the Act.

SCHEDULE II.

PART I.

Men

All kinds of work during cultivation season.	Rs. 3.00 per six litres of paddy plus Re .1.25 per day.
--	---

Women

All kinds of work during cultivation season.	Rs. 1.75 or five litres of paddy plus 0.25P. per day.
--	---

Explanation.- 'Work' does not include ploughing where bullocks and ploughs are provided by the agricultural labourer.

PART II.

Harvest.

Six liters out of every fifty-four litres of harvested paddy.

Explanation.- For arriving at the wages specified above, no deduction shall be made either for kalavady or for any other expenses from out of the harvested heap till the agricultural labourers' wages are paid.

Illustration.- If 5,400 litres of paddy is the total amount of paddy harvested, the wages payable for the agricultural labourers engaged for the harvest will be 600 litres and the balance will be 4,800 litres, from which alone, the landowner have to make any deductions for kalavady or for any other expenses.

If any landowner pays less than the fair wages or refuses to pay the fair wages to any agricultural labourer, the agricultural labourer may make an application to the Conciliation Officer for a direction under sub-section(2) of the Act. On receipt of such application, the Conciliation Officer shall hear the applicant and the landowner and after such inquiry, if any, which he may consider necessary, direct -

(i) in the case of a claim arising out of the payment of less than the fair wages, the payment to the agricultural labourer of the amount by which the fair wages payable to him exceeds the amount actually paid by the landowner;

(ii) in the case of a claim arising out of non-payment of fair wages, the payment of the fair wages to the agricultural labourer.

The fair wages for harvest shall be paid at the threshing floor on which the threshing takes place; and no portion of the produce shall be removed from the threshing floor without payment of the fair wages to the agricultural labourer concerned.

Other provisions of the Act deal inter alia with enforcement of payment of fair wages, appeal against orders passed by the Conciliation Officer, revision by the District Court, bar of jurisdiction of Civil Courts, and power to make rules.

(Fort St. George Gazette, Extraordinary,
29 September 1969, pp. 87-93).

9

Steps for ending Agrarian Problems - a Study
by the Home Ministry.

The Union Home Ministry which undertook a study into agrarian tensions due to growing economic and social inequalities has recommended twelve measures that should be taken without delay for ending agricultural problems.

1) All the remaining intermediary tenures should be abolished. All tenancies should be declared non-resumable and permanent except in cases of landholders who are serving in the defence forces or suffering from a disability where resumption may be permitted ~~except in~~ ~~cases of~~ within a period of one year from the date the disability ceases.

The study said that there was increased pressure on the land because of growth of population and inadequate development. The sharpening of land hunger had made those who did not have full tenancy rights determined to have security of tenure and benefits like access to credit that followed it.

2) The right of resumption should be terminated and where applications have already been made, quick disposal of such applications should be ensured or, alternatively, restrictions on resumption should be extended with a view to reducing the number of cases for consideration.

3) Voluntary surrenders should be regulated prohibiting the landowner from taking possession of the surrendered or abandoned tenancy and empowering the Government of local authority to settle tenants thereon.

4) Penalty should be provided for wrongful evictions and made deterrent.

5) Provision for penalising the landlord for not issuing receipt for rent should be made in all the States. Provision should also be made enabling cultivating tenants to deposit rent with the court or some other authorities in case of dispute. As has been provided in some States, a tenant should not be liable to eviction for non-payment of rent, arrears of rent ~~for~~ being recoverable from the produce and other assets of the tenant. In any case, proceedings for eviction should not be pursued where the tenants deposit the arrears in courts.

6) Unrestricted leasing should not be permitted.

7) It is necessary that the State Governments should work out schemes for resettlement of land which are available for distribution on a commercial, or at least self-financing basis.

8) Ceiling should be imposed on family rather than on individual ownership and there should be no exemption under it. This will yield surplus land which may be distributed among either the landless agricultural labour or the small peasants with uneconomic holdings.

~~9)~~ There are also large amounts of land under the Government control and large number of dried up tanks and these may be suitably distributed. Where irrigation is newly introduced, it should be possible to tell the beneficiaries that, since the irrigated land increases the productivity of land significantly, they may surrender a part of their land for the benefit of the landless or small peasants.

9) Immediate steps should be taken to stop further eviction of share-croppers who do not enjoy any tenancy rights.

10) The 'Homestead Tenancy Act' which provides for the ownership of lands on which the houses of the landless agricultural labour families stand should be enacted in all the States and efficiently implemented, as a large number of landless agricultural labour families do not own land on which their houses are constructed.

11) Exploitation of the tribals by outsiders resulting in the denial of their land rights has within it seeds of discontent which manifests itself frequently in outbreaks of violence with or without the instigation of some political parties. The interests of the tribals have to be safeguarded by greater administrative vigilance.

12) There should be an effective machinery to enforce minimum wages in agriculture.

(The Hindustan Times, 9 December, 1969).

11

Agricultural Commission to Make Wide-ranging Study.

The Union Government has finalised the terms of reference of the National Agricultural Commission which is to be set up soon.

The Commission will examine and report on the present conditions of agriculture and rural economy and make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the people. It will also report on the development of infra-structures including facilities for transport, marketing, storage, and processing, ~~together~~ together with the lines of future development.

One of the important terms of reference is to investigate the structure and organisation of the agricultural services, spelling out the relative responsibilities of the Centre and the States. An equally important term of reference is to establish in clear terms the inter-relationship between industry and agriculture. The Commission will also investigate and report on:

1) The pattern of land utilisation and the nature of the cropping thereon and the methods of land improvement.

2) The principles of development of water resources.

3) Utilisation of the science of soil conservation and land shaping.

4) Implementation of the land ~~and~~ reforms policy and the changes that may be necessary in the pattern of crop sharing.

5) The new strategy of agricultural development based on the package of practices and modifications required for better results.

6) Forecast, for the decade 1970-71 to 1980-81 on the magnitude of the requirements, of fertilizers, good seeds, pesticides and fungicides and agricultural implements and machinery, the organisation necessary for their production and distribution.

7) Forecast for the decade 1970-71 to 1980-81, the requirements of credit for the agricultural programmes.

8) The strategy of agricultural research, education and extension.

9) Integrated development of agriculture, animal husbandry, farm forestry and inland fisheries, to avail of the economies of mixed farming.

(The Hindu, 13 September 1969).

CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS.

INDIA - AUGUST-DECEMBER 1969.

50. General.

Kerala Shops and Commercial Establishments (Amendment) Act, 1969 (Act 32 of 1969).

The Government of Kerala gazetted on 1 November 1969 the text of the Kerala Shops and Commercial Establishments (Amendment) Act, 1969 as passed by Kerala Legislature.

The Act inserts a new chapter IA dealing with registration of establishments to the Kerala Shops and Commercial Establishments Act, 1960. Another new section 13A added to the Act of 1960 provides for the grant of special casual leave of a period not exceeding six days for a male employee and 14 days for female employee for sterilisation operation.

For section 14 of the principal Act, the following section shall be substituted, namely:-

"14. Wages during leave period.-(1) For the leave allowed to an employee under section 13 or 13A, the employee shall be paid at the rate equal to the daily average of his or her total full time earnings exclusive of any overtime earnings and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the supply of meals and by the sale by the employer of foodgrains and other articles at concessional rates for the days on which the employee worked during the month immediately preceding his leave.

(2) The amount payable to an employee under sub-section (1) for the leave allowed under section 13A shall be paid to him or her on production of a certificate from such authority and in such form as may be prescribed to the effect that the employee has undergone sterilisation operation."

Amendment of Section 29.- In section 29 of the principal Act, - (1) The existing sub-section (1) shall be renumbered as sub-section (1A) of that section, and before sub-section (1A) as so renumbered, the following shall be inserted as sub-section (1), namely:-

"(1) Whoever commits any breach of the provisions of sections 5A and 5C of Chapter 1A shall be punishable,-

(a) with fine which may extend to two hundred and fifty rupees and in case of continuing breach with fine which may extend to ten rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the competent authority ~~for~~ to discontinue such breach."

(2) in sub-section (1A) as so renumbered, after the figures "13" the figures and letter "13A" shall be inserted.

(Kerala Gazette, Extraordinary,
1 November 1969).

Working of the Plantations Labour Act, 1951
during the Year 1967*.

The object of the Plantations Labour Act 1951, is to provide for the Welfare of Labour and to regulate the Conditions of Work in Plantation. The following is a brief review of the Working of the Act during the year 1967 which has appeared in December 1969 issue of the Indian Labour Journal.

Employment.- The total number of estates/ plantations covered by the Plantation Labour Act 1951, number of estates submitting returns and the average daily employment therein in various States/Union Territories during 1967 are given below:-

State - Union Territory.	No. of Estates/ Plantations covered under the Act.	No. of Estates/ Plantations submitting returns.	Average daily Labour employed.
1	2	3	4
Assam --	674	-	465,326
Bihar --	13	12	481
Kerala --	402	402	110,675
Madras --	301	269	72,056
Mysore --	652	229	20,078
Uttar Pradesh.	12	11	977
West Bengal -	272	241	161,096
Himachal Pradesh.	16	16	1,139
Tripura --	45	21	3,115
Andaman & Nicobar Island.	1	1	155
	<u>2,388</u>	<u>1,202</u>	<u>835,098</u>

Hours of Employment.- The Plantations Labour Act, 1951 has fixed the maximum weekly hours of work for adults at 54 and for adolescents and children at 40. It has also prescribed the daily hours of work, their spreadover and the time for rest intervals. The available information shows that in Bihar the usual weekly hours of work were 42 for daily rated workers and those employed on contract system usually worked between 18 to 24 hours per week as the work available for them was insufficient. In Kerala, Madras and Mysore, the maximum weekly hours of work were 54 for adults and 40 for adolescents and children.

*Indian Labour Journal, December 1969.

The weekly hours of work ranged between 48 and 51 for adults and 39 and 40 for children in Uttar Pradesh. In Himachal Pradesh the weekly hours of work varied from 48 to 54 for ~~adult~~ male adults; 39 to 54 for female adults and 34 to 40 for children. In Tripura the normal weekly hours of work were 40 but plantation workers, except those employed on plucking did not work for more than 36 hours in a week as they were provided with piece-rate work. In Andaman and Nicobar Islands the normal working hours of an adult and adolescent worker has been fixed as 48 and 39 a week respectively.

Leave with Wages.- The Act provides for grant of leave with wages at the rate of one day for every 20 days worked to adults and one day for every 15 days worked to young persons. The number of persons who were granted leave during the year was 448,902 in Assam, 83,763 in Madras, 21,767 in Mysore, 1,381 in Uttar Pradesh and 188,130 in West Bengal. The Bihar and Tripura workers were granted leave as per the provisions of the Act. In Himachal Pradesh, it was reported that no worker was granted leave during the year.

Health.- The important provisions of the Act in respect of Health relates to 1) supply of drinking water, 2) ~~prov~~ arrangements for conservancy, and 3) provision of medical facilities. The extent to which these facilities were available to ~~the workers~~ the workers in different States during the year was described in the Review.

Enforcement.- In Assam, 402 inspections were carried out by the inspectorate staff, 22 prosecutions were sanctioned by the Chief Inspector of Plantations and the Court disposed of only one case imposing a fine of Rs.50/-. In Bihar all the 12 plantations were inspected frequently by the Inspector of Plantations. In Kerala 1,518 inspections were conducted, 14 prosecutions were launched and 5 prosecutions were pending trial from the previous year. In Madras, the Inspectors of Plantations inspected one plantation more than thrice, 2 plantations thrice, 220 plantations twice and 66 plantations once during the year 1967. In addition 402 special surprise and Sunday visits were made by the Inspectors. The Inspections resulted in 8 prosecutions out of which 2 resulted in convictions and the remaining 6 were pending in the Court. In Mysore about 228 inspections were conducted and 106 inspection notes were issued by the Plantation Labour Inspectors. In Uttar Pradesh 103 inspections were launched, one prosecution was carried out and conviction was obtained. In West Bengal 325 inspections were carried out, 10 prosecutions were launched and one conviction was obtained during the year. In Himachal Pradesh, 14 inspections were carried out and three prosecutions were launched. In Tripura, no prosecution was launched.

=====

Population Council to be Formed.

The National Conference on Population Policy and Programmes have decided to form a Population Council of India to promote national commitment to family planning through voluntary organisations.

One of the principal objectives of the Council will be to strengthen the role of such organisations as Panchayat raj, trade unions, industry, student groups and womens' associations in family planning programmes and simplification of procedures for utilising governmental financial assistance to them.

The terms of reference of the Council include promotion of study of a broad population policy and promotion of research, education and training in population problems. The Council will advise and assist the Government of India and State Governments in their programmes and keep the progress of programmes constantly under review.

The Conference emphasised commitment of the people to the programme meant that the core of its financing should be from Indian sources both from the general public and industry and trusts. At the same time the Conference expressed its view that India's population problem must be seen in the perspective of the World Population problem and should participate fully in any international and bilateral support which might be forthcoming in the furtherance of these programmes.

It was proposed that the Population Council should form an expert consultative committee to determine areas and priorities for research for the next five years. Similar bodies should be established for population education in schools and colleges and personnel training.

(The Statesman, 24 December 1969).

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

India - August-December 1969.

Report on Activities financed from the
Mica Mines Labour Welfare Fund for the
year ended 31 March 1968.

The Ministry of Labour, Employment and Rehabilitation, Government of India, published on 2 August 1969 the report of the activities financed from the Mica Mines Labour Welfare Fund during the year ended on 31 March 1968.

According to the Report the following welfare measures have so far been undertaken in Bihar, Andhra Pradesh and Rajasthan:-

(i) Improvement of Medical Facilities:

(a) Hospitals.- A 100 bed Central Hospital at Karma (Bihar), a 30 bed Regional Hospital at Tisri (Bihar), a 14 bed Hospital at Kalichedu (Andhra Pradesh) and a 30 bed ~~Hospital~~ Central Hospital at Gangapur (Rajasthan) continued to be maintained from the resources of the Fund. A 50-bed T.B. Hospital at Karma (Bihar) also continued to function. A 16 bed T.B. Ward attached to the hospital at Kalichedu has started functioning.

(b) Other Medical Facilities.- Other Medical ~~Fac~~ institutions set up from the finances of the Fund comprise 13 State Dispensaries, 8 Mobile Medical Units, 21 Ayurvedic dispensaries and 17 small community centres with Maternity and Child Welfare facilities. The regional distribution of these medical institutions is 2 Ayurvedic Dispensaries, 3 Static Dispensaries, 1 Mobile Medical Unit and 4 Maternity and Child Welfare Centres in Andhra Pradesh; 7 Ayurvedic Dispensaries, 5 Static Dispensaries, 3 Mobile Medical Units and 6 Small Community Centres (Dispensary) in Bihar and 12 Ayurvedic Dispensaries 5 Static Dispensaries, 4 Mobile Medical Units and 7 Maternity and Child Welfare Centres in Rajasthan.

Eleven beds in T.B. Hospital, Nellore have been reserved for the exclusive use of mica miners and their families. Arrangements has been made for the treatment at the Tetulmari Leprosy Hospital, off mica miners of Bihar who suffer from Leprosy. The Fund made grant-in-aid to these institutions for the reservations of beds.

(c) Assistance to T.B. Patients.- A subsistence allowance at Rs.50.00 per month is being granted to the dependents of mica miners who are under treatment in the T.B. Ward attached to the Central Hospital, Karma.

The Scheme of domicilliary treatment of T.B. and Silicosis patients was also continued. The patients attending the out-door department of T.B. Hospital, Nellore; were granted travelling allowance. A rehabilitation-cum-convalescence home set up in Bihar for workers cured of T.B. continued to function. Financial assistance to mica miners suffering from T.B. by way of aid of Rs.50 per month as subsistence allowance and Rs.50 per month for special diet for six months was continued to be provided. The scheme of domicillary treatment of T.B. Patients among mica miners was continued in Rajasthan.

(ii) Educational facilities.- Nine Multi-purpose Institutes, each with an Adult Education Centre and a Women's Welfare Section, provide educational and recreational facilities to workers, training in handicrafts like sewing etc. to the female workers and dependents of miners in Bihar. In two women's centres in Andhra Pradesh and seven centres in Rajasthan, girls and women workers are taught tailoring stitching etc. Educational facilities for miners children are being provided in 6 Elementary Schools, two High Schools and 2 Adult Literacy Centres in Andhra Pradesh, 4 Primary Schools, 4 Middle School, ~~24 Adult Education Centres and five Feeder Centres in Rajasthan.~~ Besides and 7 Feeder Centres in Bihar; 2 Primary Schools, 1 Middle School, 24 Adult Education Centres and five Feeder Centres in Rajasthan. Besides these, one evening Mining School is functioning in Andhra Pradesh. It imparts training facilities to miners in mining trades.

In all the schools in Andhra Pradesh, children are provided with facilities like free mid-day meals, milk, books, slates and clothing. Milk, tiffins; books; slates; clothing etc. are provided to the miners' children attending the Multipurpose Institutes, Community Centres and Schools in Bihar. The children attending the Multipurpose institutes in Bihar are given bath daily for which oil and soap are provided to the Institutes. Mid-day meals, books, slates and other stationery articles are supplied to the school-going children of mica miners in Rajasthan.

Four boarding houses in Bihar and two in Andhra Pradesh are being run for the children of mica miners studying in schools and colleges. A hotel set up at Gangapur (Rajasthan) for children of mica miners studying in Higher Secondary Schools ~~and~~ continued to function.

Scholarships are granted to the children of mica miners studying in schools and colleges in Bihar, Andhra Pradesh and Rajasthan. Such scholarships are granted for both general and technical education. Mica Miners' children studying in schools are also granted re-imbusement of tuition fee in Bihar.

(iii) Recreation facilities.— Four mobile cinema units, three in Bihar and one in Rajasthan give free shows in different mining centres; and Radio sets have been provided for the recreation of mica miners and their families. In Bihar the recreational facilities are provided at Multipurpose, Community and Feeder Centres. Out-door and in-door recreational facilities are also provided in the Centres, sub-centres and feeder Centres in Rajasthan, and 15 Recreational Clubs in Andhra Pradesh. Bhajan and Kirtan parties are organised in different mining areas. Annual sports are also conducted in the form of Zonal Tournaments every year and Prizes are distributed among the Winners and Runners.

(iv) Drinking water facilities.— Sixty-six wells (60 in Bihar and 6 in Andhra Pradesh) ~~have~~ have been constructed by the Fund. A few additional wells in Bihar and in Andhra Pradesh, have also been sunk under the subsidy Schemes under which the mica mine owners who sink well get a subsidy equal to Rs.7,500 per well or 75 per cent of the cost of construction whichever is less. The construction of three more wells under this scheme is in progress in Andhra Pradesh. Eight wells are being sunk in Rajasthan through Zila Jarishad and 90 per cent of the cost of these wells is to be met from the Fund. Out of these only one well has been completed at Basundani and two more are expected to be completed shortly.

(v) Housing facilities.- The following housing schemes have been approved by the Government of India for implementation for the Mica Mine labourers.

1. Build Your Own House Scheme.
2. Departmental Colonies.
3. Low Cost Housing Scheme.
4. New Subsidised Housing Scheme.
5. Co-operative House Building Scheme.

The progress under the Housing Schemes in various regions is as follows:-

(a) Build Your Own House Scheme.- The Scheme envisages financial assistance in the form of cash or building material to the mica miners to the extent of Rs.400 for the purpose of improving their villages houses. Technical assistance in the matter will be provided by the Fund. Under this scheme 12 applications applicants were sanctioned subsidy in Andhra Pradesh and the houses are under construction.

(b) Departmental Colonies.- According to the scheme of Departmental colonies the houses will be constructed at the cost of the Fund on the requisition of the mica mine owners and also on giving a guarantee for payment of rent for a period of 15 years or till the mine is closed down due to the exhaustion of mica whichever is earlier, irrespective of the fact whether the labourers occupied the quarters or not. Under this Scheme, a colony of 50 houses near Shah mine Sydapuram (Andhra Pradesh) has been sanctioned. There is a proposal to construct a Departmental colony of 50 houses at Talupur (Andhra Pradesh). In addition to the above, a colony consisting of 50 houses has been constructed at Jorasimar and 48 at Domchanch (Bihar).

(vi) Financial help in case of accidents.- The Scheme relating to the grant of financial assistance from the Fund to the widows and children of mica miners who die as a result of accidents was continued.

(vii) Consumers' Cooperative Stores.- One wholesale (Central) Consumers' Cooperative Stores with its seven branches and five primary stores in Bihar and four primary consumers' Cooperative stores in Andhra Pradesh and three out of six set up in Rajasthan with the assistance of the Fund continued to supply consumers' goods at reasonable prices to the mica mining population.

According to the Statement of Accounts for the year 1967-68 appended to the Reports receipts amounted to 20.285 million rupees, including an opening balance of 17.163 million rupees; expenditure during the year amounted to 3.790 million rupees leaving the closing balance of 16.495 million rupees.

(The Gazette of India, Part II, Sec.3, sub-sec(ii), 2 August 1969, pp.3277-3279).

56. Labour Administration.

India - August-December 1969.

Annual Report on the Working of Indian Dock
Labourers Regulations 1948 and the Dock
Workers (Safety, Health and Welfare) Scheme
1961 for the Year 1968*.

The Report deals with the administration of the Indian Dock Labourers Regulations 1948 framed under the Indian Dock Labourers' Act 1934 and the Dock Workers (Safety, Health and Welfare) Scheme, 1961. Both these statutes apply to all the major ports in India.

During the year 1968, the total number of reportable accidents both under the Regulations and Scheme was 5642 including 26 fatal accidents as compared to 6087 including 38 fatal accidents during the year 1967. This shows that there was a decrease in the total number of accidents as well as in the number of fatal accidents. On board the ships, however, there was a slight increase in the number of accidents as compared to the previous year.

Dock Safety Committees.- The Dock Safety Committees continued to function at the seven major ports of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Mormugao and Kandla.

Quarterly Industrial Safety and Health Bulletin.- Description of some of the important accidents and dangerous occurrences reported under the Regulations and the Scheme were published in a separate chapter of the quarterly Bulletin. This information has been found to be useful to all connected with loading and unloading of cargo and handling of goods at the ports.

* Annual Report of the Working of the Indian Dock Labourers' Regulations 1948 and the Dock Workers (Safety, Health and Welfare) Scheme, 1961 during the year 1968: Published by the Directorate-General, Factory Advice Service and Labour Institutes, (Bombay).

Training Course for Inspectors.- A Conference-cum-Training Course for the Inspectors, Dock Safety was arranged at Bombay. The Conference was attended by all the Inspectors and three Officers from the Headquarters. In the Conference, the Inspectors discussed the various difficulties and problems faced by them in the administration of the Regulations and Scheme.

Compliance with Regulations.- The total number of contraventions of the regulations per thousand ~~from~~ ships inspected increased from 1154.49 in 1967 to 1278.52 in 1968. The increase in the contraventions was mainly in respect of regulations 21 to 23 which deal with maintenance and marking of hatch beams and covers and provision of hand grips on hatch covers.

Accidents and Dangerous Occurences.- A reportable accident according to Regulations is one which either causes loss of life to a worker or disables him from work for more than 48 hours. However, in respect of other accidents also where the worker is disabled from work for the rest of the day on shift, a notice is required to be sent.

During the year under review, the total number of reportable accidents in the major ports was 5642 including 26 fatal. The corresponding accident figure during the year 1967 was 6087 of which 38 were fatal. This shows that there was a decrease in the total number of accidents by 445 and by 12 in the number of fatalities.

Dangerous Occurences.- According to Regulations 12 of the Indian Dock Labourers' Regulations, certain classes of dangerous occurences are reportable irrespective of whether personal injury is caused or not.

During the year under review, the total number of reportable dangerous occurences notified from the major ports was 249 as compared to 257 in the previous year.

"Non-reportable" accidents and dangerous occurrences.- Accidents and dangerous occurrences under this category are "non-reportable" because either the persons injured or the lifting machinery involved were not covered by the Regulations and the Scheme, or the persons injured, though covered by the definition of workers were not disabled for a period of more than 48 hours.

In 1968, the total number of non-reportable accidents and dangerous occurrences brought to the notice of the Inspectorates was 6760 of which 21 were fatal. The corresponding figure for the year 1967 was 5227 of which 12 were fatal showing a considerable increase in the total number of non-reportable accidents and dangerous occurrences. The highest number of non-reportable accidents and dangerous occurrences were reported at Calcutta, the number being 4403 including 3 fatalities.

Accidents on Board the Ships in Relation to the Number of Workers Employed and Volume of Cargo Handled.- This section deals with accidents on board the ships in relation to the number of workers employed and the volume of cargo handled and trend in accident frequency rate. Figures relating to the aggregate number of workers employed on board the ships expressed in terms of man-shifts have been obtained from the Dock Labour Boards and from Stevedors. According to these figures 6503 thousand non-shifts were worked in all the major ports during the year 1968 as against 6993 thousand in 1967. A total tonnage of 37025 thousands (excluding bulk oil and bunkering) was handled at the major ports during the year 1968 as against 35956 thousand tons in 1967 showing an increase in the amount of cargo handled.

The total number of accidents on board the ships during 1968 was 3560 at the major ports as compared to 3443 in 1967, indicating an increase in the year.

Dock Workers (Safety, Health and Welfare) Scheme.- The Scheme is applicable to all the major ports and covers health and welfare measures for all the Dock workers and also safety on such workers who are not covered by the Indian Dock Labourers' Act.

Notification of Accidents, Dangerous Occurrences and Certain Diseases.- Reporting of accidents and dangerous occurrences by the Port authorities at all ports was generally satisfactory. Reporting by other employers such as clearing and forwarding agents and contractors was not satisfactory in the beginning of the year but it had ~~improved~~ improved in the later part of the year under review. Appropriate action was taken whenever cases of default came to the notice of the Inspectors.

Health.- This part deals with cleanliness, drinking water, latrines and urinals, lighting, ventilation and temperature in the premises of the ports. The responsibility for compliance with the provisions in this part is that of the Port Authorities.

Cleanliness.- Cleanliness in the Dock areas was generally satisfactory at all ports. Maintenance of cleanliness is a regular work and whenever any laxity is noticed, the Port authorities concerned are advised to take necessary action.

Drinking Water.- The existing facility for cool drinking water were not adequate at some of the Ports and their maintenance was also not satisfactory.

Inspections and Prosecutions.- This work includes inspection of ships, docks, lifting machinery and gear, investigation of accidents and dangerous occurrences and attendance at the Courts in connection with prosecution cases.

During the year under review, 11 prosecutions cases were instituted of which 3 each were at Calcutta, Bombay, Madras and 2 at Visakhapatnam. No prosecution cases were filed at the other ports.

=====

67. Conciliation and Arbitration.

India - August-December 1969.

Maharashtra Recognition of Trade Unions and
Prevention of Unfair Labour Practices Bill,
1969.

Mr. N.M. Tidke, Minister for Labour, Government of Maharashtra, introduced in the Legislative Assembly of the State on 9 December 1969, a Bill to provide for the recognition of trade unions for facilitating collective bargaining for certain undertakings, to state their rights, and obligations; to define and provide for the prevention of certain unfair labour practices; to constitute courts (an independent machinery) for carrying out the purposes of according recognition to trade unions and for enforcing the provisions relating to unfair practices; and to provide for matters connected with the purposes aforesaid.

According to the Statement of Objects and Reasons of the Bill, the development of strong, independent and responsible unions and an orderly, rational environment free from unfair labour practices are the two pre-requisites of effective ~~bar~~ collective bargaining. There is no legislation which provides for recognition of representative ~~trade~~ unions as exclusive bargaining agent except the Bombay Industrial Relations Act, 1946, which applies only to a few industries. There is also no systematic law to determine and penalise unfair labour practices. Government, therefore, appointed in February 1968, a Tripartite Committee under the Chairmanship of Shri V.A. Naik, President, Industrial Court, Bombay, for defining the activities on the part of employers and workers and their organisations which should be treated as unfair labour practices, and for suggesting action which should be ~~treated as unfair~~ taken against employers or workers or, as the case may be, their organisations, for engaging in such unfair labour practices. The Committee submitted its report to Government on 17 July 1969, which ~~was~~ was unanimous. The Committee, being of the opinion that unfair labour practices cannot be ~~dealt~~ dealt in isolation and away from the concept

28

of collective bargaining and for removing obstacles in the way of such bargaining, observed that it ~~is~~ is necessary to systematise the law relating to unfair labour practices on sound and scientific lines. The Committee has recommended that comprehensive legislation for the two-fold purpose of according recognition to representative unions which should be clothed with authority of bargaining rights and by describing certain unfair labour practices in the Schedule to the law (including provision for laying down their rights and obligations), should be enacted; and that machinery independent of Government and free from its influence should be devised for fulfilling the dual purpose of according recognition to unions and for enforcing provisions relating to unfair labour practices.

After taking into consideration, the report of the Committee in general, and in particular the above recommendations, Government is of opinion that it is expedient to provide for the recognition of trade unions for facilitating collective bargaining for certain undertakings, to confer on the recognised union certain rights and subject them to certain obligations, and to provide for prevention of certain unfair labour practices. Government further considers it necessary to constitute Courts - an independent machinery - for fulfilling the dual purpose of according recognition to unions and of enforcing provisions relating to unfair labour practices. This Bill seeks to achieve this purpose. It applies to industries to which the Bombay Industrial Relations Act, 1946, for the time being applies, and also to any industry as defined in the Industrial Disputes Act, 1947. Provision is made for the constitution of an Industrial Court consisting of not less than three members and of Labour Courts. The Industrial Court will ordinarily be presided over by a Judge of the Bombay High Court, either sitting or retired. The Industrial Court will deal with recognition of unions for undertakings and with complaints relating to unfair labour practices except unfair labour practices listed in item I of Schedule IV. The labour Courts are invested with power to deal with complaints listed in item I of Schedule IV; and all offences under the Act, with an appeal to the Industrial Court in such criminal cases. The Industrial Court has also been given power to declare other practices as unfair labour practices while dealing with complaints under the Act. The Courts have been given powers, not only to declare that unfair labour practices have been engaged in by certain persons, but also to direct all

29

such persons to cease and desist from such unfair labour practices, and take such action (including payment of reasonable compensation to employees affected or reinstatement of employees with or without back wages, or the payment of reasonable compensation) as may in the opinion of the Court be necessary to effectuate the policy of the Act. The Courts are also empowered to pass interim orders (including any temporary relief or restraining order) as they may deem just and proper (including directions to persons to withdraw temporarily the practices complained of, which are a matter of complaint in such proceedings), pending final decision. Failure to comply with the orders of the Court is punishable with imprisonment which may extend to three months or with fine which may extend to Rs.5,000.

The Bill further invests the recognised unions with exclusive right in all proceedings under the Industrial Disputes Act, 1947, which relate to collective bargaining; and in arbitration award, settlement or agreement in such proceedings (to which the recognised unions will necessarily be a party) is sought to be made binding on all employees in the undertaking. The Bill seeks to amend the Industrial Disputes Act to provide for these matters.

The following notes explain provisions of the important clauses of the Bill.

Clause 3-(a) Sub-clause(10).- This sub-clause defines the term "member" as a person who is an ordinary member of a union, and has paid subscription to the union of not less than 50 paise per month. A person continues to be a member, if his subscription is in arrears for a period of not more than three calendar months during the period of six calendar months, immediately preceding the time his membership has to be reckoned. The definition is generally on the lines of a similar definition given in clause (25) of section 3 of the Bombay Industrial Relations Act, 1946, subject to the modification that the membership fee is fixed at 50 paise per calendar month instead of 25 paise per calendar month.

(b) Sub-clause (14).- The expression "undertaking" has been defined to mean any concern in an industry as defined in the Industrial Disputes Act, 1947, for purposes of recognition of unions. The State Government has been given power to notify a group of concerns in any industry to be one undertaking for this purpose.

Clause 4.- This clause provides for the constitution of the Industrial Court and lays down qualifications required for being appointed as members of the Tribunal.

Clause 5.- This clause specifies the duties of the Industrial Court, which include grant of recognition of unions and deciding complaints relating to unfair labour practices except unfair labour practices falling in item I of Schedule IV.

Clauses 6, and 7.- These provide for constitution of Labour Courts in local areas to be notified by Government, and specify the duties of the Labour Court.

Clauses 8 and 9.- Provisions are made for appointment of Investigating Officers to assist Courts in the discharge of their duties. Those Officers shall be under the control of the Industrial Court and shall exercise powers and perform duties imposed on them by the Industrial Court.

Clause 10.- This clause provides that the provisions of Chapter III relating to recognition of unions shall apply to the undertakings in industries to which the Industrial Disputes Act, 1947, for the time being applies and which employ or which employed hundred or more employees on any day of the preceding twelve months; but shall not apply to industries to which the Bombay Industrial Relations Act for the time being applies, for the reason that the Bombay Act already provides for recognition of unions for industries to which that Act applies.

Clause 11.- This lays the qualifications of a union for being recognised, viz., that the applicant union should have a membership of not less than thirty per cent of the total number of employees in the undertaking.

Clause 12.- This clause provides for the procedure and conditions of recognition of unions by the Industrial Court. After considering the claims of rival unions, the Industrial Court shall grant recognition to the single union having the largest membership of employees employed in the undertaking.

Clause 13.- This clause specifies the circumstances in which recognition of a union shall be cancelled by the Industrial Court. Recognition of a union is liable to be cancelled inter alia if the Industrial Court is satisfied, that it has instigated or assisted or aided a strike which is illegal under the Industrial Disputes Act, or it has committed a practice which is or has been declared to be unfair labour practice.

Clause 14.- The clause provides for recognition of a rival union, in place of a recognised union, by the Industrial Court; and the procedure to be followed therefor. It also provides that the Industrial Court shall entertain an application for recognition of a union in place of a recognised union only if a period of two years has elapsed since the date of registration of the recognised union.

Clause 16.- Provision is made to the effect that the cancellation of recognition of a union shall not relieve it or its members from any liability incurred before cancellation.

Clause 19.- Certain obligations have been cast on recognised unions; these include inter alia obligations - (a) not to refuse arbitration in any industrial disputes if offered by the employer; (b) not to resort to, aid or assist an illegal strike; (c) not to strike, unless the remedy of arbitration has been exhausted and majority of the members vote for the strike; and (d) not to sanction, resort to or support 'go-slow'.

Clause 20.- This clause confers certain rights on a recognised union, which include inter alia right to appoint its nominees on Works Committee constituted under section 3 of the Industrial Disputes Act, 1947, and the right to represent the employees in the undertaking in all matters of collective bargaining under that Act. Proceeding relating to dismissal, discharge, removal, retrenchment, termination of service or suspension of individual employees, could be represented by the employee or any registered union in the undertaking. Provisions of the Industrial Disputes Act are sought to be amended to achieve these purposes.

Clause 21.- This clause provides for representation in proceedings relating to unfair practice. Entries 2 and 6 of the Schedule IV relate to collective bargaining. Hence, in industries to which the Industrial Disputes Act, 1947, applies the right of representation in these matters is given exclusively to recognised unions. In industries to which the Bombay Industrial Relations Act for the time being applies, the right of representation is vested in the representative of employees entitled to appear under section 30 of that Act.

Clause 22.- This clause specifies unfair labour practices.

Clause 23.- This clause prohibits employers, unions and employees from engaging in any unfair practice.

Clause 24.- This lays down the procedure to be followed by the Industrial Court for deciding complaints relating to unfair labour practice.

Clause 26.- The Industrial Court and Labour Courts are invested with certain powers to enable them to hold enquiries under the Act, and issue orders, naming the guilty party and directing it to cease and desist from engaging in an unfair labour practice and to take action including payment of compensation and reinstatement of employees with or without back wages. Provision is made for enabling Courts to pass interim orders in the nature of temporary relief or restraining orders. This is generally in accordance with the recommendations of the Committee.

Clause 28.- This gives the Industrial and Labour Courts power to decide all matters arising out of any application or complaint referred to them for decision.

Clause 31.- Decision of the Full Bench of the Industrial Court in the determination of any question of law is made binding, and shall be followed in all proceedings under this Act.

Clauses 34 and 36.- Labour Courts have been given power to try offences punishable under this Act. It shall have all the powers under the Code of Criminal Procedure, 1898, of a Presidency Magistrate in Greater Bombay and Magistrate of First Class, elsewhere.

Clauses 38 and 39.- An appeal shall lie to the Industrial Court against an order of the Labour Court, and the Industrial Court may confirm, modify, add to, or rescind, any order of the Labour Court appealed against; and may pass such order thereon, as it may deem fit.

The Industrial Court has been given all the powers of the High Court of Judicature at Bombay under the Code of Criminal Procedure, 1898, in respect of offences punishable under the Act.

Clause 44.- This provides for penalty for failure to comply with an order of the Court, which may extend to three months or with fine which may extend to five thousand rupees.

Punishment is also provided for contempts of Industrial and Labour Courts.

Clause 46.- This clause provides for recovery of money due to an employee from an employer as an arrear of land revenue on a certificate for that amount being issued to the Collector by the Court.

Clause 47.- Fines imposed under the Act are also made recoverable as arrears of land revenue.

Clause 49.- Power has been taken to the State Government to make additions to, or alterations in, the list of unfair ~~lab~~ labour practices specified in the Schedules, after consultation with the Industrial Court, and subject to previous publication of the proposal and consideration of any objections and suggestions.

Clause 54.- Provisions have been made in this clause for continuance and completion of the proceedings pending before the State Government or Tribunal or any other authority, relating to the provisions of the Industrial Disputes Act, 1947, or the Bombay Industrial Relations Act, 1946, before commencement of this Act.

Clause 55.- This clause bars institution of any proceeding under the ~~Act~~ Act in respect of any matter relating to which any proceeding is instituted under the Bombay Industrial Relations Act or the Industrial Disputes Act and vice versa.

Clause 56.- Suits which form or which may form the subject matter of complaint or application under the Act have been excluded from the jurisdiction of the Civil Court.

Schedule I.- This provides for consequential amendments to the Industrial Disputes Act, 1947, to achieve the purpose of the Bill.

Schedules II, III and IV.- These Schedules list the unfair labour practices on part of the employers, trade unions and certain general unfair labour practices.

(Maharashtra Government Gazette,
Part V, 18 December 1969, pp.604-635).

35

CHAPTER 8. MANPOWER PROBLEMS.

INDIA - AUGUST-DECEMBER 1969.

81. Employment Situation.

Tamil Nadu Relief Undertakings (Special Provisions)
Act, 1969 (Act No. 21 of 1969).

The Tamil Nadu Relief Undertakings (Special Provisions) Bill, 1969, as passed by the Tamil Nadu Legislature received the Assent of the President on 21 October 1969 and has been gazetted as Madras Act No. 21 of 1969. The Act enables the Government to make special provisions for a limited period in respect of industrial relations, financial obligations and other like matters in relation to industrial undertakings the running of which is considered essential as a measure of preventing or of providing relief against unemployment.

Under the Act the Government may, if satisfied that it is necessary or expedient so to do in the public interest, with a view to enabling the continued running or restarting of a State industrial undertaking as a measure of preventing, or of providing relief against, unemployment, declare, by notification, that the State industrial undertaking shall, with effect on and from such date and for such period as may be specified in the notification, be a relief undertaking. The period so specified shall not, in the first instance, exceed one year but may, by a like notification, be extended from time to time, by any period not exceeding one year at any one time.

The Government may direct by notification,-

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

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

Such a notification under section 4 shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of court, tribunal, officer or other authority.

The Acts specified in the Schedule are:-

- 1) The Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946).
- 2) The Industrial Disputes Act, 1947 (Central Act, XIV of 1947).
- 3) The Minimum Wages Act, 1948 (Central Act XX of 1948).
- 4) The Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947).

(Fort St. George Gazette, Extraordinary, Part IV, Sec. 4, 24 October 1969, pp. 97-100).

Engineers Without Jobs.

According to the Ministry of Education there were until June 1969, some 47,000 engineering graduates and diploma holders unemployed throughout India, though job opportunities have begun to increase considerably since 1968.

The number of unemployed trained technical personnel last year was estimated by the Ministry at 56,000 after 27,000 engineers and diploma holders had been found jobs. Both in 1968 and 1969, the Ministry thinks, there has been no marked inclination on the part of students to shy away from Engineering courses.

According to an official survey, the number of unemployed engineers by the end of 1965 was 16,000 and this shot up to 40,000 in 1967 and 56,000 in 1968 due to recession and droughts. But during these years, 37,000 students annually passed out of technical institutions. Two major schemes are on hand to provide employment to these unemployed engineers. One is the self-employment scheme sponsored by various States under which fixed assets like land, are offered to unemployed engineers in addition to loans by the State Bank for starting industries. It is estimated that 5,000 engineers in different parts of India would avail of these terms and set up small industries. The other major scheme is recruitment by the Union Ministry of Irrigation and Power and Transport for undertaking major investigations for their projects.

The Education Ministry points out that whatever employment opportunities had been created were the result of efforts of Government alone. The private sector had played no part in absorbing unemployed engineers. There were thousands of small-scale industries which did not employ any technical trained personnel.

(The Hindu, 2 October 1969).

Rehabilitation of Repatriates from
Ceylon and Burma.

A co-operative finance and development bank is proposed to be set up to help and promote the rehabilitation of repatriates from Ceylon and Burma.

The proposed bank will provide finance for economic programmes of production, trade and business undertaken by repatriates, or co-operatives of the repatriates or by others including co-operatives and companies employing repatriates.

The bank is proposed to be set up under the Madras Cooperative Societies Act, 1961, with an authorised capital of 50 million rupees. Of this, 10 million rupees is expected to be subscribed by the Union Government.

The balance amount of the share capital will be raised by allotment of shares to the State Governments, individual repatriates and cooperatives of repatriates.

First Batch.— Under the Indo-Ceylon Agreement, about 0.525 million persons are likely to come to India over a period of 15 years. The ~~first batch~~ first batch of 35,000 persons is expected to arrive in the current year. Besides repatriates from Burma, numbering about 0.172 millions, have already arrived. More are expected to come at the rate of 10,000 each year.

A substantial number of these repatriates will be absorbed in industries, trades and other suitable non-agricultural occupations.

The bank will raise funds for carrying out the programmes by borrowing or otherwise and arrange for direct financing the repatriates by the banks and other financing agencies. It will provide necessary bank guarantees to them.

According to an official report, the incidental benefits of forming a banking institution would be that the banking method would ensure not only better selection of the loanees and better utilization of the loan funds but with the follow-up action that the banking method would automatically involve, the process of supervision and recovery of loans would also be greatly improved.

Employment Exchange: -Working during
October 1969.

According to the review of the Principal activities of the Directorate General of Employment and Training for the month of October 1969, the position of registrations, placements, live register, vacancies notified and employers using employment exchanges is shown in the following table:

Items	September 1969	October 1969	Difference
1	2	3	4
Registrations. ---	377,896	339,732	(-) 38,164
Placements. ---	39,965	34,534	(-) 5,431
Live Register. ---	3,425,258	3,415,980	(-) 9,278
Vacancies Notified. ---	61,914	57,628	(-) 4,286
Employers who used Exchanges. ---	12,139	11,393	(-) 746

Vocational Guidance and Employment Counselling.- The Department of Social Welfare, Government of India, have issued sanction for the establishment of 4 coaching-cum-guidance Centres, on a Pilot basis, each at Delhi, Kanpur, Jalalpur and Madras for Scheduled Castes and Scheduled Tribes candidates. These Centres will be run by the Directorate-General of Employment and Training and are expected to be set up by December 1969.

Displaced Persons from East Pakistan.- During the month under review, 242 East Pakistan Migrants were registered with various Employment Exchanges- raising the total number of registrations to 47,887. Thirtytwo were placed in employment, bringing the total number of placements to 3,893. The Live Register stood at 9,691.

Repatriates from Burma.- Twohundred twentyfive Repatriates from Burma were registered bringing the total number of registrations to 13,380. Twentynine were placed in employment - raising the total number of placements to 2,505. The Live Register stood at 2,390.

Repatriates from Ceylon.- Sixty Repatriates from Ceylon were registered and 8 were placed in employment. The total number of registrations and placements so far effected was 1,096 and 147 respectively. The Live Register stood at 284.

(Monthly Review of the Principal Activities of the Directorate-General of Employment and Training, Government of India, New Delhi for the Month of October 1969).

Employment Rises by two per cent in
1968-69.

According to a data collected by the Directorate General of Employment and Training under its Employment Market Information Programme which covers all public sector establishments and non-agricultural establishments in the private sector employing 10 or more employees, employed in the organised sector of the economy increased by 1.9 per cent between April 1968 and March 1969 i.e. from 16.3 million to 16.6 million. The rate of the increase was more than double of the increase in 1966-67; the growth in 1967-68 being almost negligible (0.1 per cent). Employment growth in the public sector was of the order of 2.3 per cent as against 1.7 per cent in the previous year. In the private sector, employment rose by 1.3 per cent for the first time in the last three years. In the last two years it had decreased and the decreases in 1966-67 and 1967-68 were of the order of 1.9 per cent and 2.4 per cent respectively.

The reversal of the trend, particularly in the private sector, seems to indicate the impact of economic recovery that started in the wake of agricultural expansion and industrial revival. In the light of a probable rise of 3 per cent in national income and 6 per cent in industrial production, the 1.9 per cent growth in employment acquires some significance.

Employment by Industries.— Employment increased during the year under review in all the industry divisions except in Plantations and forestry and mining and quarrying. The highest growth rate (5.5 per cent) was attained in electricity generation and distribution, followed by Trade and Commerce and construction (both with a growth rate of 4.4 per cent). In services and manufacturing, which together account for nearly two-thirds of the total employment, the growth rates were 2.3 per cent and 2.0 per cent respectively. Transport and Communications, however, recorded an increase of only 1.1 per cent. In ~~Plantations~~ Plantations and forestry employment further decreased during the year under review by another 2.2 per cent (on the top of a 0.3 per cent decrease in 1967-68 and 2.5 per cent decrease in 1966-67) and in mining and quarrying, by 1.9 per cent ~~as~~ (as against decreases of 6.9 per cent in 1967-68 and 2.4 per cent in 1966-67). While the continued employment

42

decrease in Plantations and forestry was mostly due to the reduced employment opportunities in the tea plantations, in the case of mining and quarrying, it probably reflects the conditions particularly of the coal mining industry (which accounts for about two-thirds of employment in this group).

(Documents supplied by the Directorate-General of Employment and Training, Government of India, New Delhi).

92. Legislation.

India - August-December 1969.

Kerala Industrial Employees Payment of
Gratuity Ordinance, 1969 (Ordinance No.7
of 1969).

The Governor of Kerala promulgated on 8 December 1969 an Ordinance to provide for the payment of gratuity to the employees in factories, plantations and other establishments in the State of Kerala. The Ordinance which will come into force on such date as the Governor may appoint extends to the whole of the State of Kerala. The Ordinance applies in the first instance to any factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act 63 of 1948);

any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1959 (Central Act 69 of 1951); and

any establishment as defined in clause (8) of section 2 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960).

The Ordinance provides that gratuity shall be payable to an employee -

- (a) on his superannuation;
- (b) on his retirement or resignation from service after completion of a minimum of five years of continuous service;
- (c) on his death or total disablement due to accident or disease.

The term total disablement means such disablement, whether of temporary or permanent nature, as incapacitates an employee for all work which he was capable of performing at the time of accident resulting such disablement.

In the cases referred to above the employer shall pay gratuity to each of his employees at the rate of fifteen days' wages based on the last drawn wage rate for every completed year of service or part thereof in excess of six months: provided that the maximum amount of gratuity payable to an employee shall not exceed fifteen months' wages.

Nothing in this section shall affect the right of any better terms of gratuity or retirement benefits under any award or agreement or contract with the employer.

In the case of an employee who is dismissed or discharged for misconduct involving financial loss to the employer, the amount of such loss may be deducted from the gratuity due to him subject to the condition that such deduction shall not exceed twenty-five per cent of the gratuity payable.

Other provisions of the Ordinance relate to application for gratuity and procedure for payment, method of recovery of gratuity amount and power to make rules.

(Kerala Gazette, Extraordinary, 8 December, 1969, pp.1-7).

Working of the Maternity Benefit Acts
during 1967.

November 1969 issue of the Indian Labour Journal contains a review of the Working of the Maternity Benefit Acts during 1967.

During the year under review the percentage of establishments submitting returns to the total number of establishments covered by the State Acts/Central Acts varied from 8.3 in Madhya Pradesh to 100 in Bihar, Uttar Pradesh and Pondicherry in respect of factories and 42.9 in Tripura to 100 in Bihar in respect of Plantations.

Among the various States Kerala reported the largest number of cases in which maternity benefit was paid either fully or partially. Next in the order came Mysore, Madras, Gujarat and Bihar. In plantations Assam reported the largest number of cases in which maternity benefit was paid during the year under review. The proportion of women workers who were paid maternity benefits in full or in part in factories and plantations to the total number of women workers who claimed such benefits during the year under review was fairly high in all the States. No claims were reported to have been preferred or paid during the year under review in Punjab and Goa in the case of factories, and Bihar in the case of plantations. The percentage of claims to the total number of women employed in factories and in plantations was the highest in Kerala and West Bengal respectively during 1967.

The average amount of benefit paid per case in factories varied from State to State, the highest (Rs.520/-) being in Uttar Pradesh and the lowest (Rs.43/-) in Pondicherry. The overall average amount of maternity benefit paid per case in factories, plantations and mines during 1967 was Rs. 115/-, Rs.131/-, and Rs.224/- as against Rs.107/-, Rs.117/-, and Rs.208 respectively in 1966.

The number of complaints received was the highest in Kerala both in factories and plantations. Prosecutions were launched only in a few cases, as generally the violation of the Acts or Rules thereof which led to complaints was reported to be of a minor nature.

(Indian Labour Journal, November, 1969).

Medical Care of Workers - More Funds
to be Raised.

On the basis of recommendations made after a review of its financial position, the Employees' State Insurance Corporation has decided to raise the Employers' contribution to the ESI funds to provide medical benefits to workers covered by the Scheme from the present three per cent to four per cent of the total wage bill. Contributions of the employees and the Government will remain unchanged. It is proposed to use half of the additional contribution from the employers directly on medical benefits for the workers. The other half will be ear-marked for capital expenditure, including hospital buildings.

The financial position of the ESI Corporation is so much stretched at present that even this measure will not relieve its burden to an appreciable extent. It has therefore decided to place a ceiling of Rs.50/- per capita per annum on medical benefits to the workers. If a State Government wants to spend above this ceiling, it will have to meet the extra-expenditure.

(The Patriot, 19-7-1969).

LIST OF THE PRINCIPAL LAWS PROMULGATED
DURING THE PERIOD COVERED BY THE REPORT?
FOR AUGUST-DECEMBER 1969.

INDIA - AUGUST-DECEMBER 1969.

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

Tamil Nadu Agricultural Labourers Fair Wages Act, 1969 (Madras Act No.19 of 1969): (Fort St. George Gazette, Extraordinary, 29 September 1969, pp. 87-93).

Chapter 5. Working Conditions and Living Standards.

Kerala-Shops and Commercial Establishments (Amendment) Act, 1969 (Act No.32 of 1969): (Kerala Gazette, Extraordinary, 1 November 1969).

Chapter 8. Manpower Problems.

Tamil Nadu Relief Undertakings (Special Provisions) Act, 1969 (Act No.21 of 1969): (Fort St. George Gazette, Extraordinary, Part IV, sec.4, 24 October 1969, pp. 97-100).

Chapter 9. Social Security.

Kerala Industrial-Employees Payment of Gratuity Ordinance, 1969 (Ordinance No. 7 of 1969): (Kerala Gazette, Extraordinary, 8 December 1969, pp. 1-7).

=====

LIST OF ARTICLES

INDIA - AUGUST-DECEMBER 1969.

Chapter 2. International and National Organisations.

- a) Role of Trade Unions in Industrial Peace by Surendra Singh: Labour Bulletin, U.P. June 1969.
- b) Rights and obligations of Employers and employees by N.H. Tata: Journal of Indian Merchants, October 1969.
- c) Trade Unions Rule in Developing Economy by S.W. Dhabe: Indian Worker, 29 December 1969.

Chapter 3. Economic Questions.

- a) Scientific Marketing by M.Mathias: Amrita Bazar Patrika, 19 September 1969.
- b) Labour Productivity and Automation by Chittapriya; Mukherjee: AICC Economic Review, August 15, 1969.
- c) Role of Management in Industrial Development by M.R. Shroff: Industrial India, October 1969.

~~dx~~

Chapter 6. General Rights of Workers.

- a) Participation and Control in the Public Sector by Shyamalal Mukherjee: Statesman 28 August 1969.
- b) Management Development in India, by Om P. Bhatia: Indian Worker, 1 September 1969.

Chapter 7. Problems Peculiar to Certain Categories of Workers.

- a) The Problem of Educated Unemployed by A.N. Mehra: A.I.C.C. Economic Review, 1 November 1969.

~~bx~~

Chapter 11. Occupational Safety and Health.

Accident Prevention in Manufacturing Industries by B.J. Ramrakhini: Indian Worker, 22 December 1969.

=====