
Part I

Employment Assistance:

1. The number of registrations effected during the month of June 1961 was 3,11,201 as against 2,93,236 during the month of May 1961 - showing a rise of 17,965. 17,55,491 applicants were on the Live Register at the end of the month under review as against 17,05,330 during the previous month - showing a rise of 50,161. The number of employers who utilized the services of the Employment Exchanges was 10,735 as against 10,733 in May 1961. The number of vacancies made available to the Employment Exchanges was 67,314 during the month under review as against 72,121 in May 1961. The number of placements during June 1961 was 38,252 as against 37,970 of the preceeding month showing a rise of 282.

2. Shortages and Surpluses: Shortage was experienced in respect of typists, stenographers, nurses, millives, compounders, doctors, health visitors, sanitary inspectors, trained teachers, engineers, skilled turners, electricians, laboratory technicians and physical training instructors. On the other hand surpluses persisted in respect of clerks, untrained teachers, motor-drivers, unskilled office workers and unskilled labourers.

Part II

Development

3. Collection of Employment Market Information: 64 Employment Market Reports relating to different areas in different states were issued during the month.

4. Vocational Guidance and Employment Counselling: One Vocational Guidance Unit in the Employment Exchange, Jaipur was opened during the month thus bringing the total number of Vocational Guidance Units to 69 at the end of June 1961.

5. Two forms for item analysis of the Clerical Aptitudes Test under construction was administered to fresh applicants for Clerical Vacancies in Employment Exchange, New Delhi during the month of June 1961.

6. Deployment of retrenched employees: The Central Employment Exchange rendered employment assistance to retrenched workers in various projects/establishments during the month of June 1961:-

<u>Org.</u>	<u>No. retrenched</u>	<u>No. placed</u>	<u>No. awaiting assistance.</u>
Damodar Valley Corporation	297	122	553
Bhakra Nangal Project	-	-	-
Bhilai Steel Project	-	156	2,610
Chambal Hydrol Scheme (M.P.)	77	2	135
Special Cell of the Ministry of Home Affairs.	82	21	Class I) 35 Class II) Class III 315 Class IV 68
			<u>418</u>

Gorakhpur Labour Organisation:

7. Consequent upon the recommendations of the Special Committee which met on the 14th/25th March 1961, the administration of the Gorakhpur Labour Organisation has been transferred to the

control of the Directorate General of Employment and Training from that of Director of Training and Employment, U.P. A tripartite Central Hostel Committee has also been set up to supervise the working of hostels for workers. The Commissioner, Coal Mines Welfare Organisation is the Chairman of this Committee.

8. Employment Exchange Procedure: The following instructions were issued during the month of June 1961, to all Employment Officers for information and guidance:-

On a proposal from the Development Commissioner, Small Scale Industries for relaxation of the procedure of recruitment through Employment Exchanges for a batch of 63 trainees who had completed their inplant training the Directorate General of Employment and Training agreed to the direct appointment of these trainees in the Small Industries Service Institutes and Extension Centres under the Ministry of Commerce and Industry.

Part III

Training

9. Craftsmen Training Scheme: The total number of seats sanctioned under this scheme during the Third Five Year Plan upto 11,442 with 27 new Industrial Training Institutes thus the total additional seats sanctioned at the end of June 1961 was 43,980.

10. National Apprenticeship Scheme and Evening Classes for Industrial Workers Scheme:

The sanctioned number of seats remained 2,000 and 200 respectively during the Third Plan.

11. Central Training Institute, Kanpur: Necessary sanction for further expansion of seating capacity, establishment of an attached Industrial Training Institute and for construction of buildings, as approved by the Expenditure Finance Committee has been issued.

12. Stores and Equipment: The total aid received so far remained as Rs.19.072 lakhs.

STATISTICAL TABLES

Statistical information relating to the work of National Employment Service.

TABLE - 1

Registrations and placements (June, 1961)

State	No. of Exchanges	No. of Registrations effected during the month	No. of placements effected by Employment Exchanges during the month.					No. of applicants on the Live Register at the end of the month.
			Central Govt.	State Govt.	Quasi-Govt. Local bodies	Non-Govt. Estts.	Total	
1.	2.	3.	4.	5.	6.	7.	8.	9.
Andhra Pradesh	21	20,289	335	2,047	761	14	2,157	1,12,240
Assam	14	5,174	356	30	5	370	761	27,243
Bihar	22	17,543	674	423	506	602	2,308	20,232
Delhi	3	3,514	423	1	81	41	543	60,732
Gujarat	16	17,521	637	1,146	265	10	2,058	37,692
Himachal Pradesh	4	1,534	217	12	27	-	263	6,713
Jammu & Kashmir	2	1,106	152	14	1	-	167	4,170
Kerala	9	11,237	34	24	34	18	1,370	1,42,511
Madhya Pradesh	29	17,350	502	263	504	407	2,376	33,737
Madras	14	18,427	617	1,341	371	25	3,425	1,42,146
Maharashtra	28	33,166	1,013	2,321	53	149	3,276	1,76,217
Manipur	1	301	75	-	11	-	33	11,356
Mysore	19	14,649	200	1,238	165	13	1,347	74,129
Orissa	13	7,544	341	563	121	84	1,114	34,375
Pondicherry	1	216	14	-	-	-	14	1,326
Punjab	25	18,739	823	3,146	164	70	4,308	64,430
Rajasthan	13	14,471	432	305	100	3	1,191	52,333
Tripura	1	535	42	-	15	-	57	3,563
Uttar Pradesh	53	34,656	1,679	3,311	246	1,334	3,600	2,73,001
West Bengal	19	25,622	375	23	504	413	1,925	2,02,631
All-India Total:-	312*	3,11,201	3,596	20,322	4,663	3,666	38,252	17,55,421

*In addition five University Employment Bureaux at Aligarh, Calcutta, Delhi, Trivandrum and Varanasi were functioning at the end of June, 1961.

TABLE II

Number of employers using exchanges and vacancies notified.
(JULY, 1961)

State	No. of employers using exchanges					No. of vacancies notified during the month				
	Central Govt.	State Govts.	quasi-Govt. Local Bodies	Non-Govt.	Total	Central Govt.	State Govts.	quasi-Govt. & Local Bodies	Non-Govt.	Total
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Andhra Pradesh	37	569	158	47	811	310	2,328	1,234	109	4,051
Assam	92	54	14	79	249	606	155	16	442	1,240
Bihar	41	153	58	99	351	430	1,523	854	1,185	4,052
Delhi	151	5	65	258	482	1,360	7	345	763	2,151
Gujarat	71	312	61	87	531	735	1,169	418	341	2,687
Himachal Pradesh	91	5	11	2	109	322	17	41	5	385
Jammu & Kashmir	37	37	1	-	75	105	52	1	-	159
Kerala	18	166	21	59	247	65	1,578	47	208	1,893
Madhya Pradesh	99	286	83	104	577	115	1,622	1,123	1,318	2,976
Madras	82	626	275	237	1,290	601	2,850	1,777	476	5,713
Maharashtra	192	533	122	571	1,418	1,552	2,090	491	2,070	6,203
Manipur	2	31	1	-	10	73	-	75	-	101
Mysore	46	336	37	32	451	321	1,326	185	116	2,151
Orissa	24	206	21	51	302	733	1,453	636	757	3,688
Pondicherry	9	-	1	-	10	31	-	1	-	82
Punjab	169	753	109	146	1,177	953	3,037	479	356	5,125
Rajasthan	79	137	76	47	339	601	1,225	856	135	2,817
Tri pura	15	-	3	1	19	22	-	11	1	104
Uttar Pradesh	260	874	181	232	1,597	3,202	4,581	547	2,255	10,535
West Bengal	136	2	72	519	729	2,159	2	1,067	3,361	6,589
Central Employment Exchange	-	-	-	-	-	1,017	-	1,330	215	2,562
ALL INDIA TOTAL:	1,652	5,088	1,384	2,611	10,735	16,236	25,093	11,564	14,421	67,314

NUMBER OF APPLICANTS ON THE LIVE REGISTER CLASSIFIED BY BROAD OCCUPATIONAL GROUPS
JUNE 1961.

		Number of Applicants on the Live Register as 30.6.1961.										
S.No.	S T A T E	Professional and related workers.	Administrative and managerial workers	Clerical and related workers.	Agricultural and related workers.	Miners, quarrymen and related workers.	Workers in transport and communication occupations	Crafts-men and workers in production process workers	Service (domestic, cooks, waiters, etc.)	Labourers with work experience not elsewhere classified.	(Persons without professional or vocational training or previous work experience)	Total
		(Div.0)	(Div.1)	(Div.2&3)	(Div.4)	(Div.5)	(Div.6)	(Div.7,8&9)	(Div.9)	(Div.10)	(Div.11)	(12)
1.	Andhra Pradesh	7666	100	3398	472	25	2129	4675	3113	1356	89276	112240
2.	Assam	636	65	1451	133	18	510	2547	919	2276	19291	24316
3.	Bihar	2055	41	2785	157	378	931	8311	2549	8213	72876	99296
4.	Delhi	7151	169	4610	651	8	1355	4836	7639	1265	33068	60752
5.	Gujarat	1867	335	2406	212	34	1363	2143	2064	1503	53760	67592
6.	Himachal Pradesh	211	40	149	68	15	154	477	172	276	5145	6713
7.	Jammu & Kashmir	267	10	405	167	6	297	150	330	1404	1034	4170
8.	Kerala	12445	179	11783	1735	113	3391	11692	8643	11028	88452	149511
9.	Madhya Pradesh	2974	88	2734	216	701	929	7604	2381	6177	44733	68737
10.	Madras	17159	226	8123	1094	21	4201	7407	6631	6105	98174	149145
11.	Maharashtra	7595	334	14077	590	29	3626	9668	6253	8899	125446	176617
12.	Manipur	1135	107	2831	39	-	931	606	615	-	4741	11056
13.	Mysore	5487	91	1832	350	20	1825	3652	2199	7703	51020	74189
14.	Orissa	2787	263	3924	482	117	1271	7346	2575	13357	21848	54375
15.	Pondicherry	122	-	12	3	-	62	71	12	5	1609	1896
16.	Punjab	6268	468	1913	666	19	1591	4927	5725	5693	37180	64450
17.	Rajasthan	5360	102	1313	164	72	1101	1334	1464	275	41378	52563
18.	Tripura	73	45	116	23	-	187	191	71	31	2819	3556
19.	Uttar Pradesh	6498	561	12148	1027	52	3286	20326	9753	8599	215688	278001
20.	West Bengal	6093	335	11183	835	3812	5042	26919	6360	9382	222116	292631
666												
Total:	TOTAL:	93949	3563	87253	9194	6130	34262	125687	69602	94147	1231704	1755491

TABLE III

Comparative Statement showing the number of Vacancies cancelled due to non-availability of suitable applicants in respect of certain selected trades during June, 1960 and June, 1961.

S.No.	Trade Description.	No. of Vacancies cancelled due to non-availability during	
		June 1960	June 1961
1.	2.	3.	4.
1.	Civil Engineer, General	5	21
2.	Overseer, Civil Engineering	16	25
3.	Mechanical Engineer, General	34	42
4.	Chemical Engineer, General	-	11
5.	Surveyor, Topographical	17	17
6.	Textile Technologist	1	12
7.	Industrial Nurse	-	12
8.	Midwife	13	12
9.	Pharmacist	20	149
10.	Sanitary Inspector	6	14
11.	University Teacher, Arts Subjects	2	13
12.	University Teacher, Science Subjects	17	24
13.	Secondary School Teacher	96	209
14.	Language Teacher, Secondary School	6	14
15.	Middle School Teacher	18	47
16.	Primary School Teacher	12	68
17.	Manual Training Teacher	33	17
18.	Teachers, Other	9	13
19.	Accountant	13	14
20.	Draughtsman, Civil	2	41
21.	Draughtsman, Electrical	1	13
22.	Tracer	3	17
23.	Science and Engineering Technicians, Others	6	10
24.	Executive Official, State Government	4	30
25.	Village Level Workers	23	12
26.	Accounts Clerk	11	16
27.	Stenographer	76	108
28.	Typist	32	40
29.	Store-keeper	10	36
30.	Piecer, Cotton and Wollen Textile	-	100
31.	Weaver Powerloom	14	111
32.	Hand Dyer	-	80
33.	Blacksmith	16	23
34.	Moulder, General	15	24
35.	Fitter General	43	31
36.	Turner	32	39
37.	Shaper	10	14
38.	Welder, Electric	29	29
39.	Electrician, General	32	26
40.	Wireman, Light And Power	8	13
41.	Carpenter, General	35	74
42.	Compositor Hand	1	78
43.	Hide And Skin Setter, Hand	-	28
44.	Physical Instructor	10	19

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TABLE IV

EMPLOYMENT IN CENTRAL GOVERNMENT ESTABLISHMENTS

This table gives the total number of civilian personnel employed in Central Government establishments (including Railways) as on the last day of each year for the period 1951 to 1958 and at the end of each month from January to March, 1960 and for quarter ended 30th June, 1960. The statistics are based on staff strength reported from establishments under various Ministries of the Government of India. They do not include figures for Indian Embassies and Missions abroad.

Regular Establishments					Non- Regular Establishments	Total Columns (6) & (7)
Administrative and Executive	Clerical/ Ministerial*	Skilled & Semi- skilled	Unskilled	Total		
2.	3.	4.	5.	6.	7.	8.
54,814	1,42,850	1,45,304	2,47,694	5,90,662	...	5,90,662
58,555	1,50,870	1,45,455	2,60,613	6,13,493	...	6,13,493
58,583	1,54,364	1,56,103	2,47,161	6,16,211	...	6,16,211
56,620	1,64,067	1,59,282	2,52,707	6,32,736	...	6,32,736
52,935	1,98,553	1,50,427	2,45,926	6,47,841	75,703	7,23,544
67,021	2,14,009	1,46,790	2,41,619	6,60,439	79,320	7,49,259
68,454	2,32,029	1,47,428	2,41,360	6,89,271	64,859	7,54,130
73,301	2,39,577	1,57,410	2,43,471	7,14,259	66,091	7,80,350
74,457	2,42,539	1,59,015	2,45,920	7,21,981	63,207	7,85,188
74,991	2,43,202	1,59,548	2,45,979	7,23,720	63,218	7,86,938
75,038	2,45,023	1,60,891	2,46,213	7,27,165	63,378	7,90,543
75,480	2,45,925	1,61,836	2,46,838	7,30,079	63,055	7,93,134
75,592	2,47,646	1,62,672	2,47,618	7,33,528	64,268	7,97,796
77,497	2,47,985	1,63,231	2,47,471	7,36,184	65,943	8,02,127
78,019	2,48,745	1,63,549	2,48,673	7,38,986	68,897	8,07,883
78,618	2,49,715	1,64,120	2,50,986	7,43,439	69,843	8,13,281
79,234	2,50,409	1,64,557	2,51,503	7,45,703	70,190	8,15,893
78,876	2,51,024	1,65,174	2,51,783	7,46,857	69,856	8,16,713
78,885	2,51,392	1,66,055	2,53,181	7,49,513	69,133	8,18,646
79,298	2,51,661	1,67,265	2,55,277	7,53,501	67,442	8,20,943

From January, 1955 the non-gazetted administrative staff which was so far being shown under the head 'Administrative and Executive' has been added to the group "Clerical" to form this new group".

TABLE - V

Vocational Guidance Activities at Employment Exchanges during June, 1961.

State	No. of Vocational Guidance Units	No. of applicants guided in groups	No. of applicants guided individually	No. of applicants given information individually	No. of Group guidance programmes conducted	No. of applications forwarded to training institutions	No. of applicants placed in training institutions	No. of guided applicants placed in job
1.	2.	3.	4.	5.	6.	7.	8.	9.
1. Andhra Pradesh	7	3,027	204	716	196	25	3	17
2. Assam	2	140	6	56	17	15	-	5
3. Bihar	4	1,166	130	108	84	249	5	6
4. Delhi	1	741	10	512	39	14	-	-
5. Gujarat	6	334	34	2,148	83	-	-	-
6. Himachal Pradesh	1	-	-	-	-	-	-	-
7. Kerala	4	324	113	328	-	-	-	-
8. Madhya Pradesh	3	1,605	7	207	55	63	-	3
9. Madras	2	1,079	40	430	69	8	-	20
10. Maharashtra	6	3,512	143	224	131	201	21	15
11. Mysore	2	1,533	42	79	38	3	-	1
12. Orissa	2	552	11	12	32	301	-	9
13. Punjab	7	1,133	59	1,000	99	30	12	39
14. Rajasthan	2	523	-	150	23	347	1	2
15. Uttar Pradesh	9	4,004	154	1,774	211	112	12	-
16. West Bengal	11	1,307	153	1,098	113	-	250	-
ALL India Total:	69	21,656	1,111	8,842	1,189	1,363	304	117

TABLE VII

NUMBER OF PERSONS WHO PASSED TRADE TEST DURING THE MONTH OF JUNE 1961.

S.No.	Name of Scheme	June, 1961			*Cumulative total upto June, 1961.		
		Engg. Trades	Non-Engg. Trades	Total	Engg. Trades	Non-Engg. Trades	Total
1.	2.	3.	4.	5.	6.	7.	8.
1.	Craftsman Training Scheme						
	Men	870	•	870	61642	10047	71689
	Women	•	•	•	39	5188	5227
2.	Displaced Persons Training Scheme.						
	Men	•	•	•	17162	4277	21439
	Women	•	•	-	-	649	649
3.	Craft Instructors.						
	Men	•	•	•	3316	738	4054
	Women	-	-	-	-	289	289
4.	Work & Orientation Centres.						
		-	-	-	197	-	197
5.	National Apprenticeship Training Scheme.						
		-	-	-	97	-	97
6.	Evening Classes for Industrial Workers.						
		-	-	-	200	-	200
Total:		870		870	82,653	21,188	103841

*Excludes 22,030 Ex-service personnel trained prior to April, 1950.

DELHI ADMINISTRATION
DIRECTORATE OF EMPLOYMENT & TRAINING
SARASWATI HOUSE; CONNAUGHT PLACE
NEW DELHI.

No. RDX#2(75)

Dated,

30.9.61

From

The Director,
Employment & Training,
New Delhi.

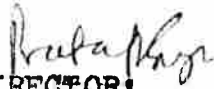
To

Sir,

A meeting of the Misdemeanure Sub-Committee
will be held on Wednesday the 11th October, 1961 at 4.30P.M.
at Saraswati House; Connaught Place, New Delhi.

Your presence and participation is earnestly
solicited.

Yours' faithfully,


for DIRECTOR:
T. NO. 40656:

STATISTICAL TABLES

Statistical information relating to the work of National Employment Service.

TABLE - I
Registrations and placements (November, 1960).

S T A T E	No. of	No. of	No. of placements effected by Employment Exchanges during the month				T O T A L	No. of applicants on the Live Register at the end of the month.
	Exchanges	Registrations effected during the month	Central Govt.	State Govts.	Quasi Govt. & Local Bodies	Non-Govt. Establishments.		
1	2	3	4	5	6	7	8	9
Andhra Pradesh	21	17,323	31	1,502	262	83	1,878	1,06,827
Assam	14	4,828	124	75	94	46	339	29,461
Bihar	22	14,528	183	272	315	206	976	96,462
Delhi	2	6,627	382	3	83	48	516	60,087
Gujrat	15	10,458	153	954	125	23	1,255	59,446
Himachal Pradesh	4	1,123	117	1	22	33	173	5,337
Jammu & Kashmir	2	700	21	59	-	-	80	2,561
Kerala	9	7,645	140	1,040	82	10	1,272	1,52,271
Madhya Pradesh	25	11,086	526	341	333	113	1,318	54,822
Madras	14	14,950	164	1,691	741	83	2,679	1,28,089
Maharashtra	25	26,473	738	1,483	80	121	2,427	1,69,180
Manipur	1	973	44	-	61	2	107	8,751
Mysore	15	10,070	125	1,221	11	21	1,378	66,452
Orissa	13	13,069	59	607	125	352	1,183	36,795
Pondicherry	1	166	11	-	-	-	11	2,000
Punjab	24	14,909	643	1,583	89	61	2,376	59,493
Rajasthan	17	8,363	305	1,282	354	13	1,954	40,658
Tripura	1	489	54	-	-	-	54	3,444
Utter Pradesh	39	41,720	996	1,713	256	1,372	4,337	2,22,132
West Bengal	17	22,468	415	41	213	642	1,311	2,77,962
ALL INDIA TOTAL	221	2,34,028	5,231	13,873	3,231	3,269	25,624	15,82,530

* In addition five University Employment Bureaux at Aligarh, Calcutta, Delhi, Trivandrum and Varanasi were functioning at the end of November, 1960.

Includes 29,404 applicants who have declared themselves as employed or self-employed and probably includes 25-30 percent of disguised employed and partially employed persons.



PROCEEDINGS
OF THE
EIGHTH MEETING
OF THE

STATE LABOUR ADVISORY BOARD, ORISSA

(3rd and 4th May 1960)

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**Agenda for the Eighth Meeting of the State Labour Advisory Board to be held
at Joda from the 3rd to 5th May, 1960**

Item No. 1—Inaugural address of the Minister for Labour.

Item No. 2—Confirmation of the proceedings of the Seventh Meeting of the State Labour Advisory Board held at Rourkela on the 8th and 9th August, 1959.

Item No. 3—Report read by the Secretary of the State Labour Advisory Board on action taken on the conclusions arrived at in the last meeting of the Board.

Item No. 4—Implementation of the recommendations of the Minimum Wages Committee (Shri R. K. Samantray).

Item No. 5—In view of the daily rising prices the real wages of workers are going down. Therefore the Government should take immediate steps to check increase rising prices and to supply essential goods at concessional rates to workers in factories, mines and other industrial establishments. The Dearness Allowance should be linked to the cost of living index and fully neutralised to check the falling of real wages (Shri D. C. Mohanty).

Item No. 6—(i) To recommend to Government to appoint a Sub-Committee to investigate the conditions of the workers in the motor transport industry both under the State Transport and the O. R. T. Co., Ltd. The Committee also be directed to find out as to whether the Labour Laws applicable to them are being carried out by the managements concerned (Shri R. N. Das).

(ii) To recommend to Government to fix daily hours of work of the motor transport workers and to provide suitable allowances for staying in the night at places other than their Headquarters (Shri R. N. Das).

Item No. 7—Amendment of Section 33B read with Section 10 A of the I. D. Act 1947 (Labour Commissioner).

Item No. 8—Introduction of pension scheme in stabilised industries (Shri R. K. Samantray).

Item No. 9—The Working Journalists should be treated as workmen for the purpose of enjoyment of privileges of the Industrial Housing Scheme (Shri D. C. Mohanty).

Item No. 10—To recommend to Government to amend Minimum Wages Rules providing payment for the rest day as conceived under Sec. 13(b) of the Minimum Wages Act (Shri R. N. Das).

Item No. 11—Reference of industrial disputes to adjudication (Shri R. K. Samantray).

Item No. 12—Employers in Iron Ore and Manganese Mines should immediately provide adequate housing, drinking water, medical care and other welfare facilities to their workmen immediately (Shri D. C. Mohanty).

Item No. 13—Fixation of quantum of privilege leave, casual leave and festival holidays (Labour Commissioner).

Item No. 14—In accordance with the provisions of Code of Discipline the 'Representative Union' in an industrial establishment where there are more than one union, should be determined through the process of election through secret ballot amongst the workmen of the establishment (Shri D. C. Mohanty).

Item No. 15—Right of workers to strike as a protest against illegal action of the management (Shri R. K. Samantray).

Item No. 16—(a) When new factories are started the entrepreneur has to produce from the Panchayat or Municipal authorities a 'No objection certificate'. Often these authorities are unaware of the form in which the certificate is to be granted. The factory Department should prescribe a *pro forma* in which the certificate is to be granted (Shri B. P. Modi).

(b) The inspection of the site of the factory should be done by the factory staff and not by the Revenue staff (Shri B. P. Modi).

(c) Factory staff should report within one month of the date of application (Shri B. P. Modi).

Item No. 17—The conciliation machinery of the Central and State Labour Departments and the process of collective bargaining should be allowed full play in resolution of industrial dispute in the Mines areas of our State. The Police and other authority for maintenance of law and order should not interfere in the day to day industrial relations amongst workers and employers in the Mines areas unless the life and property are in actual danger (Shri D. C. Mohanty).

Item No. 18—Plans for new factories should be approved by the Chief Inspector of Factories within one month of the submission of the Plans. If the plans are not approved within one month or if no communication is received by the entrepreneur from the Chief Inspector on the subject within one month, the entrepreneur should be permitted to presume that the plans have been approved (Shri B. P. Modi).

Item No. 19—In view of the fact that there has been repeated breach of industrial peace in the Mines areas of the State the Board should enquire into the working conditions and other aspects of the life of the Mine workers and suggest remedies for the implementation of laws, awards and settlements, solution of industrial disputes and the enforcement of the Code of Discipline (Shri D. C. Mohanty).

Item No. 20—This Board recommends that Government be pleased to fix an intermediate slab in the schedule of factory licence fees for factories having more than 100 workers and less than 250 workers with corresponding licence fee (Shri B. P. Modi).

Item No. 21—Non-implementation of the recommendation of the 'Labour Advisory Board' held from time to time by Government (Shri R. N. Das & Shri D. C. Mohanty).

Item No. 22—To enquire into the conditions of the salt workers where the labour laws have not been penetrated and the naked exploitation is being perpetuated should be stopped (Shri R. N. Das).

Item No. 23—This Board recommends to Government that the Offices of the Labour Commissioner and Chief Inspector of Factories be separated (Shri B. P. Modi).

Item No. 24—Exemption of factories working on continuous operation from certain provisions of the Factories Act (Shri S. N. Das Mahapatra).

Item No. 25—Amendment to Orissa Industrial Disputes Rules—Works Committee (Shri S. N. Das Mahapatra).

Item No. 26—Implementation of the recommendations of the Cement Wage Board and of the Wage Board on Cotton Textiles (Shri R. K. Samantray).

Item No. 27—Industrial Relations in the Hindustan Steel Ltd., Bourkela (Shri R. K. Samantray).

Item No. 28—Time and date for the next meeting.

PROCEEDINGS OF THE EIGHTH MEETING OF THE STATE LABOUR ADVISORY BOARD HELD AT JODA ON THE 3rd AND 4th MAY, 1960

PRESENT

Shri Rajballav Misra, Minister for Labour .. *Chairman*

GOVERNMENT

1. Shri K. C. Roy, I.A.S., Secretary to Government, Labour Department. *Member-Secretary*
2. Shri D. P. Tripathi, I.A.S., Labour Commissioner, Orissa .. *Member-Joint Secretary*
3. Shri B. B. Rath, I.A.S., District Magistrate, Keonjhar .. *Observer*
4. Shri M. S. Patnaik, O.S.S., Under Secretary, Labour Department. *Observer*
5. Shri G. C. Mohapatra, Director of Employment, Orissa .. *Observer*
6. Shri J. N. Naik, Subdivisional Officer, Champua .. *Observer*
7. Shri N. Pati, Assistant Labour Commissioner, Orissa .. *Observer*

EMPLOYER

1. Shri C. J. J. R. Raju, Superintendent, Orissa Mines and Quarries, Tana Iron and Steel Co., Jamshedpur. *Member*
2. Shri S. N. Das Mahapatra, Manager, Orissa Cement Ltd. .. *Member*
3. Shri S. Misra, Personal Superintendent, Indian Aluminium Co., Ltd., Hirakud. *Observer*
4. Shri S. K. Misra, Assistant Manager, Orissa Cement Ltd. .. *Observer*
5. Shri S. S. Misra, Labour Welfare Officer, Hindustan Steel Ltd., Rourkella. *Observer*
6. Shri S. C. Bose, President, Utkal Mining and Industrial Association. *Observer*

EMPLOYEE

1. Shri R. K. Samantray, Secretary, Orissa Branch of H. M. S. *Member*
2. Shri D. C. Mohanty, General-Secretary, Orissa Branch of A. I. T. U. C., Cuttack. *Member*
3. Shri B. K. Pani, M.L.A., I. N. T. U. C., Orissa branch .. *Member*
4. Shri R. N. Dash, General-Secretary, O. B. T. Employees' Union. *Member*
5. Shri C. M. Singh, Indian National Mine Worker's Federation *Member*

(3rd May, 1960 Session)

The Chairman inaugurating the Eighth Meeting of the State Labour Advisory Board said :—

“ Friends, It gives me profound joy to welcome you to this meeting of the State Labour Advisory Board. As you know, the object of such tripartite conference is to promote mutual understanding and co-operation between labour and management. By such joint consultation and co-operation a sense of ‘belonging’ to the factory and a feeling that the worker is making a significant contribution to the work in the factory could be engendered and it is only thus that a correct relationship could be established and the highest productivity secured. In the context of rapid economic development the question of better industrial relations assumes day by day greater importance. Increased output, greater productivity and higher standard of efficiency depend to a great extent, on the harmonious relationship between the worker and the employer, on the good will and understanding between each other, which on the other hand can only

be achieved through mutual discussion across the table. It is an established fact that industrial harmony is the sheet-anchor of economic development without which no country can materially progress. On the other hand, industrial disharmony leads to industrial unrest. Such contingencies resulting in stoppage of works retrogrades the clock of progress which inevitably causes loss of production to the employer, loss of earnings to the workers and reduces the national income to that extent to the detriment of the country as a whole. Such contingencies also create bitterness and frustration which ultimately shake the very foundations of the economy and industrial structure of any country. There is no denial of the fact that very few strikes and lockouts in this context will be justified and as a matter of fact many of them could have been easily avoided if the cause at the source could have been suitably handled. It is against this background that the value of the principles behind the Code of Discipline for industry may be realised. As you know, this idea was mooted by the All-India Labour Conference with a view to building healthy foundations for industrial prosperity and to keep off the nightmare of strikes and lockouts.

I, therefore appeal to the employers to give due thought to this question and take all possible steps for successful functioning of the forms of joint consultation which is very often now stressed upon in All-India Conferences. I also further appeal to the employers to bear in mind that industrial worker is after all a social being having a background and ambition in life. An industrial worker as everybody knows has to spend most time of his life in any industry during the period he is active and able-bodied. It is therefore, absolutely necessary that the place where he works should be agreeable, homely and healthy enough and that he gets adequate co-operation not only from his co-workers but also good will and sympathy from his employer. If these facts are borne in mind and acted upon, I am confident industrial relation would improve more and more.

Before I conclude, I may also appeal to the Trade Union representatives who, at present, guide the fortunes of the industrial working class that they should try to educate the workers so that the workers would not only realise their rights and responsibilities towards their industry in which they are employed but also to the community at large.

This time we have a heavy agenda and I am sorry I have taken lot of your valuable time. I will now request the Secretary to proceed with the business of the meeting and I feel all of you will do your best to make the meeting a useful and successful one.

Shri K. C. Ray—Mr. Chairman and members, “The State Labour Advisory Board is meeting again after a lapse of 8 months. Since we met in August 1959 at Rourkela, there have been certain achievements in the field of labour welfare. The Employees’ State Insurance Scheme was introduced in this State with effect from the 31st January 1960 in five important industrial areas of this State. The employees’ State Insurance Corporation have also since set up a regional office at Cuttack for administration of the said scheme. May I now place on the table a report on the actions taken on the recommendation of the last meeting of the State Labour Advisory Board. (Enclosure ‘A’).

Shri R. K. Samantray—On a point of information, Sir. We have just now got this. Therefore, we are not in a position to discuss it.

Chairman—Possibly we may take it up later on.

Shri D. P. Tripathi—This may be deferred to tomorrow.

Shri C. J. J. R. Raju—The usual practice is that the Secretary reads out his entire report and after that members discuss it.

Chairman—This time Secretary’s report has been laid on the table to save time.

Shri D. P. Tripathi—We are deferring it to tomorrow.

Chairman—Has any body anything to say. }

Shri S. N. Das Mahapatra—Chairman, I may be permitted to make a few observations about the working of the Board before we start deliberations on the various items of the agenda submitted by its members. This Board has been constituted about 7 years back and if we closely go into the items given by the members, we find some of the items do not cover the spirit of the constitution of this Board. If we make a reference to the resolution of the 24th September 1953 of the Labour Department under which this Board

was constituted for the first time as stated that the Board shall be an Advisory Body and shall be advising the State Government on all matters relating to labour, such as employment, conditions of service, welfare and management of the labour and any other matter that might be referred to by the State Government.

With this spirit when this Board has been constituted our forum for discussion should be confined to only policy matters affecting labour and industrial relations. But you can find that many of the items covering individual factories have been discussed in the past also included in the agenda of the present meeting. This does not appear fair. Again references have been made to factories by name, whose representatives are not present in the Board and I am afraid it would be unfair to conclude anything without hearing from the other party and in my own humble thought I think we are going a little out of the way from the discussions on more important matters of policy.

I do not want to go into the previous agenda, but coming to the present items of the agenda, which is placed before us for discussion for the next two days, it appears that certain matters, which individual members could have taken up with Government instead of referring to the Board and wasting the useful time of the members including the Chairman. I will draw your attention to certain items like item No. 4. The mover could have taken up the matter with the Government and found out the position regarding implementation of the recommendation of the committees constituted by Government relating to revision of minimum wages in certain employments. I do not understand what recommendations and what discussions we are to make in this Board on this matter.

We can always be fair and do justice if we have two or three items involving labour policies, so that we can discuss everything threadbare and give our contribution to this. I wish from the Government side there should have an item on labour policy in the Third Five-Year Plan, which the Government of India is going to finalise and an adequate opportunity should have been given to all members to contribute some ideas to labour policies in the next Five-Year Plan. In this meeting of the Board we have 25 items to discuss in course of two and half days, and I am sure we are not going to do justice to all the items and we have to hurry through them without giving proper justice to individual item. If we have more items to discuss, we may have frequent meetings of the Board, but let us not ride so many items in one meeting of the Board.

So Sir, my earnest request to you and also to the Secretary of this Board is to scrutinise the items submitted by different members and only to include such items in the agenda which would involve only policy matters, but not matters of details which any individual can directly take up with the Government and get the answer to it. While discussing such matters opportunity should be given to others who are not able to attend, being non-members and also to such persons in industry who are interested on the subject. In the Resolutions of 1953 constituting this Board provided for co-operation of members, but so long it has not been done. If we have more members in this Board it would always be very easy for us to find out the view point from every corner and also it would be easier to implement the conclusions of this Board.

With this Sir, I earnestly request you to kindly consider the above points and I am sure you will appreciate that we would confine our deliberations to matters involving policy, but not matters of details and also matters relating to individual factories.

Chairman—You refer to item No. 4—Implementation of the recommendations of the Minimum Wages Committee. Do you oppose this ?

Shri S. N. Das Mahapatra—Sir, my point is that Government could give the reply. There is nothing in it to be discussed in the Labour Advisory Board.

Shri D. P. Tripathi—Advisory Board may put it to Government, so that they may take it up immediately.

Chairman—It is within the knowledge of the members that the Minimum Wages Committee's recommendations have not yet been materialised. There are certain difficulties which stand in the way of its implementation which the members would appreciate. However action is being taken to place the recommendations before the Cabinet for approval.

Shri R. K. Samantray—These committees long since had submitted their reports to Government. But Government have not yet taken any action.

Shri S. N. Das Mahapatra—That is not a matter to be discussed in the Board.

Shri D. P. Tripathi—Certain recommendations have been made by the Minimum Wages Advisory Committee to the Government. But before implementing the recommendations of the Committee the advice of the adjoining State has to be taken as per the executive instructions. In view of that the State Government had referred this matter to the adjoining States. All the States have not yet furnished their answers. The Chairman is going to place the recommendations with the views of those States that have furnished the answer before the Cabinet for adoption. If this house will consider that the matter has to be taken up expeditiously, it can recommend to Government.

Shri S. Misra—The objection of my friend to this item is that as the memorandum on item 4 seeks to elicit certain information, that can easily be done by writing a letter to the Government.

Shri K. C. Roy—The entire Board may be interested. It is a broad policy matter and the members of the Board may be interested to know that.

Chairman—The position is this. The Committees have given their recommendations. But the Board as a whole does not know what are the recommendations of the Committees.

Shri S. N. Das Mahapatra—This was discussed last time at Rourkela.

Shri R. K. Samantray—Mr. Chairman : It was never discussed. I am supposed to speak on this item. The Board is really competent to ask for information and discuss this matter.

Shri C. J. J. R. Raju—Government have not yet implemented those recommendations. So it is not for this Board to discuss it, rather it is for Government to answer why they have not yet implemented. So why it should be referred to this Board.

Chairman—The Board is to give its opinion.

Shri R. K. Samantray—As far back as 1956 after we discussed in different meetings of the Board about the need of revising the minimum wages of certain categories of labourers only then Government took steps to constitute the Minimum Wages Committee.

Chairman—We should proceed itemwise.

Shri D. C. Mohanty—Before proceeding to item No. 2, I wanted to include something in the agenda. I want to point out to the Board that I gave notice of one item to the Joint Secretary ; that item is regarding the plight of Oriya workers who had been recruited by the Tea Garden contractors and contractors of North Bengal who are taking away thousands of Oriya labourers and engaging them in construction of railway in Sub-Himalayan areas of Bengal. Hundreds of them are dying for want of food, for want of medical treatment. We have some responsibility for them. That is a pressing matter. Unfortunately the Joint Secretary intimated to me that the agenda had already been finalised.

Chairman—It will be taken up as item No. 28.

Shri D. C. Mohanty—If the Board includes it in the item for discussion, I have nothing more to say.

Shri D. P. Tripathi—It will come after item 27.

Shri D. C. Mohanty—If the Board decides to include it in the agenda, then I would press that it is an urgent matter and should be discussed first.

Chairman—Government is not directly responsible or connected with the Tea Garden affairs.

Shri D. C. Mahanty—It is a question of Oriya labourers employed outside Orissa. We must try to protect them from death and exploitation in Sub-Himalayan region and in Tea Gardens.

Shri K. C. Roy—Plantation labour is a Central subject.

Chairman—If the Board feels we may recommend it to Government.

Shri K. C. Roy—If the Chairman will permit, it will come up as item No. 28.

Shri D. C. Mohanty—Let the Board decide to include this in the agenda.

Chairman—Well Mr. Mohanty, we will discuss it later on.

Shri G. J. J. R. Raju—I think the Board should take up Item No. 2. The minutes of the last meeting has been circulated. Unless there is any mistake, it should be taken as confirmed.

Chairman—Yes.

Shri R. K. Samantray—We have to confirm it, although there are a large number of mistakes.

Chairman—Printing mistakes ?

Shri R. K. Samantray—There are both printing and grammatical mistakes.

Shri G. J. J. R. Raju—If there are mistakes, that shall be pointed out to the Secretary. Let it be confirmed.

Chairman—It is confirmed. Item No. 3 will be discussed tomorrow. Then item No. 4.

Conclusion—Proceedings are confirmed subject to correction being made.

Item No. 4—Implementation of the recommendations of the Minimum Wages Committee (Shri R. K. Samantray).

Shri R. K. Samantray—As far back as 1956, the Government of Orissa constituted a Minimum Wages Committee under the provisions of the Minimum Wages Act to advise Government in matters of revising the minimum rates of wages. Long since the recommendations of these committees have been submitted to Government and uptill now no action has been taken.

Chairman—On this question there has already been a long discussion earlier. It will be better if the Secretary explain the position.

Shri K. C. Roy—The recommendations of the committee are still under consultation with the neighbouring States. The neighbouring States were requested to send reply by the 1st March 1960. Replies from some States have been received. It will be placed before the Cabinet for finalisation. After finalisation, revised minimum rates of wages will be issued.

Shri D. P. Tripathi—In fact there are two approaches to this subject. One is the revision of the existing minimum wages and the other is bringing new items into the schedule. As the Secretary has already pointed out regarding the revision of wages, the position is clear in that regard. With regard to the new items, we have suggested for inclusion of tile industry, printing presses, hotels, eating houses and restaurants, handloom factories, cinema industry, loading and unloading of goods and mails, brick and tile making establishments, Kendu leaf, bamboo forest organisations, Handloom factories, Saw Mills, Timber felling, loading. These are the new industries that are now being suggested to the State Government for inclusion in the schedule. It will be referred to the Committee for review in due course.

Chairman—I think the Committee's reports have been circulated.

Shri D. C. Mohanty—This is, I mean to say the Minimum Wages Board is a statutory Board under the Minimum Wages Act. The Board has submitted its report to the Government taking into consideration the wage structure obtaining in different industries. Therefore, the inclusion of new items is completely a different subject and even today, if we agree and if the Government agree to add these new items to the annexure, then also under the Act, these matters have again to be referred to the respective Committees and there will be no end to the delay for its finalisation.

Shri M. S. Patnaik—For addition of new items, it is not necessary to refer it back to the Committee.

Shri D. C. Mohanty—If you revise, you can only do it by forming a Committee to review.

Shri S. N. Das Mohapatra—The agenda is something else.

Shri D. P. Tripathi—Secretary has already explained. In view of that, there is no necessity for further discussion.

Secretary—Should we not drop this item No. 4.)

Shri C. J. R. Raju—In view of the Secretary's reply, the matter need not be pursued.

Shri R. K. Samantray—The whole purpose of my giving this item is now the recommendations of the Minimum Wages Committee could be implemented without any further delay. What our Secretary has said just now is that the recommendations are still under consideration of the Government. After information from different States on the subject, are obtained, they will be placed before the Cabinet for finalisation. So far as that part is concerned, I have nothing to say. Ultimately, the recommendations will have to go to the Cabinet for finalisation. But, there are other aspects of much greater importance. Government constituted this committee as back as 1956. The representatives of Government, representatives of employers and representatives of the employees were there. And I know, certain recommendations of this committee were completely unanimous. Further as you know, Sir, these matters have also been discussed in the form of debates in connection with demand for grants in the Assembly. Now the Government have again decided to collect information from other States. I do not know what impact it will produce on the decisions of Orissa Government.

Chairman—It will have repercussions on the neighbouring State.

Shri D. P. Tripathi—That will have also a reaction on us.

Shri R. K. Samantary—I invite the attention of the Board to the recommendation of one committee, i.e. the committee on local bodies. That committee consisted of 4 or 5 members representing both the employees and the employers. They have recommended Rs. 68 for local bodies as minimum wages and that committee's recommendations though unanimous in character have so far not been implemented. So I do not know what steps actually are being taken by the Government. Government have given us assurance in the past and now give us assurance. This type of assurance we have heard thousand and one times without actual implementation as a result of which there has been frustration among the rank and file of industrial workers and no body knows what will happen and when. Now you see, Sir, one Implementation Division we have created. We are here to see that the tripartite recommendations are honoured and implemented. Here the Government is guilty of not implementing these recommendations. Now it is for the Government to decide and implement. If the Government really want to take some more time to implement, the whole purpose for which the committee was constituted will be defeated. We the Board members, we have no statutory powers except to advise and request the Government. But the example the Government have so far set, has really been very much discouraging, disappointing and degenerating. Therefore, I appeal to you, Sir, to see that the recommendations of the Board are implemented. The employers in the Bidi and Tobacco industries are prepared to give more wages to all workers under them. Only the Government is there to make a decision. If this is not done, certainly the Government is guilty here and not the employer. There are also a lot of private buses plying all over the State. They are prepared to pay higher wages to their workers. But the Government is standing in their way as a bottleneck. My whole submission, therefore, is that the tripartite decision is of unanimous character, that should not be delayed by the Government because they would like to know the reactions of the Bordering States.

Shri K. C. Roy—The tripartite decision is normally to be honoured by Government. Government also are required to follow certain healthy conventions. Supposing a particular decision is correct or not and whether as a result of the decision, there will be wide disparity in the wage structure, the Government is bound to look into these questions. According to directions and conventions so far evolved, Government should consult the neighbouring States and after consulting them, they will arrive at a certain decision and finalise the proposal and if as a result of this consultation there has been some delay, it is not bottleneck. Rather Government is trying to do a thing more correctly so that ultimately the wage structure will have a healthy effect on every body.

Shri R. K. Samantray—I am sorry I cannot agree with the observations of the Secretary. Government may take other extraneous facts into consideration. The statistics of the Government of India shows that the *per capita* income in India is Rs. 298 per year. It comes to Rs. 25 per month. Then why the Government Pay Committee recommended Rs. 80 as minimum pay for Central Government employees—then why the State Government of Orissa have already set up a Pay Committee to give their employees more financial benefit? It is a question of taking into consideration the capacity of the industry to pay. My point is about the minimum wage of a worker irrespective of the Industry where he is employed. You have set up a Committee. You have included in that Committee members representing all interests i.e. the employer, the employee and the State as an integral part of that very committee. If you really increase the wage of a Transport worker from Rs. 1-8-0 to Rs. 2 in course of

implementing the recommendation of the Minimum Wages Committee, that will really not upset the economy of our neighbouring States. Had that been so, had there been the minimum wage for every worker to satisfy his bare needs, there should have been no agitation at all. There should have been no necessity for the Government to constitute a tripartite body to increase the minimum wages of the labourers. What has happened to Cement Industry? The Cement Board has fixed the minimum wage at Rs. 95. So also the Textile Board has raised the minimum wage. Different wages are paid by different categories of factories. Therefore my whole submission is that the recommendations of the tripartite bodies should be implemented normally by the State and if the Government did not implement it immediately, they should have mentioned the reasons for not accepting or implementing the recommendations of the Board. But, that has not been done, though 3 years have elapsed. The situation has greatly changed. The economy of the country is changing. Further disputes about minimum wages are already before us, notwithstanding the fact we have not yet implemented our recommendations.

Shri D. C. Mohanty—As we have heard, Government have taken much pains to get at least the concurrence of the other adjoining State. We do not mind that. Let Government establish a healthy convention. But our only worries are that if we are consulting the neighbouring State for years together while the workers do not get the benefit of our recommendations, then I say, what is the use of such consultations. What benefit the worker will derive from this sort of consultation and this sort of delay. As it appears, it will take 100 years to come to a decision. Suppose a worker dies in the meantime. What will happen in his case? He will be deprived of the benefit of our recommendations not for his fault, but for the fault of the Government who have abnormally delayed its implementation. My point is that Government decision should not have been delayed so long. We sat down to fix up the minimum wages after 5 years. Then we sat for two years. After two years of labour, we submitted a report to Government. Two years of labour, imagine what labour we did. Government have now taken two years to bring out that report to light. Therefore, my only grievance is that workers will now technically suffer from the lapse of the notification and no body else. Secondly, if the recommendations regarding the minimum wages could have been implemented, say, in 1958 when the recommendations were submitted to the Government, the workers would certainly have received some amount of increment in their pay. Suppose you will do it after two years or more, by that time, there will be no use of this at all. One instance I will cite here. As far as I remember in Bhubaneswar meeting probably in the sixth meeting of the Board we took a decision on the initiative of the Hon'ble Member representing the Hindustan Steel Ltd. and constituted a Committee to fix minimum wages for Rourkela Plant. The Committee was to submit its recommendations within three months positively. The Committee finalised its recommendations and submitted to Government which are still pending with Government. Now the construction of the Rourkela Steel Plant is over and you will give effect to those recommendations now. That is of no use. Such delay is more than death. The Government have sufficiently delayed the matter. My only one submission here is let Government give that recommendation a retrospective effect, i.e. from the date of the submission of the report. The Minimum Wage Committee's recommendations should be and must be given retrospective effect if our aim is to give some benefit to the workers.

Shri C. J. J. R. Raju—No, No, we should not give retrospective effect

Shri D. C. Mohanty—I know your intention pretty well. I know that one resolution was passed in this Board to this effect. We have already accepted one proposition that the wages in Orissa in every industry fall short of the needs of the worker.

Chairman—I think we have discussed sufficiently.

Shri D. C. Mohanty—Therefore, the Government should give retrospective effect to the recommendations from the date of the submission of the report by the Minimum Wages Committee to the Government.

Shri C. J. J. R. Raju—We have experience of this retrospective increments in wages and we believe it entails a lot of practical difficulties. Because correct record will not be available about the workers employed during the past period and therefore, it will not be possible to give retrospective effect.

Chairman—Government will consider the views of the members expressed on this question.

Shri R. K. Samantray—Mr. Tripathy has suggested inclusion of some fresh items.

Chairman—We will consider latter on

Shri R. K. Samantray—Government should also include such items and it is our opinion that Government should consider it.

Chairman—Government will certainly consider. Let us now take up item No. 5. I think it is inter-related with the minimum wage.

Conclusion—Government agreed to take appropriate action on the recommendation of the Minimum Wages Advisory Board within three months.

Item No. 5—In view of the daily rising prices the real wages of workers are going down. Therefore the Government should take immediate steps to check increase rising prices and to supply essential goods at concessional rates to workers in factories, mines and other industrial establishments. The dearness allowance should be linked to the cost of living index and fully neutralised to check the falling real wages. (Shri D. C. Mohanty).

Shri D. C. Mohanty—No Sir, this is completely a new subject. We have not, discussed it any time in the Board.

Shri C. J. J. R. Raju—We have discussed it in the 7th meeting of the Board.

Shri D. C. Mohanty—No, No, it is not a fact. It can be seen from the proceedings of the seventh meeting of the Board. This is an important and serious subject we have been confronted. Facts show that prices of all the commodities have gone up.

Chairman—And wages of workers have gone down

Shri D. C. Mohanty—Let me explain, Sir. Economists say that as prices increase real wages fall. Actually now the wages have fallen. First of all I would like to point out, Sir, in our State the wages in all the industries are the lowest in India. I am just quoting some figures to give you an idea. In Textiles the average annual earning of a worker in our State is Rs. 492, whereas in Bombay, it is Rs. 1,268 in West Bengal it is Rs. 931, in Uttar Pradesh it is Rs. 1,060 and in Delhi it is Rs. 1,445. Therefore, you can see, Sir the average earning of a Textile worker in our State is the lowest in India. Then regarding the paper industry our annual average is Rs. 1,187, whereas in Bombay it is Rs. 1,233 and I tell you Sir, ours is the lowest in the whole of India. In printing and publication our average figure is Rs. 1,004 whereas in Delhi it is Rs. 1,592 in West Bengal it is Rs. 1,200 and in Bombay it is Rs. 1,270. Taking 1954 as the base year, this comparison has been made. These facts I tell you from the Indian Labour Year Book. Sir, in Transport Industry our figure is Rs. 945 whereas in Bombay it is Rs. 1,833 in West Bengal it is Rs. 1,402. In Miscellaneous items, our figure is Rs. 904, whereas in Bombay it is Rs. 1,258, in Madhya Pradesh it is Rs. 1,000, in Punjab it is Rs. 1,364, in West Bengal it is Rs. 1,407. In Electricity, our average wage is Rs. 999, whereas in Bombay it is Rs. 1,725, in Uttar Pradesh it is Rs. 1,337 and in West Bengal it is Rs. 1,437. In personal services, ours is Rs. 343, whereas in Delhi it is Rs. 1,216, in Bombay it is Rs. 985 and in West Bengal it is Rs. 789. So, Sir, we see our wages, our statutory minimum wages are probably the lowest in India.

Shri S. N. Das Mohapatra—Will you kindly compare the standard of living?

Shri K. C. Roy—What is the guarantee that these are statutory figures?

Shri D. C. Mohanty—Government of India, Labour Bureau figures are not bogus. I quite agree to the fact that Government figures are mostly minimised figures. On the basis of the Government figures, now I will have a comparison between 1951 and 1957 with regard to production in different industries. We see the production has gone up in cement $2\frac{1}{2}$ times, in paper 20 per cent, in textile 4 times, in Iron and Steel 5 times, in bricks and tiles $1\frac{1}{2}$ times, Saw Mills 16 per cent, printing 25 per cent more, Electricity 40 times, Iron Ore, 33 per cent more, manganese about 3 times limestone 60 per cent so on and so forth.

Chairman—What about Aluminium?

Shri D. C. Mohanty—There has also been increase in production of aluminium. Therefore, we see that though the wages are the lowest, the production has gone up during this period and I have quoted these from the Government figure.

As regards the proportionate wage rise during this period, we see that in 1951 a carpenter was getting Rs. 2.60 nP. and in 1957 he got Rs. 2.93 nP. A black-smith was getting Rs. 2.08 nP. in 1951 and in 1957 his wage rose to Rs. 2.57 nP. So also agricultural labourer, he was getting Re. 1 in 1951 and his wage rose to Rs. 1.04 nP. in 1957.

Chairman—What is your concrete proposal ?

Shri D. C. Mohanty—I hope I will be allowed to give a little bit of information. These are the figures from the Statistical Bulletin of Government. Now it is for the employers and the Government to find out and see whether these Government statistics are right or wrong. We assume that while the production has gone up appreciably during the period, the wages have not correspondingly gone up. Textile wages from 1951 to 1960 have gone up by Rs. 2.50 only, which is only 2 per cent of the total wage. Therefore, during this period, the average wage rise in the industries has been 5 to 10 per cent whereas in almost all the industries, the average production rise has been 33 per cent or more. My submission is, Sir, please look at this picture. Look at the rise in prices too. You will find, Sir, the wages of the workers have not been raised to that extent. This is not only a question of production and wages, certain other elements are there too. Taking 1949 as the base year, you will find price has gone up by 20 points. Therefore, Sir, if you like I can quote figures.

Chairman—Please avoid too such statistics.

Shri D. C. Mohanty—These days statistics cannot be avoided. Sir, those statistics which I like to place before the Board are very necessary to substantiate my point.

The whole issue is we have to do something in the interest of the workers. Some wage rise has been given which does not commensurate with the rise in prices and rise in production. The rise in prices is much higher than is expected. Therefore, whatever forum we have, we must voice the difficulties and sufferings of the workers, who form the backbone of the industry. Sir, taking 1943 as the base year, price index at Cuttack in 1957 was 112, whereas at Barampore it was 108, at Calcutta it was 193 and at Calcutta it was 162. In the All-India price level, we stand in third place. Not only Cuttack, I think all the industrial sites in our State, Rourkela, Choudwari, Barampore, Berhampur, all these places are certainly costlier than Calcutta, Jamshedpur, etc. These figures clearly show that we have the lowest wages, we have the highest cost of living and we have also the working class which has given more production during these years. It can also be seen that the number of workers in the factories, in which Government production is concerned, do not show any increase. Therefore, it is assumed that with the steady increase in the production has gone up. My friends on the other side are probably habituated putting off things which seek to give a little benefit to the workers. In the circumstances, the whole question is that the price mechanism has created a lot of difficulties for the workers. It has brought down the wages. I want only to give the recommendations of the two Wage Boards that have been recently accepted by Government in support of my whole contention. For the workmen, it is the total pay that really counts to add their well-being. In the past, owing to the difficulties of the economic position, the tribunals only told that in most industries the basic wages and dearness allowance compared with the 1950s standard of wage are now lower. The fact however remains that whenever a flexible dearness allowance has been given there has been more industrial peace, there was no strike system, does not prevail. The workmen have hardly any margin left with the wages. Their wages have been the same, though there is rise in the prices, rise in the cost of living. They are obliged to adjust with the meagre wage which means ultimate privation for themselves and their families.

Chairman—What about this mining industry ? Is there any increased production in manganese ?

Shri D. C. Mohanty—Yes, Sir, not only there has been rise in production and the wages are low. The Central Textile Wage Board report has not yet been published and it is profitable to go through their recommendations. Therefore, Sir, the position has become acute with the steady rise in the cost of living. Whatever dearness is a fixed figure, there has been an outcry. The Board is firmly of the view that the dearness allowance should nevertheless conform to the flexible cost of living. For, in such a system, there is the greatest chance of industrial peace. We must at least try to ensure that the standard of living of the workers is not lowered. This is the recommendation of the Textile Wage Board. Similar recommendation has been made by the Cement Wage Board.

Chairman—What is your concrete suggestion ?

Shri D. C. Mohanty—A concrete suggestion has been made by the Textile Wage Board that the dearness allowance be a flexible one. Because for some years to come, you cannot check the price rise. Therefore it is for the Government to decide. The

Second Pay Commission Report says that it is not possible to put a check to the rise in prices at least during the Third Five-Year Plan. Therefore, the dearness should be linked to the cost of living index and should be fully neutralised so that the actual wages prevailing before the rise of the prices are at least maintained. I want to cite one of the arguments against my proposal and the counter-arguments meted out by a personality no less than Mr. Gulzardal Nanda, our Union Labour Minister. The argument is that if linking of dearness with the cost of living index is accepted, then my friends on the other side will argue that it will mean a further rise in prices. It will be just a price spiral which will mean going up and up and it will not solve the problem.

Chairman—I am convinced.

Shri D. P. Tripathi—The members of the Board are also convinced by the powerful oratorical performance of Shri Mohanty.

Shri D. C. Mohanty—Chairman, Sir, I wanted to cite Mr. Nanda's speech, because, you see this is a very complicated economic question whether rise in wage will raise prices. In Parliament on April 11th, he made a speech where he clearly says if wages are responsible for the price increase, he pointed out the employers are benefited by the rising prices.

Chairman—You are taking much time.

Shri D. C. Mohanty—I referred to Mr. Nanda's speech Mr. Chairman, we may be hasty in finalising disputes but while discussing problems like this, there is no meaning in saving time without proper understanding of the problem and delaying things afterwards. Hence my resolution is that this meeting is of the unanimous opinion that in view of the daily rising prices, the real wage of the workers has gone down and that the dearness allowance should be made adequate, should be fully neutralised and should be linked to the cost of living index. There is no question of prices going down the 1949 level; you can see it from the report of the Second Pay Commission. This is my concrete suggestion and this is my resolution.

Shri C. J. J. R. Raju—Shri Mohanty said that there was rise in wages up to 10 per cent and the rise of living index from 1949 to 1957 is 110 at Cuttack. We cannot see that it is correct. Mr. Mohanty argued that production has increased by 33 per cent when the Labour Force has remained same. From our practical experience, we find that our own *per capita* production has gone down. We are employing more men to increase our production. For 33 per cent rise in production, we have taken 35 to 40 per cent more men. At the same time we have given increment in wages, still then the *per capita* production has gone down. So there is not so much force in his argument.

Shri R. K. Samantray—The principle that the dearness should be linked to the cost of living index has been accepted by the Pay Commission and by various tribunals.

Shri C. J. J. R. Raju—It is the general tendency that once the wage is increased, it cannot be cut down. If the dearness is linked to the cost of living index a practical difficulty will arise. Changes are noticed in the living index from month to month. Now the statistics show that the index is going up. But if the cost of living falls, will they ever allow us to cut the dearness allowance? The point has also got to be considered.

Shri R. K. Samantray—We have no machinery for scientific study of such problems in our State. Government have no arrangement for correct assessment of the rise and fall of the cost of living index. There are two centres only, one at Cuttack and the other at Borphampur. Particularly in this industrial belt the price rises at a terrific speed. But Government have no machinery to determine this.

Shri K. C. Roy—Government are contemplating to set up a machinery to study the price index and family budget at Rajgangpur, Rayagada, Central Cuttack Zone and Rourkela for which statistics are being collected. Government are also taking steps to make scientific study of the family budget when this information will be available; we can study the problem with greater confidence.

Shri S. N. Das Mohapatra—Mr. Mohanty has quoted Indian Labour statistics published by Government of India which relate to 1951—57. We are here in 1960. We do not know what actually is the position in 1960 both with regard to production as well as with regard to the increase in the wages. Therefore, before we take any step on this, we should first find out the correct figures of 1960. If we are to decide on the basis of 1957 figures the labourers may say that 1960 figures are different and therefore they may not accept any wage increase.

Shri D. C. Mohanty—I showed some figures just to prove the contention that the wages are lowest in Orissa. If my friend wants to study 1960 figures, I hope he will not be disappointed. I am sure, in 1960, production has recorded a greater stride and the comparative price index has recorded a steady rise. Comparatively, real wages have gone down. My whole contention was to prove this point. Wage fixing machineries such as the Central Textile Wage Board, the Central Cement Wage Board, the Second Pay Commission all have come to the same finding that the dearness allowance should be attached to the living index. You may discuss it. I am also prepared to discuss again about production, productivity and wage spiral. My whole resolution is on the question of linking of dearness allowance to the cost of living index. The system of dearness allowance should be a flexible system of dearness allowance.

Shri D. P. Tripathi—That is a sensible point. I hope there should not be any difference of opinion on that.

Shri S. S. Misra—I want to submit that we are following the Government of India pattern. Our wages are paid in shape of monthly pay. We are following the dearness allowance that is being given by the Government of India. We hope it will be applicable to all the three Plants and probably a general decision will be taken by the Government of India.

Shri R. K. Samantray—So far as this principle is concerned, there is no difference of opinion among us. The Board should accept that the dearness allowance should be linked to the cost of living index.

Shri K. C. Roy—It is acceptable.

Chairman—The Board accepts the principle.

Shri S. Misra—There is a practical difficulty to determine the cost of living index. We have no machinery to collect statistics for the whole of the State. All our factories are so distributed that we have no large industrial belt to determine the cost of living index by constituting a zone. Only on principle, we may accept.

Shri K. C. Roy—The Board accepts it on principle.

Shri R. K. Samantray—Government have been contemplating to set up three zones. One is this zone and two others. If that is done I do not think there will be any difficulty if we accept this principle.

Shri D. C. Mohanty—The price of necessities such as rice has increased so much due to the food zone that it has become extremely difficult for the workers to survive. So also is the price of the other commodities. Government are not able to check this rise in prices. So if we do not want to exploit the worker, we must link the dearness to the cost of living index, so that he can get a fair wage.

Shri K. C. Roy—In this connection, Mr. Mohanty's contention is that Government will not be able to check the prices. But the recent attitude and determination of the Government of India is to arrest it in the Third Plan.

Shri S. N. Das Mohapatra—As Government are going to give effect to that decision, there is no necessity in accepting this resolution. Rice and other necessities will be given to the workers at controlled rates.

Shri D. C. Mohanty—If the cost of living index does not rise, there is also no harm in linking it.

Shri D. P. Tripathi—Rice is a controlled commodity. If the workers approach the Supply department, they will open fair price shops.

Shri D. C. Mohanty—Supply Department must sell at subsidised rates.

Shri K. C. Roy—Subsidised rates by the employer, not by the Government. Employer should supply rice to the employees at subsidised rates.

Shri D. C. Mohanty—If the Government can do it that will be better.

Chairman—Mr. Raju, are you supplying subsidised rice to your workers?

Shri C. J. J. A. Raju—We are still continuing. We give at the rate of Rs. 8 per maund i.e., 5 seers a rupee per worker employed in our mines.

this problem.

Shri D. C. Mohanty—The Central Wage Boards and all other Wage Boards have accepted this principle and the principle is that the dearness allowance should be linked to the cost of living index ; and that the dearness allowance should not be a flat one, but should be a flexible one. We should not fix any flat dearness.

Shri C. J. J. R. Raju—We believe in negotiation. We have cited the instances of the mines. Unless we have supplied subsidised rice, no worker would have come forward for employment. Now I am purchasing rice at Rs. 21 or Rs. 22 per maund and supplying at Rs. 8 per maund. My wage includes this subsidy.

Shri D. C. Mohanty—It is all paltry starving wages. This is the view of one of the employers. Mr. B. Patnaik, one of the foremost mine owners spoke in the Assembly in the Budget discussin that the condition of mine workers are so bad that he would not be surpris'd if some day the mine workers rise and strangle the managers. The mine owners feel that they are having a heaven in the mines for their workers. I do not agree with them.

Chairman—What is your view Mr. Bose ?

Shri S. C. Bose—I was to ask my friend one question. Does he know what is the present condition of the mining industry. I will say that in manganese mining labourers prefer the rate contract, not the wages. By rate contract each woman worker gets Rs. 3-4-0 in mining. The work load is about 1½ tons of picking and grading. Will the Hon'ble Member take a little trouble to come there and enquire from the labourers themselves working there. I think Mr. Mohanty does not know that the mining industry is no more in the private sector. We are just raising contractors to the State Trading Corporation. We are supplying at the rate of Rs. 11-4-0 per ton of iron ore. If you read the Orissa Mining Corporation's balance sheet, you will find that our transportation cost is Rs. 8-8-0 per ton. Besides we have to pay a royalty of Re. 1 per ton. You say we are not paying the labourers. It is the State Trading Corporation which is exploiting the labourers, not the employers. We have made thousands of representations through the State Government for raising the rate. Mr. Mohanty is telling that we are sinking our labourers in poverty and starvation. But I say in addition to low price we face competition from the State of Bihar. They have no now taxes like road and other taxes of ours, but we have no road worth the name in the road map of Orissa. Now I shall bring out a few problem of the mining industry. The Board has to consider the overall national economy of the country, the export promotion of the country and also the foreign exchange earnings of the country. Let me talk about the cement industry. Unfortunately in cement industry, higher wage result'd in higher price. If the Tariff Commission could not have gone into the question and if the Government of India could not have paid Rs. 30 as subsidy per ton for export of cement, they would have not been able to enter the export market. This shows we have to see the national interest and we should not be very sectarian in our out-look. If Mr. Mohanty instead of laying the blame at our doors, will try to secure a higher rate from the State Trading Corporation and taxation relief from Government, we will certainly pay a higher wage to our workmen and nothing bad will happen in the mines. We should make our industries organised and we should make our industries competitive. Unless we do so, the country will be affected in the long run and industries will be closed. We have to export our goods. Mr. Mohanty is talking loud about the low wages. All industries are, at present, in a sub-marginal State producing at diminishing return due to heavy taxes. For your information, I want to say that we pay 98 taxes on mineral industry. So far our State is concerned, no business can survive and progress here in absence of port and in absence of adequate road and railway mileage. Our position is most precarious in India. Another thing is that you have to take into

account the efficiency of the labour. We must expect of the labour a good out turn, before we clamour for more wage. What is the conditions at Japan. There are instances of persons who have worked more than three shifts there. Doctors have advised they should not work more. Therefore, the labour leaders should try to increase the efficiency of the labour.

Chairman—Should we exchange some of our labourers for British mining labourers and ask them to stay in these conditions to survive ?

Shri S. C. Bose—I do not mean that my point is what is going to be done for the labour in Orissa ? Our State Government gets a small allotment from the Centre. Even Punjab gets more than our State. Our State has never tried to get more funds from the Centre. Our grants under the labour welfare is very low. So Government has to do something. They must at least ask the State Trading Corporation to increase their rate. I do not see any reasons why Government should not ask the State Trading Corporation to pay something more for labour welfare. Otherwise it is they who are making labour exploitation.

Shri D. P. Tripathi—State Government may ask to give you a higher rate.

Shri S. C. Bose—But we must not be unnecessarily blamed. Our impediment must be taken into consideration. Either our mines-owners have paid Rs. 50 lakhs as tax and royalty to the State Government. Under Orissa Mining Areas Development Fund, as a matter of fact, nothing so far has been done for the welfare of the mine workers.

Chairman—Don't you know what is going on in the Supreme Court ?

Shri S. C. Bose—Sir, I know. Still then we are ready to volunteer that money for the development of the labourers. Our main appeal is that you take up our cause with the State Trading Corporation. The State Trading Corporation has got 50 per cent quota of the manganese and are monopolising the iron ore completely.

Shri R. K. Samantray—Certain points of Mr. Bose needs clarification. I have every right to dispute certain facts stated by him. As a matter of fact he has raised certain points which have no relevance to the item under discussion. Now as regards the political part of his speech, his remarks about his colleague, as regards taxation, the Tariff Commission's recommendations, the State Trading, the margin of profit and the extent that he feels that the mine-owners are being neglected by the State, I have nothing to say more about that. But I cannot but speak one thing i.e., what the Government have so far done in respect of mine-owners particularly the owners of the manganese and iron ore mines. It has been a standing claim and grievance of the workers engaged in this particular industry that whereas the Government took steps to appoint a tribunal a kind of national tribunal to fix up the minimum wages for the coal mine workers, they have not done any such thing for the workers of manganese mine workers. These workers have not only been neglected by the employers, but by the State Government and the Central Government as well. In respect of the wages that is being given on gang rate contract, a woman worker is getting Rs. 3.25 nP. per day. The work-load is $1\frac{1}{2}$ times. Within 8 hours of working she is being required to work $\frac{1}{2}$ times to get this wage. At their own calculation, she would have been ordinarily entitled to Rs. 2-2-0 per day. For another half day's work, she must be entitled to overtime at double the rates.

Shri S. C. Bose—I said $1\frac{1}{2}$ tons and not times.

Shri G. J. J. R. Raju— $1\frac{1}{2}$ tons they can not raise per day.

Shri R. K. Samantray—All right that is $1\frac{1}{2}$ tons. But the very principle of giving rate contract is in itself a very vicious kind of wage rate in as much as there is the seed of exploitation by the employer. The work-load has never been determined and it fluctuates. If you go to the manganese mines, you will find to what extent this kind of work-load fluctuates. So whatever he has said that they are paying very decent wages and providing various amenities. I entirely disbelieve. Even accepting his contention that a woman worker gets Rs. 3 per day, it comes to Rs. 78 per month. Now tell me with Rs. 78 as wage what efficiency he expects of a worker. Fringe benefits can never be taken into consideration while calculating the wage. Now when the Textile Wage Board or the Cement Wage Board have recommended Rs. 91 or Rs. 94 as the minimum wage when the demand of the workers for a wage rise is that the wage should be round about Rs. 100, he is complacent that a worker gets Rs. 78. Mr. Bose says they are paying very good and decent wages and they have brought down the whole heaven on the manganese mines. I am really afraid that no kind of sweeping changes have taken place over night in the manganese mines, which can ever convince the workers and the labour leaders. Had that been so, there should not have been any clamour for higher

be one with them from the stand point of Orissa. But when for those reasons he will seek to deny my piece of bread, my rice and salt, I shall take the same road and strike him. I shall not tolerate any such talk about national economy or international economy. I am here concerned with my own country, with India where we have accepted some principle. Of course, unfortunately we have neither completely accepted the socialistic view nor the American view. My friend, Mr. Samantray has elaborately stated that the workers should be given something minimum. Mr. Boso says that we have not been able to prove those facts. I will bring mountains of facts, if he wants. But reality is far more convincing than the bookish figures. I am prepared to come to any mine and to see the heaven of the mining workers that they are living in.

Shri S. S. Misra—He does not say it is a heaven.

Shri D. C. Mohanty—But he says it is a tolerable place. At least we must consider from the stand point of the nation. Supreme Court has clearly said, the industry which cannot give minimum basic wage to workers, has no right to exist. The mining industry which cannot give a little bit of salt that has no right to exist, no matter whether it relates to factory worker or an individual worker of the mines in the mining area.

Shri C. J. J. R. Raju—With the increase in the wages of the coal mine workers, the price of coal has increased. On the other hand our market value of manganese has gone down. This is the reason why all the time I am pressing for negotiation. We do not say we are paying the right wages. But we should negotiate rather than link up. Whatever increase the Coal Wage Board granted in the wages, that has been incorporated in the price. We do not entirely agree with you that there is less wage. But where there is less wage, we should negotiate on that. Therefore let us negotiate for the wages rather than linking up the dearness to the cost of living index.

Shri D. C. Mohanty—The question of negotiation would come when we would decide what shall be quantum of wages and dearness allowance. Now the point at issue is whether the dearness all wance should be linked to the cost of living index. I am citing all these Wage Boards' recommendations and have discussed the question threadbare. My only request to all the Board members and to you, Sir, is to accept the principle that the dearness allowance should be linked to the cost of living index. The quantum and other things will be left for negotiation. This has been scientifically accepted today. Therefore, the controversy should end here. We should put a stop to this sort of difference.

Chairman—That principle is accepted.

Conclusion—It was agreed that dearness allowance would be linked to cost of living index as a matter of principle.

Item No. 17—The conciliation machinery of the Central and State Labour Departments and the process of collective bargaining should be allowed full play in resolution of industrial dispute in the mines areas of our State. The Police and other authority for maintenance of law and order should not interfere in the day to day industrial relations amongst workers and employers in the Mines area unless the life and property are in actual danger.

Chairman—The District Magistrate wants to go back. Let us take item No. 17 now.

Shri D. C. Mohanty—It would be more convenient for me to take up that item tomorrow.

Chairman—I think it is not very much connected with the labour problem.

Shri D. C. Mohanty—It is concerning labour policy, Sir, I do not have any grudge against any particular officer or against any particular industrialist. My whole contention here is that the conciliation machinery and the labour laws are not being given a fair play. In the last Board Meeting we also discussed this question. We know that the labour conciliation machinery is not being given due opportunities. The Police is enforcing law and order before conciliation is carried on. My point is that we have certain labour laws and certain procedures for resolving disputes that arise between management and workmen and those disputes we want to be settled amicably by the conciliation machinery. This is not only the case in the mines area, but this is a general question. We have our constitution which provides and which gives us the right of peaceful and legitimate strikes to achieve our demands.

Chairman—Mr. Mohanty, the memorandum is self-explanatory. There will be no difficulty to discuss now.

Shri D. C. Mohanty—I have my views on the subject. But I have left them at my place. So it will be better to discuss tomorrow.

Shri R. K. Samantray—It is our proud opportunity that the head of the district will know our reactions. Whatever disputes are arising in these mining areas apart from the demands for bonus, wage and such other benefit which require collective bargaining, the majority of them are due to the non-implementation of the Mines Act. The District Magistrate is also the *ex officio* Inspector of the Mines under the Mines Act. I do not know the difficulty as to why the mines are not actually being inspected by the district authorities. I do not know whether they have got any time to do so. If they will really inspect periodically, many disputes which subsequently lead to a kind of industrial strike or trouble may be avoided. Some mines of the Barbil and Thakurani area of the Bird & Co. and of some petty mine-owners have paid no regard to the provisions of the Mines Act. I do not mean that all the employers are doing that. So what I suggest is that we will also pass a resolution requesting the State Government to advise or direct the district authorities to inspect the mines as they are the *ex officio* Inspectors of mines. They should come and inspect and whenever they find any lacuna in any of the mines they should direct the mine owners to rectify the defects. I have little doubt, whenever a District Magistrate directs the mine-owners that they have got to do this and this the employers will never disobey. The fine that is to be imposed on the employer for non-compliance with the provisions of the Act is very little punishment. Therefore, most employers do not care much. The good offices of the District Magistrate will go a long way to improve matters in the mines.

Shri C. J. J. R. Raju—We have no objection to the point raised by Mr. Samantray. The District Magistrate is the *ex officio* Inspector of Mines. If he comes for inspection, we must always welcome him. It is his duty and he will do it and we have no comment to make. What I like to say is that the law and order people must come where there is danger to life and in fact owners only go to the Government when there is danger to life and property; otherwise they do not go.

Shri B. B. Rath—I am fully conscious of the functions of the District Magistrate under the Mines Act. I must also mention that in the midst of the multifarious duties we have got, we have not much time to see to the details of the working of mines. I very much agree that there is a technical aspect of this. At the inst of the District Magistrate may look into the enforcement of the welfare provisions and by effectively inspecting the mines, he can certainly ensure the welfare amenities to the labourers and to that extent the labour unrest or disputes may be minimised. But the labour disputes arise out of various other labour laws which the State Government is not in a position to enforce. The conciliation machinery is under the control of the Central Government.

There again, the central agency is at a great distance from this mining area. Hence, for the purpose of bringing about conciliation exercising their good offices in solving the labour problems, there is some amount of difficulty. So inspite of the District Magistrate's exercising his solemn duty, it would not be possible to remove labour unrest and industrial disputes. Now, as regards the other point raised by Mr. Mohanty, he has not actually been able to cite specific instances. His contention about the interference on the part of the law and order agency in the normal operation of the labour laws or the usual functioning of the labour mechanism and the relationship between the employer and the labour is not correct. The function of the law and order agency is not to go into the merits of a dispute which is going on between the employer and the employees. They would step in irrespective of the merit of the case, when the conduct of the parties show tendency to breach of peace. Now you have actually indicated that the law and order agency should step in; otherwise there will be actual danger to life and property. As for example somewhere a little trouble starts. Gradual development of the trouble will take place day by day. At that stage these people will come into the picture. If they make delay, it will be too late to check it. I cannot understand why anybody who is peaceful should bother about the law and order agency at all. A peaceful citizen would take no notice of the Policeman standing on the street. If one is not out to commit any lawlessness or organised act of violence one is not to be afraid of the Police.

Shri R. K. Samantray—I quite agree with Mr. Rath that the law and order and the question of industrial relationship are not very much akin to each other, but they are not entirely different. Whether the prevention is better than cure? Government may take precaution to see that breach of peace does not take place. If Police is not there, there is breach of peace. Peace is affected without Police. But my contention is the Police himself becomes a tool in the hands of the management. Industrial peace as a matter of fact depends on three factors: (1) There must be a healthy Trade Union, (2) There must be an enlightened employer (3) There must be minimum interference from the State. And this minimum interference also includes the interference of law and order authorities. These are the three principles which should contribute equally to the maintenance of industrial peace. If all the factors or any of the powers are misused or overused, there will not be any industrial peace. But in actual practice the law and order authorities are being used to sabotage the strike. In Thakurani Mines strike, in Barbil strike, the law and order authorities were responsible for recruitment of black-sheep from Bihar who were no other than tools in the hands of the management. So the principle and policy when applied to practical test take a different dimension.

Shri S. C. Bose—I am sorry to bring to your kind notice that this particular item we talk about, involves contravention of the directive principles of the constitution. It involves discrimination to a particular industry which is unfortunately the Mining Industry and not all industries in common. This matter may be referred to the Law Department of the State Government whether I am correct or not. It is beyond the scope of this Board to consider this matter. So this may be referred to the Law Department for consideration.

Shri D. C. Mohanty—Shri Bose has raised a Constitutional point

Shri K. C. Roy—He has raised a relevant question

Shri D. C. Mohanty—Whether relevant or irrelevant that has to be again discussed. The subject-matter that is to be discussed in this agenda is whether the Conciliation machinery should be given a full play. Whether the Police Machinery or the Law and Order Machinery should interfere in the day to day activity of a trade union or in the day to day trade disputes prevailing in the industry. We have not only the Criminal Code or the Indian Penal Code, but also we have got the Constitution which is the directing authority. In conformity with the Constitution, we have got the Industrial Disputes Act and the Indian Penal Code. If we in the name of the Indian Constitution want to throw out the Industrial Disputes Act, I think we are missing the bus. What is common sense that comes out of it? What shall be the labour policy of a State Government? Has it equally been discussed in the Indian Labour Conference and in other tripartite Conferences. Any way, it is not a discrimination against any particular industry. We have raised the question in connection with the mining area, that the Police is first stepping in instead of the conciliation machinery. Because Mr. Rath is going away, his subject has been taken up. I said that I have detailed facts and the papers I have left at my place. So I have nothing to speak more.

Shri C. J. J. R. Raju—From our side, we have never opposed this item. What Mr. Mohanty says about the law and order machinery, is not correct. They never become tools in the hands of the employers. We entirely agree with Mr. Samantray regarding the points he raised for industrial peace. Every one of us agree with him that

there need be minimum interference from the Government. The law and order question arises only when there is attempt to breach of peace. We always seek the assistance of law and order agency because they have to save life and equipments from mischief. Anyway the interference from Government should be as minimum as possible. This is our view.

Shri K. C. Roy—Government policy is that all disputes should be settled by negotiation and conciliation. If disputes are settled by workers and the management, there is no necessity for the Government to interfere. But when the occasion arises for interference of the law and order machinery, they come into the picture to discharge their basic responsibility. Similarly conciliation machinery comes into the picture to discharge certain responsibility. They are to take preventive action. Whenever they come, they come with proper justification. It is very difficult to demarcate the line when they should come and where to come. The officer on the spot is the best judge to decide it.

Shri D. Mohanty—I do not completely deny the need for operation of the law and order authorities. I wanted to discuss that the law and order agency is acting contrary to its objective.

Shri B. B. Rath—I do not think it is right to discuss such things. Mr. Samantray has gone to the length of making some aspersions on the law and order agency. Mere presence of the law and order machinery is not interference. A message which I have just received message that 30 workers are ready to load, 200 strikers are just there to stop them from loading. So what you say is not the thing. Any way if any particular instances you have got, we will discuss.

Shri D. C. Mohanty—I am prepared to cite some example. If the law and order agency can act properly, it may help me or protect me from being stabbed by the employers' goondas. I will also cite cases where the police came in and where police cases were instituted against workers and workers' representatives and where again, the courts completely acquitted the persons.

Shri B. B. Rath—If Mr. Mohanty goes on citing police cases, I think it will be difficult for the Board to go into the whole of these cases. I propose this item may be dropped.

Shri D. C. Mohanty—When the police comes at a particular point where life and property are in danger which require their presence, at that point, we may justify their action. If the police at the instance of the employer comes and says you cannot collect your dues and there is intimidation, should we call that the police are discharging their normal duties ?

Shri D. P. Tripathi—Have you brought this to the notice of the State Government ?

Shri D. C. Mohanty—I have brought it to the notice of the Central Government machinery.

Shri B. B. Rath—You should have brought it to my notice.

Shri D. C. Mohanty—So this is the function of the law and order and we have daily experience of such things. If you go to the State Government, they say that they have no responsibility in matter relating to in mining areas. Since they have responsibility under the Labour Welfare and if they like they can do a great deal for labour. Therefore, our position is that when industrial disputes come up, when workers' lives are in danger and vital interests are at stake, at such stage the State Government should protect the workers from exploitation of the capitalist. If the State Government says we are responsible for the law and order only and not for other things, then who would be responsible for the welfare of the workers. If the proper machinery functions, the law and order authority may not have the occasion to come. Therefore, Sir, we have been agitating and do still agitate till to day for it. We are not opposed to the police being here.

Shri D. P. Tripathi—The point is that Subdivisional Magistrate are also Conciliation officers. As a matter of fact the magistracy of the subdivision is to look to the maintenance of law and order and conduct conciliation.

Shri B. B. Rath—They are not Conciliation Officers in Mines.

Shri D. P. Tripathi—Before the Conciliation Officer takes up, the police step in. But the police do work according to the provisions of law. The Police are not actually independent and can not act as they like.

Shri B. B. Rath—No instances have been brought to my notice. I fully agree to what Mr. Mohanty said that the non-implementation of the conciliation machinery is really a handicap for settlement of labour disputes. Strike is now on for the last 10 to 12 days. We have not seen the effect of the Conciliation machinery and I do not think it is very much active. It must give us active assistance in solving the labour problems. When a labour situation arises we should, therefore, try to solve it either by peaceful means such as conciliation machinery and other process or by the law and order machinery according to the requirement of the situation.

Shri R. K. Samantray—The conciliation machinery must function. But as regards other machineries we do not agree.

Shri B. B. Rath—In the mines the position is some what peculiar. There we have no such function as conciliation. We have 101 functions and we have to keen on functioning in a very impartial manner.

Chairman—It is agreed that there should not be any unnecessary interference by the law and order agency.

Shri R. K. Samantray—It is becoming vague.

Shri B. B. Rath—It is not possible to make it specific.

Shri R. K. Samantray—There is every possibility that unnecessary interference be there. What is happening now. If the management gives a ring or sends a letter to the police-station, the Officer-in-charge straightway comes to the union's office and arrests the persons. This is the condition under which we are operating.

Shri D. P. Tripathi—It might be a case, where arrest is justified.

Shri R. K. Samantray—They are being asked to the police-station to come to a settlement or they will be arrested.

Shri B. B. Rath—I am the proper person to be addressed in such a case.

Shri R. K. Samantray—I know of a particular District Magistrate who over rides all conciliation machinery.

Shri D. P. Tripathi—In his district, he is all-powerful no doubt.

Conclusion—After necessary clarification made by the District Magistrate, Keonjhar, the matter was not further pursued.

Chairman—Item No. 6—Member is absent. It is dropped.

Shri D. C. Mohanty—If Shri R. N. Das comes, we will take it up tomorrow. Otherwise I will support his resolution.

Shri S. S. Mishra—We will take it up tomorrow if he comes. We may postpone it till tomorrow.

Chairman—Postponed for the time being

Item No. 7—Amendment of section 33^(b) read with section 10A of the Industrial Disputes Act, 1947. (Shri D. P. Tripathi).

Shri S. N. Das Mahapatra—First, amendment is to be made in the agenda. It is not 33(b). It is 34.

Shri R. K. Samantray—We do not favour this question of amendment which the Labour Commissioner has proposed to be introduced into the body of the Industrial Disputes Act.

Shri S. S. Mishra, Hindusthan Steel—There are two parts—One is 10(A) and the other is 34.

Labour Commissioner, Shri D. P. Tripathi—Now the Indian Labour Conference and the Labour Ministers' Conference have recommended that settlement of labour disputes should be out of the Court as far as practicable. We find that under section 10A of the Industrial Disputes Act provision of arbitration has been made. It is to be effective "Where any industrial dispute exists or is apprehended and the employer and the workmen agree to refer the dispute to arbitration, they may, at any time before the

dispute has been referred under section 10 to a Labour Court or Tribunal or National Tribunal, by a written agreement refer the dispute to arbitration. "Therefore, before the parties agree they are restricted. So, then we are not being able to do anything. In case it is possible to settle it by arbitration, there is no scope for it.

Shri S. H. Das Mahapatra—If we agree now for withdrawal of the reference from the Tribunal, I apprehend there will be difficulty afterwards if the dispute is not properly settled. There will be no harm suppose if we say that both the reference to the Tribunal and the reference to the arbitration should go on simultaneously.

Labour Commissioner, Shri D. P. Tripathi—Unless the arbitrator first gives an award that he has not been able to reconcile between the two parties, they cannot refer the dispute to the Tribunal. In the case of Brajrajnagar Paper Mills, the Chief Minister was chosen as the arbitrator by both the parties. But when he signed the agreement for arbitration, Law Department said, the arbitration is not tenable because the reference to the Tribunal is pending. Therefore, please keep in mind the reference to context. Now, although both the parties agreed to arbitration, they have not been able to give effect to arbitration. Now we want to remove this lacuna for future. It has been examined very thoroughly.

Shri D. C. Mohanty—The question now arises whether two statutory bodies, the arbitrator or the Board of Arbitrators are the two district stages envisaged by the Industrial Disputes Act. The second body is the Industrial Tribunal and the third body is the Labour Court. These three bodies would work together.

Labour Commissioner, Shri D. P. Tripathi—It is a mutually agreed arbitrator.

Shri D. C. Mohanty—When one of the statutory bodies is functioning let it be the Board of Arbitrators or an arbitrator under the Industrial Disputes Act, why should it be necessary to refer it to another arbitrator. Why should we make duplication?

Labour Commissioner—Both are not the same. The arbitrator contemplated under 10A is a different one.

Shri D. C. Mohanty—Now the problem is when a Tribunal is in operation, whether such a body can legally function and whether it will not infringe the basic general principles of the Industrial Disputes Act. My point is we are not opposed to the very Act. We have got sometimes difficulties. According to the Act once a matter has been left to adjudication, neither the Government nor any of the parties can withdraw it. That once we give the power to Government to withdraw the reference, the only course left to us is to come to a settlement. Now, as the Labour Commissioner wants to suggest that suppose during the course of an adjudication, it may be profitable that both the parties may arbitrate and therefore, Government should be given the power to withdraw the reference. If we are not happy with the findings of the arbitrator, we have no other way out. His findings must be binding on both the parties whether they like it or not. I am afraid it might also infringe the law in the sense that when the Tribunal is in operation, an out-of-the-court settlement is attempted, by another arbitrator.

Shri D. P. Tripathi, Labour Commissioner—Please confine to out-of-the-court arbitration.

Shri D. C. Mohanty—Arbitration is a function which has got its specific place in Industrial dispute.

Shri K. C. Roy, Secretary—There are two amendments. One is we have no power to withdraw a reference. So we must have the power to withdraw the reference. After withdrawal of the reference, there should be arbitration.

Shri D. P. Tripathi, Labour Commissioner—The point is, in case there is adjudication that means both are not compromising. So a conciliation machinery has been applied to. An impartial person will be engaged if both of you agree. How much of the heat is reduced. Then you are debarred from going to court by the withdrawal of the reference. Now we want to enable ourselves to make this possible. The State Government's power is limited. Therefore, the old law needs to be amended.

Shri R. K. Samantary—This is a matter which needs supertinking. You have got all-good intentions.

Shri K. C. Ray, Secretary—Arbitration is our agreed policy.

Chairman—Tomorrow we may resume.

Shri S. N. Das Mohapatra—This will need amendment in section 33 also. The workers get certain advantages when the dispute is with the Tribunal.

Shri D. P. Tripathi, Labour Commissioner—I have to agree to that also.

Shri R. K. Samantaray—The intention is good. But, there are two sides of it.

Chairman—Let us break for tomorrow at 8.30 A.M. (The Board adjourned till 8.30 A.M. next day).

Chairman—My suggestion is that this should be further examined.

Shri K. C. Ray—The proposed amendment of section 34 will be taken up after thorough examination and of the considered views of both the sides.

Chairman—Government will examine this.

Shri R. K. Samantaray—Do the Government know the views of the otherside? Then I understand Government will elicit information or opinion from both the employers and employees and then will come to a conclusion.

Chairman—We have already heard both the sides.

Shri K. C. Ray, Secretary—Shri Das Mohapatra said that the benefits the workers get during the pendency of a reference, should be valid. Some protection is available under the present law. Whether by this amendment the same protection will be open to the employees is a question. The views of both the sides should be made available to Government for closer examination.

Shri R. K. Samantaray—It was not correctly written there. It has been mentioned 33 but it is 34. The memorandum and the note relate to the provisions under section 34 and not 33 (b). Out subject of discussion relates to 34. The question of giving authority to prosecute comes under section 34.

Chairman—He was referring to section 33.

Secretary—These section 33(b) and 34 are interconnected.

Shri D. C. Mohanty—Section 33 (b) relates to power to transfer certain proceedings.

Shri K. C. Ray, Secretary—Section 10A is arbitration. Then section 30(b) is transfer from one Tribunal to some other Tribunal. Government have no power to cancel or withdraw a reference. Then 33 is change of condition of service. All the three are inter-connected. A thorough examination is necessary before we accept the proposal.

Shri D. C. Mohanty—We accept 'thorough examination'. But, certain other points are concerned with these three issues and that we are not going to give the powers to the Government to withdraw the proceedings whenever and wherever they like. The question is the Labour Commissioner has moved for amendment and as far as I understand from his speech that he wants withdrawal of reference on certain conditions. The general power for withdrawal of proceedings should not be there. He says that if both the parties agree to arbitration outside the court then there will be the withdrawal.

Shri D. P. Tripathy, Labour Commissioner—If both the parties are agreeable for withdrawal then by this power withdrawal may be made possible for Government.

Shri D. C. Mohanty—The question is while an issue is pending before a Tribunal certain advantages are there for the workmen and also the very amendment made in section 33 protects the workmen. These advantages should not be fulfilled in the other process. Our only contention is if such an eventuality arises and workmen and employers agree that it should be finalised in the process of arbitration and not in the process of adjudication, then alone the question of withdrawal can be considered. As regards the general provision for giving Government powers to withdraw the issues from adjudication, we oppose that.

Shri J. C. Fay—The basic principle of law is that any body who can make a reference should have the basic right to withdraw the reference. Probably the framers of this Act ignored this principle by giving an escape to this law. This is a fundamental error which should be corrected and the purpose of this correction is out of the court agreement. The object is good; the error should be corrected.

Shri G. J. J. R. Raju—My point, Sir, is that without an appeal from the two parties why should Government withdraw it.

Shri D. P. Tripathi—Say for example in the matter of criminal proceedings, the State Government have the power of withdrawing cases in general, either in particular case against any particular individual or a set of cases started against a set of people. State Government without assigning reasons can withdraw.

Shri C. J. J. R. Raju—We want to give power to Government, only when we are willing to settle amicably.

Shri K. C. Ray, Secretary—The Act has given inherent power to Government. No-body else can order to Government for making a reference. This inherent provision must accompany the provision for withdrawing the reference. When we know the atmosphere is not favourable for amicable settlement, we make a reference. Now Government consider "No, the reference should be withdrawn; the atmosphere is clear". When the basic power of Government is there to make a reference, so Government have the power to withdraw it.

Shri R. K. Samantaray—There has been fundamental error in our conception of this potential legislation. The intention of the legislature in including section 33-B came at a subsequent stage. When the Industrial Disputes Act was originally framed it was not there. These *pros* and *cons* of the legislation was discussed on the floor of the Legislature. Therefore, once a dispute is referred, it cannot be withdrawn; because certain disputes are referred to adjudication to ensure industrial peace. As long as a matter is kept pending before the Industrial Tribunal, there cannot be any strike, lock-out and other unfair practices of labour victimisation. In the matter of withdrawal of a case once referred to adjudication, the privileges and protection will be forfeited. Therefore, whatever the Labour Commissioner has stated we can support his contention to the extent that such cases might be withdrawn where both the parties agree that the matter can be referred to joint arbitration. Only on that condition we agree. I am afraid, if without referred to some provisos we amend the Act, it will go against spirit of the original parent Act.

Shri K. C. Ray, Secretary—I propose an amendment to it. For industrial peace, if the State Government consider it expedient, they shall have the power of withdrawal.

Shri R. N. Das—When a reference is made, if the State Government feel it is a discretionary power for the State Government to refer or not and if they are satisfied that there is an industrial dispute and the consequence will be bad, then it is a question entirely for the State Government to do. Suppose we give power to the State Government that they can withdraw a reference. The main question is that there are several political forces that act also. In the party type of Government there are other forces. Government may be tempted to withdraw a particular thing even though there is little or no justification for that. Further I do not understand the intention of the Act. Previously when the Act was passed, there was no such provision as 33 B. Subsequently it has been provided, because the labour is a weaker party. You say that if both the parties jointly agree then only the reference should be withdrawn and should be referred to arbitration. But, I think this was intentionally avoided by the legislature. Because some undue influence may be exercised and they may be brought to agreement by extraneous forces. That we have decided to settle the matter out-of-the court is not adequate. By only writing that we should decide by other courses, we can give the power to Government to withdraw. Even then the Court shall have to find out that it is a fair settlement and there was no undue influence.

Shri D. P. Tripathi, Labour Commissioner—In any case, we must concede to the fact that the executive Government has always certain powers for withdrawal or filling of cases, for granting reprieves and making a reference. It is absolutely discretionary for the State Government to make a reference. Then how the question comes that the Board can restrict the State Government powers.

Shri D. C. Mohanty—This question of inherent power of the Government to refer... though it is a discretion, still it is a limited discretion.

Shri K. C. Ray, Secretary—No. It has unlimited discretion.

Shri D. C. Mohanty—If you are not referring the matter to adjudication then you have to show cause, you have to intimate the parties why you are not making a reference. You have to give certain reasons and that particular word 'unrestricted discretion'—it has been observed by different Tribunals, High Courts and even by the Supreme Court that Government should not have complete unrestricted powers.

Shri R. K. Samantaray—You have not heard our reactions so far as the question of amending the section 34 is concerned.

Shri D. P. Tripathi, Labour Commissioner—I do not insist on the amendment of Section 34. Law Department have observed that there is no bar for Government to give general authority. In view of that I am not pressing my point.

Shri K. G. Ray—He has withdrawn his amendment.

Shri R. K. Samantaray—Specific instances must be taken into consideration by Government and specific power be given to Labour Commissioner for prosecution.

Shri S. N. Das, Mohapatra—Why should we leave the matter for decision in the Court. Let us accept the Labour Commissioner's view.

Shri D. C. Mohanty—We accept Labour Commissioner's view partly and not wholly.

Shri D. P. Tripathi—Do you mean that we should be expeditious about these matters ?

Shri R. K. Samantaray—It has been our responsibility that by giving to Labour Commissioner and such other officer unlimited power, there is every likelihood of the power not being properly and judiciously used. Therefore we leave it to the Government that if a particular person be an employer or be a workmen be guilty of certain offence, if he has violated certain provisions and in such other matters, Government may take into consideration of giving specific power to Labour Commissioner or such other officer. There are so many cases in which authority has not been judiciously used. There have been certain decisions in different High Courts to this effect. By giving a general authority, the Labour Commissioner will derive power to prosecute also on subsequent dates. So, it is a question of law. As the provisions stand to-day, Section 34 has been liable to being doubly interpreted. That means a particular section has been interpreted by giving general authority to the Labour Commissioner. He derives the power to prosecute, withdraw, etc., on a subsequent date. We must have to take into consideration the facts existing at that particular time. Supposing that now it is 1960. Government gives a general authority to Labour Commissioner in 1955. Mind you, in 1955 Government gave the power. In these five years certain changes have taken place. Therefore instead of giving a general authority, Government should give a fresh authority to the Labour Commissioner to prosecute. So, these are judicial matters and the Law Department, if they are of the opinion that the existing provisions empowers the Labour Commissioner to prosecute, then this matter can be thrashed out in the Court of Law.

Chairman—It is noted

Shri D. P. Tripathi—You say in the past this power has been misused. I request you to specify instances.

Shri R. K. Samantaray—Number of cases were instituted in connection with Rajgangpur strike and Brajrajnagar strikes by the Labour Commissioner of Orissa by virtue of an authority given in the year 1956. That we challenged in the Court of Law. Therefore, the power must lie with the Government. Government may refer the matter to the Law Department, to the Legal Remembrancer. Government may take proper legal advice before prosecuting.

Shri K. C. Ray, Secretary—As regards the question of misuse of powers, Labour Commissioner has been empowered by the State Government to prosecute and it will be his duty to prosecute where prosecution is justified. The question of judicious or judicial exercise of powers does not arise. The prosecuting authority wherever he will find that there is a *prima facie* case, he will launch the prosecution. So the question of misuse of powers does not arise.

Shri R. K. Samantaray—We will be very very happy, if it is not misused. There will be no necessity for us to get redress from the Court of Law after a lot of harassment and a lot of spending money.

Chairman—We have discussed sufficiently

Shri S. N. Das Mohapatra—Under the Factories Act the Labour Commissioner is to prosecute the Factory managers. We have confidence in him. Why the Labour leaders are not accepting the same.

Shri R. K. Samantaray—Thoroughly not.

Conclusion—The views of the members expressed on the item would be considered by the Government when the question of amendment of section 33-B road with section 10-A of the Industrial Disputes Act would be taken up.

Chairman—Now we take item No. 6

Item No. 6—(i) To recommend to Government to appoint a Sub-Committee to investigate the conditions of the workers in the motor transport industry both under the State Transport and the Orissa Road Transport Co. The Committee also be directed to find out as to whether the labour laws applicable to them are being carried out by the managements concerned.

(ii) To recommend to Government to fix daily hours of work of the motor transport workers and to provide suitable allowances for staying in the night at places other than their headquarters.

Shri E. H. Das—The Sub-Committee may also be directed to find out whether the laws applicable to the motor transport undertakings are being carried out by the management. We will also recommend to Government to fix the daily hours of work of the motor transport workers and to provide night half allowance for places other than their headquarters.

Chairman—What is the position now. I think, members have gone through this memorandum.

Shri R. N. Das—There are certain other things which I want to place and convince the Board. The position of the motor transport workers under the Orissa Road Transport Co. and under the State Transport is really appalling. It is worse than what they were getting from private employers. One instance I will cite. Take the case of Rourkela-Berhampur Bus. The same cleaner and the same conductor go throughout. They reach at 12 O'clock next day. In 48 hours they work 40 hours and this is the way how the law is perambulated by the ideal employer, the State Government. Even no weekly rest is given to the workers.

Chairman—I have heard they are changing at Rourkela.

Shri R. N. Das—The driver is only changing not the cleaner and conductor. They have to again come back by the same bus. The Transport authorities say that no labour laws are applicable to them. They are supposed to be ideal employers. But, their attitude is far from satisfactory. They are to halt at night at very far-off places, places where in winter the temperature falls down to freezing point. There is no night-halt sheds at those points for the workers and throughout the night they have to keep awake, and come back next day. A single driver is made to go 175 miles a day.

Chairman—Mr. Das, it will be convenient if we transfer it to Implementation Committee.

Shri D. P. Tripathi—The Committee can fix its next sitting at Berhampur.

Shri R. N. Das—The condition in the garages is also dismal. At one or two miles away from Bhubaneswer, there is a garage. Even there is no garage at places. This is the condition of work. They have to work in the sun throughout the year. Is it possible at all for any worker to work in such conditions? The Central Workshop and Garages under a banian tree. Factory Inspector has repeatedly told them that unless they improve the working conditions, he will prosecute. But they are paying no heed to it. This is the state of affairs with the State Government as employer. They got a profit of more than 30 to 40 lakhs rupees a year.

Chairman—In the opinion of the Board this should go to the Implementation and Evaluation Committee.

Shri C. J. J. R. Raju—Is it not fair, Sir, your Department should take it up with the Transport Department?

Shri D. P. Tripathi, Labour Commissioner—The performance is dismal. There is no doubt about it.

Shri C. J. J. R. Raju—Why do not you prosecute them?

Chairman—On Boud-Brahmanigoan route a single driver runs.

Shri R. N. Das—As regards the second item, I submit that there must be some Committee or something to fix the daily hours of work and night-halt allowance Government should be advised that no motor vehicle driver should be allowed on the steering for more than 5 hours a day.

Chairman—Agreed

Shri R. N. Das—But, Sir, he is on the wheel for more than 12 hours now.

Chairman—These things should be investigated.

Shri D. C. Mohanty—This will be taken into consideration by the Evaluation Committee in details. But, I would like to move on the floor of the Board one thing, i.e., the conditions if found to be such as has been stated by my friend—and I am sure, it is so—it is necessary that the prestige of the State Government should be maintained at least. I am a propagandist of the State Sector. But I feel ashamed before the representatives of the private sector. Therefore, I would personally request the Labour Minister to take up the matter at a Cabinet level and to see that the provisions of the labour laws and also the tripartite decisions are given importance and implemented first by the Government. Otherwise it is really very regrettable. It does not look well.

Chairman—There is no dispute about it. I give assurance to the Board, I will take it up.

Shri D. P. Tripathi, Labour Commissioner—Whether a prosecution is necessary in the present case ?

Shri D. C. Mohanty—It is.

Shri D. P. Tripathi, Labour Commissioner—Mr. Samantaray replied to my resolution that the matter should be referred to Government and prosecution should be sanctioned by Government. Then what length of time is required to be fixed for purposes of filing a prosecution ?

Shri R. K. Samantaray—Why should the Government take so much time and make it delayed ?

Conclusions—It was decided that such questions relating to implementation of labour laws should be dealt with by the State Evaluation and Implementation Committee. Shri R. N. Das, Member was therefore advised to refer the matter to the Implementation and Evaluation Officer for necessary action.

Chairman—*Item No. 8*—Introduction of pension scheme in stabilised industries

Shri R. K. Samantaray—Sir, this is an item on which there are a lot of things to be spoken about. I do not want to take much of the time. The question of introduction of the pension scheme in industrial establishments is a question which needs really sober examination. Because, as you know, the social security scheme which has so far been introduced in our country under the name of Employees' State Insurance Scheme which is applicable to the industrial workers does not really provide any adequate safeguard against the death or retirement of an industrial worker after he has attained the age of superannuation. Whatever relief it does provide, it does not really go to the extent of meeting the bare minimum needs of the members of a family of a deceased worker. So what I propose, if in our State, say, in our own country if such kind of scheme like pension scheme be introduced by common consent of the workers and the employers, then it will go a long way to establish better industrial relations and promote better understanding. I do not want to include such industries which have not attained a such stability to introduce such a scheme. But, there are industries like steel, cement, textiles, paper and such other major industries and fortunately we have at least each one of such units in our State which if they desire, can implement such a scheme in their own interest. Now, let me take for example, the Orient Paper Mills at Brajrajnagar. It cannot be gainsaid that it is a poor industry and that it has not the capacity to pay decent wages to its workers, it has not the capacity to raise the living standard of its employees, and so also the Orissa Cement which is represented by my friend who is sitting by my side. They have the capacity to introduce such a scheme. I am tempted to suggest one thing. If I am not wrong, now the Orient Paper Mills have attained a production of about 3,000 tons of paper and so also the Orissa Cement has attained a production to the tune of about 1,20,000 tons of cement. Of course these figures are subject to correction. I want to suggest one thing that if they can set apart Rs. 5 per ton, then

in one month only they can set apart huge funds for the purpose. If it cannot be Rs. 5 it can be Rs. 2 or Rs. 3 per ton. That will be possible if they will reduce the margin of profit that the industries or the owners of the Paper Mills or the Cement Factory are getting now, subject to their complaints and grievances against the State Trading. If they will be prepared to go down to some extent the existing margin of profit, they can accumulate huge sums of money. They can invest that amount in their own industry also. While calculating on a scientific basis on the existing time scale, by coming to a conclusion on the progressive scale, say in 5 years, 10 years or 15 years of time, what types of people, how many people will be benefited. We may accept 1958 as recommended by the Central Commission. After 5 years so many people will retire or so much percentage of the people will retire and on the 6th year so many people will retire and in the 7th year so many more people will retire. On this progressive scale they can even now foresee as to what will be their liability on account of the pension scheme. So, this is a method which can be tried, experimented and adopted, if the management so agrees. Now I would not take much of the time as I stated at the outset. I will only cite an extract of the Study Group on social security which has found place also in the Report of the Second Pay Commission. There they say that the Study Group has observed of all the criticisms made, the most important is the one, the Provident Fund which has certain disadvantages and those disadvantages can be remedied by adoption of pension scheme. It is hardly necessary to elaborate this at any great length. In the Provident Fund there is every risk of the workers' widow going without while the entire accumulation will be appropriated by other relatives.

The Second Pay Commission had dealt it exhaustively. They have also observed in addition to other benefits, that this could be given if the Government so desire. Now I do not want to comment on the recommendations of the Study Group. We may agree or disagree with it. But in answer to the question whether the Pension Scheme or the Provident Fund scheme should be there, I would very much like to say that both should go side by side. Even then a pension scheme is much better than a contributory provident fund scheme. Now this is a point of practical utility which has got its social importance and economic consequence and if we really adopt a pension scheme in our industries, I am sure, we can go a long way to establish very good industrial relations in our State.

Chairman—What are your (employers) views ?

Shri C. J. J. R. Raju—As far as we are aware in all established industries we are more or less bound by the law of provident fund and then most of us have gratuity schemes. So it will be more convenient and helpful to the worker if at the time of retirement he gets some amount for settlement. Most of the industrial workers when they retire if they get the gratuity and the provident fund they can go back and settle down. We are not quite in favour of the pension scheme now. It may be considered also that if there be a pension scheme he must have to go to the Treasury and seek certificate and other things to get his pension and it will be difficult for the worker who will settle down in a village after retirement. We feel that the matter be carefully examined and instead of pension scheme all the industries shall have gratuity scheme.

Shri K. C. Roy, Secretary—About this pension scheme, this matter has been thoroughly examined by the study group set up by the Ministry of Labour. They have submitted their report after examining all aspects of the matter. They have made a scheme including gratuity, pension, provident fund. Those aspects they have considered and have evolved a scheme. Our State Government have accepted the recommendations of the Study Group. If you have any comments on the recommendations of the Study Group, you may take. The study group was set up by the Ministry of Labour and it was a high powered Study Group headed by Mr. Menon and others, all experts on the line. They have made a comprehensive study.

Shri R. K. Samantaray—It is good that Government have accepted the recommendations. When Government propose to implement it, I have nothing more to say.

Chairman—If you want to discuss the report you may discuss.

Shri R. K. Samantaray—The discussion of the report of the Study Group will help us to come to a conclusion. The friends on the other side are expressing their opinion that the pension scheme is not practicable.

Shri K. C. Roy, Secretary—The villagers to go to the treasury and get pension is a theoretical proposition. Even for the village workers in village after retirement if

Shri R. K. Samantray—You see so far as the retired persons living in villages are concerned, even a lot of Government servants are living in villages. They take their pension from the nearest treasury. So, that will not be a real bottle-neck.

Shri K. C. Ray, Secretary—Bottle-neck lies in audit rules and audit instructions.

Shri R. K. Samantray—There are so many study group reports in favour of pension scheme. They have studied all sides of it threadbare. So, these objections are more academic and imaginary than practical and real.

Shri C. J. J. R. Raju—It is neither academic nor imaginary. The suggestion of taking pension from the nearest treasury is unworkable, because my office is at Jamshedpur. A man from South who is serving in my office, how can he take a pension from my office.

Shri D. C. Mohanty—That this is a question which relates to social security measure as well. Of course we are not in a hurry to do it. We are prepared to discuss the question threadbare. We should not leave it entirely to the discretion of Government. We should discuss ourselves also and take some decisions according to our own might. I would like also to refer one of the decision of our Board, i.e., the 5th Board where I raised the question of social insurance and social security and the decisions could not be taken because by that time the Second Plan Programme was already down up and probably an assurance was given on the floor of this Board by our late Secretary, Mr. Jagannath Mishra that the matter if raised at proper time can also be taken into consideration. Now the Third Plan is being down up. What I suggest is that regarding this question I have given a detailed scheme.....

Chairman—The proper forum for that would be the Central Government.

Shri D. C. Mohanty—That I agree. We should not leave everything to them. We shall recommend to them.

Conclusion—Since the recommendation of the committee on a Social Security appointed by Government of India are under their active consideration, it was not pressed further.

Chairman—The principle is accepted. There is no dispute about it.

Item No. 9—The Working Journalists should be treated as workmen for the purpose of enjoyment of privileges of the Industrial Housing Scheme.

Chairman—I would personally be very happy if the Central Housing Ministry will agree to it.

Shri D. C. Mohanty—The working journalist has been accepted a workman for all practical purposes. They are not being given the facility of the industrial housing scheme as workmen.

Chairman—Why not the journalists are treated as industrial workers ?

Shri D. C. Mohanty—The word industry has a peculiar connotation today and that hospital becomes an industry and they come under Industrial Disputes Act. So also newspaper are industries.

Chairman—Are the Factory workers ?

Shri D. C. Mohanty—The question whether they are factory workers or not, is still to be considered. They are a part and parcel of the factory.

Chairman—Are they producing materials ?

Shri D. C. Mohanty—Without them no Newspaper factory can run. Just as a fitter, a welder is a part and parcel of the factory so also they are. They produce something that is vital for our industrial growth. They produce. Therefore, they should be taken as workmen. They are workmen in fact. So they should be given privilege of the industrial housing scheme.

Shri K. C. Ray, Secretary—About this question I may inform the Board that we examined this question and got it examined also by the Law Department. Then we wrote to the Ministry of Housing. They replied that journalists do not come under this category.

Chairman—This should be taken up in the next housing conference.

Shri R. K. Samantaray—Why not the State Government take responsibility for providing housing facility to the journalists? Government are providing housing facilities to Government servants. So far as working journalists are concerned, they are serving the Government no less than their own servants.

Shri D. P. Tripathi, Labour Commissioner—They are not Government servants.

Shri R. K. Samantaray—To press, means no public opinion, no public agitation. We owe to the press for our own existence. Government may take its own time to see that the benefits of industrial housing scheme can be made available to the working journalists. But what I suggest is that Government should undertake the responsibility of providing accommodation to the press people. We are aware of their problem. They are facing very very great hardship.

Shri K. C. Ray, Secretary—The State Government are knowingly alive to the situation.

Shri D. C. Mohanty—May I know the concrete views of the State Government?

Shri K. C. Ray, Secretary—The State Government feel that journalists should be given the benefits of the Industrial Housing Scheme. Low Income group Housing facilities are being given to them at present. We are again writing to the Government of India to give them facilities under the Industrial Housing Scheme.

Shri R. N. Das—The Finance Committee of this year are distressed to find meagre expenditure on this scheme. Out of Rs. 1.22 lakhs allotted only Rs. 85,252 have been spent by the Housing Ministry.

Chairman—There are certain technical difficulties.

Shri D. C. Mohanty—Am I to understand that the working journalists even before this provision is implemented are to be accepted as factory workers for the Industrial Housing Scheme and for the present they shall be given preference, in payment of the loan for building houses of their own and that they have not to go through the detailed procedure and they can apply straight.

Under-Secretary—Under the Low Income group four press people got money last year.

Shri D. C. Mohanty—Are they aware of it?

Chairman—Yes. They are very much aware.

Shri S. N. Das Mohapatra—The journalists are included under the Industrial Disputes Act. Even some of the workers working in factories are not given facilities such as watchman, car drivers, etc. What should be about them?

Shri K. C. Ray, Secretary—They will be given also that facility.

Shri R. K. Samantaray—What Mr. Mohapatra said, we have no objection. We may add them.

Shri K. C. Ray, Secretary—Subjects to availability of funds all will be given facility.

Shri R. K. Samantaray—That is a lacuna in the Industrial Housing Scheme.

Conclusion—It was agreed that the question of allowing the privileges of the Industrial Housing Scheme to Working Journalist would be further taken up with Government of India and if possible this may be placed in the next conference of the Housing Ministers. It was further agreed that the benefits of the low income housing group would be made easily available to individual working journalists. The formalities involved in disposal of such loan application would be relaxed.

Item No. 10—To recommend to Government to amend Minimum Wages Rules providing payment for the rest day as conceived under section 13(b) of the Minimum Wages Act.

Shri R. N. Das—Therefore I strongly feel that the weekly rest day may be made a pay-day.

Chairman—Take for instance the case of the Borphampur-Rourkela bus driver. He has started for Rourkela. If the weekly holiday comes in between it is not possible to allow him that. Then what will happen?

Shri R. N. Das—Where the Union is strong, we get one day compulsory rest day and by agreement we are making it a pay-day. But there is no law. Therefore, specially for all the scheduled employments the rest day must be a paid-day.

Shri D. P. Tripathi, Labour Commissioner—It comes under Minimum Wages Rules.

Shri K. C. Ray, Secretary—We consulted Health Department and Works Department in this connection also.

Shri C. J. J. R. Raju—It is not so simple. It is an increase in the wage by 16 per cent.

Shri K. C. Ray, Secretary—We are all agreeable to such increase.

Shri R. N. Das—In all fairness the rest day will be a paid-day.

Shri K. C. Ray, Secretary—This is not a wage question. It is question of social security.

Shri C. J. J. R. Raju—It is a wage question to us.

Chairman—What is the present practice.

Shri C. J. J. R. Raju—I am explaining. There are two categories of workers under us ; daily rated and monthly rated. Daily rated workers get wage on work-days, but not on off-days. The monthly rated people get pay for rest-days. So when we convert these daily rated people to monthly-rated they come to enjoy this benefit. Now if without any discrimination, if we allow wage on rest days to the daily rated workers' there will be 16 per cent rise in the wages. If we introduce this paid-holiday there will be 52 paid holidays in a year and our wage would increase to that extent. The practice that is followed all over the world is that wage is fixed on the basis of working days only.

Shri D. C. Mohanty—We are discussing the Minimum Wages Acts and Rules. Probably it will be remembered that the Fair Wages Committee and also the Minimum Wages Committee recommended that the 7th day should also be a paid day. That principle has been accepted. It is now a question of fixing either a total wage for the 7 days and divide it by 6, or, making the 7th day a paid-day. The 7th day as a paid holiday has been accepted by the Committee on the basis of which the Minimum Wages Act has been drafted. There is no dispute about this. I am not talking about the Factories Act. Shri Raju raised some questions about the Factories Act or Mines Act. The Minimum Wages Act is not applicable to the Factories nor to the mines. It has specific application with specific conditions. Therefore, I would suggest that it can be unanimously accepted and I also quite agree with Mr. Roy, our Secretary when he suggests that it can be just done with a simple addition of two words, "with wages".

Chairman—What's about the daily rates of wages ?

Shri D. C. Mohanty—Under the Minimum Wages Act either these daily wages be taken for 30 days or 26 days divided by 30. For the Factories Act it is 26 days divided by 30. Whether it will be 30 days or 26 days the principle is accepted.

Shri S. S. Misra, Rourkela—Sir, the basis on which the wages have been fixed, previously "No-work no-pay". Therefore we have to multiply the daily wages by 26 and make the monthly rate. Unless that is done, we will have to pay both-ways. So, either we must agree that the 7 h days must be a paid-day with 26 days' wages as the monthly earning and for the 7th day extra wage by simple addition of one or two words, or it should be unpaid. I would also say that this is an important matter. Most of us sitting here are not very competent to give views, because it will affect the smaller employers very much. It is a very important matter on which the employers who are directly connected must have a say.

Shri D. P. Tripathi, Labour Commissioner—I raise a point of order. As a matter of fact the 5th meeting of the State Labour Advisory Board has already decided that the weekly rest day that is, the 7th day should be a paid-day. That has also been confirmed in the 6th session of the Advisory Board. Now we are to implement it.

Shri K. C. Ray, Secretary—Already the Central Government Minimum Wages Rules have provided that each weekly rest day be a paid-day. The worker must be paid when he rests, otherwise it is absentism.

Shri S. N. Das Mohapatra—If in Factories 30 days pay is divided by 26, then there will be rise in the wage structure and consequent rise in the price of the product which will very much affect the efficient running of the factories. For instance the wage Board decided the wage structure of the cement factories; also they have to agree to the rise in price.

Shri R. N. Das—It is not under the scheduled employment.

Shri S. N. Das Mohapatra—If my friend agrees that my industry should be excluded from the wage increase, then I have no objection.

Shri R. K. Samantaray—We have been discussing this question not now. The Minimum Wages Act has all along been confused with the Factory Act. Minimum Wages Act is applicable mostly to contractor-workers, the construction labourers. As Mr. Roy has just pointed out in view of social justice that should be given. They are not getting any casual leave or any other leave and you see in Orissa Shop Establishment Act we have made a provision.

Chairman—It is already accepted.

Shri S. Misra, Aluminium—While these Committees work out a minimum wage, they not only see capacity of the industry but also they see the needs of the worker. They see what will be the average size of the family and what will be the food required for the month. On that basis the wage has been fixed. So they have divided the monthly rate by 30 and made the daily rate. So now if we are accepting the principle of weekly holidays as paid-holidays, in all fairness we will divide the monthly rate by 30 and make those weekly days paid holidays.

Shri D. P. Tripathy, Labour Commissioner—Very logical.

Shri S. Mishra—We are thinking on that line.

Shri D. C. Mohanty—I was myself in the Minimum Wages Committee. I do not quite agree with Mr. Mishra. Sometimes we had to take a decision just like bargaining in the fish market. We worked out in all the Committee that Rs. 12 or something like should be the minimum. Then when the amount was to be fixed the members on the other side just got a armed. They said that this can not be done. We tried to console them. Because Mr. Mishra has raised that it has been 30 days divided by 26, I want to oppose that particular thing. That it has not been done so in that scientific way. Therefore, Sir, we agree that we stand by our previous decision.

Conclusion—Since Government are taking action in amending the Orissa Minimum Wages Rules framed under section 13 (b) the matter was not pursued further.

Item No. 11—Reference of industrial disputes to adjudication.

Shri R. K. Samantaray—This is a question of policy matter. Therefore I expect that there will be very little objection whether this should be entertained or not.

Chairman—Are there any new points for discussion?

Shri R. K. Samantaray—There are certain industrial disputes pending for a long time.

Shri D. P. Tripathi—Labour Commissioner—To complain of delay is your motto, I know.

Shri R. K. Samantaray—So far this item is concerned, you are in the dock. You are not referring our disputes to adjudication.

Chairman—You objected to out of the court settlement.

Shri R. K. Samantaray—Government have power to refer outstanding industrial disputes to adjudication and it has been decided at different sessions of the Indian Labour Conference that maximum care should be taken to refer industrial disputes to adjudication. In the last session certain principle has been adopted. If conciliation fails the parties may be persuaded to joint arbitration. The failure in arbitration will need adjudication. So far as Orissa Cement is concerned on the 28th March 1959 there were 12 scheduled demands that were placed. More than a year has passed, but Government have not referred them to adjudication. These demands have been kept pending and the employer have taken advantage of that. There is no reason, no justification on the part of the Government to withhold the matter. But even upto now there has been no conciliation. Once conciliatory efforts were made, but certain preliminary objections were pointed out by the management and on these grounds the matter has so far been withheld and there is no legal basis for this. I am of the opinion that it should be the

policy of the State Government in pursuance of the policy adopted in the different sessions of labour conference and by the Central Government that whenever and wherever dispute arises, the Government should take prompt steps to set in motion the conciliation machinery and failing to that refer the matter to adjudication. So far as the Cement is concerned, I have said so much and so far as the Hindusthan Steel is concerned, of course the Conciliation Officers there were very prompt. They have gone there and in spite of the non-attendance of the representatives of the Hindusthan Steel twice thrice and even more than, they have held the conciliation meeting and ultimately it has failed. They have the failure report to Government. But Government have not referred the matter to adjudication. Government should communicate to the parties for not accepting the disputes.

Shri D. P. Tripathi—Government have not rejected.

Shri R. K. Samantaray—There is a case that is the dismissal of one Amulya Chandra Mallick. He is a Jawan. That man has suffered for delay on the part of the Government and that there the conciliation failed and the matter was not sent up for adjudication, but is pending with Government. Therefore, should we evolve a policy that the matter should be referred to adjudication or there should be no policy at all.

Shri K. C. Ray, Secretary—Now the up-to-date policy is not to adjudicate but to arbitrate. The policy which we will follow in the Third Plan is that everything should be settled by arbitration not by adjudication.

Shri R. K. Samantaray—Very good. This policy was evolved in the 17th Session of the Indian Labour Conference. Even to that extent Government have not yet done. They have not yet persuaded the parties. Therefore, please persuade the parties to refer it to arbitration. If they do not agree, refer it to adjudication.

Chairman—Let me hear from the Hindusthan Steel.

Shri D. P. Tripathi, Labour Commissioner—With regard to delay regarding conciliation proceedings and implementation of awards, you are at liberty to bring it to the Implementation Committee. This is not the proper forum to discuss about implementation of labour laws.

Shri R. K. Samantaray—The contention which has been raised belatedly by the Labour Commissioner that it is not the proper forum and that the Evaluation and Implementation Committee is empowered to discuss shows that the Labour Commissioner who is the Evaluation and Implementation Officer is in the dock now.

Shri K. C. Ray—Why in the dock ?

Shri R. K. Samantaray—I do not want to offend him. So also I have not any view to offend Government. With all respect to the Implementation Committee, I assert that Government is a party who is responsible for the delay. Evaluation and Implementation Committee will enquire into the delay of whom, the delay of the Government. That matter I will certainly bring to the notice of the Implementation Officer first, and he is the Labour Commissioner. My submission is this so far as the Orissa Cement is concerned, without any further delay this has to be taken up. If the Government, as Mr. Roy has said are of the view that the disputes should be settled by arbitration, I am prepared from the Labour side. Let the employers be prepared. If the employers do not agree this may be referred to adjudication.

Chairman—This may be brought to the Implementation and Evaluation Committee first.

Shri R. K. Samantaray—It is my humble submission that it is not the Evaluation Committee that will really fulfill my objective. What the Implementation Officer can do at best. Implementation Officer has no statutory powers, but as Conciliation Officer he has statutory powers. In the Implementation Committee we have power to discuss this only. But the Labour Commissioner while exercising in his capacity the functions of Conciliation Officer can persuade for arbitration as well as can refer for adjudication. Therefore, I request why not the Labour Commissioner who is also the Implementation Officer simultaneously discharge both these functions. If, however, they do not agree, he may refer the matter to adjudication.

Shri S. N. Das Mohapatra—Whatever demands are raised by the Union against the management should be referred to the Tribunal is perhaps not the view of the Board.

Shri K. C. Ray—Government have their own discretion. Government will examine. Government will decide whether that will go for adjudication or not.

Shri R. K. Samantaray—As regards which are the demands meant for adjudication, there are certain formulas.

Shri K. C. Ray—Government cannot accept that formula.

Shri R. K. Samantaray—That is not acceptable to Government on all circumstances, because there are certain disadvantages also. But certain formulas had been laid down which will guide us in matters of reference of disputes to adjudication.

Shri D. C. Mohanty—While on the question of reference of disputes we see that the Government is guilty of delaying reference to disputes relating to public sector industries and in most cases not referring it at all.

Shri K. C. Ray—Not guilty of delay.

Shri D. C. Mohanty—Sir, we raised the question previously also in some other bodies. Even in the case of Hindusthan Steel four references could not be referred to. In the case of State Transport Services nothing has been done. Also we know it pretty well there is some executive order, some decision of the Government, the same is bindings on the Government while making reference to adjudication. In matter of disputes relating to Public Sector industries, the concurrence of the appropriate Government is being sought. This is becoming a peculiar bottleneck that means though we profess that the private sector and the public sector should be treated on the same par for the purpose of adjudication and other labour laws, but in fact partialities are being made for the public sector. I do not know why. It is the Government to make that thing clear. This is our apprehension. We do not know how far our apprehensions are correct. Why is it not possible for Government to refer the disputes to adjudication without the concurrence of the Central Government ?

Chairman—Concurrence is not necessary.

Shri D. C. Mohanty—But you see, I am not able to understand who is the real authority ? Hindusthan Steel ? or the State Government.

Shri D. P. Tripathi, Labour Commissioner—You claim it yourself.

Shri D. C. Mohanty—I am the supreme authority as the citizen of India. I do not have any executive power. That is the difficulty. My whole contention is that the State Government should not make any partiality. Be it public sector ; be it private sector ; whosoever it may be. If the dispute should be referred it should be judged on the merits of the individual cases, not on the question whether it is public or private.

Shri R. K. Samantaray—Our State Government should have the full powers over the public sector also in regard to the administration of Industrial Disputes Act.

Shri K. C. Ray, Secretary—The State Government is the supreme authority in the matter of reference for adjudication as far as Hindusthan Steel is concerned. The Hindusthan Steel authorities are under the control of the Central Government. Before reference if we give them a chance of hearing whether they can settle the matter by arbitration or by means of conciliation, that will be a sound principle. It is not a legalised approach, but mutual approach and understanding.

Shri D. C. Mohanty—I do not object giving opportunity to Hindusthan Steel for hearing their case, but I object giving them opportunity for making delay.

Shri K. C. Ray—We are avoiding delay.

Shri D. C. Mohanty—That for the administration of the Industrial Disputes Act, no discrimination should be shown. Be they Hindusthan Steel, be they Bajjanganpur.

Shri K. C. Ray—We are only showing social justice to the Hindusthan Steel.

Shri D. C. Mohanty—Social justice that should be to the worker.

Shri S. C. Bose—It means Government is not showing any social justice to the private sector.

Shri K. C. Ray—We directly consult the private sector.

Chairman—They should be given a chance to settle the matter amicably.

Shri D. C. Mohanty—I will refer another substantial case, where though the Conciliation Officer at Rourkela gave a failure report reference could be made as yet.

Shri K. C. Ray—Action has been taken.

Shri D. P. Tripathi, Labour Commissioner—With regard to Hindusthan Steel, the failure report is probably under scrutiny by the State Government. That is under examination of Government whether it should be referred to Tribunal or not.

Shri D. C. Mohanty—On a point of information. How many failures have been reported.

Shri D. P. Tripathi, Labour Commissioner—Five failure reports have been received and all the 5 have been referred to Government. These reports cannot be said to be very old. Some of them are very recent. Regarding Orissa Cement, the conciliation machinery has not done anything wrong. We are very keen to see that things are done, but not in a wrong way.

Chairman—This type of things should go to the Implementation Officer.

Shri R. K. Samantaray—I am prepared to go to the Evaluation and Implementation Committee for redress. That means before Implementation, I have to again raise this matter. My grievances have not been referred to adjudication. I know the circumstances under which this matter could not be investigated into even by the Labour Commissioner. I know what type of directive he had received from the Government not to enter into it.

Shri K. C. Ray, Secretary—This is confidential information. How could you know it.

Shri R. K. Samantaray—From my source, the strike has been over, but there is no normalcy.

Chairman—Please raise this in the Implementation and Evaluation Committee.

Shri D. C. Mohanty—We shall take individual cases there. Generally we say here that Government should not make delay in regards to the disputes. Where these specific cases came, they came an example, but not as for compliance before the Labour Advisory Board. The principle was accepted. The individual cases should be taken up in the Evaluation and Implementation Committee.

Shri D. P. Tripathi—It is the decision of the Indian Labour Conference.

Shri D. C. Mohanty—Sometimes it is necessary to repeat things. No public sector should get any discrimination.

Shri R. K. Samantaray—Sir, incidentally I propose that the Labour Commissioner or the Labour Directorate may set its conciliation machinery in motion in respect of the outstanding disputes of Rajgangpur. He may refer the matter to conciliation and after failure of conciliation for referring to arbitration and adjudication.

Shri S. N. Das Mohapatra—Sir, please see the agenda. It is not the subject matter. He is raising individual disputes.

Shri D. P. Tripathi—I will just make a submission to the chair. Mr. Samantaray brought out one question that this Board would pass a resolution asking the Labour Directorate to do a particular act. As to what should I do and what should I not do, I think the Government should direct and not the Board. As a matter of fact we have been to conciliate on that. Legal complications have cropped up and he is aware of this. We have cautiously referred to the Law Department because certain objections were raised. Then we have found that the objections raised by the management are valid as examined by the Law Department. In the meantime I have been advised to take action on the matter and to do a particular act which will be in his favour.

Shri R. K. Samantaray—This is a matter of serious consequence. The point is it was never the intention of mine to put any kind of letters on the Labour Commissioner or any other Government official in the matter of discharge of official duties. My point was to bring to your notice that certain industrial disputes have cropped up in different industrial underkings and they are not expeditiously being done. Now the objection of the management to which Mr. Tripathy has referred is that when the management dismissed en-block the executive members of the Union, the Labour Directorate came to call a conciliation meeting and at that stage the management raised an objection that the Executive Committee is no more in existence. Therefore we will not sit with the Union. (Commotion) I must be given opportunity to speak (Commotion). This matter has been raised by the Labour Commissioner and I want to clear it up.

It is clear. This type of things should go to the Implementation and Evaluation Committee. Please wind up here.

Shri R. K. Samantaray—We have rectified our defects. My submission is this that the most powerful Trade Union in the world to-day will suffer in leadership by a single act of dismissal and en-bloc dismissal of the Union executive will quite upset the rank and file. The facts as they stand at present, we have rectified our defects. Now the executive of the Union is in conformity with the Indian Trade Union Act, Sir, since he has raised this matter, I may be allowed to discuss it. Even unwillingly, I am constrained to discuss it.

Chairman—We will discuss it later.

Conclusion—Since a State Implementation and Evaluation Committee has already been constituted and functioning in the State such question would be referred to it.

Item No. 12—Employers in Iron Ore and Manganese Mines should immediately provide adequate housing, drinking water, medical care and other welfare facilities to their workmen immediately.

Shri D. C. Mohanty—Let me explain what I mean to say. I want only to oppose whatever the representatives of managements have said. I want to know if it is acceptable to the representatives of management, and accept all the contentions of my resolution. If they say yes, I will sit down.

Chairman—You have already expressed your views in the memorandum.

Shri D. C. Mohanty—I want to give concrete example as to how the things are going.

Chairman—Please be brief.

Shri D. C. Mohanty—It is generally accepted by our employers that they are taking welfare measures for the workers. I want to give a few examples how these pious wishes are not being implemented in our State. I will just go point by point. I am taking up the question of water supply first. They say that they have created a heaven for mining workers. Now it is that in the Kiriburu project there is arrangement for drinking water supply.

Chairman—Whether mining operation has started there ?

Shri D. C. Mohanty—Whether mining operation starts or not, there must be provision for drinking water. This is an important point. Any way, in official quarters water has been provided. But in Kiriburu labour colony water supply has not been provided. The oldest mine owners here are the Birds. They have a pipe system.

Chairman—How old they are ?

Shri D. C. Mohanty—They are here from 1928. To-day is 1960.

Chairman—Only 30 years old.

Shri D. C. Mohanty—Only 30 years. In 30 years countries have changed—1,000 labourers are housed in huttings. In two taps water is being given only from 10 A.M. to 12 noon. During this time workers work in the mine. How the water could be kept and who would utilise. It is a question of mockery of the whole drinking water system. In Bhadrasahi huttings there is no provision of water. This is the condition with the Birds. In B. Patnaik mines there is no provision of water supply.

Chairman—Why ? Is it due to economic measure ?

Shri D. C. Mohanty—That might be. They think people are getting enough water. Therefore they must get dry. That is why probably water has been stopped. Also take the mines of Mr. Bose and other mine owners where water supply does not exist.

No, Sir, I will go to the question of housing. In Kiriburu the workers are putting up in tent. Houses are not there. Now even those tents are being taken away. In this hot sun where they would stay ? similarly no quarters have been provided for the labourers at Raida, Bhadrasahi and other areas.

Chairman—How they are staying ?

Shri D. C. Mohanty—The Company have not built up any quarters. The people have their own huttings and others come from a distances. Only at Raida, out of 1,000 workers, huttings have been provide to a few. Even in B. Patnaik mines there are 1,200 peoples, but there is not a single quarters. L. N. Bhanj Deo mines employ 500 workers but there is no quarters. Where there are quarters, they are either huttings or corrugated

Sh coverings which become quite unsuitable to live in particularly in the summer days.

I take up the medical care. At Kiriburu project no medicine is given. There is no provision for medical facility and no provision also for sick-wages when people fall sick. In the Birds, Sir, also there is a hospital. But the hospital is kept as a show and not to examine the workers. In the Birds mines there is no provision for local ambulance units. In B. Patnaik mines there is a hospital, but no doctor.

rep **Shri S. S. Misra, Hindustan**—There is a nurse.

Shri D. C. Mohanty—According to medical instruction, nurse is not a doctor. Even in those hospitals, which are expected to be very good hospitals, there medicines are probably confined to different bottles, red and purple. Therefore the treatments are only a fares.

Sir, All the mines do not have any schools.

Chairman—So, these are your grievances.

Shri D. P. Tripathi—In every details these things he has thrashed out.

Shri D. C. Mohanty—Every time it should come. Mine workers are in such a state of affairs. It is, therefore, necessary that we should devote most of our time to them. We are talking much about the factory workers who are but minority leaving the mine-workers completely to the darkness. Yes, the schools. As regards High schools, there is not a single high school, neither by the Tatas nor by the Birds. Even the Birds have Primary School, where Oriya is not being taught.

Chairman—Rastrabhasa must be there.

Shri B. K. Pani—In previous two Boards this aspect was fully discussed by us, and in that matter we have taken some decisions. Now the problems have not at all been solved, rather it is deteriorating. I should request you taking into view the two resolutions passed earlier and why not question them as to what action they have taken in the matter. We should draft a concrete resolution.

Shri D. C. Mohanty—I am just going to that conclusion. Sir, Yesterday some questions were raised by Mr. Bose regarding wages and other things. He also wanted to say that the earnings of a worker, a female mazdoor is to the extent of Rs. 3. I tried to verify it.

Shri C. J. J. R. Raju—That does not come under this item.

Shri D. C. Mohanty—It is under working condition and welfare measure, that this question came up. Incidentally I would like to say that as far as I know the wage rates as these prevail here in the Birds for 25 cft. is Rs. 1-8-6 for 25 cft. will not exceed 2 ton of ore. From 14 cft. to 18 cft. it will be one ton.

Shri C. J. J. R. Raju—It cannot be less than 18 cft. It can vary from 18 to 23.

Shri D. C. Mohanty—The wage rates are Rs. 1-8-6 for 25 cft.

Shri C. J. J. R. Raju—It may be 1½ tons. Manganese ore varies.

Shri D. C. Mohanty—Sir, regarding manganese for 36 cft. it is Rs. 2-8-0. In B. Patnaik mines, manganese for 36 cft. the rate is Rs. 2-4-0. Iron ore for 36 cft. the rate is 9 annas. Then in Sirajuddin mines for Iron ore daily rate is Re. 1 and for manganese for 36 cft. it is Rs. 2-8-0. Therefore, the actual earnings if we verify it will come to Rs. 4 to Rs. 5 or say Rs. 6 maximum a week. Mr. Bose asserted yesterday that Rs. 3 will be the earning of a female mazdoor. Therefore I am just discussing. Even I can show example where workers have got 8 annas, 12 annas, or one rupee, even after working for full week and the whole difficulty about the mining is that there is no fall-back wages. If some workers do not get a good place they may not get a good wage. Even about the Kalinga Mining Corporation. I would say that the amenities are far off. The workers do not get Rs. 3 which Mr. Bose has quoted. It will not exceed one rupee per day.

Shri S. C. Bose—It is supposition.

Shri D. C. Mohanty—The Companies keep their papers secret. The workers get no festival holidays nor any quarters to live in. The employers take the pride of paying the workers higher wage. While asserting this point, I would like to press one point more that we do not want also to put these welfare measures upon you as obstruction to your growth. It is not possible for the Kalinga Mining Corporation to give the same amount of welfare facilities as the Tatas or the Birds. There might be a little bit of difference. But the whole question that I want to consider here is that our workers should have some amount of welfare facilities. Even in Tatas, in the Birds, they do not get

any educational facilities. There is no provision for education. Whatever provision is there, Oriya language is completely by-passed. This is a serious thing which I object to. Secondly, I must be understood in proper spirit. Even the Adibasi workers, they feel that there is a differential treatment to an Oriya and local worker and to workers of other place. The management may be trying to discriminate, so as to create a differential feeling for advantageous running of their concern. But it affects the condition of the workers. If I could have got a camera, I can get the photos. If the members after the meeting will visit those places, they can easily know in what condition the workers are there and what welfare measures are provided by the managements. I particularly give stress that if these things are not being attended to, if the workers rise and revolt, all our decorum, all our promise of keeping of discipline will go to the winds. If they rise and revolt and voluntarily react, I am sure, none of us will be surprised. Therefore, it is really a serious question. We are not in a position to do anything, because the labour laws are under the Central sphere. Unfortunately the Central Labour Commissioner, neither he nor his representative, the Conciliation Officer is present in to-day's meeting. It is a very bad state of affairs. We want to press that at least the better-off mine owners should provide all the facilities. This is my whole contention. I had a lot of things to say.

Shri K. C. Ray, Secretary—What is your concrete proposal.

Shri D. C. Mohanty—My concrete proposal is that all employers in Iron Ore and manganese mines should provide adequate housing, drinking water facilities, medical care and other welfare facilities to workers. There should be educational facilities particularly in the mother-tongue. These must be compulsorily provided. Besides that, I would also just voice against the sentiments expressed by Mr. Pani that we have been pressing this point over and over again. I pressed this point also when Mr. Bose argued yesterday. But he did not hit the real thing. He hit elsewhere. We have got grievances against the State Trading Corporation. But on principle we are not against it. We are to develop and see that the functioning of the State Trading Corporation is rectified; and secondly we are also prepared to defend and uphold the smaller capitalists, and the small mine-owners, but not at the cost of workers. Therefore these things we have been discussing. Even in the Bhubaneswar meeting I discussed this in detail. I do not know what steps have been taken. This a very important subject. The welfare measures in the mines should receive our immediate attention. I would request that the Board should unanimously pass this resolution as suggested by Mr. Pani and do some justice to the mine workers.

Shri R. N. Das—On a point of order. Is there a mining board for the State of Orissa?

Chairman—There is no board.

Shri R. N. Das—In the Estimates Committee's Report I find that there is one for Orissa. Here it is mentioned that the Mining Boards of the following States have been constituted and Orissa is there.

Shri C. M. Singh—If I understood Mr. Mohanty rightly he said that some welfare measures may not be possible for the small mine-owners. My point is the basic requirements of life that is drinking water and medical care, even if he may be a small mine-owner, he must have to provide. I want to stress on this point. Because now the mines in Orissa are increasing day by day working forces are increasing. We find the condition of the workers is worse day by day. So I feel very seriously that we should not neglect this matter; because this was discussed in the previous meeting, we should not discuss it now, is not correct. I lay stress on the point, particularly to the public sector. In course of Mr. Mohanty's speech he said that some mine-owners who were supplying drinking water previously, have now stopped. If so, they have got inspiration from the public sector. In Public Sector as we understand Government is the employer. Therefore whatever provisions are there in the law those shall also be enforced upon them. Because the mines in which I am concerned, there so many provisions which were extended previously are being withdrawn day by day. That is probably the mines owned by the public sector have such facilities in a lesser degree. I want to give proper stress on that.

Chairman—Which mines?

Shri C. M. Singh—I am pointing out to mines in general.

Chairman—We have no mines in the public sector. Are you referring to Orissa Mining Corporation? They have no mines.

Shri C. M. Singh—They have.

Shri B. K. Pani—From the beginning if care is not taken for ensuring welfare measures, there will be trouble afterwards. Therefore prominent men or leaders should visit those mines and see that medical facilities, water etc., the basic requirements of life for human subsistence should be provided there.

Chairman—Do the mine-owners object to it ?

Shri B. K. Pani—They do not implement it.

Chairman—This Board passed two resolutions in the previous meetings.

Shri C. J. R. Raju—The most important point is that Shri Mohanty has said that adequate housing, drinking water facility etc., are not there in the mines. No mine-owner would ever object to them. We will certainly agree with him when he says adequate housing, drinking water etc., should be provided to the mine-workers. There are few details which I like to mention. One is about drinking water. Drinking water in the mines is absolutely borne by the Mines Act. If it is not there, we are forced to do it and we must do it. As far as the drinking water facility in the housing colonies are concerned, we certainly agree the adequate water supply should be there. He passed a remark about our hospital. I can show statistics about patients. Till a few days ago, 1,32,000 patients were treated by our hospital at Bureau and more than one lakh patients were treated in our hospital at Joda. We actually give medicines there. I will show that we have incurred a huge expenditure on them. I request Mr. Mohanty to verify with me and I am prepared to show it to him. About the welfare activities, the whole problem is like this. You have introduced the Mining Areas Development Fund Act. You have taken money from us. How do you expect the mine-owners to take active measures. We do not know what you are going to do with the money and what you expect us to do. Now we are paying the tax and also spending this. We will get a rebate of only three to four lakhs rupees. May be, we are not spending it correctly. Actually, we have welfare committees in all the mines and we have been sanctioning nearly two to three lakhs of rupees per year. Besides this water, medical facility etc. we are doing all these. As far as education is concerned, it is the responsibility of the State to run schools. We run Middle English School at Badampahar. We also give substantial aid where workers are organising and running schools. At Badampahar we are helping to the High School there. At Joda we have a Upper Primary School. Government have approached us to establish an Middle English School. We have contributed more than 50 per cent for the building and the building is ready. Mr. Mohanty said we are not introducing Oriya. But we have been running it with Oriya medium.

Shri D. C. Mohanty—I meant Messrs. Bird & Co.

Shri C. J. R. Raju—You included us in the second time. We are running schools in Oriya medium. Besides we encourage Bengali and Hindi schools run by the workers. We grant Rs. 60 for a teacher. We encourage High Schools also. As a policy the Tatas have decided not to undertake higher educational institutions. At Nuamundi the Union is running a High School and the Tatas are helping.

Shri D. C. Mohanty—Even for the schools I said the facility is not sufficient.

Shri C. J. R. Raju—About housing we are not fully building the houses. We encourage local people. We recruit local people as many as possible and then we provide accommodation for those, who are recruited from outside. Even then we, the most of the mine-owners take steps for providing housing facility. About welfare, the Act has been an impediment instead of being a help. We do not know whether the High Court will decide the Act as void or not. These are the facts. When Mr. Mohanty says about provision of housing, drinking water in mines, we certainly agree with him.

Shri B. K. Pani—Whether you have any present scheme to re-model the houses at Gornmahisani, Badampahar, Belpahar and whether you have any fresh programme, I want to know. We have entered into an agreement about it also.

Shri K. C. Ray, Secretary—The objective of the Mining Board has been well defined. We can discuss it as a formal procedure.

Shri B. K. Pani—The provisions of the Act is such that the Mining Board's duty is to take up matters referred to them. It must be referred to them.

Shri K. C. Ray—With regard to the question of housing and other welfare facilities, Mr. Pani has asked what action the State Government have taken with regard to the previous resolution of the Board. So far as the State Government is concerned they are trying to get some powers for their Labour Officers under the Mines Act. If Government of India agree to them, we shall achieve substantial progress. We have also gone into the question of housing facilities. Under the present Act there is no legal compulsion for the mine-owners to give them houses. We requested them to take advantage of the housing scheme of the Government of India. We received no response from the mine-owners. Then also we requested the Government to delegate certain powers to Labour Commissioner so that Labour Commissioner will be armed with authority to go into this question of welfare of mining labourers. If we get this power, we can go into the question more authoritatively and more effectively. The recent 18th session of the Standing Labour Committee have taken certain important decisions. They have also decided that during the remaining period of the current Board they will constitute statutory welfare fund for manganese workers. Medical facilities will be provided from this fund. State Government is not sitting idle, but actively thinking what can be done for the welfare of the mining workers. Therefore, it is the Central Government who are in charge and things are to be done in consultation with them. So far as the question raised by Mr. Raju regarding the Mining Areas Development Cess Fund Act, it is pending before the Supreme Court. When that will be decided many problems can be solved.

Shri C. J. J. R. Raju—What Mr. C. M. Singh said about water facilities given in the past is now being slowed down, I say it is because of this Act the Companies have to pay tax.

Chairman—That is you are giving the Cess and taking away the facilities.

Shri S. C. Bose—Regarding Mr. Mohanty's opinion about the mining industry, I quite agree with Mr. Raju that there is scope for development of everything. But the information which Mr. Mohanty gave is so incorrect and so unfounded that the Members of the Board feel that the other side has no idea of the mining industry itself and its operating ways and means. To give them an idea from the labour point of view, I suggest on behalf of the mining industry that let Secretary of the Labour Department of Government be the Chairman of a Committee with two representatives from the labour side and two from the mining side. I will accord them all facilities for inspection and let them inspect every mines and see what are the things there. I can assure them that.

Chairman—Why ? The Implementation and Evaluation Committee will look.

Shri S. C. Bose—Mr. Mohanty gave opposite information.

Shri B. K. Pani—This is our regular headache, certain things about Birds he referred, i.e., mainly education, hospital, water-supply, then he referred to other including yourself, Sirajuddin, B. Patnaik and all this. Categorically he mentioned housing, drinking water, medical and educational facility. Can you challenge all this, even on behalf of the Birds.

Shri S. C. Bose—If we have not observed these conditions, then the Chief Inspector of Mines should have prosecuted us. He would have closed our mines. Now I come to the question of drinking water. Does Mr. Mohanty know how many feet about the sea level Joda is. The worker cannot get water unless there is a well kept dug. I invite them to come to our mines to get them correct information. It is in our own interest that we should give them housing. If we import labour, local labour problem arises. Mr. Mohanty completely mis-understood us *vis-a-vis* the State Trading Corporation. The price policy of the State Trading Corporation has effect on the labour amenities. Its pricing policy has got a direct relation on the Labour Welfare. The decorum of the meeting is not to personify. The decorum of the meeting is not to strichure the Government Officers. Well I do not want to say like that. I will not personify. Let the Chairman from the Government side, let two representatives, one Mr. Pani and another from us or two from the labour side and two from the industry side let them have an investigation. Even now they do not have any idea how many types of mines are there. In simple knowledge mining does not start within 5 years. It is a prospecting stage. It is not a mine. He has told that there are so many mine-owners who have not done this welfare. There are to types of mines in this place. One type of mine-owners are they who are taking the ores for their own smelter. Others who have no smelting are another type. He cannot prove mining in Orissa at this stage is an industry from the economic point of view. There is no recognised market for our product. There is no guarantee for marketing.

In these mines, there is no transport facility, there is no railway line. He cried because he has not gone through the production potential. Other States have progressed much more than we have progressed. I completely agree as Mr. Pani says they are exciting the labour here. We are threatened of our lives. They are exciting the labour. We are afraid of our lives. Now we are fighting for our own existence.

Shri D. C. Mohanty—You have branded me as unreasonable.

Shri B. K. Pani—Previously we have discussed at length the pitiable conditions in the field of different mines spread over in the State of Orissa and unfortunately the subject has again come up due to the utter failure of this Board to persuade or to prevail upon the Central authorities to take appropriate action on the recommendations of this Board. True, it is as Mr. Bose said while we discuss the mining industry of Orissa, we should classify them in different classes. There are some who might have been holding 5 to 10 acres just to earn their bread. We have all sympathy for them. As small mine-owners, let them survive, but they must distribute something for the welfare of the labour. We do not dispute to that. But there are certain standing industries and we are exploiting the industrial resources of the State and the physical forces of the State. The mining Act, we know, does not have any mandatory provision regarding housing, but the mine-owners provide *suo moto*. You have to take work from your workers. Would you expect that the workers should walk a long distance to go to the pit and he should return to his house the same way. Also there are different nature of jobs which insists provision of quarters for the workers. Mr. Chairman, would I feel why not you should arrange a Conference of the mine owners, the representatives of the Central Government and the State Government and some of the Trade Unions so that let it be discussed.

Chairman—For Board's information I say I felt this strongly and I invited Mr. Nanda to Orissa.

Shri B. K. Pani—So why not our Chairman should take the initiative to have a Conference of the Mine-owners, factory owners as well as the Trade Unions and let us discuss it. I want that if the mine owners want that now the State Trading is a bottleneck for the small mine owners who are not exporters but still they want their mines should be developed. They want some profit. If they do not keep the workers happy, their profit will be done. The contract system should end, if from the beginning, the system is not legalised. Why Sir, there should be any contract work in the great Hindusthan Steel enterprises. Why there should be any contract system. If they want that Barsuan mine should be operated; they must end the contract system. The miners should be regular workers of the Hindusthan Steel. Just to cover of the mis-deed they have done in the Hindusthan Steel Plant, they want to recoup it by the contract system. Mining is a regular headache of the State. I feel, let there be a conference with your initiative. We can prevail upon the Central authority and make them part with their power. There should not be dual administration. I think this will be the best solution.

Shri D. C. Mohanty—His proposal is the best proposal.

Shri B. K. Pani—I am telling you that I am a man from Singhbhum. Tata's hospital is more popular than the Government Hospital. So also regarding their hospital at Badampahad or Nuamundi. At least we should not put all into the same category.

Shri D. C. Mohanty—I want Mr. Bose, if his point is correct and if he wants us to show the proof, I accept the offer.

Shri C. J. J. R. Raju—There is one point to be clarified Sir, Mr. Pani said why there should be any contract system. I want to explain the position. The position is this. They are all going to run by departmental operation only, to keep the factory supplied. Once the mines go into operation, they will not be an contract system.

Chairman—What about Gorumahisani and Badampahad ?

Shri C. J. J. R. Raju—We have established contract system. Their wage agreement is same as ours. Union signs an agreement with the contracts just similar to ours. Now the mechanisation have been delayed in every mines. on the other hand, Durgapur Plant has started functioning. Unless they raise ores by contract system they cannot run all these Plants.

Shri B. K. Pani—I do agree that for the blast furnaces they need iron ore. But why should not they take them into the regular cadre of miners ?

Shri C. J. J. E. Raju—They cannot start that way. Only on contract system they can do it. It is a very temporary arrangement. It is a question of six months or one year. You cannot dispute that.

Shri R. N. Das—Whatever they do, they must implement the Labour Laws. This Board may recommend to give statutory power to Labour Inspectors to enforce the labour laws there.

Shri D. C. Mohanty—What is the decision on this item ?

Chairman—A conference will be held.

Shri D. C. Mohanty—I do not think a Conference will do any good unless a small Committee is formed to examine facts and go into details and submit its report to us. Otherwise a conference will be dealing with theoretical things.

Shri R. K. Samantaray—Mr. Chairman, as you have said this is the function of the Evaluation and Implementation Committee. You can entrust the whole job to them.

Shri B. K. Pani—In June, 1956 we passed a resolution to that effect. I tell you after passing out the resolution, in 1956 the situation still remain unchanged and we will again discuss about it. The Central Government have to part with some powers to our Labour Commissioner.

Shri C. J. J. R. Raju—About welfare, the State Government are taking action.

Shri B. K. Pani—This Board is a tripartite Board. These are the few difficulties in way of enforcing welfare measures in the mines. Why the Board would not recommend to Central Government to part with some power.

Shri D. P. Tripathi—Centre is not yielding.

Shri K. C. Ray, Secretary—Mr. Pani's suggestion is accepted

Conclusion—It was decided that conference of some of the important mine owners would be organised at Bhubaneswar with the Minister for Labour and Minister of Mines and discuss the problem of labour welfare in mines. Some representative of Government of India, Ministry of Labour also will be invited to attend the conference.

Item No. 13—Fixation of quantum of privilege leave, casual leave and festival holidays.

Shri D. P. Tripathi, Labour Commissioner—Almost all the industrial organisation had been referred to indicate us the quantity of leave they had. On the subject of the quantity of leave we have collected information from different States which is now placed before the House. I would now commend to the Labour Advisory Board that the Act that has already been enacted in Madras fixing the quantity of national holidays be accepted.

Shri S. S. Mishra—On a point of information. Where it is placed ?

Shri D. P. Tripathi, Labour Commissioner—It is enclosure ' B '.

Shri S. N. Das Mohapatra—We want more time to study.

Shri D. C. Mohanty—We recommend to Government that we should accept the Madras Act. Now the question is what shall the quantum of leave be. My suggestion had been that I have minutely seen the item and find that average holidays that comes out of this list is 10.

Shri S. N. Das Mohapatra—We have to see other holidays given to the workers too. Where some industries are giving festival holidays, they cannot give more casual leave, sick leave, etc.

Shri D. P. Tripathi—You please give your views as to what amount of casual leave, festival leave and national leave should a worker be given.

Shri S. N. Das Mohapatra—One month privilege leave, 12 days casual leave and 12 days sick leave is given to every worker during a year. In addition to that there is the State Insurance Scheme. If we recommend festival leave as 10 days and national holidays as 10 days, the burden is going to be too much. But if it is standardised in taking into consideration the whole amount of leave, I have no objection.

Shri D. C. Mohanty—Standardization is not done in that way. Whatever we enjoy now in addition to that what we will get more is the point for consideration. One is the national holiday, the other is the festival holiday, the third is the sick leave, earned leave or privilege leave and casual leave. These are the different items on which we are to take decision. We discussed about the minimum festival holidays and there is every apprehension on our part that the problem is there, even after fixation of a minimum. The intention of the employer is to stick to the minimum. Even where there are agreements specifying more number of festival holidays which is more than the prescribed minimum, they usually just terminate that agreement and then stick to the minimum. Therefore, I hope our employers will not talk that tactics. Therefore my concrete suggestion is that the quantum of national and festival leave, as I find from the list of shops should be 10 days. I had tried to take a mathematical calculation of the leave here. I find 10 days be accepted as minimum national and festival holidays. 56 days sick leave as provided under the State Insurance Scheme should be there. If you create a condition that people will fall sick, then you will give it. Just as we are not going to discuss the details of particular units, I point out that Rajgangpur Cement Ltd., has capacity to give 20 days leave, whereas Bhima Ice Factory has not got that capacity.

Shri S. N. Das Mohapatra—Management must give that minimum. But the Union may ask anything.

Shri C. J. J. R. Raju—Tata's give two National Holidays and one Founder's day, altogether three days. Monthly rated people get 30 days privilege leave and daily-rated 15 days. Besides 15 days sick leave per year is given. It is very difficult to fix up national holidays and festival holidays.

Shri S. Mishra—All the factories are giving some holidays. However, these are developed on practices and customs. But the modern conception is that the holidays and leaves should be cut down. As Mr. Mohanty was suggesting if we should fix a minimum quantum that is we are inviting more disputes on holidays than deciding them. They are moderately settled matters. The quantity of festival and other holidays should be definite. That is what they want to do. Therefore, we should have only one rate and not the minimum.

Shri R. K. Samantaray—There has been no mathematical yardstick to arrive at a conclusion as to what should be the quantum of leave and festival or national holidays. Normally we should accept the statistics and it should not be that we cannot reach any conclusion even after we discuss. It is really high time, we should come to a conclusion. I am unwillingly refraining myself from further observations. But, at the same time, it is Mr. Mishra who said that it has been settled either through standing orders or through mutual agreement, but it does not debar either party, the employer to reduce or the employees to ask for increase. If you will not reduce, you should not have any objection to fix up a quantum for it. Employees agree to 10 days or what would be decided as the minimum. Coming to item-wise discussion as to the total number of holidays and leave, I am to point out first that there are two different aspects. The other is casual leave and sick leave guaranteed by employees' State Insurance Scheme. Casual leave is a part of the standing orders. There are certain standing orders which clearly lay down that the workers should be entitled to casual leave so many days. That point is settled. Then the last point of dispute is festival holidays and national holidays. In National holidays such as the Republic Day and Independence Day, there are industries with whom I am concerned and the Labour Directorate is aware, specifically the Orissa Cement Ltd. does not pay to the workers on those days. There are instances whenever any worker refused to work on that day they have not paid them. He must get wages on that day normally. Now I am glad that they do not want to reduce the number of National or festival holidays to the workmen and I do not think there will be any difficulty to come to a conclusion in that respect. If we fix a minimum, there may be certain employers who will try to stick to the minimum and cut down the holidays to the minimum. If that fear is obviated we have no objection.

Shri K. C. Ray—Let us fix the quantum as 7 days

Labour side—It will be too low

Shri K. C. Ray—7 days means only festival holidays exclusive of national holidays.

Shri R. K. Samantaray—As there cannot be any mathematical form we should adequately provide before we come to a conclusion which will have to cover so many industries.

Shri S. N. Das Mahapatra—We are not opposing it at all.

Shri D. C. Mohanty—Now, Sir, the dispute is between 9 and 10. I am afraid the Labour Directorate have deliberately compiled a figure to be little the Orissa Cement.

Akbar Khan has given 11 days festival holidays and Orissa Cement 6 days.

Shri D. P. Tripathi—They come alphabetically

Shri S. Mishra, Aluminium—You think Akbar Khan is the standard of Orissa.

Shri D. C. Mohanty—I say they have not gone to the extent of Akbar Khan even. My suggestion, Sir, is if there is a dispute between 7 or 10 days or 9 or 10 days, we would request Government to bring out an Act and take our views into consideration. They should take an average of list in Enclosure "B".

Shri S. N. Das Mahapatra—Let us collect information from other States.

Shri K. C. Roy—Please agree to 7 days being the festival holidays. It is a very practicable arrangement.

Shri D. C. Mohanty—Then about quantum take our views that Government will legislate on the subject.

Shri S. N. Das Mahapatra—Let them consider also other leave facilities and other things.

Shri C. J. J. R. Raju—The point deserves careful consideration. Some industries like the Tatas, we have no holidays at all. Only two festival holidays for the monthly rated we have. For the rest, all the 95% daily-rated employees there is no festival holidays.

Shri K. C. Roy—Progress means change of the practice

Shri C. J. J. R. Raju—We want to do something but we cannot increase this. Please check up all over the world. There is no such leave any where.

Shri D. P. Tripathi—Madras State has already enacted an Act on the subject.

Shri C. J. J. R. Raju—They may make a law. But is it correct law? How can you expect a mining operation which is supporting a steel industry running 24 hours to declare festival holidays, etc.

Shri S. N. Das Mahapatra—Probably in Madras they are giving less casual leave and other leaves.

Shri S. S. Mishra, Hindusthan Steel Ltd.—It is not possible for the Hindusthan Steel, P. Ltd. to welcome more of festival and national holidays. We have already agreed to give 3 national holidays Gandhi Jayanti, Independence Day and the Republic Day. For festival holidays discretion is left to us on the condition that it will not be more than 2 to 3 days maximum. Once it is disturbed, it is difficult to manage. We have given 7 days leave with pay as casual leave apart from other leaves. Before we think in terms of closing down on festivals holidays, the quantum of leave should be decided first. Certain industries which have got to keep on running, should not have any closure on account of festival holidays, etc.

Chairman—This thing should be left to the Government.

Shri D. P. Tripathi—It is a decision of the Standing Labour Committee.

Shri K. C. Roy—If you want to treat the workers as human-beings, they should be given festival holidays. If you treat them as machine, this question is different.

Shri S. N. Das Mahapatra—We have no objection, if you standardize all kinds of leave.

Shri C. J. J. R. Raju—In fact the worker does not enjoy the leave. It is only that you pay extra on that they to him.

Shri K. C. Roy—Whether man is more important than industries or industries are more important than man?

Shri D. C. Mohanty—Industry is being built for man.

Chairman—It is decided

Conclusion—It was decided that a suitable legislation on the subject would be made and while doing so the views of the members in this regard would be taken into consideration.

Item No. 11—In accordance with the provisions of Code of Discipline the 'Representatives Union' in an industrial establishment where there are more than one union, should be determined through the process of election through secret ballot amongst the workmen of the establishment.

Shri D. C. Mohanty—The Code of Discipline specifies that the Union has to be recognised. For the purpose of recognition, where there are not more than one Union, it must be functioning one year before recognition. Where there are more than one common Union claiming for recognition, they all should be at least more than one year old, and secondly where there is one Union only this question will not arise, the Union has to be recognised. The third question is any Union claiming recognition must have at least 15% of the workmen as its members. Now the question arises where there are multiple Unions claiming recognition, how can we determine. The Unions claiming membership below 15% should not come for consideration. These three questions should be taken into consideration. Yet we are faced with another question. How to determine that. Suppose there are two or three Unions who have membership either of 25% or 30%. Now the question is it becomes a difficult problem to determine. Recognition of Union is the cardinal point in the Code of Discipline. Unless the Union is recognised, it is not possible to carry on the Code of Discipline. Because the responsibility of the workers to carry on the Code of Discipline must be vested in some organisation and therefore recognition of Unions has become a part and parcel of the Code of Discipline. Therefore, the question cannot be avoided. Now the question is where there are thus two or three types of Unions, we must find out by certain democratic methods the representative Union which claims majority of the workers. Unless the Union claiming the majority of the workmen is recognised, there can be no industrial peace.

Chairman—Now it is understood.

Shri D. C. Mohanty—Therefore, my clear suggestion is this. I would request you just to take up the procedure of ballot of ascertaining the membership of the Union.

Shri R. K. Samantray—Mr. Mohanty has expressed his views. I am not for ballot. Certain formulas have been evolved in regard to recognition of Unions, by the Indian Labour Conference. In the existing state of things my opinion is that such formulas should be adhered to. Therefore it has to be decided upon principle as to whether ballot should be taken under all the circumstances.

Shri D. P. Tripathi—Circumstances is one. It is for the purpose of recognition.

Shri B. K. Pani—Shri Mohanty did not make one thing clear. We should be issued with the ballot papers?

Shri D. C. Mohanty—All the workmen of the factory.

Shri R. K. Samantray—The Indian Labour Conference has also decided that the Trade Union membership must be verified. That is being verified now. The Inspector is coming and verifying. Now supposing there are three Unions. My opinion is let the membership figures of the Unions be gone into by the Labour Commissioner or Implementation Officer. If he is satisfied that the Union has the largest number of members that will get recognition. Otherwise voting will present a lot of difficulties. Who will be the presiding officers? Management and Employees will differ on this. Secondly, who will be members, must roll, workcharged or permanent workers. Suppose Union represents muster roll workers, Union represents contractors' workers, Union represents permanent workers. All these are not under one employer. Under such circumstances should we do the thing by ballot. No body knows what will be the outcome of ballot. Many extraneous influences may prevail upon the workers, where honestly a secret ballot may not be possible. Theoretically, it may sound very well proper. But when we are to solve the practical problem, these are the difficulties in a ballot. I have no objection, if you decide on ballot in face of these difficulties.

Shri C. M. Singh—I also feel in the same manner as Mr. Samantray feels.

Shri B. K. Pani—He has shifted the responsibility to the Chair and to the Labour Commissioner to decide. Now we are to decide it.

Shri C. M. Singh—There are other difficulties also. I am against this ballot system. There are extraneous forces, no body can deny that. It involves so much propaganda and other abuses among the workers, besides the heat at the time of election. Workers work for earning. They should not be brought into these. Therefore we should not go in for ballots. Therefore Labour Commissioner or Labour Department will inspect the registers properly and on the basis of that the union be recognised.

Shri R. N. Das—But the question is like this. Mr. Mohanty has already placed the ballot paper suggestion as based on democratic principle. Government in consultation with the four All-India Trade Unions decided that for rivalry between different unions it has to be settled by the Chief Labour Commissioner's organisation for the purpose of recognition so far all unions falling under the Central sphere are concerned.

Chairman—You should leave the matter to the Labour Commissioner

Shri R. N. Das—I want the procedure laid down in the report may be adopted 'i.e. the procedure laid down by the Labour Conference.

Shri D. C. Mohanty—In view of the fact that that the representatives of Labour belonging to different organisations have serious differences over this, I request you to drop the question.

Conclusion—Withdrawn for the present

Item No. 15—Right of workers to strike as a protest against illegal action of the management.

Shri R. K. Samantray—Regarding item No. 15, my intention is to discuss as to whether adequate safeguards should be provided to the workers in the event of a strike launched by the workmen of any industrial undertaking as a protest against the illegal acts committed by the employer of that industry. So far as the industrial dispute act is concerned certain restrictions are already there. Whereby they cannot go on strike under all circumstances. If a set of disputes, I mean industrial disputes is under the investigation by the Labour Commissioner or Conciliation Officer or has been referred to Labour Court or Tribunal or under the Board of Arbitration, there cannot be any strike. If the strike takes place, then it is illegal. That is the prohibition imposed on strikers and in this connection, I want to draw your kind attention to the observations of the Supreme Court in a recent decision, wherein they have held that an illegal strike can in no circumstance be justified. Previously, the situation was different. Even if for some reasons or other which are beyond the controls of the Trade Unions or the workers, they went on strike in violation of the restrictive provisions of the Industrial Disputes Act deemed strikes deemed illegal. If those strikes were justifiable due to provocations caused by the employer, they should be declared as legal, so that they can go to the Labour Tribunal or High Court for the question of wages. Otherwise with the Supreme Court they stand nowhere. It has given a great blow to the working class people in the country. If an illegal strike takes place for any reason beyond the control of the Government or employees, it cannot be justified on any account. Therefore, I feel certain amendments should be introduced in the body of the existing Industrial Disputes Act enabling the workers or providing that a strike if takes place as a protest or as a consequence of employer having committed unnecessary and unwarranted provocations, that should be held as legal. For example, section 9(a) provides that 21 days notice should be given by the employer to the workmen and also the State Government, before existing conditions of service are changed.

Chairman—So, you want to go on strike

Shri R. K. Samantray—I do not want to go on strike or to be a promoter of strike. My point is what are the safeguards provided in the Industrial Disputes Act for the workers. If the management violates any provision he is to be fined. But if the worker goes on illegal strike, he will be jailed. See the difference between the penal provisions for the employers and the workers. I may say that no illegal strike gives any kind of benefit to the worker. They are not profitted by it. Therefore, my feeling is that Government should consider that equal safeguard should be given to the employees by suitably amending section 9(A).

Shri S. N. Das Mahapatra—Shri Samantray has compared section 9(A) to the illegal strike. Actually illegal strike and illegal lock-out can be compared. I have full confidence in the Labour Commissioner that I get justice from him. Why the Labour Leaders should disbelieve him. At Rourkela Labour Advisory Board, Section 9 (A) was raised and I had already discussed it there. Even in case of legal lock-out, I suggest penal provision should also be provided. I do not oppose the right to legal strike in case

of any illegal action taken by the management. But in the Implementation and Evaluation Committee we have already discussed with loud voice that we should avoid strike. When we have taken up the policy of avoiding strike, we should try to find out the reasons of strikes and differences and proceed thereafter. At the same time we cannot allow absolute right for going on strike nor can we legalise illegal strike. The Evaluation and Implementation Committee is there, and Labour Directorate, Labour Advisory Board all are there, to go deep into the question and provide adequate remedy. So if an amendment is done for the strike, then please do it also for the lock-out.

Shri K. C. Roy—The proposal to legalise the illegal of the strike is dropped

Shri D. C. Mohanty—There is far far difference between the actions of a management and of workers. I oppose whole-heartedly Mr. Das Mahapatra. It should not be considered that we are anxious for taking up strikes. On the other hand we shall reduce. We shall use it only as a last measure. The question is equiluation that is being made of strikes and lock-outs. The strength of the employer is far superior to that of the worker.

Shri D. P. Tripathi—We have introduced the Code of Discipline and also the Evaluation and Implementation wing is there to take care of such things. I am quite conscious that the labour should not be unnecessarily harassed. So we can drop it.

Shri B. K. Pani—I want to take you back to the constitution of the Board. What led the Government to constitute this Board? What good we are to deliver. We want no strike and no lock-out. There should be industrial truce. We want more production and equally more pay. But when our intention is we should avoid strikes and lock-outs, we should rather agree to settle our affairs by adjudication. We should prevail upon the employers to agree to this. Otherwise as usual practice is, they will make lock-out as a result of strike and all attempts they will make by which their illegal lock-out will be legal and our legal strike will be illegal. But you cannot encroach upon the parent Act by suggesting amendment to make illegal strike legal.

Shri R. K. Samantray—I invite your attention the contents of section 9 (A) and 33. What was really my purpose?

Shri S. N. Das Mahapatra—We have already discussed at Rourkela meeting.

Shri R. K. Samantray—I do not know whether you want to drop an item without giving opportunity to the mover to discuss it. Section 9-A lays down certain provisions that the management will give 3 weeks notice. Section 9-A, as I see, is not given the same status as section 33-A. No safeguard to the labour has been given, if the management violates it. The labour has to make out a fresh dispute and ask the Labour Commissioner to conciliate. My point is if the State Government can recommend to the Central Government that the worker shall have the right to go to the Labour Court or Tribunal or any other judicial body if 9-A is violated by the management and he is aggrieved. Under the present condition, we can only make a fresh industrial dispute, give notice to the management and copy to Labour Commissioner. Failing that we can go for adjudication.

Shri D. P. Tripathi—What about the prosecution aspect.

Shri R. K. Samantray—I am coming. If 33 is violated on a reference, the Tribunal can pass an award.

Shri D. P. Tripathi—I find there is no dispute, nothing of the sort. I am speaking about section 9 and not section 33. When the management changes the condition of service without giving notice, the Union has to prepare fresh Labour Dispute and if for such violation *suo moto* there is a strike, it will be equally treated by other manners.

Shri R. K. Samantray—In normal course, as Mr. Tripathi has said, if 9-A is violated I will move the Implementation Division and Labour Commissioner. I am not going to discuss that aspect at all. The prosecuting party is already there and it may prosecute the management. But the minimum remedy cannot be available to the worker. You cannot give justice to the worker thereby. Mainly, what I say is that the worker has not been given as much safeguard under the Industrial Disputes Act as the management has been.

Shri S. Misra—The question is this. As far as the point raised by Shri Samantray is concerned, it relates to legality and illegality of the Strike. Strike is illegal, only when it is resorted to pending conciliation and without due notice. The strike or lock-out is illegal only when a dispute is pending and if notice has not been given. In all other cases, the question of legality or illegality does not come.

Shri R. K. Samantray—My point is not sanction of the Board for a strike, the weapon which the workers have as an inherent right.

Shri D. P. Tripathi—The position is very much confused.

Chairman—Let us come to item No. 16.

Shri R. K. Samantray—I want a decision on 15.

Shri K. C. Roy—Discussed and dropped.

Conclusion—Dropped.

Item No. 16—(a) When new factories are started the entrepreneur has to produce from the Panchayat or Municipal authorities 'No objection certificate'. Often these authorities are unaware of the form in which the certificate is to be granted. The factory department should prescribe a *pro forma* in which the certificate is to be granted.

(b) The inspection of the site of the factory should be done by the Factory staff and not by the Revenue Staff.

(c) Factory Staff should report within one month of the date of application. (Shri B. P. Modi)

Shri D. P. Tripathi—Regarding the 'No objection certificate' the law provides that such certificates have to be obtained from Grama Panchayats and Municipalities.

Shri C. J. J. R. Raju—On a point of order Items No. 16 and 20 cannot be discussed in this Board, as they do not concern labour welfare. These are matters between the Government and employers.

Shri K. C. Roy—Dropped as the member opposes.

Shri R. N. Das—The member is not there and we do not know his intention. So 16, 18 and 20 may be dropped.

Chairman—Dropped.

Conclusion—Since such matter relating to factory registration, do not come under the purview of the industrial relation they should not come as an item for discussion in future by this Board.

Chairman—Item No. 24 does not concern labour welfare, hence dropped. Item No. 19, we have already discussed.

Shri C. J. J. R. Raju—Item No. 23 may also be dropped as the member is absent.

Chairman—Dropped. Item No. 17 has already been discussed.

Item No. 19—In view of the fact that there has been repeated breach of industrial peace in the mines areas of the State, the Board should enquire into the working conditions and other aspects of the life of the Mine workers and suggest remedies for the implementation of laws, awards and settlements, solution of industrial disputes and the enforcement of the Code of Discipline. (Shri D. C. Mohanty).

Shri K. C. Roy—The correct position in labour welfare is the responsibility of the State Government except matters covered by the Coal Mines Act and Mines Act. Labour Welfare with regard to the Mines Act in the responsibility of the Central Government.

Shri B. K. Pani—I feel we have jurisdiction for enacting welfare legislations for coal and mica mines even.

Shri D. P. Tripathi—I have jurisdiction in these mines as Chairman of the Sub Committee. I think the Mines Act is there as to how the mines should be operated. Regarding welfare, still there is confusion.

Shri K. C. Roy—We have already obtained clarification from the Government of India. So we will form a small Committee to investigate this matter. The Chairman will decide who should be the members. So it is left to Government. Government will constitute a small committee.

Conclusion—It was decided that an informal fact finding committee would be constituted to investigate into the condition of workers in the mines and report facts to Central Government with the views of the members of the Board on the subject. As to the membership in the committee the matter was left to the Government.

Chairman—Item No. 21. This matter was raised last time. We have already decided it.

Item No. 21—Non-implementation of the recommendation of the 'Labour Advisory Board' held from time to time by Government. (Shri R. N. Das and D. C. Mohanty).

Shri D. C. Mohanty—I propose a closure. I will not personally be able to carry on.

Chairman—Agreed. We will sit in the afternoon from 3 to 4.

Shri K. C. Roy—Non-implementation of the recommendations should go to the Implementation Committee.

Shri D. C. Mohanty—Non-implementation of the Boards recommendations does not go to the Implementations Committees.

Shri R. N. Das—In the meantime the wage structure has completely changed and I want an assurance for time limit.

Shri B. K. Panl—Those recommendations are lying for the approval of Government. If so, at what stage the Minimum Wages Committee's report is lying.

Shri K. C. Roy—It has been examined in consultation with other State Governments. Now the recommendations should go to Cabinet for finalisation.

Shri B. K. Pani—The old recommendations should be solved and we may take into account the present rise in cost of essential commodities. In the meantime lot of things have been changed. So I want instead of finalising the question, why not refer it back for revision.

Shri K. C. Roy—Report on the actions taken on the various recommendations have been laid on the table.

Shri D. P. Tripathi—We have given a list of 13 schedules which shall be included in the list.

Shri M. S. Patnaik—Committee was not appointed to consider new times. It was appointed only for revision of existing wages.

Conclusion—It was agreed that the recommendations of the Board should be implemented.

Item No. 22—To enquire into the conditions of the salt workers where the labour laws have not been penetrated and the naked exploitation is being perpetuated should be stopped. (Shri R. N. Das).

Shri R. N. Das—Now in this connection, I like to place that the Orissa as per the history goes, Orissa used to export salt to almost all the States in India. Now we are importing salt from other places. Specially in Ganjam district there are more than about 12,000 acres of salt producing lands and of it 200 to 300 acres are being utilised. Further the wage of labour there, is 2 to 8 annas per day. There is no question of extra payment, no leave, no holidays for the salt labourer. About two to four thousand acres of land have been utilised in this salt manufacture. It is really a serious matter. The Implementation Committee can not do anything in this matter. Hence we have to do something for the salt workers here in this Board.

Shri D. P. Tripathi—As no labour law has yet been applied to salt manufacture, nothing can be done. I like to clarify. With regard to registering the salt manufacture under the Factories Act, it is purely seasonal. Labourers are all scattered, the business is sufficiently scattered. The Government themselves are manufacturing salt at Sumandi. We approached Government in the appropriate Department for applying for licence and in the meantime application has been made. Once that is done, everything will be in order. Immediately after we register the Sumandi Factory we will be able to apply our Factory Acts.

Shri R. N. Das—One thing I want to submit, is atleast a Committee or Sub-Committee or the Implementation and Evaluation Committee may be sent to find out the conditions of the salt manufacturing concerns.

Shri D. P. Tripathi—Minimum wages are being recommended for them.

Shri R. N. Das—As a matter of fact, nothing is being done there.

Shri D. C. Mohanty—Now we have agreed the minimum wages may be extended to salt.

Shri D. P. Tripathi—The Factory Act and Minimum Wages Act when applied to it, the condition will improve.

Shri D. P. Tripathi—Two points have arisen. Whether Factory Act or Minimum Wages Act would apply.

Shri K. C. Roy—This issue is under the active consideration of Government.

Shri C. J. J. R. Raju—Once the Minimum Wages Act is introduced into the salt industry, I think every thing will be all right there. We have no objection to it.

Shri K. C. Roy—It is under examination by Government.

Shri D. C. Mohanty—In view of the previous decision to include salt pans in the Minimum Wages Schedule, in view of the assurance given by the Government that they have been pursuing the matter to register salt pans under the Factories Act, it is presumed that Government have accepted the demand on principle.

Shri S. Misra—In South Orissa in few places we have got salt pans. There is no workman there who made his living by working in salt pans only. In the summer season, there is some activity. The people in the neighbouring villages do some work there. It has been going for a long time till some organisation which created some troubles for the employers and as a result a number of salt pan owners had to abandon manufacturing.

Chairman—Should the Minimum Wages Act apply to salt industry?

Shri S. Misra—The job is so intermittent that no body makes a complete living out of it. So it is not necessary. As a result of this trouble, the industry is shifting to Andhra and we are losing by it.

Shri D. P. Tripathi—The sea will not go to Andhra.

Shri C. J. J. R. Raju—That is we are making the condition so bad.

Shri R. N. Das—The manufacturers give the job as contract to workers. The employers purchase at 6 annas per bag from the workers and sell at Rs. 2-4-0 per bag.

Shri B. K. Pani—So when there is so cheap cost of production, how and why the industry does not develop.

Shri R. N. Das—In this way the labourers are being exploited. There are about 4,000 workers.

Shri D. P. Tripathi—The salt pan industrialists are like 170000 will be cost. Yes.

Chairman—The question of salt pans is being dealt with by the Government. This can be left to the Government.

Conclusion—Since Government are considering the question of inclusion of salt pans in the schedule to Minimum Wages Act and also the question of registering the salt pans under the Factories Act, the matter was not pursued. The minimum wages committee when appointed by Government under section 3 of the Act may have opportunity to inquire into the conditions of salt workers.

Item No. 23—This Board recommends to Government that the offices of the Labour Commissioner and Chief Inspector of Factories be separated.

(Shri B. P. Modi)

Shri C. J. J. R. Raju—Item No. 23 does not come under the purview of the Advisory Board.

Chairman—Yes.

Conclusion—Dropped. The question of administration of Factories under the Factories Act need not come for discussion by the Labour Advisory Board.

Item No. 24—Exemption of factories working on continuous operation from certain provision of the Factories Act.

(Shri S. N. Das Mohapatra)

Shri K. C. Roy—Regarding item No. 24, the mover has given an intimation to the Chairman that it may be dropped.

Item No. 25—Amendment to Orissa Industrial Disputes Rules--Workers Comm

(Shri S. N. Das Mohapatra)

Shri S. N. Das Mohapatra—The old rules on the constitution of the Works Committee provide a reasonable procedure for constitution of Works Committee and any change in this procedure is not going to bring any change in the heart. In view of this the provisions made in the old Industrial Disputes Rules of 1948 on the constitution of the Works Committee, should be replaced by the amendment and the scope of the Works Committee be laid down.

Shri D. P. Tripathi—Government should consider the advisability of amending the rules, if you accept the principle, Government will then make its proposal for amendment and circulate. The basis point involved in Mr. Das Mohapatra's proposal for amendment of the rules is that the two parties may be left to themselves and they will decide how to function properly. The duties of the Works Committee are already mentioned. In pursuance of the powers conferred on the State Government under section 3 of the Industrial Disputes Act, certain duties are given. Keeping that in view certain rules have been framed. Well, the bringing in an extraneous agency into the constitution of the Works Committee has not proved a healthy practice in the matter of mutual understanding. If both the parties come to an understanding they can mutually decide and the Works Committee can be constituted in that way. Certainly, Government are not prepared to interfere.

Conclusion—After discussion this item was not pursued.

Item No. 26—Implementation of the recommendations of the Cement Wage Board and of the Wage Board on Cotton Textiles.

(Shri R. K. Samantray)

Shri R. K. Samantray—The Cotton Textile Wage Board and the Cement Wage Board have given their recommendations and those recommendations have been accepted by the Government of India. Government of India further recommended these reports to be complied with by the employers. Hence in pursuance of this recommendation, the decision of the Wage Board be implemented without delay.

Shri D. P. Tripathi—Now there are two Wage Board Reports. One relating to Textile, the other to Cement. On receipt of these reports from the Central Wage Board the management of the Orissa Textile Mills and the Orient Weaving Mills were referred to and no reply has been received from the Weaving Mills. The fixation of wages in respect of the Orissa Textile Mills is pending with the Industrial Tribunal. As a matter of fact we informally consulted with the management of Orissa Cement Ltd., with regard to cement wages, we will look into the details of it. This is the latest position. The reports have been just received. Mr. Samantray should give some time for going through it.

Shri K. C. Roy—It is premature to discuss this subject.

Conclusion—It is too early to discuss on the question of implementation of the decisions of the Wage Board in view of the fact that the report on the subject was just received.

Item No. 27—Industrial Relations in the Hindustan Steel Ltd., Rourkela (Shri R. K. Samantray).

Shri S. N. Das Mohapatra—Item No. 27 is for Evaluation and Implementation Committee and that would be proper forum for its discussion.

Shri K. C. Roy—In view of the impending meeting of the Evaluation and Implementation Committee, we need not impair the climate.

Shri R. K. Samantray—I will agree with the views expressed by the other side. Because, the Evaluation and Implementation Division decided that the members will visit Rourkela and make necessary enquiry during the next meeting. But, before the Evaluation and Implementation Committee goes there next time, I would request the Evaluation and Implementation Division to send its own offer to that area to be equipped with facts and figures after meeting the management and workers organisations, so that before the Committee goes there to make investigations, all the materials may be made available to us.

Shri D. P. Tripathi—As far as practicable, the materials that are available will be placed before the Evaluation and Implementation Committee.

Shri R. K. Samantray—Unless the Labour Commissioner, Orissa goes there or send a responsible officer, we cannot do anything in the Evaluation and Implementation Committee. My suggestion is that before we go there, the Evaluation and Implementation Division must be equipped with facts and figures.

Shri S. S. Misra, Welfare Officer, H. S. P. L.—I can assure you that all possible information will be made available to the Evaluation and Implementation Committee when it will meet at Rourkela.

Shri B. K. Pani—Still I have every doubt even after the assurance of Mr. Mishra if the authorities of H. S. L. would furnish any information to the Evaluation and Implementation Committee. As you know before any industry is established the first and foremost thing is to be done is that it should be registered under the provisions of the Factories Act. I know why the H. S. Ltd., has not yet been registered and why for non-registration the H. S. Plant authorities have not been prosecuted. I would just ask the Chairman to reply to this question.

Chairman—Officially No.

Shri D. C. Mohanty—Then, are we not going to enforce the Factories Act there ?

Shri C. J. J. R. Raju—The Ferro manganese Plant at Joda in the Private Sector was prosecuted for a minor offence like late submission of minor accident reports. I don't see any reason why the H. S. Ltd., authorities should be left out, from being prosecuted for non-registration under the Factories Act.

Shri B. K. Pani—The Board should pass a resolution that drastic action should be taken against H. S. Ltd., for non-registration of their Factories as yet.

Chairman—The point under dispute now is whether the H. S. Ltd., will be treated as one unit or separate unit for the purpose of registration under the Factories Act.

Shri S. S. Misra, Welfare Officer, H. S. L.—So far as registration of H. S. Ltd., as a factory is concerned, as early as one year ago we submitted application for registration and deposited the registration fees. This year for renewal we also paid the renewal fees in August. So technically the position is that our application for registration is now pending with the Government of Orissa, and we have also complied with all the formalities of the rules relating to registration. We believe, as a matter of fact, that the Steel Factory is an integrated one and it should be registered as a single unit, whereas the Government of Orissa are of the opinion that all the Units should be registered as separate units, which appears to be not correct.

Shri D. P. Tripathi, Labour Commissioner—The Management can appeal against the orders of the Chief Inspector of Factories if you do not agree with him so far as registration of H. S. L. as a factory is concerned. But you cannot criticise Government like this.

Shri S. S. Misra, Welfare Officer, H. S. L.—Without commenting anything on Government orders I just pointed out that Government have asked us to register different units as separate Factories. On this we have made our representation to Government and we are of the opinion that the Steel Plant should be registered as single unit. However, on this point after receipt of the Government orders we had made representation to Government as we feel that by registering the Steel Plant as different Units ultimately we may not be covered by all the provisions of the Factories Act. On this point there has been some mis understanding between us and Government. On the question of registration we also made reference to Tatas and they have replied that the whole Steel Plant has been registered as one as a single factory.

Shri D. P. Tripathi, Labour Commissioner—In fact, the Management have not made any representation to the State Government as required under the provision of the law.

Shri S. S. Misra—Any way we will definitely register it after receipt of Government orders.

Shri D. P. Tripathi, Labour Commissioner—Orders in this respect have already been communicated to you by Chief Inspector of Factories.

Shri S. S. Misra, Welfare Officer, H. S. Ltd.—We are told that a further decision will be communicated to us on our representation to Government.

Shri B. K. Pani—That is why you are deliberately avoiding registration of the Steel Plant.

Shri R. K. Samantray—Mr. Amar Singh in the last meeting of the State Labour Advisory Board promised that all papers for registration have not been made ready and the Steel Plant will be registered very soon. I am really astonished to know that up till now the Steel Plant have not been registered.

Shri S. S. Misra, Welfare Officer, H. S. Ltd.—What Mr. Amar Singh promised we did. But now the question is whether the Steel Plant will be registered as a whole or as different units. I cannot understand how the workers have been penalised for non-registration.

Shri B. K. Pani—This question also came before the Assembly when the Minister for Labour had to reply in connection with the labour demand. When the Minister replied that the H. S. L. has not been registered under the provisions of the Factories Act we took it as a major point for discussion, demanding that it should be registered without further delay. What I feel is that any Factory which goes into production should be registered under the Factories Act at the first instance. This is the basic principle which no one can avoid. I am really sorry to hear that the H. S. Ltd. authorities are avoiding registration under the Factories Act.

Shri D. P. Tripathi, Labour Commissioner—Let me explain the whole thing. My predecessor had given the management of H. S. Ltd., a show cause notice for non-registration and his orders should have been carried out without any further resistance. Several reminders in this respect have been issued and without applying for registration the Management in the meantime have approached the State Government and the Central Government which means that they are trying to avoid registration.

Shri D. C. Mohanty—May I know whether fees for registration has been deposited ?

Shri D. P. Tripathi, Labour Commissioner—Yes, but not full.

Shri C. J. J. R. Raju—If I did the same thing, could you keep quiet ?

Shri S. N. Das Mohapatra—We feel that Government are making discrimination between public and private sectors, in matters of enforcement of different labour laws.

Shri D. P. Tripathi, Labour Commissioner—During the last Labour Ministers Conference our Minister brought this to the notice of the Union Minister for Labour. The Union Minister in charge of Steel further has sent a D. O. letter stating that it should be registered unitwise.

Shri R. K. Samantray—If that be the position, why the H. S. Ltd., has not yet been registered ?

Shri B. K. Pani—Because the local authorities know that they cannot be prosecuted.

Shri R. K. Samantray—It is now a unanimous recommendation of the Board that Government should give a definite time-limit to H. S. Ltd., for registration under the provisions of the Factories Act.

Shri B. K. Pani—Yes. Immediate action should be taken.

Shri K. C. Roy, Secretary—The H. S. Ltd. should register the factory as quickly as possible and your petition for appeal, if there be any, will be duly examined.

Shri D. P. Tripathi, Labour Commissioner—Ten days may be given as the maximum time for registration.

Shri D. C. Mohanty—Mr. Misra raised the question as to what is the difficulty if the Steel Plant is not registered, and why workers interest is impeded thereby ? Sir, unless a factory is registered we cannot take action under the Payment of Wages Act and many other labour laws cannot be made applicable. May I know the intention of not getting the Steel Plant registered under the Factories Act ?

Shri K.C.Roy, Secretary—Much has been said on this subject. According to the law Chief Inspector of Factories is the proper authority for registration and if any party is aggrieved he may prefer an appeal to the State Government.

Conclusion—It was decided that before the next meeting of the Implementation and Evaluation Committee one of the officers of the Labour Directorate would go to Rourkela for collection of replies to the questionnaire already circulated so that the committee would be in a position to properly enquire into the condition of labour. The Labour Commissioner should prosecute the Resident Director in case the registration is not made within 15 (fifteen) days.

Item No. 28—Time and date for the next meeting.

Chairman—I am suggesting Burla to be the venue of the next meeting.

Friends, before I declare this 8th Meeting of the State Labour Advisory Board closed, I must convey my sincere thanks to the members of the Board for their co-operation and the valuable suggestions and my thanks go to Mr. Raju and his staff at Joda for their very good arrangements and the amenities provided for the members and invitees. My last thanks go to our Labour Department for making this meeting successful with their inadequate staff. I think there is no scope for making a lengthy speech after the deliberation of so many items. Now we should go to our homes. I hope our employer friends and employees should act with a spirit of co-operation with a view to implementing the labour laws and recommendations of this learned body. I hope the labour problem which is the most complicated problem now-a-days will be solved by this body. In my personal opinion if this process continues for some time, we will be able to solve so many problems of our country which is rapidly going to be in the road to disaster. With this I declare this meeting to be closed.

Shri D. C. Mohanty—On behalf of the Board, I also propose our heart-felt thanks to the members of the Press who are here in looking our proceedings. On behalf of the whole board, I thank them for the same.

Then the meeting was dissolved by the Chairman.

ENCLOSURE A

ACTION TAKEN ON THE CONCLUSIONS ARRIVED AT IN THE SEVENTH MEETING
OF THE STATE LABOUR ADVISORY BOARD HELD AT ROURKELA
ON 8TH AND 9TH AUGUST 1959

Item No. 3(1)—It was decided that the functions of the proposed Tripartite Committee would be discharged by the existing State Evaluation and Implementation Committee constituted by Government in their resolution No. 4208-Lab., dated the 7th May 1959. The members of the Board have been informed of the position.

Item No. 4(1)—On being decided that the functions of the proposed Tripartite Committee under Item No. 3(1) would be discharged by the existing State Evaluation and Implementation Committee, all the industrial concerns of the State were requested to furnish information regarding the different kinds of leave prevailing in their concerns so as to enable the Committee to arrive at an appropriate decision. Since complete information from all the industrial concerns could not be collected before the last meeting of the State Evaluation and Implementation Committee held at Rajgangpur on the 10th April 1960, the issue of fixation of national and festival holidays, leave, etc., could not be referred to the Committee. However the information so far received from the industrial concerns have been compiled in a statement and this question is to be now discussed by this Board in Item No. 12.

Item No. 5—Under the existing arrangement, the District Labour Officers stationed in different districts of the State have been declared as Inspectors under the Shops and Commercial Establishment Act. Subsequently on the basis of this recommendation the question of appointment of more staff to secure adequate enforcement of the Act was considered by Government. But in view of the financial stringency, it was not possible to create more staff as suggested by the Board. However, a post of Labour Officer for administration of the Shops and Commercial Establishment Act has been created and it is going to be filled up very soon.

Item No. 9—A Conference of Workers and Employers representatives has not yet been arranged due to some unavoidable circumstances. It is hoped that all attempts would be taken to call such a Conference as quickly as possible in the near future. However, with a view to ensuring compliance of the Code of Discipline, a copy of the Code of Discipline has been circulated among all the industrial employers and trade unions irrespective of their affiliation and they have been requested to accept the Code for their guidance in the sphere of the Labour-Management relations. In fact, most of the industrial employers and trade unions have expressed their willingness to abide by the Code of Discipline. The District Labour Officers stationed in different districts have also been advised to impress upon the industrial employers and the trade union leaders during their routine tour the need for a binding to the Code of Discipline. In order to make the Code more popular among the workers it was translated into Oriya and published in the monthly bulletin 'Shramik'. Further, action is being taken to print the Code of Discipline in Oriya for free circulation among the industrial workers.

Item No. 10—Government accepted the recommendation of the Board and according to the instruction of the Central Minimum Wages Advisory Board, statistical information were to be collected before considering the question of inclusion of such employments in the schedule of Minimum Wages Act. Subsequently it was further decided to consider the question of inclusion of employments like Bamboo Forest Organisation, Hand Loom Weaving Factories, Kendu Leave collection, Timber falling, loading and unloading. Accordingly the field staff were advised to collect complete information in respect of these employments so that a comprehensive memorandum would be submitted to Government in accordance with the instructions of the Central Minimum Wages Advisory Board for consideration. Since some of the scheduled employments are widely diffused in the different parts of the State it was not possible to complete the survey and submit the memorandum to Government. However, all possible steps are now being taken to complete the survey and submit the required information to Government.

Item No. 13—The recommendations of the various Minimum Wages Advisory Committees are still under consideration of the State Government in consultation with the neighbouring States concerned. The delay in this respect is due to non-receipt of replies from other States. However, very recently the Inter-State Co-ordination Committee was held on 4th April 1960 to discuss the question of fixation of minimum rates of wages

in different neighbouring States. Since Government of Andhra Pradesh was absent in the meeting no final decision could be arrived at on the question of laying down a common rate in respect of Biri industry. However, necessary action would be taken by the State Government on the recommendations of the Minimum Wages Advisory Board.

Item No. 14—An extract of the conclusion arrived at on this item has been sent to Home Department for necessary action.

Item No. 16—The State Evaluation and Implementation Committee which is a Sub-Committee of the Board was to enquire into the conditions of the workers at Rourkela on 11th April 1960. Unfortunately due to unavoidable circumstances the Committee could not do so and it was decided in its meeting on 10th April 1960 that the necessary enquiry would be made in the matter sometime in the last week of May 1960 or in the first week of June 1960.

Item No. 17—Since section 21 of the Orissa Shops and Commercial Establishment Act read with rule 19 of the rules framed thereunder does not empower Government to make such rules compelling the employers to deposit the gratuity equivalent to 15 days' pay last drawn for each year of service in Government securities, it has been decided to examine the question of amending the Act after collecting information on the prevalent practice and law on the subject from other States. Accordingly other States have been requested to furnish the required information, on receipt of which the question will be examined.

Item No. 18—An extract of the conclusion arrived at on this item has again been forwarded to the Presiding Officer of the Labour Court and Industrial Tribunal for favour of their consideration.

Item No. 19—Other State Governments have been requested to intimate if the system of issuing 'No objection' certificates to the employers by the Subdivisional Magistrates is prevalent. Up till now no information has been received. Necessary action at this end will be taken on receipt of information from other States.

Item No. 20—Action is being taken to organise a training class for the Trade Union workers during the current financial year.

Item No. 21—All kinds of persuasion have been made to secure implementation of the recommendations of the State Labour Advisory Board both by the employers and the Trade Unions.

Item No. 21—All the District Magistrates have been requested to exercise the powers as Inspectors under the Mines Act as far as possible with a view to improving the prevalent conditions of the mining workers.

Item No. 25—Government are considering the question of lowering the rent of the tenements constructed under the Subsidised Industrial Housing Scheme.

12. Gajapati Iron & Steel Works Ltd., Parlakimedi.	..	15 days	..	..	15 days (2 days National holidays).	..
13. Utkal Ayurvedic Co-operative Pharmacy Ltd., Aska.	..	As per the Factory Act.	..	..	13 days and 10 days half holidays.	..
14. Shree Durga Glass Works, Barang	..	7 days	..	Ditto	8 days	..
15. The Titagarh Paper Mills Company Ltd.	7 days	..	30 days	7 days	..	7 days
16. Shree Ambika Rice Mill, Betnoti	..	..	No such particular mention			
17. Shree Biswanath Rice Mills Ltd., Jatni	5 days	..	14 days with wages, 10 days without wages.	..	3 days with pay, 4 days without pay.	..
18. Inda Industries, Cuttack-1	..	5 days	..	Ditto	..	Ditto
19. Modern India Construction Company Private Ltd.	..	..	1 day for every 20 days.	..	10 days	..
20. Orissa Cement Ltd.—						
(1) Permanent Staff	..	12 days	..	One month	12 days	..
(2) Temporary Staff	..	7 days	..	..	7 days	4 days
(3) Permanent Workers	..	12 days	..	According to Factory Act.	12 days	..
(4) Temporary Workers	..	7 days	..	According to Factories Act.	7 days	..
21. Esra Stone Lime Company Ltd., Biramitrapur.	..	..	..	As per Factory Act	..	10 days
22. Kalinga Tubes, Choudwar	..	..	..	(1) One day for every 20 days as per Factory Act.	8 days for daily paid 10 days for monthly paid workers.	11 days
				(2) One month in a calander year for all monthly paid employees.	14 days for monthly paid workers whose basi. pay is Rs. 150.	..

Name	Sick leave	Earned leave or privilege leave	Casual leave	Festival leave	Ordinary leave	Sundays				
1	2	3	4	5	6	7				
23. The Orient Weaving Mills Private Ltd.	..	As per Factory Act..	7 days	..	8 days	..	20 days	..		
24. The Charchika Mills, Banki	..	..	No specific to mention	..	..	..	..	..
25. Shree Jagadish Saw Mill, Berhampur	..	..	..	..	..	..	..	Only Sundays are being given.
26. Nildungri Rope Works	7 days	..	15 days	..	7 days	..	4 days with pay	..		
27. Nildungri Sisal Factory	7 days	..	15 days	..	7 days	..	5 days without pay	..		
28. Mayurbhanj Textiles Ltd., Baripada	..	..	One day for every 20 days.	..	4 days	..	15 days	..
29. Mayurbhanj Glass Works, (P) Ltd.	15 days	..	15 days	..	7 days	..	12 days	..		
30. Jamal Mills, Berhampur	..	..	..	..	No specific to mention	..	..	..
31. Indian Aluminium Company Ltd., Sambalpur.	12 days	..	As per Factory Act	..	5 days	..	8 days	..		
32. Karsan Rice Mill, Nayabazar, Cuttack —4.	15 days	days	..	All Sundays	
33. Orissa Road Transport Company Ltd., (Ganjam), Berhampur.	All leaves are as per Orissa Leave Rules	..	14 days	
34. Orient Paper Mills Ltd.	15 days without wages.	..	15 days	15 days without wages.	
35. The Howrah Motor Co. Private—Ltd., Cuttack—1.	As per Factory Act	12 days	All Sundays

(One month's basic pay in lieu of the casual and other leave in a year).

36. Prusti Saw Mill, Bhanjanagar	..		No specific to mention				
37. Gajapati Rice Mill, Kasinagar	..	..	5 days	..	10 days	..	10 days
38. Jaypur Sugar Company Ltd.—	..						
1. For Workmen	..	10 days	As per Factory Act	5 days	..	4 days	2 days National holidays.
2. For others	..	..	30 days	..	10 days	..	Ditto
39. Patnaik and Company, Private Ltd.	..	7 days with half pay	One day for every 20 days.	7 days	..	8 days with wages	5 days without wages
40. Sreedam Chandra Rice Mills	..	15 days	18 days	..	12 days	..	10 days
41. Patna State Graphite Mining & Co.	..	..	..	15 days	..	As per Government holidays.	..
42. Shri Saraswati Saw Mills, Cuttack	..	As per Factory Act.	..	..	..	..	..
43. Joint Water Works Committee, Puri	..	..	According to Government Rules.	10 days	..	12 days	..
44. The Chandabli Rice Mill, Chandbali	..	..	18 days	..	..	10 days and 2 days National holidays.	As permissible under the rules.
45. Orissa Textile Mills Ltd., Choudwar	..	One month leave given without pay.	..	..	..	9 days	..
46. Radhakrishna Rice Mills, Balasore	..	10 days	One month	..	15 days	..	..