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INTERNATIONAL LABOUR OFFICE
BRANCH OFFICE, NEW DELHI

ANNEXE
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Industrial and Labour Developments in
September-October 1967.

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

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CHAPTER 1. INTERNATIONAL LABOUR ORGANISATION.

INDIA - SEPTEMBER-OCTOBER 1967.

11. Political Situation and Administrative
Action.

Twenty-Seventh Session of Standing Labour
Committee, New Delhi, 27 September 1967.

The Twenty-Seventh Session of the Standing Labour Committee was held at New Delhi on 27 September 1967. The meeting, chaired by Shri J.L. Hathi, Union Minister of Labour, Employment and Rehabilitation, was attended by representatives of State Governments and Employers' and Workers' Organisations. The Director of this Office attended the meeting by special invitation.

Agenda.- The meeting had before it the following agenda:

1. Casual Labour (Regulation and Abolition) Bill, 1967, as proposed by the Government of West Bengal.
2. Amendments to Employees' Provident Fund Act, 1952.
3. Powers to be given to certain officers for enforcing payment of dues to workers under the Payment of Wages Act, Minimum Wages Act and Payment of Bonus Act.
4. Wage Boards - Review of existing procedure for implementation of recommendations - whether provision should be made for statutory enforcement.
5. Unemployment Insurance Scheme.
6. The Industrial Disputes (West Bengal Amendment) Bill, 1967.

Items 1 and 6 was later withdrawn from the agenda on the request of the Government of West Bengal as the State's Labour Minister could not attend the meeting due to illness.

Chairman's address.- The Chairman in the course of his address said that important subject for consideration related to the implementation of Wage Board recommendations. There have been complaints that implementation has been far from complete and a suggestion has been made that the entire system of Wage Boards should be placed on a statutory basis. It was not by any means clear that this would be a complete remedy. The system of tripartite Wage Boards had been painstakingly built up over the years. In a sense, it was a system of assisted collective bargaining. Placed on a legal basis, it would be robbed of its voluntary character and approximate towards the system of wage determination by tribunals, which already existed. Giving statutory backing to the recommendations of the Wage Boards might require consequential changes in the constitution and working of these bodies. Another alternative suggested was that employers' organisations should assume the responsibility to ensure that the recommendations of the Wage Boards were honoured by all their constituents. But, if in spite of their efforts, implementation through persuasion was not secured to the fullest extent, some effective method had to be found for bringing round the recalcitrants at the margin.

Much had been made of the principle of unanimity in Wage Board recommendations. Unanimity was certainly an eminently desirable principle but to say that only unanimous recommendations of the Wage Boards were to be implemented, could be an indirect way of inviting dissent. It had again, been suggested that Government should have no right to modify the recommendations of a Wage Board. He wondered whether such a provision was desirable. After all, a democratic Government should be in a position to take the total view of the economy and of the interests of the different sections of the community. And it might not be in public interest to require that in dealing with the recommendations of a Wage Board, Government should keep its wider responsibilities in abeyance. He would suggest an impartial consideration, on available evidence, whether there was anything to show that Government had ever exercised its discretion lightly.

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Main Conclusions:

Item 1: Casual Labour (Regulation and Abolition) Bill, 1967, as proposed by the Government of West Bengal.- This item was withdrawn from the Agenda at the request of the West Bengal Government.

Item 2: Amendments to Employees' Provident Funds Act, 1952.- (i) There was general agreement that the present procedure for instituting prosecutions and recovery ~~proceeding~~ proceedings involved delay. To reduce such delay, powers should be vested in the Provident Fund Commissioner to issue certificates for recovery of dues and to request Collectors direct to recover dues under the R.R. Act. A suggestion was made that in the matter of instituting prosecutions the Central Provident Fund Commissioner and the State Governments may have concurrent powers.

(ii) As regards exemption, it was agreed that no further exemption should be granted unless workers ~~to~~ themselves want exemption. So far as the existing exemptions are concerned they should be withdrawn in case of default by the employers.

(iii) It was also felt that the penalty provision for failure to deposit Provident Fund collections should be made more stringent.

(iv) Workers' and employers' representatives were of the view that the Provident Fund money need not necessarily be invested in Government securities and that the investment policy and pattern should be revised with a view to ensuring higher returns without risk to the fund.

Item 3: Powers to be given to certain officers for enforcing payment of dues to workers under the Payment of Wages Act, Minimum Wages Act and Payment of Bonus Act.- (i) It was agreed that the present procedure for recovery of workers' dues in the shape of wages and bonus should be revised.

(ii) The consensus of opinion was that designated officers should be vested with powers to issue certificates for the recovery of wages and the minimum bonus of 4 per cent., payable under the Payment of Wages Act, the Minimum Wages Act and the Payment of Bonus Act. Such Officers should, however, be of sufficiently high status.

Item 4: Wage Boards - Review of existing procedure for implementation of recommendations - whether provision should be made for statutory enforcement.- (i) There was general agreement that the delay involved in the working of Wage Boards should be eliminated and a procedure should be evolved for securing fuller implementation of Wage Board recommendations.

(ii) To work out concrete proposals to this end, a Sub-Committee was constituted, consisting of 4 employers' members and 4 workers' members with the Labour Minister of Assam as the chairman. The Sub-Committee would submit its report within a period of two months.

Item 5: Unemployment Insurance Scheme.- This subject was briefly discussed. It was decided that the views of the State Governments should first be ascertained on the general scheme of Unemployment Insurance as also on the pilot scheme.

Item 6: The Industrial Disputes (West Bengal Amendment) Bill, 1967.- This item was withdrawn from the Agenda at the request of the Government of West Bengal.

(Documents received from the Ministry of Labour, Employment and Rehabilitation, New Delhi).

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12. Activities of External Services.

India - September-October 1967.

(a) Visitors:

On 22 September 1967, a three-man UNESCO Study Group of the Singapore Trade Union Congress visited this Office and called on the Director.

(b) Talks and Lectures:

On 19 September 1967, the Director addressed the Delhi Management Association. The subject of his talk was "The Influence of the ILO on Indian Labour Legislation".

On 18th September 1967, the Director gave the valedictory address to the 21st batch of Worker-Teacher Trainees of the Workers' Education Centre, Delhi.

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13. Press and Opinion.

India - September-October 1967.

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

1. The Indian Worker, New Delhi, dated 21-8-67, publishes a news-item about the visit to India of Mr. Whitaker, the ILO's Asian Regional Adviser on Management Development and Small-Scale Industries.

2. The Indian Worker, New Delhi, dated 14-8-67, publishes -

(a) An item about the ILO Governing Body's interim-report on complaints by ICFTU and others concerning violation of trade union rights in Liberia.

(b) An article entitled "Inaugust Ordeal Facing INTUC this August". The article makes an incidental reference to the ILO.

(c) An article on the progress of workers' education in India. The article under sub-title 'ILO Experts' Views' makes a reference to Dr. Charles A Orr.

(d) An article entitled "Unemployment Insurance Scheme in India: A Sociological Perspective". The article makes an incidental reference to the ILO.

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Chapter 2. International and National Organisations

25. Wage-Earners' Organisations.

India - September-October 1967.

Maharashtra: Trade Unions Opposed to
Automation: Convention held at Bombay,
22 October 1967.

Shri Saroj Chowdhary, Convener of the All-India Committee Against Automation, opened in Bombay on 22 October 1967, a Convention of trade union organisations. Shri D.P. Chadda, presided over the Convention. Those taking part in the Convention were the Communist controlled Trade Union Congress, the SSP controlled Hind Mazdoor Panchayat, the United Trades Union Congress, the PSP dominated Hind Mazdoor Sabha and the Jana Sangh sponsored Bharatiya Mazdoor Sangh.

In a resolution adopted by the Convention it called upon the Union Government to halt the process of automation and relieve the "resultant unemployment" reports. The Convention urged the State Government to intervene and "force" the Union Government to take action in this regard. The resolution, said that it was not opposed to technological progress or automation on principle, but it was opposed to automation as it was resulting in large-scale unemployment.

(The Statesman, 23 October, 1967).

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Hotel Workers Convention held at Bombay,
1 October, 1967.

A Convention of hotel workers was held at Bombay on 1 October 1967. Among other matters the Convention urged the Government to ~~review~~ revise the minimum wage scale, reduce the working hours from nine to eight and improve the workers' service condition. A resolution adopted at the Convention demanded Rs.200, Rs.150 and Rs.125 for skilled, semi-skilled and unskilled workers. The Convention demanded the application of the Shops and Establishments Act and the "full legal protection" of workers.

Another resolution wanted the gratuity scheme, the Bonus Act and the provident fund benefits to be applied to the workers of all establishments, irrespective of the number of persons employed.

(The Times of India, 2 October, 1967).

11th Annual Convention of the National
Federation of Indian Railwaymen held
at Gauhati, 20-23 October 1967.

The eleventh Annual Convention of the National Federation of Indian Railwaymen was held at Gauhati from 20 to 23 October 1967. Shri S.R. Vasavada presided over the meeting. Shri A.P. Sharma, the General Secretary of the N.F.I.R. submitted his annual report. The Convention was addressed by the Railway Minister Shri C.M. Poonacha. Among others, the Convention adopted resolutions, on full neutralisation of the price-rise, steps to stabilise country's economy, wrongful equation of Railways with civil services, promotion-prospects and procedure, compulsory pre-mature retirement, prevention of accidents in railway workshops, economy measures, railway finances, casual labour, supply of foodgrains to railwaymen and housing accommodation for gangmen.

Presidential address.- Delivering his presidential address, Shri S.R. Vasavada said that the Gajendragadkar Commission's report was highly unsatisfactory in certain respects. Even the minimum paid worker was denied full neutralisation of the rise in the cost of living and that no improvement was suggested in the D.A. formula. He also asked the delegates to work for a new pay commission, as recommended by the Gajendragadkar Commission, if the Government failed to curb the rising prices. He disapproved of the Government's rejection of this recommendation of the commission. It was the duty of the federation 'to secure justice for the employees', he affirmed. Shri Vasavada welcomed the joint consultative machinery as a step that conferred equal status to the employees in the industry, and asked the railwaymen to make the machinery effective and fruitful.

Rising Prices.- He, however, cautioned them that arbitration would cease to be the mighty weapon it was unless the employees strengthened themselves and were ready to use the alternative weapon of strike either when arbitration was not available ~~fe~~ or when the employer failed to implement the award of the arbitrator.

Shri Vasavada condemned gherao as a trade union weapon. He said 'once the working class movement gives up democratic and peaceful methods, it will cease to be a constructive movement of masses and may well become a movement which will savour of gangsterism'.

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Resolution.- Adopting the resolution on full neutralisation of the price rise the National Federation of Indian Railwaymen held the view that dearness allowance was a device to help employees maintain their standards of living in the face of rising prices when there was no automatic adjustment of wages with the price Index; in other words, it was simply the neutralisation of the effects so far as the wage rates were concerned, of changes in the price level of the commodities on which wage earners spent their incomes. Taking into view the conclusions of the Fair Wage Committee and the recommendations of the Second Pay Commission the Federation demanded that the lowest categories of employees namely all the class IV staff, should be allowed cent per cent neutralisation of the price-rise, with adequate neutralisation for other employees.

The resolution on steps to stabilise country's economy suggested the following measures for being taken by the Government: 1) Suppression of hoarding and profiteering; 2) Effective distribution policy; 3) Removal of the restriction on movement of food-grains; 4) Ban on export of commodities of daily consumption like oil seeds, vegetable oils, etc.; 5) Curtailment of all credit facilities which would encourage hoarding and speculation; 6) Investment out of tangible resources only on those Projects which if discontinued might result in huge losses to the country; 7) Check over profits of corporate sector and income of proprietary firms through adequate-monetary measures; 8) Levy of agricultural income tax; 9) Tightening up of the machinery for the collection of Income-Tax; and 10) Avoidance of wasteful administrative expenditure.

The resolution on Promotion Prospects and Procedure put forth several demands which stated that: i) Direct recruitment in intermediate grades should be stopped; ii) Proposals for upgrading of posts and distribution of higher percentage posts in higher grade, should be considered on their merit; iii) Seniority should be re-introduced as an important factor in the selection test for considering the fitness of a candidate for promotion; iv) Marks under various counts, should be re-arranged so as to leave less scope for individual discretion of officers; v) The Selection Tests should be prescribed only when there is a distinct change in the responsibilities and the work on promotion is of a higher order; vi) The procedure laid down for non-selection tests also be suitably revised; and vii) The clause in the Confidential Report authorising an officer to give opinion on the suitability or otherwise of the concerned employee, for promotion should be deleted.

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The resolution on Prevention of Accidents in Railway Workshops urged upon the Railway Board to arrange to reconstitute Safety Committees in all Workshops with equal or more representation to organised labour and provide for their periodical meetings. The main functions of these Committees should be (1) to review the accidents taking place in the Workshops and to evolve preventive measures; (2) to look for possible ~~for~~ causes of accidents and plan effective preventive measures.

Adopting the resolution on Casual Labour, the General Body of the National Federation of Indian Railwaymen expressed its satisfaction at the determined and successful efforts made by the Federation in securing for the casual labourers employed on the railways, various concessions like absorption in the regular cadre, leave, medical attendance, protection against artificial break in service etc. At the same time this General Body was aware that till and until the question of the daily rates of pay of these employees was satisfactorily settled, the main problem of the casual labour would have remained unsolved and the exploitation of this huge mass of labour would not have stopped. The daily rates allowed to these employees were appallingly low. Also, the rules laid down for fixing the daily rates of wages were confusing, unrealistic and difficult to implement. This General Body strongly urged upon the Government to guarantee the casual labourers, the daily minimum rates of pay at the rate of 1/26th of the minimum of the pay-scale together with the dearness allowance allowed to the employees in the permanent cadre doing same or similar work.

(Documents received in this Office during November 1967).

Chapter 3. Economic Questions

32. Public Finance and Fiscal Policy.

India - September-October 1967.

Aggressive Export Drive Recommended by UN Export Promotion Team.

The UN Export Promotion Team which visited India early this year, has recommended in their report submitted to Government recently, that India should launch an aggressive and concerted drive to sell its products abroad. The report emphasises that if India is to make a dent in sophisticated foreign markets, a well-planned promotion and sales campaign should be formulated and executed jointly by the public and private sectors.

After a comprehensive study of the export potential of various products, the team has selected 19 engineering, chemical and other items with good chances of sales abroad, provided vigorous steps are taken immediately to encourage their export.

Other steps recommended to boost export of these products include quality control, reduction of production costs by adopting modern manufacturing techniques, ~~attractive~~ attractive packaging and launching marketing programmes on a scientific and sustained basis.

(The Hindustan Times, 6 September, 1967).

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11 Per Cent Fall in Exports Estimated
after Devaluation.

Trade /

According to an official review prepared for the Board of meeting held on 3 October 1967, India's exports fell by 11 per cent. during the 12 months after devaluation of the rupee. The review estimates exports during the period at \$ 1,520 million, \$ 189 million less than exports during the previous 12 months.

In spite of the overall setback in exports after devaluation, gains in overseas sales have been reported in iron and steel, leather and leather manufactures, raw jute, iron and steel scrap, pulses and fruits and vegetables. These increases were not sufficient to offset the substantial decline in exports of many items including traditional items such as tea, jute goods and cotton piece goods.

According to the review, exports to the US recorded a drop of about 300 million rupees during June 1966-May 1967 against exports of the previous 12 months. Exports to Britain fell by 300 million rupees, to West Germany by 45 million rupees and to Russia by about 300 million rupees.

(The Hindustan Times, 30 September, 1967).

34. Economic Planning, Control and Development.

India - September-October 1967.

Report of the Mudaliar Committee on Foreign
Collaboration: Continuance of Import of
Know-How and full utilisation of indigenous
Technology Recommended.

A Committee on Foreign Collaboration headed by Dr. A.R. Mudaliar which was appointed in February 1966 submitted its report recently to the Government. The Committee was required to recommend to the Government general guidelines regarding the utilisation of indigenous know-how and the types of cases in which foreign collaboration might be allowed.

Regarding its first term of reference as to the extent to which import of technical know-how from abroad could be dispensed with at the present stage of economic development in India, the Committee has come to the conclusion that there is no ground at all for taking the "extremist view that import of foreign know-how should be dispensed with".

The Committee has at the same time stressed the need for full utilization of indigenous technology capable of commercial exploitation, and has recommended that both at the licensing stage and the foreign agreements approval stage, a scheme based on indigenous know-how should normally be given preference to one based on imported know-how.

In this connection it has emphasised the importance of an independent Corporation, like the National Research Development Corporation to ensure the availability of design and engineering services and provide the risk capital for the entrepreneurs taking up commercial development of indigenous know-how. It has also suggested that the Council of Scientific and Industrial Research should take action to generate confidence in industry regarding indigenous know-how.

The Committee in its report has pleaded for the continuance of the import of know-how to enable Indian industry to keep in touch with the world technological mainstream. The Committee feels that in industries where substantial import of capital goods is involved and where the Government's policy allows foreign capital participation joint ventures involving foreign equity participation are more beneficial, compared to other forms of collaboration.

Among other important recommendations is a suggestion that no rigid rule should be followed in the matter of the duration of technical collaboration agreements. Accepting the suggestion the Government considers that in the matter of extension of existing agreements, a stricter approach than has ~~adopted~~ hitherto been followed should be adopted.

(The Statesman, 19 September 1967).

Hazari Report on Planning and Industrial
Licencing submitted to Planning Commission.

Dr. R.K. Hazari the Bombay Economist, submitted, recently his final report on planning and industrial licencing to the Planning Commission. The report is in two parts. In his final report Dr. Hazari calls for careful planning of credit to reinforce the priorities ~~of~~ set by national plans. He feels that it is necessary to get guidelines ~~to~~ make sure that bank credit is apportioned among various industrial sectors in the light of the country's overall needs and not merely on the basis of security borrowers offer.

(The Statesman, 16 September, 1967).

Report on Banking System Released:
Formation of Credit Council recommended:
Nationalisation of Banks Disfavoured.

In a report prepared by Shri V.A. Pai Panandikar of the Reserve Bank of India, commissioned by the Finance Minister apropos the AICC Resolution demanding social control over banks, Shri Pai has recommended that the primary emphasis of reform should be on change in the operating methods rather than a change of ownership. The report recommends the constitution of a National Credit Council on the French pattern to set guidelines for the operation of commercial banks to make their credit policies and practices conform to national priorities and social objectives. The report argues that a nationalized banking system is incompatible with a mixed economy. Functioning under adequate and proper controls, private banking could subserve social objectives at the same time as it retains the flexibility and responsiveness necessary to meet the varying needs of private individuals and entrepreneurs.

The report takes into account arguments both for and against complete nationalisation of the banking system to come to the conclusion that nationalisation has "a series of adverse economic, administrative and financial implications".

(The Statesman, 6 October, 1967).

Monopolistic and Restrictive Trade Practices Bill, 1967.

Shri Fakhruddin Ali Ahmad, Minister of Industrial Development and Company Affairs, Government of India, introduced in the Rajya Sabha on 18 August 1967 a Bill to provide that the operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto.

According to the Statement of Objects and Reasons of the Bill, the Bill is designed to ensure that the operation of the economic system does not result in the concentration of economic power to the common detriment and to prohibit such monopolistic and restrictive trade practices as are prejudicial to public interest.

It is in pursuance of the recommendations ~~made~~ made by the Monopolies Inquiry Commission in their report submitted to the Government on the 31st October 1965, and the resolution dated 5 September 1966, containing Government decisions thereon laid down before both Houses of Parliament on 6 September 1966. The structure of the Bill basically remains the same as recommended by the Monopolies Inquiry Commission. Certain modifications have been introduced in accordance with the terms of the Government Resolution dated 5 September 1966, in so far as the powers of the proposed Monopolies and Restrictive Trade Practices Commission are concerned. Certain other modifications introduced, include provisions for comprehensive control over undertakings which along with other inter-connected undertakings under the control of the same persons or groups command assets of 200 million rupees or more in order to more effectively control concentration of economic ~~power~~ power.

The proposed Commission is sought to be vested with mandatory powers in regard to cases of restrictive trade practices and advisory powers in respect of cases concerning monopolistic practices and concentration of economic power. In respect of the latter category of cases, the final decision would lie with the Government.

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The main provisions of the Bill fall under the following heads:-

(i) Regulating expansions, mergers and amalgamations and appointment of directors in respect of "dominant undertakings" having assets of 10 million rupees and more and of undertakings which by themselves or with inter-connected undertakings have assets of not less than 200 million rupees in value.

(ii) Regulating the starting of new undertakings which would become inter-connected undertakings of such existing undertakings the total assets of which exceed 200 million rupees.

(iii) Control over and prohibition of monopolistic and restrictive trade practices as are found to be prejudicial to public interest.

(The Gazette of India, Extraordinary,
Part II, Sec.2, 18 August 1967,
pp. 943-990).

35. Productivity.

India - September-October 1967.

How Far Size Affects Productivity of the Industrial Unit*.

The object of this article which has appeared in September 1967 issue of the Indian Labour Journal is to test on the basis of the data collected, the correctness of the theoretical principle that the larger size industrial units are more efficient and economical in operation due to their high productivity. The author describes the criteria by which the size of an industrial unit is measured, and gives formulae for measurement of productivity and labour efficiency. To illustrate his point of view the author has given a table of rank correlation coefficients between size and productivity in major industries of India. Also he has given figures measuring productivity (from 1953 to 1958) by size in Iron and Steel industry of India, in Cotton Textile industry, in Sugar industry and Jute industry.

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* Indian Labour Journal, Vol. VIII, No. 9, September 1967, pp. 768-780.

Productivity of Bhopal Electrical Workers
on Par with Britain.

According to a press report which has appeared in the Statesman of 4 September 1967, workers of the 52 sections of the Bhopal Heavy Electricals plant have achieved a per capita labour productivity comparable to that obtaining in Britain. The plant's management is confident of achieving with 18,000 men a level of output by 1970 for which its British consultants thought it may need 28,000. In assessing the plant's long-range labour requirements, the consultants, Associated Electrical Industries proceeded on the assumption that Bhopal would require half as many men again as a comparable British plant. The sophisticated nature of the industry, and the fact that Bhopal is the first plant of its kind, accounted for the difference felt by the consultants.

Their estimate of per capita productivity held good during the first four years of production at the plant (1960-64). But now - in the 52 sections of the plant where a production bonus incentive was introduced two years ago - performance has touched British levels.

As a result of this scheme, the output of 2,850 men now employed in these sections exceeds that of 3,400 men deployed before incentives were introduced. Bonus nets them an additional 20 per cent. to 25 per cent. take-home pay. The staff rendered surplus in these sections has been transferred to new production divisions. The scheme is proposed to be extended to the rest of the plant shortly.

(The Statesman, 4 September 1967).

36. Wages.

India - September-October 1967.

Journalist Wage Board Report accepted
by Government.

A notification was issued on 27 October 1967 accepting all the recommendations by the Government of the wage board for working journalists, except those relating to the age of retirement and re-employment. The wage board had recommended that the retirement age of a working journalist should be 58 years, but he should be continued in service up to the age of 60 years on production of a fitness certificate. The Law Ministry is understood to have turned down this particular recommendation on the ground that it was untenable with the terms of reference laid down for the board.

The board considered the paying capacity of the industry and the financial burden likely to fall upon the industry as a result of the new scales recommended. It was held that some newspaper establishments were already in a position to bear the financial burden arising out of its recommendations while some others were not at present able to do so.

It had, however, observed that management of papers which did not appear now to be in a position to bear the additional burden imposed by the new wage scales, could improve their capacity by tightening up their organisation.

The date of operation of the recommendation of the wage board would be 1 January 1967, in the case of class I, II, and III of newspaper and news agencies and class I periodicals. In the case of all others, the date would be 1 July, 1967.

(The Times of India, 28 October, 1967).

Working of the Payment of Wages Act, 1936
on Railways during 1965.

A summary of the annual report on the Working of the Payment of Wages Act, 1936 on Railways for the year ending 31 December 1965* has been published in October 1967 issue of the Indian Labour Journal.

The Payment of Wages Act seeks to ensure regular and prompt payment of wages to the workers and to protect them against unauthorised deductions and fines. The review describes the various amendments made to main Act during the year.

Employment and Wages.- The total average daily number of persons employed on Railways (excluding Railway Factories) covered by the Act was approximately 1,105,540 and the gross amount paid as wages to such persons was Rs.1,727,752,764.11 during the year under report. As regards Contractors' Establishments, annual returns were received only from 220 out of 899 establishments. The figures of average daily employment and total amount paid as wages in these 220 Contractors' Establishments were 22,783 (including 5 children) and Rs.12,250,441.89 respectively.

Inspections and Irregularities.- During the year under report 9,809 establishments (8,850 Railways establishments and 959 Railway Contractors' Establishments) were inspected and 18,274 irregularities (14,635 relating to Railway establishments and 3,639 relating to Railway Contractors' establishments) were detected. Out of 14,635 irregularities detected in respect of Railway establishments, 7,800 (53.3 per cent.) related to non-payment of wages; 3,708 (25.3 per cent.) to non-display of notices etc.; 1,014 (6.9 per cent.) to delayed payment of wages; 554 (3.8 per cent.) to non-maintenance of registers; 202 (1.4 per cent.) to improper maintenance of registers; 423 (2.9 per cent.) to unauthorised deductions; 53 (0.4 per cent.) to fines; 9 (0.1 per cent.) related to deductions for damage or loss; and 871 (5.9 per cent.) to miscellaneous irregularities. The percentage of irregularities relating to the recovery of advance was negligible being only one case.

* Indian Labour Journal, Vol. VIII, No. 10, October 1967, pp. 867-872.

Out of 3,639 irregularities detected in Railway Contractors' establishments during the year under report, 1,342 (36.9 per cent.) related to non-maintenance of registers; 1,173 (32.2 per cent.) to non-display of notices etc.; 108 (3.0 per cent.) to non-payment of wages; 587 (16.1 per cent.) to improper maintenance of registers; 30 (0.8 per cent.) to delayed payment of wages; 6 (0.2 per cent.) to recovery of advances; 28 (0.8 per cent.) related to unauthorised deductions; and 365 (10.0 per cent.) to miscellaneous irregularities.

Rectification of Irregularities.- Out of a total of 21,441 irregularities, 15,132 irregularities (70.6 per cent.) were rectified during the year, leaving a balance of 6,309 (29.4 per cent.) irregularities for rectification at the end of the year.

As regards rectification of irregularities noticed in respect of Railway Contractors' establishments out of a total of 1,177 irregularities were pending rectification at the end of the calendar year 1964 and 3,639 irregularities were detected during the year under report, making a total total of 4,816 irregularities for rectification. Of these 4,816 irregularities, 3,619 (75.2 per cent.) were rectified during the year, leaving a balance of 1,197 (24.8 per cent.) for rectification at the end of the year.

Fines and Deductions.- As authorised under Section 8 of the Act, fines were imposed in 10,249 cases in respect of Railway Establishments (other than Railway Factories) involving an amount of Rs.171,292.94 during the year under report. The amount of fines realised is credited to the Staff Benefit Fund and the disbursements from the Fund during this year amounted to Rs.2,235,097.74 in respect of persons employed in Railway Establishments (other than Railway Factories).

In respect of Railway Establishments (excluding Railway Factories) deductions amounting to Rs.4,241.48 and Rs.171,042.16 were made from wages on account of breach of contract (absence) and damage to or loss of goods in 348 and 14,558 cases respectively during the year under report.

Claims.- Out of the total amount of Rs.4,347,753.45 claimed as wages in 2,492 applications, only a sum of Rs.36,371.21 was awarded. Of the total amount of Rs.1,079,354.30, claimed at compensation in 2,492 applications, only a sum of Rs.4,594.00 was awarded as compensation.

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Madras: Minimum Rates of Wages fixed for employment in Hosiery Industry.

In exercise of the powers conferred under the Minimum Wages Act, 1948, the Government of Madras has with effect from 30 August 1967 fixed the following minimum rates of wages for the different classes of employees employed in hosiery industry in the State.

Class of Employees.	Minimum Rates of Wages.
(1)	(2)
Class I	-- Rs. 1.55 per day.
Class II	-- Rs. 2.35 per day.
Class III	-- Rs. 3.10 per day.
Class IV	-- Rs. 3.90 per day.
Warping(Piece Rate)	-- Rs. 2.35 per roll.
Supervisor/Foreman/ Mechanic.	-- Rs.155.00 per mensem.
Clerks.	-- Rs.115.00 per mensem.
Watchmen/Peons.	-- Rs. 62.00 per mensem.

Categories of employees under the classes mentioned above and employed in any hosiery manufactory.

Class I.

- Labelling boys.
- Cutting Department helpers.
- Demage and pruning.
- Tailoring Department helpers.
- Finishing Department helpers.
- Mending.

Class II.

- Machineman or machine attendant, Grade II.
- Finishing.
- Pressing.
- Ironing.
- Packing.
- Warping (piece rate).

Class III.

- Machineman or machine attendant, Grade I (after one year of service).
- Khalasis.
- Boilerman.
- Chain and Chainlock tailors.

Class IV.

- Overlook tailors.
- Flatlock tailors.
- Cutting.

1. Adolescents and women employees wherever employed shall be paid the same rates of wages fixed above.

2. Where any category of employees are actually in receipt of higher rates of wages than the statutory minimum rates of wages fixed, they shall continue to get the benefit of the higher reates of wages.

3. Weekly holiday wages have to be necessarily paid.

(GO.Ms.No. 2742, Industries, Labour and Housing (Labour) dated 29 August, 1967, Fort St. George Gazette, Part II, Sec.1, 30 August 1967, page 1513).

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

INDIA - SEPTEMBER-OCTOBER 1967.

41. Agriculture.

74th Annual Conference of the United Planters'
Association of Southern India, held at
Ootacamund, 2 September 1967.

The 74th annual Conference of the United Planters' Association of Southern India was held at Ootacamund on 2 September 1967. The Conference was inaugurated by Shri V.V. Giri, the Vice-President of India. The Conference was addressed, among others, by Shri M.R.M. Punja, Chairman of the United Planters' Association of Southern India, Shri Bhagwan Singh, Chairman of Tea Board and Shri Babeeb Mohamed, Chairman of Rubber Board.

Inaugurating the Conference Shri V.V. Giri, the Vice-President of India, stressed the importance of scientific plantation development for increasing productivity quantitatively and qualitatively so that both the Industry and the country could get the much needed foreign exchange in an abundant measure. In the matter of exports, he advised the planters to be honest and to have a 'special eye' on quality.

Speaking on the importance of maintenance of good industrial relations and the rights and responsibilities of the industrial partners, viz., the managements and workers, Shri Giri said that the employers should realise that in a changing social and economic order which had the ultimate object of achieving a socialistic pattern of society, they should concede to the workers a greater measure of participation in the management of industries. It should be clearly understood, he said, however, much the employers might invest, the industry would be paralysed if the workers refused to work. The basic criterion for determining the line of advance should not be mainly private profit, but social gains.

Chairman's Address.- Addressing the Conference, Shri M.R.M. Punja, Chairman of the United Planters' Association of Southern India, said that in all the three major plantation crops, tea, coffee and rubber - they had achieved new records in the levels of production and yields during last year. The coffee crop had made a significant rise from a bare 16,054 tonnes in 1947-48 to over 76,000 tonnes during 1966-67. South India produced 95.4 million kilogrammes of tea last year compared to 43.6 million kgs. produced two decades ago. The rubber crop which stood at 16,712 tonnes in 1947 had risen to 53,196 tonnes last year, inspite of the "longest strike" the industry had ever suffered.

Shri Punja said Government policies and executive actions were unrelated to facts prevailing in the industry and this caused them grave concern. He said that there should be a direct link between the Government and the industry, without making the necessity to go through statutory bodies like the Tea Board.

(The Hindu, 3 September, 1967).

Fourteenth Annual Conference of the Association of Planters of Madras State held at Coonoor, 29 August 1967.

The 14th annual Conference of the Association of Planters of Madras State was held at Coonoor on 29 August 1967. The session was inaugurated by Shri C.N. Annadurai, Chief Minister of Madras. Among others, the session was addressed by Shri N.H. Sethna, Chairman of the Association of Planters of Madras State.

Chief Minister's speech.- Addressing the Conference, Shri C.N. Annadurai said that he would advocate the cause of plantation industries with the Union Government for better amenities and tax relief. He agreed to look into forest legislation which hindered plantation practices.

The Chief Minister agreed with the planters that the internal market for tea should not be neglected in favour of exports. He complimented the planters on improving the living conditions of the workers. The Chief Minister asked planters to absorb 10,000 repatriates from Ceylon and said that he was requesting the Union Government to declare a tax holiday for three years for those plantations which absorbed the Ceylon repatriates.

Chairman's Address.- Shri N.H. Sethna, Chairman of the Association of Planters of Madras State, urged the State Government to give concessions under the Agricultural Income-Tax, and also provide other incentives, in additions to those offered by the Union Government. Expressing concern at the fall in tea exports - exports from South India were 45 ~~million~~ million kgs. in 1966 - ~~Shri Sethna~~ as against 48 million kg. in 1965 - Shri Sethna urged Government to reduce the tax burden on the industry. Other countries had been able to sell their produce at prices lower than our cost of production and show profits, he said.

Shri Sethna said: Production of tea in Madras had gone up by 46 per cent. in the last ten years, as against an increase of 9.3 per cent. in area. The yield was 1,452 kg. per hectare, as against 1,082 kg. in 1957. Production of tea in the State was 48.68 million kg. in 1966, a rise of 0.91 ~~per~~ million kg. over 1965.

Referring to coffee, Shri Sethna said that with a total area of 25,849 hectares, Madras produced only 8,555 tonnes in 1966-67, a yield of 331 kg. per hectare in Mysore. Compared to 671 kg. per hectare in Mysore.

(The Hindu, 30 August, 1967).

Central State Farms Project Started.

According to a news item appearing in the Hindustan Times, 5 October 1967 spade work has just begun on 2,000 acres on the periphery of Hirakud lake for the rabi crop to initiate the first of the 15 Central State farms to be started all over the country during the next six years. There will be two Central State Farms laid out along the edge of Hirakud. Each of the mechanised farms envisaged will have a minimum of 10,000 acres.

Under the new project agreement with the Soviet Government machinery for the first five farms will be received as a gift and the rest bought from Soviet manufacturers.

With the diversion of water to the Bhakra-Nangal canal system, much of the alluvial Sutlej bed is available for cultivation. The third farm project will be located here and staff appointments are now being made to get it under way.

Negotiations with the Haryana Government for siting the fourth Central State farm at Hissar are now in the final stages.

Land is being acquired in the Tungabhadra area to obtain a contiguous stretch of 10,000 acres for the fifth farm.

Kerala and Maharashtra have shown interest in location of one farm project in their States. The technical and economic feasibility of their bids are being examined.

The first five farms will be in operation by the end of the next year. The others will come into being during the next five years two each year.

(The Hindustan Times, 5 October, 1967).

44. Merchant Marine and Fisheries.

India - September-October 1967.

Commission to be set up for development
of Ports.

Addressing a meeting of the National Shipping Board held at Bombay on 8 September 1967, the Union ~~Minister~~ Transport Minister announced, that the Government proposed to appoint a high-power commission of enquiry to go into the entire subject of the development of major ~~sea~~ ports, in the country particularly with a view to meeting the changing requirements of foreign trade.

The proposed enquiry would help in achieving the twin objectives of the well-being of port personnel and the economic and efficient working of the major ports.

Dr. Rao said that the Indian shipping industry should go in for large bulk carriers and tankers to meet the requirements of iron-ore and oil trades and to keep pace with the technological revolution.

In the liner trade, the future of shipping industry in the world seemed to belong to container ships he added.

The change-over from the conventional liner vessel to the container ship would require sweeping changes in other sectors also. The ports would have to wear a new look. The road and rail systems would also have to be geared up to meet the requirements of the container age. Customs procedures would have to be modified. All these matters required urgent and detailed consideration he added.

(The Hindu, 9 September, 1967).

CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS.

INDIA - SEPTEMBER-OCTOBER 1967.

50. General.

Labour Events during 1967 Reviewed.

An article entitled "Twentyieth Year of Independence - Work in the Field of Labour"*, published in September 1967 issue of the Indian Labour Journal reviews, after a brief introduction of the economic progress made by India, some of the important events and developments in the field of labour during 1967. These are broadly in respect of appointment of Wage Boards in additional industries, extension of Social Security benefits under the Employees State Insurance and Provident Fund Schemes, progress made under the Workers' Education Scheme, constitution of Commission on Dearness Allowance and the National Commission on Labour, etc.

In the field of industrial relations, the Governments' policy of voluntary settlement of disputes through the Code of Discipline in Industry and the Industrial Truce Resolution continued to exercise its restraining influence. Figures of man-days lost owing to industrial disputes are an index of the climate of industrial relations. The country lost 10.5 million man-days (Provisional) in 1966 on account of strikes and lock-outs in industry as compared to 6.9 million man-days in 1965. The deterioration in the industrial atmosphere could be attributed partly to economic reasons, namely, continued rise in prices and consequent stresses and strains felt in the economy. In the Central Sphere, while the labour situation was by and large peaceful in Railways, Defence establishments and Oil-fields, the atmosphere was somewhat disturbed in the ports and docks and insurance establishments. The Code of Discipline reinforced by the 1962 Industrial Truce Resolution, continued to guide industrial relations in the country during the year 1966-67.

* Indian Labour Journal, Vol. VIII, No. 9, September, 1967, pp. 747-768.

The conciliation machinery set up under the Industrial Disputes Act, 1947, continued to play a very useful role in bringing together the parties to the dispute and exploring ways of amicable settlement. The following table shows the functioning of the Central Industrial Relations Machinery during the year 1965 and 1966:

	1965	1966
1. No. of disputes referred to Industrial Relations Machinery.	5,705	5,695
2. No. of failure reports received.	625	737
(i) Of (2) above, No. of disputes referred to adjudication.	291 (47%)	255 (35%)
(ii) Of (2) above, No. of disputes referred to arbitration.	169 (27%)	10 (15%)

It will, thus, be observed from the above Table that there was a marked decline in the cases referred to arbitration and adjudication in 1966 as compared to 1965. In order to promote greater recourse to voluntary arbitration, for resolving disputes, the Government have decided to set up a tripartite National Arbitration Promotion Board.

The article also describes the functioning of the various labour welfare schemes, consumer cooperatives and fair price shops, health and safety of workers, etc.

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Working of the Employment of Children Act,
1938, in Respect of Railways and Major
Ports during 1965.

The Employment of Children Act, 1938 prohibits the employment of children under 15 years of age to work in any occupation connected with the transport of passengers, goods or mails by Railways and in the handling of goods within the limits of a port. The Act also lays down that children between 15 and 17 years of age, employed in these occupations, must be allowed an interval of rest of not less than 12 consecutive hours in a day (including 7 consecutive hours between 10 P.M. and 7 A.M.).

Inspections and Irregularities.-During 1965, in all 3,850 establishments (3,788 Departmental and 62 Contractors) were inspected and 392 irregularities (380 in Departmental Establishments and 12 in Contractors' Establishments) were detected.

Of the 392 irregularities detected, 390 (99.5 per cent.) related to non-display of abstracts and one each related to employment of under-aged children and other irregularities (0.5 per cent.).

Rectification of Irregularities.- One hundred and fifty six irregularities were pending rectification at the end of the previous year and 392 irregularities were detected during the year, making a total of 548 irregularities for rectification. Of these, 442 (80.7 per cent.) were rectified during the year under report and 106 (19.3 per cent.) irregularities remained pending at the end of the year.

(Indian Labour Journal, Vol.VIII, No.10,
October 1967, pp. 873-874).

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56. Labour Administration.

India - September-October 1967.

Punjab: Annual Administration Report on
the Working of the Labour Department in
the State for the year 1966.

The Government of Punjab published on 15 September 1967 its review on the annual administration report on the working of the Labour Department in the State for the year 1966. According to the review the Labour Commissioner, Punjab, is assisted by the Joint Labour Commissioner-cum-Chief Conciliation Officer, Deputy Labour Commissioner, Assistant Labour Commissioners, Chief Inspector of Shops, Statistical Officer and Wage Inspector, 2 Labour Officers, 4 Conciliation Officers, 1 Medical Inspector of Factories, 5 Inspectors of Factories, 9 Labour Inspectors, 5 Wage Inspectors and 20 Shop Inspectors helped the Labour Commissioner in the administration of labour laws in the field.

new

Two hundred two ^{new} factories were registered as against 94 factories deregistered. The total number of registered factories at the end of the year 1966 was 4,069. The Shops and Commercial Establishments Act continued to be enforced in 92 towns, covering 133,224 shops/establishments which employed 86,162 persons. Motor Transport Workers Act, 1961, was enforced with respect of 91 undertakings during the year under report.

In addition to the Labour Welfare Scheme, the following Centres/States Labour enactments were administered by the Labour Department:-

(a) Central Legislation - (i) The Factories Act, 1948. (ii) The Industrial Disputes Act, 1947. (iii) The Payment of Wages Act, 1936. (iv) The Minimum Wages Act, 1948. (v) The Workmen's Compensation Act, 1923. (vi) The Trade Unions Act, 1926. (vii) The Industrial Employment (Standing Orders) Act. (viii) The Motor Transport Workers Act, 1961. (ix) The Maternity Benefit Act, 1961. (x) The Working Journalists (Conditions of Service and Miscellaneous provisions) Act, 1955. (xi) The Working Journalists (Fixation of Rates of Wages) Act, 1956. (xii) Employment of Childrens Act, 1938.

(xiii) The Plantations Labour Act, 1951.

(b) State Legislation- (i) The Punjab Shops and Commercial Establishments Act, 1958. (ii) The Fair Wage Clause and East Punjab Public Works Department Contractors Labour Regulations. (iii) Punjab Labour Welfare Fund Act, 1965. (iv) Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965.

(c) Labour Welfare Schemes- (i) Workers' Holiday Home. (ii) Labour Welfare Centres. (iii) Subsidised Industrial Housing Scheme of Government of India.

During the year under report 5,118 complaints were received by the field staff from workers/unions. One hundred sixty-five complaints were pending at the beginning of the year. Out of these 5,383 complaints, 5,089 complaints were settled/disposed of, leaving a balance of 194 complaints. This shows that the staff of the Labour Department had been doing good work during the year, 1966.

The Labour situation in the State remained somewhat disturbed. The main factor contributing to the same was the closure of industrial establishments, particularly in the border districts in consequence of Indo-Pakistan conflict as well as the spiralling prices of essential commodities. Four hundred fifty-four disputes were pending in the beginning of the year and 1,510 were received during the year 1966, making a total of 1,964. Out of these, 522 were successfully settled in conciliation, 16 cases were referred for arbitration by the parties, 402 disputes were withdrawn by the workmen/unions, 172 disputes were referred for adjudication and 232 were rejected or filed, leaving a balance of 620 disputes. Twentyone work-stoppages (20 strikes and one lock-out) with a loss of 170,642 mandays took place during the year under report. Ninetyeight out of 204 establishments, required to constitute works committees had constituted such committees by the beginning of the year under report, 9 new such committees were constituted and 10 works committees ceased to function during the year leaving the total number of works committees at 97. ~~Out of these, 76 awards~~ The Industrial Tribunal Labour Court gave 192 awards during the year out of which 105 required implementation. Out of these, 76 awards were implemented leaving 29 unimplemented. Onehundred thirtyseven Industrial and Newspapers Establishments had their standing orders certified by the beginning of the year and 31 more establishments got the same certified raising the total to 169 during the year under report. Four hundred fortythree trade unions were functioning at the

beginning of the year. Thirty were registered during the course of the year, raising the total to 473 at the end of the year under report.

The Industrial Establishments in the State satisfactorily complied with provisions of the Payment of Wages Act, 1936. For fixing of minimum rates of wages 22 Scheduled Employments were covered under the Minimum Wages Act at the beginning of the year. As a result of the re-organisation of the State, Tea Plantation Industry in Kangra District has gone to Himachal Pradesh, but at the same time minimum rates of wages were fixed in respect of one more scheduled employment namely Ferrous Metal Rolling and Re-Rolling Industry during the year, thus maintaining the number of Scheduled Employments at 22 at the end of the year. Out of 31 claims regarding less/non-payment of wages, 16 were decided by the authority under section 20 of the Minimum Wages Act directing payment of Rs.45,970.

A sum of Rs.64,501.68 Paise was paid as compensation under the Workman's Compensation Act in the 208 accidents cases. Out of 208 accidents in various establishments, 12 were fatal. A sum of Rs.309.50 was paid ~~to~~ as maternity benefit on only one claim.

In the Industrial towns in the State, 13 Labour Welfare Centres continued to function satisfactorily. Workers and members of the families numbering 192 availed themselves of the facilities of the Holiday Home for industrial workers at Dalhousie. During the year under report, 7 Advisory Committees under the Minimum Wages Act continued to function for fixation/revision of minimum rates of wages. The Implementation and Evaluation Committee held its 34th Meeting on 25 August 1966.

The following industries were declared as public Utility Service: (1) Motor Transport Services. (2) Cement Industry. (3) Cotton Industry. (4) Service in Hospitals and Dispensaries. (5) Fire Brigade Service.

(Supplement II to Punjab Government Gazette, 15 September 1967, pp.143-146).

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Chapter 6. General Rights of Workers.

63. Individual Contracts of Employment.

India - September-October 1967.

Punjab: Annual Report on the Working of
the Industrial Employment (Standing Orders)
Act for 1946 for the year 1966.

The Government of Punjab published on 4 August 1967 its review on the working of the Industrial Employment (Standing Orders) Act, 1946, in the State for the year 1966. According to the review, 222 establishments employing 52,084 workmen ~~are~~ were covered under the Act at the end of the year under report as compared to 183 employing 41,824 workers in the beginning of the year 1966. During this year 39 establishments employing 10,260 workmen were covered under the Act.

Twenty-five applications for certification of the standing orders were pending at the beginning of the year and 29 more were received during the year. Thirty-one applications were disposed of leaving a balance of 23 applications.

At the beginning of the year under report 137 establishments employing 32,495 workers had their standing orders. Standing orders of 31 establishments were approved during the year. Thus there were 168 establishments employing 44,508 workers which had their standing orders at the end ~~end~~ of the year under report.

Neither any establishment was prosecuted nor any exemption was granted to any establishment from the Provisions of this Act during the year under review.

(Supplement II to Punjab Government
Gazette, 4 August 1967, pp. 65-66).

67. Conciliation and Arbitration.

India - September-October 1967.

Agreement reached on Code of Discipline
in Banking Industry.

Some important decisions pertaining to management-employees relations in the banking industry were taken at New Delhi on 6 October 1967, at the behest of the Union Labour and Employment Minister, Shri Jaisukhlal Hathi. Two representatives of the Indian Banks Association and four each from the All-India Bank Employees' Association and the All-India Bank Employees' Federation were present at the meeting.

Both employers' and employees' representatives agreed to accept a common code of discipline and it was decided that all the unions claiming the support of a majority of workers would be recognised. The majority union would have the right of collective bargaining. The minority union would not disturb the agreements reached by the banks with the majority union.

It was decided that the Indian Banks' Association would similarly see that its members do not disturb the uniformity that had been brought about as a result of a bipartite agreement.

It was also agreed that a grievance procedure should be established at the local, State and national levels. The employers' representatives agreed to pay a subsistence allowance on a ~~par~~ par with the provisions contained in the Central model standing orders.

Regarding the adoption of the code of discipline and recognition of the majority union, the committee which was constituted in 1965 would be revived. The Indian Banks' Association would nominate a new representatives.

Industrial Peace reported in Public Sector
Undertakings: Findings of Case Studies.

According to case studies of labour conditions and industrial relations in five Public Sector Undertakings conducted in 1966-67 by the Union Ministry of Labour and Employment, industrial peace reigns in all excepting one. The exception is Fertilizers and Chemicals, Travancore Ltd., of Alwaye, Kerala. Here, while the management has provided excellent service conditions and has a record of fair implementation of most labour laws, inter-union and intra-union rivalry has been blamed for much labour unrest.

Indian Telephone Industries, Bangalore, has on the other hand, been held up as a plant where cordial relations between labour and management have brought it several coveted honours among public sector undertakings. This happy stage of affairs is attributed to the "enlightened personnel and labour policies consistently followed by the management".

(The Hindu, 30 August, 1967).

"GHERAO" Held Unlawful by High Court.

In a judgement in the Jay Engineering Gherao case, delivered in Calcutta by Shri D.N. Sinha, Chief Justice of the Calcutta High Court, the Gherao at the company's ~~affair~~ office was held unlawful and the Chief Justice said that the Labour Minister of West Bengal, had acted without jurisdiction in giving directions to the police in this connection. The police, the Chief Justice held, should act according to law, inaction by the police was reprehensible, he observed. He quashed the circulars of March 27 and 12 June relating to industrial disputes, especially gheraos, and directed the executive authorities not to give effect to them.

not to interfere

The case arose out of an application made by Jay Engineering Works Ltd., under Article 226 of the Constitution complaining of unlawful acts, wrongful confinement, restraint and trespass by its workers.

In his judgment, the Chief Justice said: "All workmen guilty of wrongfully^u restraining any person belonging to the management, or wrongfully confining him during a gherao, are guilty under Section 339 or 340 IPC, and have committed cognizable offences for which they are liable to be arrested without warrant and punishable with imprisonment and fine".

(The Statesman, 30 September, 1967).

Punjab: Annual Report on the Working of
the Industrial Disputes Act, 1947, in the
State for the Year 1966.

The Government of Punjab published on 15 September 1967 its review on the annual report on the working of the Industrial Disputes Act, 1947, in the State for the year 1966. According to the review, the Labour Department had been directing its full energies towards the promotion of cordial relations between labour and management and towards the maintenance of industrial peace in the State during the year 1966. The conciliation machinery consisting of one Chief Conciliation Officer and 4 Conciliation Officers under the overall control of the Labour Commissioner made all endeavours to settle the disputes quickly and promptly and to effect settlements between disputants. The implementation and enforcement of other labour laws was also carried out through the labour officers and inspectors.

Disputes.- In the beginning of the year 1966, 454 disputes were pending as against 244 at the beginning of the previous year. A total of 1,510 fresh disputes were received during the year raising the total number of disputes to be disposed of during the year to 1,964. Of these 522 cases were settled during conciliation as against 707 cases out of 2,315 in the previous year, 402 cases were withdrawn during conciliation by the workmen as against 429 cases during the previous year; in 16 cases parties agreed to arbitration as against 31 cases during ~~referred~~ the previous year; 172 industrial disputes were referred for adjudication as against 195 during the previous year; 232 cases were rejected ~~against 195 during the~~ by the Government as against 409 during the previous year. The number of industrial disputes pending at the end of the year was 620 as against 454 during the previous year.

Strikes.- There were only 20 strikes and one lock-out during the year 1966 as compared to 27 strikes during the previous year. The number of man-days lost during the year under report, however, increased to 179,642 as compared to 54,484 during the previous year, 12 cases of work stoppages occurred in the private sector and 9 in the public sector. The causewise classification of work stoppages is given below:-

(1) Wages and bonus	--	16
(2) Retrenchment	--	1
(3) Others	--	4
Total.		<u>21</u>

Speedy Disposal of Disputes.- Out of 522 disputes settled amicably during the year under report, about 39 per cent. were settled in less than a month's time.

Works Committees.- Out of 98 Works Committees functioning at the beginning of the year 10 ceased to function during the course of the year under report and 9 new Committees were constituted during the year. The number of Works Committees functioning at the close of the year was 97.

Adjudication Machinery.- Eighty-one cases were pending with the Industrial Tribunal/Labour Court at the beginning of the year under report and 172 cases of disputes under section 10 and 31 cases under section 33-A of the Industrial Disputes Act, were referred for adjudication during the year under report making a total of 284 cases to be disposed of during the year. One hundred ninety-two cases were disposed of during the year and the number of pending cases at the close of the year was 52.

In addition 2,080 applications under section 33 of the Industrial Disputes Act were received during the year under report. Six hundred fifty-eight such cases were ~~and~~ pending at the beginning of the year making a total of 2,746 applications to be disposed of during the year under report. A total of 2,362 applications were disposed of during the year and the balance at the close of the year was 384 applications.

Implementation of Awards/Settlement.- One hundred ninety-two awards under sections 10 and 33-A of the Industrial Disputes Act were received from the Industrial Tribunal/Labour Court during the year under report as against 253 awards received during the previous year. Of these, 105 awards required implementation, 76 awards were implemented during the year and 29 awards remained unimplemented at the close of the year as against 34 at the close of the previous year. ~~Of these, 105~~ Prosecutions were launched under section 29 of the Industrial Disputes Act in four cases. In 13 cases recovery certificates were issued against the management for effecting recovery of the workers' dues in terms of various awards/agreements.

An amount of Rs.45,711.25 Paise representing workers' dues was realised from the various managements as arrears of land revenue as against Rs.5,750.74 Paise realised during the previous year.

Implementation and Evaluation Committees.- The State Evaluation and Implementation Committee held its 38th Meeting on 25 August 1966. The Committee is now being reconstituted.

Recognition of Unions.- No union applied for recognition during the year under report.

General.- On the whole different provisions of the Industrial Disputes Act were smoothly administered during the year under review. The number of strikes decreased as compared to the previous year. The number of man-days lost, however, increased as compared to the previous year. This was due to strikes in some of the big industrial concerns involving heavy loss of man-days.

(Supplement II to Punjab Government Gazette, 15 September 1967, pp.141-142).

Industrial Disputes (Amendment) Bill, 1967.

Shri Jaisukhlal Hathi, Minister of Labour, Employment and Rehabilitation, Government of India, introduced in the Rajya Sabha on 3 August 1967 a Bill further to amend the Industrial Disputes Act, 1947. According to the Statement of Objects and Reasons of the Bill, Section 25FFF of the Industrial Disputes Act, 1947, provides for payment of compensation to workmen in case of closing down of an undertaking and the amount is calculated at the rate of fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months. But, in the case of closure on account of unavoidable circumstances beyond the control of the employer, the ceiling limit of compensation is the average pay for three months.

A central workers' organisation has suggested an amendment of section 25FFF of the Act to remove the ceiling limit of compensation in case of closure of a mining undertaking by reason of exhaustion of its reserves. According to its suggestion such closing down should not be deemed to be on account of unavoidable circumstances beyond the control of the employers because the employers have definite knowledge of the exhaustion of the ore-reserves of mines. The Industrial Committee on Coal Mining, in its ninth session (Calcutta - 10-11 August 1964) and the Industrial Committee on Mines other than Coal in its fourth session (New Delhi - 20-21 February, 1965), have agreed to the suggestion to amend the Act for the aforesaid purpose. Accordingly, it is proposed to amend section 25FFF to provide for payment of full compensation to workmen in the event of closing down of a mining undertaking due to exhaustion of its reserves subject to the condition that no retrenchment compensation would be payable to the workmen concerned when an employer provides them with alternative employment with effect from the date of closure at the same remuneration as they were entitled to receive, and on the same terms and conditions of service as were applicable to them, immediately before the closure.

The Bill is designed to give effect to the above proposal.

(The Gazette of India, Extraordinary,
Part II, Sec. 2, 3 August 1967, pp. 647-649).

68. Labour Courts.

India - September-October 1967.

"Inam" (Reward) paid to Workers is not
Wages under ESI Act: Judgment of
Supreme Court.

In a judgment given by the Supreme Court at New Delhi on 6 October 1967, the "inam" paid by a company to its workmen as an incentive for greater production under a scheme cannot be called "wages" under the Employees' Insurance Act and therefore no contribution either as employers' special contribution or employees' contribution was payable by the company in respect thereof. The court examined the scheme and said that the payment of "inam" did not become a term of the contract of employment.

(The Hindustan Times, 7 October, 1967).

Club Not to be Treated as Industry:
Supreme Court Ruling.

While dismissing the appeal filed by the Madras Gymkhana Club Employees' Union against the management on 3 October 1967 for payment of bonus to them for 1962, the Court held that activities carried on by the Madras Gymkhana Club did not make it an "industry" as defined in the Industrial Disputes Act and hence no reference could be made under the said Act for the adjudication of a dispute between the club and its employees. It upheld the award of the Industrial Tribunal, Madras, that the club was not liable to pay bonus to its employees for the year 1962 as it was not an "industry".

(The Statesman, 4 October, 1967).

CHAPTER 7. PROBLEMS PECULIAR TO CERTAIN CATEGORIES OF WORKERS.

INDIA - SEPTEMBER-OCTOBER 1967.

71. Employees and Salaried Intellectual Workers.

Madras: State Government Staff to get Central D.A. and Allowances.

The Madras Government sanctioned on 9 October 1967 additional dearness allowance to its employees to bring it on a par with that drawn by the Central Government employees. The Government has also decided to sanction with effect from 1 October 1967, City Compensatory allowance to its employees within the limits of Madras City drawing a pay not exceeding Rs.500 a month. The additional rates of D.A. which will also be applicable to the employees of local bodies and to teachers in aided schools, will take effect from 1 November 1967 (pay drawn on 1 December 1967).

The following are the revised rates (figures within brackets indicate the present D.A.): Pay below Rs.90 (Rs.47), Rs. 59; Rs.90 and above but below Rs.150 (Rs.70), Rs.84; Rs.150 and above but below Rs.210 (Rs.90), Rs.106; Rs.210 and above but below Rs.400 (Rs.110), Rs.128; Rs.400 and above but not exceeding Rs.500 (Rs.120), Rs.140; Above Rs.500 but not exceeding Rs.519, the amount by which the pay falls short of Rs.640. (Those who get Rs.400 and above but below Rs.1,000 get already Rs.120).

(The Hindu, 10 October, 1967).

74. Indigenous Labour.

India - September-October 1967.

Annual Convention of the All-India Backward
Classes' Federation held at Hyderabad, 10
September 1967.

The annual Convention of the All-India Backward Classes' Federation was held at Hyderabad on 10 September 1967. The Convention was inaugurated by Shri V.V. Giri, Vice-President of India. Choudhary Braham Parkash presided.

Inaugurating the Conference Shri V.V. Giri said that the solution for the problems of backward classes lay in an integrated approach to their social and economic development and the provision of maximum opportunity, in political terms, to the people to grow to full measure of their capacity. Enlightened public opinion in the country was not only seized of the special needs of these classes but also would support efforts to accelerate the pace of their development.

Shri Giri said that educational assistance to students belonging to backward classes should go beyond the award of scholarships. There should be provision for coaching facilities and arrangement for watching their progress.

Choudhary Brahma Prakash, in his presidential address, said that during the last 20 years a few classes and a small percentage of people had become very rich, while the vast masses had gone poorer. He complained that the percentage of backward classes in the services was negligible. He suggested that the backward classes must organise themselves and should be completely non-political.

(The Hindu, 11 September, 1967).

CHAPTER 8. MANPOWER PROBLEMS.

INDIA - SEPTEMBER-OCTOBER 1967.

81. Employment Situation.

Findings of a Study Team on Recruitment
and Selection Set up by Administrative
Reforms Commission.

According to a study team of the Administrative Reforms Commission which went into the problems of recruitment, selection and training, India has six million Government employees: 2.4 million in Central Services and 3.6 million in the States. The number of employees is going up by about 6 per cent, a year both at the Centre and in the States. ~~The number~~ Over 100,000 new posts have on an average been created by the Centre every year.

The study team is also of the view that the quality of candidates entering non technical all-India services is going down. With fewer first class students taking competitive examination, the proportion of men holding second and third class degrees has sharply increased among recent entrants.

(The Statesman, 20 October, 1967).

West Bengal: Tenthousand Jute Workers
Retrenched.

According to a leading jute industrialist, 10,000 jute workers were retrenched in West Bengal during August 1967 and an equal number are likely to be thrown out of employment in the next 8-12 weeks. It was stated that this course had been forced on the industry by the Government's refusal to agree to a proposal that a day's production should be cut - workers being paid 50 per cent. of their wages for the day - to overcome the "recession" caused by shrinking demands for jute sacking. Had the industry's proposal been accepted, he says, this large-scale retrenchment could have been avoided.

(The Statesman, 3 September, 1967).

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Contract Labour (Regulation and Abolition)
Bill, 1967.

Shri Jaisukhlal Hathi, Minister of Labour, Employment and Rehabilitation, Government of India, introduced in the Lok Sabha on 31 July 1967 a Bill to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.

According to the Statement of Objects and Reasons of the Bill, the system of employment of contract labour lends itself to various abuses. The question of its abolition has been under the consideration of Government for a long time. In the Second-Five-Year-Plan, the Planning Commission made certain recommendations, namely, undertaking of studies to ascertain the extent of the problem of contract labour, progressive abolition of the system and improvement of service conditions of contract labour where the abolition was not possible. The matter was discussed at various meetings of Tripartite Committees at which the State-Governments were also represented and the general consensus of opinion was that the system should be abolished wherever possible and practicable and that in cases where this system could not be abolished altogether, the working conditions of the contract labour should be regulated so as to ensure payment of wages and provision of essential amenities.

The proposed Bill aims at the abolition of contract labour in respect of such categories as may be notified by the appropriate Government in the light of certain criteria that have been laid down, and at regulating the service conditions of contract labour where abolition is not possible. The Bill provides for the setting up of Advisory Boards of a tripartite character, representing various interests, to advise the Central and State Governments in administering the legislation and registration of establishments and contractors. Under the scheme of the Bill, the provision and maintenance of certain basic welfare amenities for contract labour, like drinking water and first-aid facilities, and in certain cases rest-rooms and canteens, have been made obligatory. Provisions have also been made to guard against defaults in the matter of wage payment.

The salient provisions of the Bill are summarised below.

The provisions of the Bill are to be made applicable to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour; and to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen.

The appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification.

The provisions do not apply to establishments in which work only of an intermittent or casual nature is performed.

The word 'establishment' is defined to mean any office or department of the Government or a local authority, or any place where any industry, trade, business, manufacture or occupation is carried on.

A workman shall be deemed to be employed as "contract labour" in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer.

The appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, prohibit, by notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment.

Before issuing any such notification in relation to an establishment, the appropriate Government shall have regard to the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors, such as -

- (a) whether the process, operation or other work is incidental to, or necessary for the industry, trade, business, manufacture or occupation that is carried on in the establishment;

(b) whether it is of perennial nature, that is to say, it is of sufficient duration having regard to the nature of industry, trade, business, manufacture or occupation carried on in that establishment;

(c) whether it is done ordinarily through regular workmen in that establishment or an establishment similar thereto;

(d) whether it is sufficient to employ considerable number of whole-time workmen.

Welfare and Health of Contract Labour.- The appropriate Government may make rules requiring that in every establishment -

(a) to which this Act applies,

(b) wherein work requiring employment of contract labour is likely to continue for such period as may be prescribed, and

(c) wherein contract labour numbering one ~~hundred~~ hundred or more is ordinarily employed by a contractor,

one or more canteens shall be provided and maintained by the contractor for the use of such contract labour.

Such rules may provide for -

(a) the date by which the canteens shall be provided;

(b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens; and

(c) the foodstuffs which maybe served therein and the charges which may be made therefor.

In every place wherein contract labour is required to halt at night in connection with the work of an establishment -

(a) to which this Act applies, and

(b) in which work requiring employment of contract labour is likely to continue for such period as may be prescribed,

there shall be provided and maintained by the contractor for the use of the contract labour such number of rest-rooms or such other suitable alternative accommodations within such time as may be prescribed.

It shall be the duty of every contractor employing contract labour in connection with the work of an establishment to which this Act applies, to provide and maintain -

(a) a sufficient supply of wholesome drinking water for the contract labour at convenient places;

(b) a sufficient number of latrines and urinals of the prescribed types so situated as to be convenient and accessible to the contract labour in the establishment; and

(c) washing facilities.

There shall be provided and maintained by the contractor so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents at every place where contract labour is employed by him.

Wages.- A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed.

Every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed.

It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorised representative of the principal employer.

In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as debt payable by the contractor.

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Other provisions of the Bill relate inter alia to constitution of advisory boards, registration of establishments employing contract labour and licensing of contractors, penalties and procedure.

(The Gazette of India Extraordinary,
Part II, Sec.2, 31 July 1967,
pp. 617-637).

83. Vocational Training.

India - September-October 1967.

Seminar on Educational and Training
Programmes for the Advancement of
Women in Asia, Bombay 27 September,
1967.

An international Seminar on "Long-term educational and Training Programmes for the Advancement of Women in Asia", was held in Bombay from 27 September to 1 October 1967. The Seminar, attended by 130 delegates and some 40 observers, was organised by the National Council of Women in India in collaboration with the Indian National Commission of UNESCO and the Maharashtra State Women's Council, Bombay.

Among other recommendations, the Seminar suggested that the education for women should be planned to suit the particular needs of the community and the basic right to education up to the level of university should be accepted. Another recommendation was that scientific, education should be imparted in villages to make the rural areas self-sufficient and to create conditions of agro-industrial bias. Agricultural colleges should be established in taluka towns. The Seminar felt that university students should be sent to rural areas, before they obtained the degree, to work for a year so that the dignity of labour would be enhanced.

To attract women to work in villages and rural areas, special village allowance, health insurance and social security transport facility and recreational facilities should be provided.

A report on training women for economic advancement said the Government in co-operation with councils of women or other non-Governmental organisations establish hostels for unattached professional women in central villages equipped for co-operative livings and improve ~~communications~~ communications between villages and towns.

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To tackle the problem of shortage of trained personnel in nursing and health, a three-year training programme leading to a degree in nursing and a one-year training programme which would prepare women as practical nurses should be begun, it said. Rationalisation of the pattern of financing of the ~~pattern of~~ units under the socio-economic schemes, liaison between the production centre and the market were among the suggestions.

For ~~training~~ increasing the training opportunities for rural women, it supported the idea of establishing a mobile training unit.

(The Times of India, 2 October, 1967).

Chapter 9. Social Security

93. Application.

India - September-October 1967.

Punjab: Annual Report on the Working of the Workmen's Compensation Act, 1923, in the State during the year 1966.

The Government of Punjab published on 15 September 1967 its review on the annual report on the working of the Workmen's Compensation Act, 1923, in the State for the year 1966. According to the review, the Workmen's Compensation Act, 1923 (Central Act), provides protection to the workmen (getting up to Rs.500 per mensem) against industrial hazards, occupational diseases and accidents.

The Compensation Commissioners, under the Act, in the State had 201 cases for disposal during the year including 73 cases which were pending at the beginning of the year. Out of 201 cases, 110 were related to fatal accidents, 63 to permanent disablement and 28 for temporary disablement. One hundred forty-one cases were disposed of during the year under report leaving a balance of 60 cases pending at the end of the year. Out of these 60 cases, 32 related to fatal accidents, 13 to permanent disablement and 5 to temporary disablements. There were 340 cases of accidents during the year under report. Compensation was paid in respect of 207 cases. Twelve were fatal, 20 related to permanent disablement and 175 temporary disablement. Various managements in the State paid Rs.64,501.68 as compensation under the Act. There was no report regarding any death or permanent disablement caused by occupational diseases. Twentynine complaints about non-payment of compensation for the injuries sustained by workmen were received by the Department. There were three pending complaints from the last year. All but one complaints were disposed of during the year under report. No amendments in Act/ Rules were made during the year under report.

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The Employees State Insurance Scheme was extended to four more towns in Punjab during the year under report. Therefore, the scope of Workmen's Compensation Act diminished to this extent as this Act does not apply to the Factories where Employees State Insurance Scheme is applicable.

(Supplement II to Punjab Government Gazette, 15 September 1967, pp.142-143).

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CHAPTER 12. INDUSTRIAL COMMITTEES.

INDIA - SEPTEMBER-OCTOBER 1967.

121. Special Information.

~~14. Conventions and Recommendations.~~

India - September-October 1967.

Recommendations of Industrial Committee
on Jute, held at New Delhi, 28 October,
1967.

The Industrial Committee on Jute which held its 4th session at New Delhi on 28 October 1967, recommended among other matters, establishment of a small committee (comprising, among others, the State Labour Commissioner, the jute Commissioner and the workers' and employers' representatives), to go into specific instances of non-implementation of the Wage Board's recommendation concerning payment of fall-back wages and suggest measures to secure its full implementation. The proposed Committee should look into the cases of defaulting mills complained of and not of individual workers. The session also suggested that Wage Board's recommendations regarding permanency of workers should be implemented without further delay, wherever this had not been done so far. As for the workers' suggestion about fixing the quantum of the 'permanent complement' on a basis other than the formula laid down by the Wage Board, the two sides should get together and try to reach a settlement.

In the discussions on the bonus problem, the workers' representatives urged that there should be a proper procedure under which mill accounts and bonus calculations were available to them for examination. It was agreed that for this purpose the jute mills would make available a number of copies (say 5) of the following documents/papers to the State Labour Department: (a) balance sheets; (b) profit and loss accounts; and (c) details showing how the 'allocable surplus' had been worked out by them. On the question of bonus for the uncovered period during 1964 i.e. for the months for which no bonus had been paid to the workers either in terms of the Jute Wage Board's recommendations or the Payment of Bonus Act, it was agreed that the two sides would get together and try to reach a settlement.

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A suggestion was made that the scope of the proposed Textile Corporation should be extended to the jute industry so that the sick jute mills which had closed down, due to mis-management could also be taken over, wherever necessary, by the proposed Corporation. The Chairman said that the suggestion would be brought to the notice of the Ministry of Commerce for their consideration.

As regards revision of wages after 31 December 1967, the Committee recommended that the employers and workers should enter into bipartite discussions to reach an agreement. The revision of the dearness allowance scheme would naturally be covered within the scope of these discussions. The Chairman suggested that dearness allowance could be revised quarterly rather than every six months as at present. If, however, no agreement was possible through such discussions, a meeting of the Industrial Committee could be convened again, say, some time early next year, to help the parties in coming to a settlement.

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