

INDUSTRIAL COMMITTEE ON MINES OTHER THAN COAL

(3rd Session - New Delhi - October, 1962)

Item:4- Wage fixing machinery for workers in manganese and other non-coal mines.

SUPPLEMENTARY MEMORANDUM

1. The Minimum Wages Act, 1948 applies to 'scheduled employments' (i.e.) employments included in Parts I and II of the Schedule to the Act at its commencement or added to the Schedule by notifications issued by the appropriate Governments under Section 27 of the Act. In so far as the mining industry is concerned, the Act covers at present only stone quarries and mica mines as per entries Sl.Nos.8 and 10 in Part I of the Schedule.

2. The Minimum Wages Central Advisory Board (set up under section 8 of the Minimum Wages Act) at its third session held in September, 1956 recommended, inter-alia, the inclusion in the Schedule to the Act of all employments in mines and quarries not already covered. In that connection the Chief Labour Commissioner worked out a programme of extension of the Act, after collecting necessary information regarding the existing rates of wages and other conditions of work in various mines and quarries. According to this phased programme, the Act is proposed to be extended to employments in the following mines in three stages as indicated below:-

I stage - Manganese, Iron-ore, gypsum, barytes and bauxite mines.

II stage - Kyanite, asbestos, copper, magnesite and lime stone mines.

III stage - Remaining mines

3. These proposals were considered by the Industrial Committee on Mines (other than coal mines) at its first meeting held in April, 1958. The Committee recommended that the Act should be made applicable to all mines as early as possible without any phasing programme. The Government were, however, unable to implement this recommendation on account of certain practical difficulties and financial and administrative considerations and it was decided that the phased programme of extension to mines should be adhered to. It was also then decided that Central Government itself should undertake the fixation of minimum rates of wages in these employments instead of entrusting their functions in this regard to the State Governments as has been done in the case of mica mines.

4. A notification was accordingly issued under Section 27 of the Act in May 1961 giving three months' notice of the intention of the Central Government to add to Part I of the Schedule to the Act the employments in iron-ore, manganese, gypsum, barytes and bauxite mines. Certain difficulties and objections were then expressed in regard to the extension of the Act to manganese and iron ore mines in particular. The grounds urged against the extension

programme for mines were as follows:-

- (1) There are already provisions in the Mines Act, 1952 for regulating the conditions of work and welfare of Labour employed in mines.
 - (2) The process of mining being comprised of several inter-related operations, it would be difficult to work out the minimum wages.
 - (3) The labour in these mines is generally seasonal and prefers to work on piece rate basis.
 - (4) The export trade of manganese ore which provides an important source of foreign exchange would suffer on account of increase in the costs and it would not be in the wider national interest to adopt any measure that was likely to cause such further increase in costs and would affect the competitive capacity of the industry in the international market. Contraction of exports may also lead to closures of mines and consequent loss of employment.
5. After taking all these factors into account, it is proposed to proceed with the extension of the Minimum Wages Act for the present, to iron ore, gypsum, barytes and bauxite mines, leaving out only manganese mines.

Industrial Committee on Mines other than Coal
(3rd Session - New Delhi - October, 1962)

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Item.4: Wage fixing machinery for workers in manganese and other non-coal Mines.

MEMORANDUM.

(Prepared by the Indian National Trade Union Congress).

This item was suggested by the INTUC at the Second Session of this Committee and it was agreed that it will be included in the agenda of the 3rd Session of this Industrial Committee.

The need for establishing suitable machineries for fixing wages of workers in iron-ore, manganese, lime-stone and dolomite is very much felt in view of inadequate wages and variance of the wage structure not only from state to state but also from mine to mine in the same state. This is also necessary in view of the fact that there had been an appreciable increase in production, productivity and profits without any change in the working and living conditions of workers in mines other than coal. Besides, while wages of workers employed in other industries have been fixed on a national or regional level, the wages of workers in mines other than coal have not received any such consideration.

Minerals other than coal have assumed an important role in our developing economy and high targets of production envisaged in the 3rd Plan would not be achieved unless workers are given a fair deal.

The committee may kindly consider this question in view of the above facts and suggest suitable wage fixing machineries for workers employed in these mines.

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INDUSTRIAL COMMITTEE ON MINES OTHER THAN COAL
(Third Session - New Delhi - October, 1962)

ITEM 5:- ABOLITION OF CONTRACT LABOUR SYSTEM IN
NON-COAL MINES.

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SUPPLEMENTARY MEMORANDUM

At the 19th Session of the Indian Labour Conference held at Bangalore in October 1961 the question of abolition of contract labour system came up for consideration and the following Conclusions were reached:-

(1) The regular work of the establishment i.e., work which is referred to in various enactments as work which is ordinarily part of the work of the principal employer, should, as far as possible, be done by the principal employer with labour directly engaged. Contract labour will not be engaged in the type of work referred to in the Supreme Court Judgment on this subject, namely factories where -

- (a) work is perennial and must go on from day to day;
- (b) work which is incidental and necessary for the work of the factory;
- (c) work is sufficient to employ a considerable number of wholtime workmen; and
- (d) work is being done in most concerns through regular workmen.

(2) Where this is not possible in work of the kind referred to above, standard rates of wages should be fixed either through legislation or by the terms of the contract.

(3) For workers other than those mentioned in item (1) above, the principal employer should remain responsible for providing essential amenities such as drinking water, lavatories, urinals, working arrangements, rest rooms, canteens, creches and first aid, if need be on terms which may be regulated by the terms of the contract.

(4) For other conditions of work of contract labour, such as leave, holidays with pay, temporary housing, minimum wages, overtime, weekly rest day, payment on termination of service etc., the contractors should be held directly responsible.

(5) Legislation may become necessary to enable the effective implementation of the measures mentioned above.

(6) Adequate inspection machinery may be provided to ensure effective enforcement of this legislation and other labour laws applicable to contract labour.

2. This question came up again for consideration at the 20th Session of the Indian Labour Conference held on the 7th August 1962 and it was agreed that -

- (a) legislation should be brought forward incorporating the conclusions of the 19th Session of the Indian Labour Conference on the abolition of contract labour system; before a bill is brought

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before Parliament, a draft of the bill should be circulated to State Governments, employers' and workers' organisations for eliciting their views and the draft finalised in the light of the comments received;

- (b) Secondly, it was agreed that a report from the public sector undertakings should be called, about the action taken on the conclusions of the 19th Conference regarding the abolition of the contract system. Action on these two decisions is being taken.

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INDUSTRIAL COMMITTEE ON MINES OTHER THAN COAL
(Third Session - New Delhi - October, 1962)

ITEM 5:- ABOLITION OF CONTRACT LABOUR SYSTEM IN
NON-COAL MINES.

M E M O R A N D U M - I

Prepared by the Indian National Trade Union Congress

In pursuance of the policy laid down in the Five Year Plans and the decision taken at the Bangalore Session of the Indian Labour Conference and the resolutions adopted on the Contract System at the last session of the Indian National Mineworkers' Federation at Birmitrapur (Orissa) on 15th December, 1961, we would suggest that the question of abolition of contract system in mines other than coal should be taken up by this committee and attempts should be made to reach an agreement on this question failing which a Court of Enquiry should be appointed similar to the one that was appointed for the coal industry.

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INDUSTRIAL COMMITTEE ON MINES OTHER THAN COAL
(Third Session - New Delhi - October, 1962)

ITEM 5: ABOLITION OF CONTRACT LABOUR SYSTEM IN
NON-COAL MINES.

MEMORANDUM - II

(Prepared by the All-India Trade Union Congress)

Contract system prevails on a wide scale in mines other than coal and this has had a disastrous effect on the wages and working conditions of the miners. The problem has been generally dealt with by the 19th Session of the Indian Labour Conference. Following this, a bipartite agreement was also reached in respect of abolition of contract system in coalmining operations. It is, therefore, suggested that in this Committee, a satisfactory agreement is reached for the abolition of contract system in non-coal mines.

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NO.LC-10(67)/61
Government of India
MINISTRY OF LABOUR & EMPLOYMENT

IMMEDIATE

A I T U C.	
Received 30/8	31/8/62
Replied.....	

187

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From

Shri Balwant Singh,
Under Secretary to the Government of India.

To

14. The General Secretary,
All-India Trade Union Congress,
4-Ashok Road, New Delhi.

30 AUG 1962

Dated New Delhi, the 29th August, 1962.

Subject:- Third Session of the Industrial Committee on
Mines other than Coal - New Delhi - 3rd October,
1962 - Agenda of the.

Sir,

In continuation of this Ministry's letter of even number dated the 25th August, 1962, I am directed to forward herewith memoranda on item 5 of the agenda viz. "Abolition of contract labour system in non-coal mines".

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1962

Yours faithfully

(BALWANT SINGH)
UNDER SECRETARY.

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A.L.U.C.
Received 5292 14/9/62
Replied.....

Immediate

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No. LC-10(67)/61
Government of India
Ministry of Labour & Employment

From
Shri Balwant Singh,
Under Secretary to the Govt. of India.

To
14. The General Secretary,
All-India Trade Union Congress,
4-Ashok Road, New Delhi.

Dated New Delhi, the 13th September, 1962.

Subject:- Third Session of the Industrial Committee
on Mines other than Coal - New Delhi -
3rd October, 1962 - Agenda of the.

Sir,

In continuation of this Ministry's letter of even
number dated the 5th September 1962, I am directed to say
that the third session of the Industrial Committee on Mines

p.t.o.

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other than coal will commence at 11 A.M. on the 3rd October, 1962, in Committee Room 'C', first floor, Vigyan Bhavan, New Delhi.

2. Memoranda on item 4 of the agenda viz. "Wage fixing machinery for workers in manganese and other non-coal mines" is enclosed.

Yours faithfully,



(Balwant Singh)
Under Secretary.

4. Contract System

While welcoming the recent agreement between the employers and the employees in the Coal Industry as a big step forward towards the abolition of contract system, this Conference of the Indian National Mineworkers' Federation hopes that the employers will implement it both in letter and spirit and create a basis for healthier industrial relations. This Conference demands that similar steps should be taken in mines other than coal and urges upon the Government to see that the recommendations in the Plans regarding the abolition of contract system are translated into action without further delay and protection afforded to contract labour by legislation and other means till this pernicious system is completely abolished.
