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Industrial and Labour Developments in September-October 1962.

VIII

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CHAPTER 1. INTERNATIONAL LABOUR ORGANISATION.

INDIA - SEPTEMBER-OCTOBER 1962.

11. Political Situation and Administrative Action.

President Proclaims National Emergency on account of  
External Aggression on India's Borders: Defence of India  
Ordinance Arming Government with War-Time Powers  
Promulgated.

Dr. S. Radhakrishnan, President of India, proclaimed on 26 October 1962 a state of emergency in the country under Article 352 of the Constitution consequent upon external aggression on India's northern borders by the People's Republic of China. The President also promulgated the Defence of India Ordinance, 1962.

A special report covering among other things, the provisions of the Defence of India Ordinance, 1962, was sent to the headquarters vide this Office minute C.1/4364/62 on 30 October 1962.

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2

West Bengal: Revision of Wage Structure discussed by  
State Labour Advisory Board: Minister recommends Minimum  
of Rs. 100.

A meeting of the State Labour Advisory Board was held at Calcutta on 12 September 1962. The agenda before the meeting included the question of revision of the wage structure in West Bengal. Suggesting that the total minimum wage of a worker should not be less than Rs.100 a month, Shri Bijoy Singh Nahar said "this is not an easy task" but added that he believed that "if we all put our minds together, we can find out certain ways" of achieving that objective. He favoured persuasion and not legislation as the means to the end, but, at the same time, warned that if employers failed to rise to the occasion, the Government might have to think of other means.

Opinion on the issue was sharply divided as between employers' and employees' representatives. While employers' representatives argued that ~~wage~~ the question of revision of the wage structure in West Bengal could not be viewed in isolation from the all-India picture, and that any upward revision would create a vicious circle by a further rise in prices, trade union leaders said the State Government should give others the lead, by revising its own employees' pay scales.

During a discussion on workers' participation in management, Shri Kedar Ghosh, representing the Indian Journalists' Association, said the Government's half-hearted attempts at implementing the provisions of the Journalists' Act were in a way encouraging employers to violate them, and referred to several instances of infringement of the law by some local newspapers. He requested the Labour Minister to inquire into the working of the Act.

((The Statesman, 13 September 1962).)

3

Twentieth Session of the Standing Labour Committee,  
New Delhi, 17 October 1962; Several Proposals for  
Amendment of Labour Legislation approved; Further  
consideration of Integrated Social Security Scheme  
to be suspended for three years and modified Scheme  
involving Compulsory Insurance to be examined.

The twentieth session of the Standing Labour Committee was held at New Delhi on 17 October 1962, Shri G.L. Nanda, Minister for Labour and Employment presiding. The meeting was attended by representatives of Central and State Governments and Central employers' and workers' organisations. Shri V.K.R. Menon, Director of this Office attended the session as a special invitee.

Agenda.- The following was the agenda before the meeting:-

1. Action taken on the main conclusions/recommendations of the 19th Session of the Standing Labour Committee held at New Delhi in April, 1961.
2. Additional measures for protection against victimisation and reference of cases of victimisation to arbitration.
3. Amendment of Labour Legislation -
  - (i) Sections 79 and 80 of the Factories Act to provide for the rate of payment for the period of leave according to the wages of normal post held and for grant of leave according to exigencies of work in a factory.
  - (ii) Section 2(00) of the Industrial Disputes Act so as to change the definition of the term 'retrenchment'.
  - (iii) Section 25 FFF of the Industrial Disputes Act so as to provide for payment of full compensation in the case of closure of lease an undertaking on account of expiry of lease, licence, or exhaustion of reserves.
  - (iv) Section 10(b) of the Indian Trade Unions Act, 1926, so as to empower the Registrars to cancel the registration of a trade union the executive of which has been found to have violated its registered rules.
  - (v) Section 33 of the Industrial Disputes Act, 1947, to empower Tribunals to adjudicate upon the application made by employers to dismiss a workman.
4. Publication of New Series of Consumer Price Index Numbers for Industrial Workers.

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5. Social Security - Review of the working of the Employees' State Insurance Scheme.
  6. Workers' Education - Question of allowing some time off to the workers attending unit level classes.
  7. Definition of natural wastage or separation as contained in the recommendations on rationalisation adopted by the 15th Session of the Indian Labour Conference held in 1957.
  8. Raising of the wage limit from Rs.500 to Rs.1,000 under the Employees Provident Funds Scheme 1952 for eligibility to membership of the Fund.
  9. Principle of 'no work, no wages' and implications thereof.
  10. Problem of delays in the disposal of cases.
  11. Amendment of the Indian Trade Unions Act with a view to protecting the right of membership of seasonal workers during off-season without payment of the prescribed membership fee.
  12. Security of Employment and sanction behind the tripartite decisions.
  13. Proposal to amend the Industrial Employment (Standing Orders) Act so as to make Model Standing Orders applicable to industrial establishments till Standing Orders are certified.
  14. Further consideration of the Report of the Study Group on Social Security.
  15. Amendment to the Indian Trade Unions Act, 1926, to provide for resolution of disputes among rival officebearers of a trade union.
  16. Grant of facilities by employers to employees attending the trade union courses organised by the trade union organisations on a pattern similar to those extended by the employers to the trainees attending the training courses of the Central Board for Workers' Education.

A brief review of some of the memoranda prepared by the Ministry of Labour and Employment on these items is given below. It may be noted that items 2 to 7 are the same as those presented to the 20th Session of the Indian Labour Conference (vide section 11, pp.1-25 of the report of this Office for August 1962), consideration of which was postponed.

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1) Action taken on main conclusions and recommendations of the 19th Session of the Standing Labour Committee.- Among other matters, this memorandum indicates that the suggestion made at the previous session that a tripartite standing committee should be set up to deal with matters relating to safety was examined and it has been decided not to appoint the proposed Committee for the present. The matter would, however, be considered after watching the progress of work of the Advisory Committee on Machine Guarding, appointed on a recommendation of the 16th Session (January 1960) of the Labour Ministers' Conference.

2) Raising of wage limit from Rs.500 to Rs.1,000 under the Employees' Provident Fund Scheme, 1952, for eligibility to membership of the Fund.- It was represented that the present limit of Rs.500/- may be raised to enable the employees drawing pay upto Rs.1,000/- per month to get the benefit of the Provident Fund. Under the Coal Mines Provident Fund Scheme there is no wage limit for entry to the ~~Prov~~ Coal Mines Provident Fund. Under the Employees' Provident Funds Scheme itself, there is no limit of pay for eligibility for membership of the Fund, in respect of newspaper employees. It was, therefore, recommended that the limit under the Employees' Provident Funds Scheme as applicable to employees other than newspaper employees, should be raised so as to enable the maximum number of employees to enjoy the benefits of this statutory Schemes. This proposal was circulated to State Governments and other interests concerned. The comments received were examined and finally it was decided that the proposal should be dropped. The decision was based mainly on the fact that workers getting wages over Rs.500/- were invariably covered by the private provident fund or similar retirement benefits and they did not need the protection of the Employees' Provident Funds Scheme in the same way as the employees getting Rs.500/- or less. Employees getting over Rs.500/- were quite capable of looking after themselves and it was necessary that energy and attention should be directed to the problems of the low paid categories that needed the benefit of provident fund most.

The matter was further considered at the 16th meeting of the Central Board of Trustees, Employees' Provident Fund, held on the 31 July 1961, and the Board decided that a sample survey should be conducted in a few large establishments in the six industries initially covered under the Employees' Provident Funds Act and the extent upto which the employees drawing more than Rs.500/- were enjoying the benefits of provident fund, should be ascertained and thereafter the matter should be referred to the Standing Labour Committee. The Central Provident Fund Commissioner has conducted the survey, which showed that in the 643 establishments including 257 exempted units that were surveyed, 7,715 employees out of a total of 8,917 who were drawing a total monthly pay of between Rs.500/- and Rs.1,000/- were covered by either of retirement, pension or gratuity benefits. Similar benefits were being provided to 2,426 out of a total of 3,027 drawing a salary of more than Rs.1,000/- per month.

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3) Principle of 'No Work, No Pay'.- The Central Implementation and Evaluation Committee, at their meeting held on 25 April 1960, desired that the implications of the principle of 'no work, no wages' (in the context of demands for pay for periods of strikes) be considered by the Central organisations of workers and employers and their suggestions placed before the Standing Labour Committee for decision. Accordingly the views and suggestions of the Central organisations of workers and employers were obtained. While the employers were in favour of the principle of 'No work - no wages' the trade unions were opposed to its observance. So far as practice in foreign countries is concerned it is seen that in certain countries, the issue of a strike or lock-out is regulated by specific laws on the subject. In India, however, there is no specific law regarding wages for the strike period. The adjudicators have, therefore, been examining the different cases on their merits and their decisions have led to the evolution of a body of case law which now provides some broad guiding principles in the matter.

The main consideration which has weighed with the Adjudicators is that the parties declaring strike or lockout should not be made to suffer if the strike or lockout was decided upon on reasonable grounds. It has also been made clear in the judgement of the Federal Court of India in Civil Appeal No. XIV of 1949 that disputes relating to lockout (and by implication strike) and also payment of wages during the period of such lockout is clearly an industrial dispute within the meaning of the Industrial Disputes Act. Thus the question of payment of wages during the period of strike can be adjudicated upon.

4) Trade union membership of seasonal workers.- According to section 6(ee) of the Indian Trade Unions Act, 1926, a trade union seeking registration has to provide in its rules, among other things, for payment of a subscription by its members at not less than 25nP per month per member. The Government of Andhra Pradesh has proposed to bring forward an amending legislation with a view to protecting the right of membership of seasonal workers during the off-season without payment of the prescribed membership fee. The arguments put forward in support of the proposed amendment are as follows:-

(i) as seasonal workers in sugar, salt, tobacco and other allied industries are employed only for a few months in a year it may not be possible for them to continuously remit the membership fee during the off-season, when they remain unemployed;

(ii) that it would be difficult for the trade union executives to collect the membership fee from seasonal workers; and

(iii) that there were representations on the floor of the State Legislature and also from trade union leaders that in the case of seasonal workers the statutory membership of 25nP might be enforced for the season and not for the whole year.

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At the time of enacting section 6(ee) of the Indian Trade Unions Act, 1926, suggestions were made that workers in seasonal factories should be exempted from the prescribed membership fee. The reasons which weighed with Government for not making any provision for exemption were that the minimum fee prescribed, which was itself a low one, was barely sufficient to enable trade unions to perform effective service, and that members should be willing to pay this small fee in the interest of their trade union organisations.

Notwithstanding this position, the views of the State Governments, employers' and workers' organisations etc. have been obtained on the proposed amendment of the Indian Trade Unions Act. All the State Governments except Bihar, Punjab, Rajasthan, Uttar Pradesh and West Bengal and Delhi Administration have supported the proposal. From the employers' side, the Employers' Federation of India and the All-India Manufacturers' Organisation are not agreeable to the proposal. Among the workers' organisations, the Indian National Trade Union Congress and the All-India Trade Union Congress have supported the proposal, while the Hind Mazdoor Sabha feel that there is no justification for granting the proposed exemption.

The whole object in prescribing a monthly membership fee of 25np is to improve the finances of trade union organisations, thereby making them self-supporting. It can be urged that if any exemption in respect of seasonal workers or any other class of workers is granted, the object for which the membership fee was levied might be defeated. As already stated one view is that the statutory membership fee is very low and the workers should not find it difficult to make this payment, even during the off-season, to their organisations which are meant to safeguard their interests.

**5) Security of Employment.**- The I.N.T.U.C. has submitted a memorandum on this subject in support of its suggestion to amend the Industrial Disputes Act 1947. The amendments to the Industrial Disputes Act 1947 suggested by the I.N.T.U.C. are intended to achieve the following objectives:-

(1) To enable an individual workman directly to appeal to an Industrial Tribunal challenging the validity of his termination of services or dismissal for any reason without raising an industrial dispute through a Union.

(2) To enable Industrial Tribunals to hold a fresh enquiry ignoring the proceedings of the enquiry held by the employer and to sit in judgement over the decisions of the employer.

(3) To ensure that the decisions of Tribunals are not taken up to the High Courts by way of Writ proceedings or to the Supreme Court by way of Appeals with special leave.

(4) To ensure that no retrenchment takes place unless the retrenchment proposals are approved by an independent Standing Machinery.



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6) Amendment of Industrial Employment(Standing Orders) Act, 1946. - It has been pointed out that some difficulty is at present being experienced in enforcing the provisions of the Industrial Employment(Standing Orders) Act, 1946, in the contractors' establishments which exist mostly for short durations. By the time the standing orders are submitted by these establishments and other preliminaries for certifying the same are completed, these establishments close down on completion of their work. Apart from this, in a number of other cases also, it has been pointed out, considerable delay occurs for the standing orders to be certified and brought into force. It has, therefore, been suggested that the Act may be amended so as to make the Model Standing Orders operative in all industrial establishments covered by the Act until the standing orders for those establishments are certified. Similar provisions already exist in the Bombay Industrial Relations Act, 1946 and the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1951. The Labour Relations Bill, 1950 also contained a similar provision. This proposal was circulated to all State Governments enquiring whether they were also feeling any difficulty in this regard and whether they favoured the proposal for amending the Act for the purpose. While most of the State Governments have agreed to the proposal, the West Bengal Government has pointed out that this might create difficulties for the smaller establishments and that it would be a great burden for them if forced to comply with all the relevant Model Standing Orders. It has been further argued that once the Model Standing Orders are applied it might be difficult at the time of subsequent certification to make any deviation therefrom. It has, therefore, been suggested by them that in order to eliminate delay and expedite certification of standing orders, the provisions of section 3(1) of the Act might be suitably amended so as to provide for submission of standing orders within a period of three months instead of six months as at present.

7) Amendment to Trade Unions Act, 1926, to provide for resolution of disputes among rival office-bearers of a trade union. - The Indian Trade Unions Act, 1926 provides for the registration of trade unions and in certain respects defines the law relating to registered trade unions. While the Act vests in the Registrars of Trade Unions certain specific powers, it does not authorise the Registrars to look into disputes relating to elections of office-bearers of trade unions. A proposal for amendment to the Trade Unions Act in order to provide for resolution of disputes among rival office-bearers of trade union was accordingly placed before the Committee at its 19th session held in April 1951. It was considered by the circulated Committee that the matter needed some further examination and be brought up for discussion at its next session or at the Indian Labour Conference.

The matter has been examined further. The proposal raises two specific issues. These are: (i) Should any provision be made in the Trade Unions Act to provide for settlement of disputes among rival office-bearers of a trade union, and (ii) if so, which authority-the Registrar or the Labour Court - should be empowered to decide such disputes.

So far as (i) is concerned, the Act, as it stands now, does not provide for resolution of election disputes in a trade union. The remedy available is the resort to a Law Court which, besides being costly, causes inconvenience and delay. At the previous session of the Committee, while the consensus of opinion among the State Governments was in favour of having a provision in the Act, two Central Organisations of workers were opposed to it mainly on the ground that a standing provision might result in encouraging such disputes.

As regards (ii), namely, the authority to decide disputes, various suggestions were put forward by the State Governments. Some of these were:-

(a) that the Registrars should have powers to decide election disputes and there should be a set of election rules to facilitate his task;

(b) that in Madhya Pradesh the Registrar had been empowered to refer disputes regarding officers of a trade union to the Industrial Court;

(c) that the Registrar should refer such disputes to Labour Court for decision;

(d) that the power to resolve election disputes should be vested in the Industrial Tribunal or preferably in the Labour Court, the decision of which should be final; and

(e) that the Labour Court should be the proposer authority to decide such disputes.

The suggestions for giving powers to the Registrars did not generally find favour. It may be stated that in this connection that at the State level, powers for deciding disputes have been vested in the Industrial Court, vide sed. 28-J of the Indian Trade Union (Madhya Pradesh Amendment) Act, 1960 and Section 14A of the Indian Trade Union (Gujarat Amendment) Act, 1962.

10

Proceedings: Shri Nanda's inaugural address.- In his address to the tripartite Standing Labour Committee, Shri Nanda said that under the compulsion of new circumstances, even perfect industrial peace would not answer the needs of the country's developing economy. What was required, he said, was the most efficient utilisation of human, financial and material resources. It was not only imperative that no single man-day should be lost, but also that productivity should be increased to reduce costs.

He said India, was passing through a critical phase in her economic development and it was essential that maximum efforts were made to put to the most effective use of all available resources.

Industrial production during the first year of the Third Plan had lagged behind expectations. The lacuna had to be made up by increased efforts during the current and subsequent years. The code of discipline had yielded results and the industrial climate had improved but that was not enough. The country's economy should be pushed forward at a much faster rate to provide within a measurable period of time more employment opportunities and a minimum level of standard of living to the large masses of people.

Shri Nanda appealed to the employers to accept the principle of voluntary arbitration and to the workers to be more disciplined in order to promote better industrial relations. He emphasised that litigation should be cut down to the minimum. He suggested that workers' organisations should screen the cases in a way that references for adjudication were reduced. The scheme for the setting up of national and State safety councils would be ready within a month and circulated for comments.

Decisions.- Action taken on the main conclusions/recommendations of the previous session.- The statement of action taken on the main conclusions of the previous session was noted subject to the following observations:

(i) Safety Councils: The preparation of the scheme for setting up Safety Councils and the examination of the point as to how the Employees' State Insurance Corporation could render assistance, should be expedited.

(ii) Special machinery for promoting the scheme of Joint Management Councils: (a) It was urged that the State Governments which had not yet set up the machinery recommended by the Second Seminar on Labour-Management Co-operation (New Delhi, March, 1960), should do so without delay.

(b) A periodical report on the progress of the scheme in the public sector would be placed before the Indian Labour Conference or the Standing Labour Committee.

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(iii) Reference of cases of victimisation to arbitration: The employers' representatives pointed out that it might not be possible to refer all cases of alleged victimisation to arbitration. It was, however, agreed that such cases should be referred to arbitration to the utmost extent possible.

(iv) Functioning of Works Committees: One of the Workers' representatives pointed out that functioning of Works Committees in Uttar Pradesh had been suspended by a Government Order. It was explained that the reason why Works Committees were not functioning in certain units in the state was inter-union rivalry which made it difficult to have any working arrangement for these Committees. The State Government, however, agreed to reconsider the matter.

Additional measures for protection against victimisation and reference of cases of victimisation to arbitration.— Cases of alleged victimisation should be referred to arbitration to the utmost extent possible. Where there is no arbitration, such cases should ordinarily go for adjudication. Before, however, adjudication is resorted to in such cases, there should be more effective screening. When conciliation has failed, the Conciliation Officer and the Union concerned should discuss the matter again whether adjudication was necessary. In the event of disagreement between the Conciliation Officer and the Union, the case should be taken up for screening by a higher official of the Central or State Industrial Relations machinery with the representative of the Central Workers' Organisation concerned. If the latter still insisted, the matter should be referred to adjudication.

Amendment of Sections 79 and 80 of the Factories Act to provide for the rate of payment for the period of leave according to the wages of normal post held and for grant of leave according to exigencies of work in a factory.— The proposal for amending Section 79 was not accepted. As regards Section 80, it was agreed that specific cases of difficulty should be brought to the notice of Government to enable them to consider the matter further, if necessary.

Amendment of Section 2(00) of the Industrial Disputes Act so as to change the definition of the term 'retrenchment'.— It was agreed that the instances cited were not really cases of retrenchment but of retirement and invalidity. The question of providing for benefits in such cases should be further examined.

Amendment of Section 25 F of the Industrial Disputes Act so as to provide for payment of full compensation in the case of closure of an undertaking on account of expiry of lease, licence, or exhaustion of reserves.— (a) The proposal for amending the Act to provide for payment of full compensation in cases of closure on account of expiry of lease or licence was accepted. Opinion was, however, divided on the question of covering cases of closure due to exhaustion of reserves. It was agreed that this subject should be considered, in the first instance, by the Industrial Committees on Coal Mining and Mines other than Coal, and thereafter brought up before the Standing Labour Committee or the Indian Labour Conference.

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(b) The question whether the money set aside for the purpose of paying such compensation could be treated as deductible item of expenditure for purposes of Income Tax would be examined.

Amendment of Section 10(b) of the Indian Trade Unions Act, 1925, so as to empower the Registrars to cancel the registration of a trade union the executive of which has been found to have violated its registered rules.- It was agreed that the Registrars need not be given very wide powers. The State Governments would, however, examine the difficulties experienced by them in this regard and formulate, in consultation with the State Labour Advisory Committee, proposals concerning the specific types of violations for which Registrars might be given powers to cancel registration. The subject should thereafter be considered at a subsequent session of the Standing Labour Committee or the Indian Labour Conference.

Amendment of Section 33 of the Industrial Disputes Act, 1947, to empower Tribunals to adjudicate upon the application made by employers to dismiss a workman.- Consideration of the proposal was deferred.

Social Security - Review of the working of the Employees' State Insurance Schemes.- A point was made that the progress of the Schemes had not been such as to give entire satisfaction. It was agreed that a tripartite Committee should be set up with Shri Jaisukhlal Hathi, Minister of Labour, and as its Chairman, to go into the matter and suggest what modification or change in the structure and organisation of the Employees' State Insurance Corporation would be necessary to ensure more satisfactory functioning of the schemes.

Workers' Education - Question of allowing some time off to the workers attending unit level classes.- The proposal that the workers should have some time off for attending unit level classes organised under the Workers' Education Scheme was approved. It was agreed that at least half of the time required for the purpose would be granted by the employers, from the employees' working time.

Definition of natural wastage or separation as contained in the recommendation on rationalisation adopted by the 15th Session of the Indian Labour Conference held in 1957.- It was agreed that the term "natural wastage or separation" should include (i) death, (ii) superannuation, (iii) invalidity caused due to accident, and (iv) resignation.

Raising of the wage limit from Rs.500 to Rs.1,000 under the Employees' Provident Funds Scheme 1952 for eligibility to membership of the Fund.- The proposal to raise the wage limit from Rs.500 to Rs.1,000 was approved.

Principle of 'no work, no wages' and implications thereof.- The consideration of the subject was deferred.

13

Amendment of the Indian Trade Unions Act with a view to protecting the right of membership of seasonal workers during off-season without payment of the prescribed membership fee.- The proposal to amend the Act was not agreed to.

Security of Employment and sanction behind the tripartite decisions.- There was an exchange of views on the subject but no specific conclusions were reached. It was, however, agreed that the subject should be considered further, and in the meanwhile the magnitude of the problem should be studied.

Proposal to amend the Industrial Employment (Standing Orders) Act so as to make Model Standing Orders applicable to industrial establishments till Standing Orders are certified.- The proposal to amend the Act was accepted.

Further consideration of the Report of the Study Group on Social Security.- (i) Further consideration of the Report of the Study Group on Social Security should be suspended for three years;

(ii) steps to raise the contributions of both employers and employees to the Provident Fund to 8 per cent should be processed vigorously; and

(iii) a modified scheme involving compulsory insurance of contributions under the Employees' Provident Funds Act and the Coal Mines Provident Fund Act should be examined as a matter of urgency, the premia and other payments towards insurance being made from the individuals accumulations in his provident fund.

Amendment to the Indian Trade Unions Act, 1926, to provide for resolution of disputes among rival office-bearers of a trade union.- The consensus of opinion was in favour of the proposal to empower the Labour Courts to resolve such disputes. The disputants should have direct access to the Labour Courts for this purpose.

Grant of facilities by employers to employees attending the trade union courses organised by the trade union organisations on a pattern similar to those extended by the employers to the trainees attending the training courses of the Central Board for Workers' Education.- The proposal for granting release time wages to workers attending special courses conducted by trade union organisations was not favoured.

General.- The Chairman referred to the general economic situation in the country and the slow rate of growth of the economy. Industrial production during the first year of the Third Five Year Plan had lagged behind expectations. The shortfalls had to be made up by increased efforts, and the economy pushed forward at a faster rate to provide, within a reasonable period of time, more employment opportunities and a minimum standard of living. He urged it was necessary to give greater attention to the basic questions of: (a) increasing production through fuller utilisation of resources and working of multiple shifts and (b) reduction of costs which have assumed added significance in the ~~existing~~ existing conditions in the economy. The possibility of examination of these and other allied matters in relation to particular industries by the Industrial Committees concerned might be explored. It was also

agreed that these matters would be considered at a tripartite meeting at the national level to be specially convened for the purpose.

A point was made that situations were allowed to drift and develop at times, into a dead-lock, resulting in prolonged work-stoppages. It was agreed that the Ministry of Labour and Employment would arrange to carry out case studies with a view to devising ways and means whereby recurrence of such situations could be averted.

The Standing Labour Committee reiterated the decision taken at the 17th Session of the Indian Labour Conference (Madras, July 1959) that the legislative and administrative policies of the Central and State Governments, and the policies of employers' and workers' organisations should not run counter to the broad lines of policy that may be adopted by the Indian Labour Conference from time to time after full tripartite discussions in the Conference. Proposals involving any new major point of policy or principle should generally be undertaken after consulting the Indian Labour Conference or the Standing Labour Committee.

(Documents of the meeting received  
in this Office;  
The Economic Times, 18 October 1962;  
The Hindustan Times, 18 October 1962 ).

12. Activities of External Services.

India - September-October 1962.

Meetings

(a) The Director of this Office represented the ILO at a seminar on teaching about the UN held at New Delhi under the auspices of the WFUNA/ISMUN. (23 October-2 November).

(b) The Director represented the ILO at the seventh session of the ESCAPE Working Party on Housing and Building Materials held at Delhi from 25-29 September 1962.

(c) The Director attended a meeting of the 20th Session of the Standing Labour Committee held at Delhi on 17 and 18 October 1962.

(d) The Director attended a joint meeting of concerned Ministries convened by the Director General of Employment and Training to consider possible UNICEF assistance to vocational education and training.

Visitors

Among visitors to this Office were Mr. Bray from Headquarters, Mr. Johnston, ILO Consultant and Miss Sheila Quinn, of the International Council of Nurses.

A group of post-graduate students of the Bhagalpur University, Bihar, also visited the Office during the period under review. The students were shown a film about the ILO followed by a short explanatory talk by the Director.

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CHAPTER 2. INTERNATIONAL AND NATIONAL ORGANISATIONS.

INDIA - SEPTEMBER - OCTOBER 1962.

21. United Nations and Specialised Agencies.

Meeting of the ECAFE Working Party on Housing, New Delhi,  
25-29 September 1962: Establishment of a Training  
Institute Recommended.

A 5-day session of the ECAFE Working Party on Housing began in New Delhi on 25 September 1962. The session was inaugurated by Shri Mehr Chand Khanna, Union Minister for Works, Housing and Supply. Among others, U. Nyun, Executive Secretary of the United Nations Economic Commission for Asia and the Far East addressed the session. The session was attended by the representatives of Burma, Cambodia, KMT China, Federal Republic of Germany, France, India, Iran, Japan, Korea, Pakistan, the Philippines, Singapore, Thailand and the United Kingdom, besides the representatives of UN agencies. Trade Unions were represented by delegates from the WFTU and IOFTU. Shri V.K.R. Menon, Director of the ILO India Branch also attended the session.

Inaugural address.- Inaugurating the session, Shri Mehr Chand Khanna, Union Minister for Works, Housing and Supply said that most of the countries in the ECAFE region could afford to under-estimate the role of self-help in housing. "for not all the financial resources, that are at our command, can alone help us to solve the housing problem". He said unless the prospective house-owner in towns and cities and, more so in villages, "is prepared and, what is more, encouraged to contribute his own labour and skill, we shall not be able to carry through a housing programme of any dimension or meaning."

Explaining the concept of self-help in housing Shri Khanna said that it would be well to enlarge the concept of self-help to include individual savings in cash to help in the construction of the house. The drive for small savings must, therefore, form a part of the aided self-help housing programme.

U. Nyun, Executive Secretary of the United Nations Economic Commission for Asia and the Far East, said in most countries of the region urban environments were deteriorating under the impact of the large influx of population from rural areas and solution of this and other problems would call for the most energetic action on the part of the countries of this region. He said it was difficult for the Governments to deal single-handedly with the vast problem of increasing demand for housing in the region. He, therefore, suggested that the co-operation of the private sector should be encouraged by various Government incentives, including tax concessions and the provision of developed land for housing on reasonable rates. He emphasized that proper overall planning to revitalize villages would help reduce the increasing drift of population from rural to urban areas.

Recommendations.- The meeting, among other things, unanimously recommended that a training institute in housing should be set up under the United Nations aegis at the regional housing centre in New Delhi. The ECAFE secretariat was requested to work out details of the project in consultation with the International Labour Organisation and the World Health Organisation.

The Working Party considered that there was permanent need for physical planning in meeting the housing need in the region and felt that physical planning should be considered along with economic and social factors as integral parts of national planning.

It recommended that governments should introduce suitable land reform policies in order to provide for accelerated urban and regional development.

It also endorsed the recommendations of the UN Seminar on essential services relating to the urban and rural housing (see pp. 18-19 of this Report) that governments in the region should consider the possibility of establishing national water and sewerage authorities to deal effectively with the problems of water supply and sewage disposal where the local authorities do not have adequate financial and staff resources. In order that adequate essential services are provided in housing the working party suggested that a good guide would be to ensure that the cost of land plus services, excluding trunk services and central installation, should be about 20 to 25 per cent of the overall cost of the project.

(A report of this Meeting was sent to Geneva by the Director vide this Office minute F.23/3969/62 on 29 September 1962.)

(The Hindustan Times, 26 September, 1962;  
The Hindustan Times, 1 October 1962).

UN Seminar on Essential Services in Relation to Urban and Rural Housing, New Delhi, 17 September 1962 .

A 22-nation UN Seminar on "Essential Services in Relation to Urban and Rural Housing" was held at New Delhi on 17 September 1962. The Seminar was opened by Dr. Zakir Hussain, the Vice-President of India. Delegates from Iran, Pakistan, the Republic of Korea, Japan, the Philippines, Thailand and Singapore participated in the Seminar. Among others, the ECAFE Executive Secretary, U. Hyun and Shri Mehr Chand Khanna, Union Minister for Works, Housing and Supply, addressed the Seminar.

In his opening speech the Vice-President, Dr. Zakir Hussain pleaded for the co-ordinated growth of rural and urban housing programmes with adequate provision for roads, transport and other essential services. Broad-based, comprehensive plans were needed. At the same time there was no general universal solution in the problem. Conditions, climatic and otherwise, varied from place to place and each nation had, therefore, to provide for its own particular need. He warned the audience that in their preoccupation with improving towns and villages they should not ignore essential human needs. The town planners should recognise the "paradoxical human need of solitude on one hand and social contact on the other. The congestion of the slum robs man of his solitude. The impersonal anonymity of the city and the constant depletion of the village by the amending drift to the towns tend to push man into a depressing isolation." Moreover, the city or village should not only be clean and comfortable but also beautiful and aesthetically satisfying, the Vice-President added.

Addressing the meeting U. Hyun said that over 1,000 million people in Asia, Africa and Latin America, constituting half the world's population, were homeless or living in conditions which besides posing health hazards were an affront to human dignity. U. Hyun said by 1965 some four million dwellings would have to be constructed annually in the urban areas and 4,600,000 in the rural areas to house the increase in population. By 1970 the annual rates should have risen to over five million in each category. He envisaged a 30-year programme to eradicate the shanty towns which he said would require the construction by 1970 of another six million dwellings and between four to nine million dwellings annually to meet the current obsolescence.

The Seminar urged that comprehensive planning of all services with due regard to future requirements, be made *in the developing* areas. It made specific suggestions regarding traffic requirements, road developments, land-scaping and tree planting, and the use of locally produced materials such as prestressed concrete and asbestos cement pipes.

(The Statesman, 18 September 1952).

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25. Wage-Earners' Organisations.

India - September-October 1962.

Fourteenth Annual Conference of Estates' Staffs' Union,  
Coimbatore, 9 September 1962; Study of Working Conditions  
in Plantations urged.

The fourteenth annual conference of the Estates Staffs' Union of South India was held at Coimbatore on 9 September 1962. The conference was inaugurated by Shri C.R. Pattabhiraman, Union Deputy Minister for Labour, Employment and Planning and presided by Dr. P.H. Daniel, working president of the Estates' Staffs' Union. Among others, Shri K.T. Achuthan, Kerala Minister for Transport and Labour and Shri K. Kamraj, Chief Minister of Madras addressed the conference.

Inaugural speech.- Inaugurating the conference, Shri C.R. Pattabhiraman, Union Deputy Minister for Labour, Employment and Planning, exhorted planters and their employees to work the Code of Discipline in the right spirit and fulfil the duty they owed to the larger community by avoiding stoppages of work. The Union Deputy Minister referred to wage questions and said the Tea Wage Board had already given an interim award and it had been implemented. He hoped the final recommendations of the wage board would soon become available. "While the wage board is deliberating, it would not be reasonable to agitate on demands involving revision of wage structure" he said.

On housing facilities to plantation labour, Shri Pattabhiraman said: "The response (from planters) to the scheme of interest-bearing loans to the extent of 80 per cent of the construction of houses has not been encouraging on the ground that the conditions attached to the grant are rigid." After discussions, the industrial committee, he said, had asked a study group to examine the difficulties and hoped it would be able to sort out them and set apace the housing programme.

As regards the application of the Provident Fund Act to estate school teachers, Shri Pattabhiraman said suitable amendment of the Act was under consideration of the Government.

Man-hours lost.- Shri Pattabhiraman referred to the improved relationship between the employer and employees since the acceptance of code of discipline in industry and said the man-hours lost had come down to 1.4 millions last year from 4.2 millions three years ago.

Presidential address.- The President, in his address urged for a joint council of two of three members of the UPASI and an equal number from the Estates Staffs Union of South India for settling disputes that may arise in individual estates. He appealed to the Governments of Madras, Kerala and Mysore to appoint an officer to determine the cost of living index for middle classes. The Estates Union, Dr. Daniel said, was the first union to be registered as a trade union in the plantation industry in South India. He criticised the tendency among some members to use the union when it suited them and then discard it.

Resolutions.- The conference requested the Governments of Madras, Kerala and Mysore, to appoint a committee of enquiry to study conditions in all plantations and estates in the three States and submit a report to the Government.

By another resolution, it requested the three State Governments to appoint officers for compiling and publishing separate periodical costs of living index numbers for middle class employees, since the dearness allowance given to white-collared workers based on the cost of living index for the working classes would be "unfair".

It appealed to the Government of India to bring the teachers in the plantations under the purview of the Employees' Provident Fund Scheme, so that they could have the benefit of employees' provident fund, like the rest of the workers in the plantations.

As the Coffee Wage Board had failed to give any interim relief to staff working in the industry and as the industry was in as prosperous a condition as tea and rubber industries, which had already given interim relief, the conference resolved to call for a general "striko" to back the demand for interim increase.

The conference also wanted the plantation wage boards to give their recommendations expeditiously. A resolution on the subject said that the conditions of living and employment were changing from day to day, and the cost of living was also going up.

(The Deccan Herald, 10 September 1962).

28. Employers' Organisations.

India - September-October 1962.

69th Annual Conference of UPASI, Coonoor, 1 September 1962.

The 69th Annual Conference of the UPASI was held at Coonoor on 1 September 1962. The meeting was inaugurated by Shri G.L. Nanda, Union Minister for Labour, Employment and Planning and presided by Shri W.C.F. Simmonds, President, United Planters' Association of Southern India.

Inaugural address.- Inaugurating the 69th annual meeting of the UPASI, Shri G.L. Nanda, Minister for Labour and Employment stated that it was no longer necessary for labour organisations to retain militancy in view of the political changes and the labour policy, codes, structures of law, the industrial relations machinery that had been created and developed and the acceptance by the community of its responsibility to the working class as a very important section to the nation. "All these things should bring about a different outlook on the part of the working class in labour movement", Shri Nanda said, adding they had to raise the level of the understanding of the workers to make them wake up, change their old ways to accept the needs of higher level of decency. The trade unions, he said, had therefore, a new role - very constructive role - in training workers and in educating and organising them, he said.

He called upon the planters to give labour a fair deal and said he would ask the workers to put in their best, be more efficient and disciplined before they asked for more. "Discipline is the foundation for efficiency", he said. Shri Nanda said discipline didnot come by shouting. It came out of certain standard of human relationship and it could be generated and developed. "That which comes from within is much more enduring and much more valuable", he said.

The Minister said that labour legislations affecting plantations were being very cautiously introduced and implemented. There had been exemptions regarding the restrictions on land ceilings as far as plantations were concerned. He promised to look into any special difficulties which the planters might come across.

Presidential address.- Addressing the meeting, Shri W.C.F. Simmonds, said that the "biggest headache" of the plantation industry was to keep the cost of production within reasonable limits. Buyers were not worried about the costs as selling price was controlled by the law of supply and demand, he added.

Shri Simmonds said that tea production was on the increase and prices had eased. Coffee had a bad cropping year with a shortfall of 22,000 tons. He said since world prices were well below their cost of production, they should concentrate on quality for the exportable grades.

The President regretted that the strategic value of rubber was not being appreciated by the authorities. Rubber saved several million of foreign exchange and more savings could be achieved if sufficient incentives were given to producers to expand and replant. He said the Government of Kerala, where most of the country's rubber was grown, had not so far allowed the depreciation element as a charge against taxation. He said that the Government were adopting a short-sighted policy in this which regard which would jeopardise the long-term interests of the industry.

(The Hindu, 2 September 1962 ).



Chapter 3. Economic Questions

33. Full Employment policy.

India - September-October 1962.

Punjab: Pilot Scheme for Employment Promotion in Rural Areas.

The Government of Punjab is undertaking in October 1962 a 20 million rupees scheme with a view to give full employment to people in rural areas.

Initially, this pilot project will be confined to six areas two of which - Palampur and Malerkotla - have already been selected. In these two sites it is proposed to locate industries such as tea packing, bee-keeping, carpet making and also poultry breeding with the assistance of the Centre. The areas have been selected following consultations with the Planning Commission and the Government of India. In all these areas the idea is to start cottage industries. A high-power committee with the Chief Minister as chairman has been set up to prepare the policies for the project. For each of the projects there will be a committee and already efforts are under way to recruit specialised staff.

(The Statesman, 19 September 1962).

34. Economic Planning, Control and Development.

India - September-October 1962.

Study Groups appointed to check Rising Prices.

With a view to keep the prices of essential goods in check, the Planning Commission, among other measures, has decided, according to a press note published on 12 September 1962, to appoint two study groups consisting of representatives of all relevant Ministries. One of these groups will "work out detailed proposals" to check the prices of rice, sugar, edible oils and other agricultural products, while the other will do the same in respect of essential consumer goods such as salt, soap, paper, drugs, medicines and baby foods. The study groups would submit their first reports early in October 1962.

(The Statesman, 13 September 1962).

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Report of the Industrial Finance Corporation for the  
Year ending 30 June 1962 Published: Loans worth  
Rs.240 Million Sanctioned.

According to the annual Report of the Industrial Finance Corporation for the year ending 30 June 1962, the Corporation approved during the year loans amounting to 244.5 million rupees for 16 industries as against 212.1 million rupees in 1960-61 and 179.1 million rupees in 1959-60. It approved 41 applications covering 16 industries spread over 13 States and the Union Territory of Pondicherry.

The applications approved covered a wide range of industries such as pottery, china and earthen-ware, basic industrial chemicals and fertilisers, textiles, metal products, electrical and other machinery, paper, mining and quarrying.

(The Hindustan Times, 29 September 1962).

Increase of 2.2% recorded in India's National Income  
in 1961-62.

According to "quick" estimates prepared by the Central Statistical Organisation of the Cabinet Secretariat, the national income of India recorded an increase of 2.2 per cent in 1961-62 over the year 1960-61.

There was a slight decrease of 0.8 per cent in the net contribution from agriculture during 1961-62 over the previous year, which was more than offset by an increase in other sectors, which taken together recorded an increase of 3.8 per cent in 1961-62 over 1960-61. Based on partial data only these estimates are provisional and likely to undergo revision in the annual paper on national income to be released early next year.

The comparatively small increase is largely due to the following reasons: The foodgrains output in 1961-62 which was earlier anticipated at a little over 80 million tons is now estimated at about 78.6 million tons and the increase under mining and the factory establishments last year was somewhat smaller than was anticipated earlier.

(The Statesman, 11 October 1962).

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Characteristics of India's Population: First Report of  
the 1961 Census published.

India's population, according to the final population totals of the 1961 census released on 10 September 1962 is 439,235,082. Releasing the Report\*, giving the final population totals to the Press ~~to-day~~, Shri Ashok Mitra, Census Commissioner of India, said that it was gratifying to note that the provisional totals released in March 1961, within 20 days of the completion of the count, and compiled in a great hurry were very close to the final totals. The provisional figures were 436,533 million while the final figures for comparable area are 436,533. The post-enumeration check revealed a possible undercount of 0.7 per cent of the population.

Shri Mitra said that on the assumption of a round figure of 3,000 million as the population of the world in 1961, and an inhabited land area of 135.16 million square kilometres. India accounted for about 2.4 per cent of the world's land area but 14.6 per cent of the world's population. In population India was second in the world only to China. China's population was estimated in 1953 at 582 million.

The population count shows an unprecedented decennial increase of 21.50 per cent during the decade 1951-61. At the present rate of growth, India's population in 1971 ~~might~~ might well be over twice her population in 1901, which was 236 million. Since 1901, the country's population has steadily risen, except during the 1911-21 when it declined by one million.

The census figures have been published from the point of serving as economic data for planning and development. Shri Mitra said that they would soon publish a census report on unemployment, which they had enumerated on the basis of a certain definition for unemployment. Figures of religion and mother tongue would also be published.

The final figures showed Tripura had the maximum increase in population of 78.71 per cent while Assam showed an increase of 34.35 per cent.

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\* Census of India. Paper No. 1 of 1962. 1961 Census. Final Population Totals. Price Rs.5.00. pp. ci + 454.

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Shri Mitra said that enumeration had not been taken for determining infiltration. Excess growth of population in one State might be due to people coming in from other States or from outside the country. Then there might be bona fide people who had come from Pakistan. They had to subtract ~~subject~~ all these from the total figure of population to calculate whether there was infiltration and if so how much.

The book "Census of India" final figures gives the ranking of States and Union Territories in terms of population and area in 1961 and 1951, and ranking of States from the point of literacy.

An important conclusion drawn from the 1961 census figures is that the expectation of life at birth in India has risen to over 45 years. This is attributed to a decline in infant and maternal mortality.

The report points out that the cause of increase in India's population lies mainly in the elimination of famines, epidemic and wasting diseases especially malaria. In the last decade, and in the general improvement and economic development. It is generally held that although the birth rate has not fallen appreciably, the death has dropped steeply.

In regard to the sex ratio, the report says: "The proportion of females to males is slowly declining over the years. This means that the risk to female lives at most ages has not improved upon the risk to male lives. This emphasises the fact that demographically India has not entered the modern industrial age with its complementary characteristics of increased risks to female male lives and reduced risks to female lives. First, a larger proportion of boys than girls seems to be born in this country than in the West. Secondly, the statistics indicate that girls in the first few years of their life still seem to suffer from great neglect than boys. Thirdly, a heavy toll of female lives is still taken in the earlier period of the productive age, that is, 15-34. The gap thus created is not made up in later ages."

"Forty-four per cent of the urban population of India", the report states, "live in 107 cities of more than 100,000 each. Out of these, as much as 17 per cent live in seven cities of more than one million population each. ~~Thirteen per cent~~ Thirteen per cent of the urban population live in towns of population between 50,000 and 100,000. Twenty per cent of the urban population live in towns of population 20,000 to 50,000 and 14 per cent in towns of 10,000 - 20,000. Only 9 per cent live in towns below 10,000 population."

The census report provides valuable data in regard to shifts in the vocation of the people. Of the total increase in population during 1951-61 of 77.404 million, the increase in the total number of workers has been 47.173 million and of non-workers, has been 30.231 millions. Thus, if one takes the increase as 100, 60.94 per cent have been returned as workers and 39.06 as non-workers.

The report says: "Confining ourselves to the characteristics of male workers, the following shifts in ratios have taken place during 1951-61."

The report further says; "These changes in ratios are, of course, a little masked by the very large absolute base of workers in cultivation and agricultural labour. But still more marked changes are evident in the rural and urban sectors separately. In rural areas, the increase in the proportion of workers has outstripped that of natural growth; this has not happened in urban areas. Cultivators in rural areas have shown substantial increase, both absolute and comparative. Agricultural labour shows decline in ratios during the last ten years. Forestry, Hunting, Fishing, Mining, Quarrying, etc., show substantial increase in rural areas among males. Increase among workers in Household industry and Manufacturing has been markedly high in both rural and urban areas. But there has been steep decline among women workers in Construction in urban areas."

"Curiously enough, in spite of the larger volume of trade and commerce in the country, there has been a general decrease in the ratio of workers in the Category in both rural and urban areas. There has been a marked increase among workers in Storage, Transport and Communication, in both rural and urban areas. Services have also markedly increased in rural areas but have registered decline in the last ten years in urban areas. While the proportion of workers in rural areas has exceeded the decennial rate of growth, the proportion of non-workers in urban areas has been steeply on the increase, both in absolute and comparative terms," the report adds.

	1951	1961	Remarks
Cultivation and Agricultural Labour.	66.85	64.88	Small but distinct reduction.
Forestry, Plantations, Mining, Quarrying, etc.	2.79	3.10	Increase.
Household Industry and Manufacturing.	9.84	11.27	Distinct increase.
Construction.	1.19	1.41	Distinct increase.
Trade and Commerce.	6.21	5.29	Decline.
Transport, Storage and Communications.	2.04	2.28	Distinct increase.
Services.	11.08	11.77	Small increase.

(The Hindustan Times, 11 September, 1962;  
The Hindu, 11 September 1962 ).



36. Wages.

India - September-October 1962.

Amendments in Minimum Wages Act, 1948 Approved by  
Central Advisory Board.

The Central Advisory Board for Minimum Wages at a meeting in Delhi approved in principle the proposed amendment to the Minimum Wages Act, 1948, to give adequate protection to employees making claims and to protect higher pay already prevailing in an industry or establishment. Regarding the proposal to facilitate the appointment of sarpanches as claims authorities, it was decided to leave the matter to the State Boards and State Governments in view of panchayat the differences in the pattern of panchayat organisations in various States.

The Board also agreed to the proposal to amend the Act to remove difficulties in payment of wages due to the legal heirs of a deceased employee.

(The Statesman, 30 September 1962).

TISCO Workers to get Bonus of Rs.13.5 Million for  
1961-62.

At a meeting held at Jamshedpur on 13 September 1962, Shri Michael John, President of the Tata Workers' Union stated that the employees of the Tata Iron and Steel Company will get Rs.13.5 million as bonus for 1961-62. He said that 25 per cent of the bonus would be retained for the employees in the company's safe custody for their "rainydays". The amount is equivalent to about 55 days' basis wages of the employees.

Last year the payments of bonus amounted to about 12.5 million rupees.

(The Statesman, 17 September 1962).

Annual Report on the Working of the Payment of Wages Act, 1936, in Uttar Pradesh during 1959\*.

Annual reports on the working of the Payment of Wages Act, 1936, in Uttar Pradesh for the years 1957, 1958 and 1959 have been received from the Government simultaneously. The following is a brief review of the working of the Act during 1959 taken from the latest report.

Extent and application.- During the year under review, the Payment of Wages Act, 1936, as amended by the Payment of Wages (Amendment) Act, 1957, applied to the payment of wages to persons employed in all the factories covered by section 2m(i) and 2m(ii) of the Factories Act, 1948. It also applied to various printing presses in which the Act had been extended by a notification of 1939. It was, however, not applicable to the factories notified under section 85 of the Factories Act, 1948. The total number of factories notified under section 85 of the Factories Act, 1948, were 58, i.e., 57 with power and 1 without power.

During the year under review 2,482 (2,331) factories in the State were amenable to the Factories Act, 1948 as per the details given below:-

Classified under section	No. of Factories
(a) 2m(i)	2,126
(b) 2m(ii)	225
(c) Notified under section 85 (with power).	57
(d) Notified under section 85 (without Power).	1
(e) Defence Factories.	73
Grand Total.	<u>2,482 (2,331).</u>

Out of 2,482 (2,331) factories of the State amenable to the Factories Act, 1948, the factories shown above against items (e) and (d) are not covered under the Payment of Wages Act, 1936, as amended by the Payment of Wages (Amendment) Act, 1957. As such, this report is in respect of the remaining 2,424 (2,285) factories and 9 (21) printing presses, totalling in all 2,433 (2,306) factories and establishments.

Out of 2,433 (2,306) industrial establishments 2,187 (2,059) were registered under section 2m(i) and 237 (236) under section 2m(ii) of the Factories Act, 1948. In addition, there were 9 (21) printing presses.

\* Annual Report on the Working of the Payment of Wages Act, 1936, in Uttar Pradesh for the year 1959; Allahabad: Superintendent Printing and Stationary, Uttar Pradesh India, 1962. pp. 155, Price Rs. 6.52nP.

Statistics in respect of Railway Factories (38) and Defence installations are not included.

Thus out of 2,433 (2,309) industrial establishments on which the provisions of Payment of Wages Act, 1936, as amended by the Payment of Wages (Amendment) Act, 1957, was applicable, 2,322 (2,199) establishments were such which were required to submit the returns.

Out of 2,322 (2,199) industrial establishments, which were required to submit their returns, 1,914 (1,692) industrial establishments submitted the same. The position of the remaining Industrial establishments which did not submit the returns for the year under review is as follows:

(i) 16(22) industrial establishments submitted their returns as 'nil' and could not be taken into account for the essential statistical statements.

(ii) 90(59) Industrial establishments did not work during the year and their information could not be included in these statistical statements appended to the report.

(iii) 68(95) Industrial establishments owned by Government and local bodies either did not submit their returns at all or submitted the same too late to be included in the report under review.

(iv) 165(239) industrial establishments were quite new and were not familiar with the provisions of law. Their attention was, therefore, drawn for strict compliance of law in future.

(v) The attention of 23(63) industrial establishments was drawn for strict compliance of law in future as they were small and were not habitual offenders of law.

(vi) 46(6) industrial establishments did not submit the returns and were found habitual offenders and have been prosecuted.

Employment.- During the year under review the average total number of persons employed daily in the industrial establishments mentioned in Return I, Part A in respect of the persons drawing less than Rs.200 as wages appended to the report was 182,960, and that of the persons drawing wages of Rs.200 and above but less than Rs.400 per mensem was 3,139.

The table below gives a study of the total average number of persons employed, the total amount of wages paid and the average wages paid per person per month in respect of persons drawing wages (a) less than Rs.200 and (b) Rs.200 and above but less than Rs.400 per month separately, in accordance with the statistical information furnished by the industrial establishments of the State.

(a) persons drawing less than Rs.200 per month:

Year	Class of factories.	Total average number of persons employed daily.	Total amount of wages paid including deductions.	Average wages paid per worker per month.
1959..	2-m(i) ..	175,254	Rs. 168,745,384.36	Rs. 80.24
	2-m(ii) ..	7,648	982,660.69	65.20
	Printing Presses.	60	35,255.13	48.97

N.B.- The figure relating to the total average number of persons employed daily in respect of Printing Presses given above related to only 6 Printing Presses which submitted annual returns (out of 9 printing presses) which came within the scope of Government Notification referred to in para I of this report.

(b) Persons drawing Rs.200 and above but less than Rs.400 per month:

Year	Class of Factories.	Total average number of persons employed daily.	Total amount of wages paid including deductions.	Average wages paid per worker per month.
1959..	2-m(i) ..	2,912	Rs. 9,376,505.21	Rs. 258.33
	2-m(ii) ..	227	604,133.12	265.78
	Printing Presses.	Nil	Nil	Nil

The table below shows the annual average earnings per person, the percentage in earning as compared to that for the year 1955 and the average cost of living index at Kanpur:-

Year.	Average annual earnings per person.	Percentage increase in earnings as compared with those for the year 1955.	Average General Cost of Living Index at Kanpur.	Remarks.
	Rs. As. Ps.			
1955 --	356 6 0	394.3	371	
1956 --	836 15 0	394.7	424	
1957 --	923.52np.	426.9	448	
1958 --	*984.04np.	431.5	463	*This figure related to persons drawing wages less than Rs.400.
1959 --	**955.19np.	444.9	459	**This figure relates to person drawing wages less than Rs.200 only and has been given here for comparing it with figures in respect of the year 1939 when the Act covered only these persons getting monthly wages up to less than Rs.200

Disbursement of Wages.- During the year under review, all possible steps were taken to enforce the provisions of section 5 of the Act to secure disbursement of wages within the prescribed time limit. Where the management was persistent in not making payment within the prescribed time, recourse to legal action was taken. Direction applications in 62 (89) cases had to be filed before the authorities. The details of such direction cases are given in paragraph 22 of this report.

Deductions.- The table below gives comparative details of deductions made towards the realisation of fines or for damage to or loss of goods etc., during the years 1958 and 1959 in the factories registered and licenced under section 2m(i) and 2m(ii) of the Factories Act, 1948:-

Details of deductions	Number of factories		Number of cases		Total amount		Average per cases		
	1958	1959	1958	1959	1958	1959	1958	1959	
(a) Fines	-	22	15	7,927	5,025	Rs. 4,831.31	Rs. 1,196.19	Rs. 0.61	Rs. 0.24
(b) Deductions for damage or loss of goods	-	15	19	8,869	8,084	15,944.08	15,188.59	1.80	1.88
(c) Deductions for breach of contract.	-	1	1	1	1	16.26	72.12	16.26	72.12

The fines and deductions as shown in the above table amounted to Rs.16,456.90 (Rs.20,791.65) which work out to an average of Rs.1.26 (Rs.1.24) per case and to an average of Rs.0.09 (Rs.0.10) per mansem for the year under review. However, no fines or any other deductions were reported by the printing presses which come under the purview of notification No.954/XVIII-839, dated 24 March, 1939.

Inspections.- Inspections under this act were made along with the inspections under the Factories Act, 1948. Special visits were also paid by the Inspectors of Factories who are also Inspectors for the Payment of Wages Act to enquire into the complaints of non-payment of wages or for illegal deductions from the wages of the workers. A total of 1058(1254) industrial establishments were found contravening the provisions of the Payment of Wages Act, 1938 and the Rules made thereunder. Attention of all concerned was drawn for strict compliance of law and in the majority of cases the irregularities were got rectified. The provisions of section 4 of the Act relating to wage ~~provides~~ periods were generally complied with. One hundred and two cases for breach of section 5 (time of payment) and 7 (deductions) were detected by the Inspectors. Out of 102(118) cases, 75(48) were detected by the Inspectors in their usual visits and 27(70) cases on complaints. Suitable action was taken in each case.

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Prosecutions.- During the year under review 6 prosecutions were launched for non-submission of Annual Returns for the year 1958 within the period prescribed in rule 18 of the U.P. Payment of Wages Rules, 1938. Out of the 6 cases launched, 2 cases have been decided and have resulted in conviction and the remaining 4 cases are still pending.

In addition to the above, 8 cases for the year 1958 shown pending in the preceding report are still pending. Three cases for the year 1954, shown pending in the preceding report have since been decided as per intimation received from the Standing Council, Kanpur.

Some of the prosecutions and direction cases mentioned above might also have been decided but in the absence of any information in this regard from the Courts concerned, the cases had to be treated as pending.

A total of 252(241) Complaints i.e. 139(113) through Union - 91(117) from individual persons - 22(11) from other sources, alleging non payment of wages, delayed payment of wages, or illegal deductions etc., were received in the regional offices. Out of these 236 (220) cases were disposed of as detailed below.

Enquiry was made into 205 complaints by the inspectorate and the remaining 33 complaints were settled by correspondence. Out of the cases in which enquiry was made, 167(195) complaints were found genuine and the rest 36(25) complaints were not found genuine and consequently between 'and' and 'consigned' consigned to records.

The remaining 16(2) Complaints could not be disposed of finally during the year under report and were kept as pending for the following year.

Maharashtra: Minimum Wages Act, 1948, extended to  
Certain Employments.

In exercise of the powers conferred under the Minimum Wages Act, 1948, the Government of Maharashtra has added, with effect from 1 October 1962, the following employments to Part I of the Schedule to the said Act, namely,

- "19. Employment in rubber manufacturing industry,
20. Employment in paper bond industry."

(Notification No. ENQ 1062/C-1743-Lab.iii, dated 1 October 1962, Maharashtra Government Gazette, Part I-L, 11 October 1962, page 4122).



Bombay Textile Workers to get a Bonus of Rs.107.5 Million  
from 1959 to 1961: Chief Minister's Award.

Shri Y.B. Chavan, Chief Minister of Maharashtra acting as mediator in a dispute between workers and managements, of Bombay's 60-odd textile mills, stated in Bombay on 7 October 1962, the consolidated figure of 107.5 million rupees as bonus to the city's 200,000 textile workers for the three years, 1959, 1960 and 1961.

Shri Chavan's award was released to the press by Shri G.D. Ambekar, general-secretary of the Rashtriya Mill Mazdoor Sangh (INTUC), the recognised union of city textile workers, who received it along with Shri Pratap Bhogilal, president of the Millowners' Association.

It is estimated that on average, a worker will receive 500 rupees, under these terms.

(The Economic Times, 8 October 1962).

Payment of Bonus: Memoranda submitted to Commission  
by Employers' and Workers' Organisations.

The Council of Indian Employers, which represents the Employers' Federation of India and All India Organisation of Industrial Employers, submitted a memorandum to the Bonus Commission which is of the view that the present practice of payment of bonus based on profits should, wherever possible, be replaced by a system of bonus related to productivity or efficiency in a period of two years but not exceeding five years. The memorandum states that payment of bonus based on profits has only become a source of industrial strife and stimulated inter-union rivalry in an endeavour to claim more membership by perpetually flogging and exploiting the issue of bonus quantum.

The Council, has said that fixation of bonus should take into account, it would be unfair to deal with the claims of industrial workers in isolation by ignoring the lot of the working class as a whole comprising non-industrial and agricultural workers.

Secondly, the long term requirements of industry should be reconciled with the immediate needs of labour. Again the arrangements to be evolved should ensure optimum satisfaction to all and increase the earnings of workers as well as the efficiency and productivity of industry.

The Council is against a uniform formula to all industries as the problems of each industry are different and their relations with labour are governed by past practices. According to the Council, while flexible approach is necessary it is essential to identify these diverse problems so that solutions on industry-wise basis could be found.

The Council has suggested that as it may not be possible to effect forthwith the change from profit bonus to productivity bonus, the Labour Appellate Tribunal formula should, in the interim period, be made applicable to achieve simplicity. The Council has emphasised that whatever bonus formula or arrangements are decided upon in respect of private undertakings should be made available to all the units in the public sector engaged in the same industry.

The following are the Council's other important recommendations:

These basic considerations  
According to the Council,  
since the interests of  
the community are  
paramount

1. It is necessary to put a ceiling of 25 per cent of the basic wages on the total bonus payable. Where festival bonus such as Puja bonus is paid, it may be treated as having been paid "on account" and should be adjusted against the total bonus payable;

2. There may be industries however, where conditions are such that they may prefer to continue payment of bonus related to profits with an improvement in the L.A.T. formula;

3. In industries where due to special reasons bonus related to profits is paid by mutual agreement on a basis other than the L.A.T. formula, they may continue to do so; and

4. In no case should the system of profit bonus be introduced in industries where it does not exist at present due to the special features of the industry.

The Hind Mazdoor Sabha, in its memorandum to the Bonus Commission has recommended that a minimum unconditional bonus equivalent to one month's total earnings should be paid to a workman every year. This should be irrespective of profits or losses of the undertaking.

In addition, one-third of the gross profits of an industry or concern as calculated for the purpose of charging managing agency commission under the Companies Act should be paid to workers as the profit-sharing component of bonus.

The HMS does not favour fixation of any ceiling on bonus. In its view bonus should be determined industry-cum-regionwise wherever possible. In calculating gross profits on which bonus is to be charged, any items of expenditure that are excessive, unreasonable, improper or untrue should be disallowed. The method of payment should be in cash at the end of every year. The total earnings which form the basis for calculation of bonus should include dearness allowance, incentive earnings or production bonus, house rent, shift allowance, night allowance and customary bonus.

The quantum of bonus should not be affected in any way by the prevailing level of workmen's remuneration in any industry except in some exceptional cases where the wages can be demonstrated to be abnormally low.

The HMS has held that the question of linking bonus with production was beyond the terms of reference of the commission. In its opinion, no prior charges except statutory depreciation should be allowed in determining bonus.

While supporting the basic approach underlying the Labour Appellate Tribunal formula, the IES has suggested that for the purpose of calculation of gross profits the managing agency commission should not be deducted. In its view the LAT formula is highly complicated and does not lend itself to any simplification.

The IES feels that there is no justification for giving any return on reserves whether they are utilised as working capital or not. It has suggested that there should be no discrimination in the rates of bonus for workmen drawing up to 500 rupees per month. Bonus disputes should be referred to special bonus tribunals whose awards should have the force of court decrees. There should be no appeals over their decision.

The IES has urged that special features of the mining, sugar and plantation industries should be taken into account in fixing bonus for workers engaged in them.

(The Hindustan Times, 3 and 30 October 1962).

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37. Salaries.

India - September-October 1962.

Pay Scales of Reserve Bank Employees Revised:  
Recommendations of Desai Tribunal.

The Desai Tribunal Award in respect of the Reserve Bank of India employees, published on 29 September 1962, has recommended, among other things, an upward revision of pay scales, automatic linking of the dearness allowance with the working class consumer price index and some modifications in house rent and family allowances.

The scales of pay recommended by the tribunal for most of the categories provide for a higher scale for staff at Bombay, Calcutta, Madras, New Delhi, Kanpur, Ahmedabad, Hyderabad and Bangalore as compared with other centres.

For clerks, the revised range of scales will be Rs.155-420 and Rs.145-380 for the higher pay centres and other centres respectively as against Rs.90-300 as at present.

In regard to peons and certain other categories of Class IV staff, the new scales are Rs.100-130 and Rs.90-120 for the two types of centres respectively as against the present Rs.50-80. Jamadars, drivers and some other categories grouped under Class IV are given a higher scale than the peons.

The tribunal has directed that employees should be fitted into the new scales of pay from 1 January 1962, on a stage-to-stage adjustment basis, that is, a man who was drawing a basic pay at a particular stage in the existing scale will draw basic pay at the same stage in the new scale applicable to him under the award.

Special Pay.- The tribunal has directed that all members of Class III staff who are already in the service of the bank, who are graduates and who have not hitherto received any increment be given a special pay of Rs.10 per month. Those who have already received an increment of Rs.10 or more will receive the amount of such increment as special pay. The special pay is also admissible to all employees who are graduates at the time they join service and also to those who become graduates later. The tribunal has prescribed special pay for nine categories of workers in Class III, such as senior compounders, punch operators, clerks in Grade I and seven categories among Class IV staff, such as air conditioning plant attendants, jamadar Grade I and Mazdoors attached to governors' residences.

House Rent Allowance.- As regards house rent allowance, the tribunal has directed that employees belonging to Class II and III should be paid house rent allowance at the rate of 10 per cent of pay plus special pay, if any, within certain prescribed limits.

In regard to subordinate staff, the tribunal has awarded an allowance of Rs.10 per month at Bombay, Calcutta and New Delhi and eight rupees at Madras, Bangalore, Kanpur, Ahmedabad and Hyderabad and five in all other places. The tribunal has rejected the demand for rent-free quarters for Class IV employees.

Gratuity.- Dealing with gratuity the tribunal has directed that in view of the "considerable increase" in the basic pay payable under the award, for the calculation of gratuity, the basic pay in the case of Class II and III staff should be 90 per cent of the basic pay payable under the award and in the case of Class IV staff, 75 per cent.

On the demand for raising the retirement age of Class IV staff from 55 to 60 years, the tribunal has directed that such of those who have reached the age of 55 years may be retired after two months' notice in case their efficiency is found by the bank to have been impaired. Otherwise, workmen of this category should not be compelled to retire before the age of 58.

(The Statesman, 30 September 1962).

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38. Housing.

India - September-October 1962.

Mysore: Central Aid to be utilised for Construction  
of Houses for Plantation Labour.

Shri D. Devaraj Urs, Mysore Minister for Housing stated in the Mysore Legislative Assembly on 7 September 1962, that the State Government was preparing a scheme under which it could utilise the Central assistance for providing houses to plantation labour. He said that the planters had been providing houses to workers from their resources. They had not come forward to utilise the Central assistance. But the Government was evolving a scheme to utilise the Central assistance, he added.

The Minister, answering a supplementary, said there had been a set-back in the working of the Low Income Housing Scheme due to paucity of funds. He further stated that at present the Mysore Housing Act was not applicable to all parts of the State. The Government would introduce a legislation to amend the original Act to make it applicable to all parts of the State. (The draft Bill had already been gazetted).

He said that the difficulty in accepting the Central assistance to work various housing schemes was that the State Government had to provide for matching grants. He claimed that in regard to Rural Housing, Mysore State was ahead of other States.

(The Deccan Herald, 8 September 1962).

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Seventh Conference of State Housing Ministers,  
New Delhi, 17-19 October 1962: Establishment of  
a Standing Body and Housing Levy on Industrialists  
recommended.

The seventh conference of State Housing Ministers was held at New Delhi from 17-19 October 1962. The conference was inaugurated by Shri Jawahar Lal Nehru, Prime Minister of India and presided by Shri Mehr Chand Khanna, Union Minister for Works, Housing and Supply.

Inaugural speech.- Inaugurating the conference, the Prime Minister said that the solution to the present problem, lay not in asking for funds which were not available but in scientific use of available resources. He strongly censured officials and State Ministers for their "un-scientific and backward-looking attitude" towards the housing problem and for their refusal to adopt modern and cheaper methods that were suggested to them. He referred in particular to the need to remove slums - which he said reduced humans to a sub-human level - and called for concentrated efforts to settle this mere problem first.

Presidential address.- Shri Khanna, in his opening remarks, spoke of the heavy back-log in housing and called for greater investment in both the public and private sectors. He estimated that about 10 million houses would be needed in the urban areas by 1965 and another 60 million in the rural areas. He stressed in particular the role that the private sector would have to play; the public sector would have to confine itself to looking after the housing needs of the weaker sections of the community.

Recommendations.- Shri Mohorchand Khanna and Shri G.L. Nanda, Minister for Labour and Employment and Planning informed the Conference that the Centre would examine the possibility of imposing a levy on industrial employers for financing projects for industrial workers. Shri Nanda was of the view that industrial employers should provide at least 50 per cent of workers' housing.

The conference recommended that a standing committee on housing under the chairmanship of the Union Housing Minister be set up. One Housing Minister from each zone would be a member of the committee by rotation. The committee should watch the progress of housing schemes in different States and ensure speedy implementation of the recommendations of the Housing Ministers' conference.



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Emphasis was laid on the importance of the land acquisition and development scheme which alone could ensure the success of all housing programmes. It was stated that 100 million rupees provided for the Central Housing Board could be utilised for the scheme in addition to 100 million rupees already allocated, allocated.

The conference recommended that immediate steps be taken to acquire and develop land in view of rising land values. The State Governments were asked to speed up acquisition proceedings.

The conference stressed that funds made available for housing in different States under the Centrally-sponsored scheme should not be diverted to other projects. Shri Khanna said the matter would be taken up with the Planning Commission so that a directive could be issued to the States against diverting funds earmarked for housing schemes.

It was agreed that an intensive village housing programme should be launched on the lines of the agriculture district programme of the Union Food Ministry. It was decided that at least one block in each division of a State should be selected for this purpose. Preference would be given to villages with a large population of landless agriculture workers.

The problem of pavement dwellers was also considered and it was agreed that provision of night shelters should be given a higher priority.

(The Statesman, 18 October, 1962;  
The Hindustan Times, 20 October, 1962).

Working Group for Housing Cooperatives constituted.

The Union Ministry of Works, Housing and Supply announced on 9 October 1962 the appointment of a Working Group on housing cooperatives and asked it to recommend specific programmes indicating suitable pattern of financial and other assistance to the cooperatives. Shri Dharam Vira, Secretary to the Government of India, Ministry of Works, Housing and Supply will be the Chairman of this Group.

Terms of reference.- The terms of reference of the working group are: To examine the scope of co-operative form of organisation in the field of housing; to draw up a pattern of organisation for the cooperatives; to assess financial requirements of cooperatives at various levels and suggest ways and means of meeting them; to suggest patterns of financial assistance from the Central and State Governments; to recommend specific programmes and physical targets for the organisation of cooperatives during the third plan period; to make recommendations for allocating to cooperatives a certain portion of the funds provided for the entire sector; and to indicate the lines of development of housing cooperatives in the fourth plan.

(The Hindustan Times, 10 October 1962).

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Intensive Integrated Village Housing Programmes to be  
launched.

The introduction of an intensive integrated village housing programme under the village housing projects scheme on the lines of the intensive agricultural district programme (package programme) is being considered by the Ministry of Works, Housing and Supply.

Under the new programme, one community development block in each State which wants to participate in the scheme will be selected. It will be sub-divided into minimum development units, each consisting of a group of interrelated villages of a sufficient number to justify the provision of basic common services like a secondary school, a health centre, a community centre, a workshop for building components, a brick kiln and other related services. The development of these units will be carefully planned in respect of communications, land for housing and community services, water supply, irrigation, drainage and other relevant factors.

(The Statesman, 12 October 1962).

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

42. Co-operation.

India - September-October 1952.

Study Group for Development of Transport Co-operatives  
set up.

With a view to consider the problems of organisation and promotion of transport co-operatives and to formulate proposals for implementing them during the Third Plan the Union Government has set up a study group with Shri S.N. Bilgrami, Chairman of the Inter-State Transport Commission, as the Chairman of the Group.

The group will assess the financial requirements of transport co-operatives and suggest patterns of financial assistance to them from the Central and State Governments. Recommendations for allocation of a part of the funds provided for the co-operative sector and for achieving the third Plan targets will be made by the group, which will submit its report in three months.

Although goods transport by road is mainly in the hands of private operators, most of them owning one or two vehicles each, the passenger transport services are being gradually nationalised. The overall position at present is that the public sector covers only about 30 per cent of passenger services and this position is unlikely to change materially during the third Plan. It is felt that the industry is yet to be properly organised and that it offers a vast scope for the promotion of the co-operative movement.

Among the incentives suggested by the Government are; preference in the grant of long-distance permits and counter signature for inter-State operations; grant of Actual Users Import Licence for parts which are difficult to obtain in the market; financial assistance - through Government agencies or the State Bank or co-operative banks and special facilities in collection of terminal and other taxes on provision of reasonable security.

The Study Group will also indicate the lines of development of transport co-operatives in the fourth plan and draw up concrete proposals for their organisation.

(The Hindustan Times, 11 September 1962).

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Madras: Annual Report on the Working of Co-operative Societies for the year ending 30 June 1960\*

According to the annual report on the working of co-operative societies in Madras State for the year ending 30 June 1960, the year under review has been one of steady progress and expansion for the co-operative movement in the State. The following table lists some of the significant achievements in the year ending 30 June 1960:-

Serial number and item,	As on 30 June 1959	As on 30 June 1960
1. Number of Co-operative Societies of all types.	-- 13,330	14,788
2. Membership.	-- Rs. 3,046 Millions.	Rs. 3,395 millions.
3. Paid-up share capital.	-- Rs. 133.6 millions.	Rs. 171.2 millions.
4. Working capital.	-- Rs. 1164.2 millions.	Rs. 1285.6 millions.
5. Percentage of villages covered.	-- 88.3	95.4
6. Percentage of population served.	-- 40.0	48.8

The progress of different types of co-operatives is briefly given below.

Agricultural credit.- During the year under report 639 village societies, 114 credit unions and 4 land mortgage banks were formed. Five hundred village societies were selected for revitalisation. Against a target of 190 million rupees, the Central Banks and the Land Mortgage Banks provided credit amounting to 227.9 million rupees.

\* Report on the Working of Co-operative Societies in the State of Madras for the Co-operative year ending 30 June 1960; Printed by the Controller of Stationery and Printing, Madras, 1962, pp. 426 + 20.

Agricultural credit societies.- Agricultural credit societies continue to constitute the most important sector of the co-operative movement in the State. As many as 9,116 societies out of the total of 14,788 societies are primary agricultural credit societies. The membership and the volume of business done by these societies during the year under review is given in the following table:-

Serial Number and Item.		As on 30 June 1959.	As on 30 June 1960.
1. Number of Societies.	--	8,095	9,116
2. Number of members.	--	1,007,435	1,199,071
		(Rupees in Millions). (Rupees in Millions)	
3. Working Capital.	--	115.818	141.296
4. Owned funds.	--	29.537	36.586
5. Deposits.	--	3.386	2.462
6. Borrowings.	--	82.898	102.248
7. Loans issued.	--	77.853	105.995
8. Overdues.	--	14.185	14.390

Large-sized Societies.- At the end of the year under review there were 22 rural banks, 329 agricultural banks and 119 credit unions. The credit unions had 404 multi purpose co-operative societies formed as their adjuncts. The following table shows the progress of these societies during the year under report:-

		As on 30 June 1959.	As on 30 June 1960.
1. Number of large sized societies -			
(i) Rural Banks.		21	22
(ii) Agricultural Banks.		330	329
(iii) Credit Unions.		Nil	119
Adjunct societies.		Nil	404
2. Number of members.		297,355	384,494
		(Rupees in Millions)	
3. Owned funds.		11.457	14.437
4. Deposits.		5.435	6.730
5. Borrowings from Central Bank.		45.575	61.533
6. Loans issued.		54.003	67.854
7. Overdues.		4.020	5.606
8. Profits.		0.564	0.817

Employees' Societies.- The following table shows the progress made by employees' societies during the year under review:-

	As on 30 June 1959	As on 30 June 1960
1. Number of societies.	540	561
2. Number of members.	230,366	278,592
	(Rupees in Millions)	
3. Share capital.	12.003	13.059
4. Working capital.	52.041	57.297
5. Loans issued.	65.781	99.341
6. Loans Overduss.	2.910	3.041

These societies inculcated the habit of thrift among their members by a system of compulsory savings under which the members contributed every month to a non-withdrawable recurring deposits, the amount of such deposits being fixed on a grade scale with reference to their salary or wages.

Full Finance Scheme.- The Full Finance Scheme, which has as its object the provision of the entire credit requirements of the agriculturists, was first introduced in the year 1956-57 in the Erode Firka in the Coimbatore District and the Srivilliputtur Firka in the Ramanathapuram District. During 1958-59, it was extended to 8 more community development blocks and during 1959-60 to 6 more blocks bringing the total number of blocks where the scheme was in operation to 16 blocks at the end of the year. The following table shows the progress made in the working of the Scheme:-

Year	No. of blocks in which the Scheme was introduced.	Coverage of Villages		Coverage of Population		Supply of Credit		
		Before the introduction of the Scheme.	On 30 June 1960.	Before the introduction of the Scheme.	On 30 June 1960.	Before the introduction of the Scheme.	On 30 June 1960.	
							(Rupees in Millions)	
1956-57.	2	54	58*	1,619	9,755 )			
1958-59.	8	399	474*	35,097	61,165 )	9.017	19.008	
1959-60.	6	314	335*	40,902	53,532 )			

\* Represent 100 per cent of the villages in the blocks.



To enable the co-operatives in the Full Finance areas to extend credit to marginal and sub-marginal cultivators and landless persons, Government has agreed to reimburse losses sustained by co-operatives in Full Finance areas up to a limit of 10 per cent of the total short-term and medium-term lendings issued by them and to meet losses in individual cases upto 66-2/3 per cent the remaining 33-1/3 per cent of the loss being borne by the State Co-operative Bank, the Central Bank and the primary Co-operative institutions concerned. In May 1960, the Government constituted an Official Committee with the Registrar of Co-operative Societies as the Chairman to examine the working of the Full Finance Scheme and make recommendations regarding its working and future expansion. The Committee has submitted its report and it is under the consideration of the Government.

Intensive Agricultural District Programme (Package Plan).- The 'Intensive Agricultural District Programme' popularly known as the "Package Programme" was inaugurated in the Thanjavur District in April 1960. The Scheme is based on the recommendations of the Ford Foundation Team which toured this country and the Government of India have selected seven States for implementing it, of which Madras is one. The Scheme envisages intensification of agricultural production in selected areas on a pilot basis for five years. The essence of the scheme is that each farmer will be helped to draw up a plan of increasing food production in respect of his farm and to achieve the planned target by providing technical guidance and timely credit and supplies required under his farm plan. The scheme is to be financed partly by the Ford Foundation and partly by the Centre and the States. To begin with, 22 Blocks were selected for implementing the scheme and the scheme will be extended eventually to the entire District. The co-operatives will provide all the credit and storage facilities needed by the agriculturists in the package area. A Joint Registrar of Co-operative Societies has been appointed with headquarters at Thanjavur to be in charge of the Co-operative side of the Package Programme. The full finance scheme has been extended to the areas in which the Package scheme has been introduced.

Co-operative Marketing.- The marketing societies recorded general improvement in their transactions. But the pace of progress can be better. There is also need to link marketing with credit. The following table shows the progress made by primary Co-operative Marketing Societies during the year under review:-

	AS on 30 June 1959.	AS on 30 June 1960.
1. Number of marketing societies.	111	126
2. Number of members.	164,525	182,561
	(Rupees in Millions)	
3. Paid-up share capital.	3.051	3.780
4. Loans and advances issued.	18.225	19.172
5. Value of produce sold.	24.774	25.318
6. Value of agricultural requirements - fertilisers, seeds, agricultural implements - supplied.	16.021	20.032

Besides the 126 primaries, there were 13 district co-operative supply and marketing societies and one apex marketing society. At the end of the year under review, six district supply and marketing societies, one marketing federation and 57 primary marketing societies were under intensive development. The Government invested 0.210 million rupees in the shares of these societies in addition to 0.518 million rupees invested in the previous years to augment their working capital. Financial assistance was sanctioned to 19 marketing societies for installation of processing plants such as gins, decorticators, rice-hullers and oil-exPELLer and to 5 marketing societies for purchase of lorries.

Processing Societies.- The establishment of co-operative sugar factories is a new venture in the Madras State. Three sugar mills were started in 1955-56. One at Mathurantakam, Chingleput District, another at Vellore, North Arcot District and the third at Amaravathi, Coimbatore District. During the year under review a fourth mill was started at Mohampur in Salem District. The three Sugar mills started in 1955-56 had 6,266 members with a paid-up share capital of 11.356 million rupees of which a sum of 5.5 million rupees was contributed by Government. The Amaravathi Sugar Mills completed construction of buildings and erection of machinery in June 1960 and had commenced crushing. The North Arcot Mills had since completed the construction of buildings and the erection of Machinery. The installation of machinery by the Madurantakam Mills was in progress.

Co-operative Farming.- Co-operative Farming received further impetus during the year under review. Four joint farming societies, 44 tenant farming societies on temple lands and 32 land colonisation societies were organised and registered during the year under review. The State co-operative farming board which was constituted by Government for advising them on all matters relating to co-operative farming in the State was inaugurated on 10 September 1959. The Working Group on Co-operative Farming appointed by the Government of India submitted its report in December 1959.

Joint Farming Societies.- The following table shows the progress made by co-operative joint farming societies during the year under report:-

	As on 30 June 1959.	As on 30 June 1960.
1. Number of Societies.	10	13
2. Number of members.	557	659
3. Paid-up share capital.	Rs. 27,745	Rs. 32,860
4. Lands pooled.	1,495 acs.	1,818 acs.
5. Lands reclaimed during the year.	175 acs.	92.07 acs.
6. Lands brought under cultivation.	585 acs.	902 acs.
7. Produce harvested.	Rs. 111,000	Rs. 127,000
8. Land dividend paid to members.	Rs. 25,965	Rs. 29,214
9. Wages disbursed.	Rs. 39,000	Rs. 59,734

Government assistance amounting to 93,550 rupees as loan and 12,395 rupees as subsidy was given to these societies during the year under review for such purposes as sinking of wells, installation of pumpsets, purchase of bullock carts and implements, construction of godowns and cattle sheds, etc.

Tenant farming societies.- At the end of the year under review there were 73 tenant farming societies organised for cultivation of temple lands. The following table shows the progress made by these societies:-

	As on 30 June 1959.	As on 30 June 1960.
1. Number of Societies.	20	73*
2. Number of members.	1,112	3,561
3. Paid-up share capital. Rs.	21,497	Rs.46,382
4. Extent of lands taken on lease.	2,885 acs.	7,858 acs.
5. Extent of lands cultivated.	2,458 acs.	7,378 acs.
6. Value of produce harvested. Rs.	157,090	Rs.1,595,000

\* Six not started.

Milk Supply Unions and Societies.- The following table shows the progress made by milk supply societies and unions during the year under report:-

	As on 30 June 1959.	As on 30 June 1960
1. Number of milk supply unions.	20	21
2. Number of milk supply societies.	741	842
3. Number of members -		
(i) Unions.	2,702	3,025
(ii) Societies.	84,239	93,659
	(Rupees in Millions)	
4. Paid-up share capital -		
(i) Unions.	0.356	0.402
(ii) Societies.	1.557	1.478
5. Value of milk and milk products sold-		
(i) Unions.	8.201	9.012
(ii) Societies.	14.456	15.437
6. Daily average production of milk by Unions and Societies.	55,840 m.m.	57,651 m.m.

**Weavers Co-operatives.-** The Weavers' Co-operative Societies continued to play a vital role in providing employment to handloom weavers. During the year under report, there was a fall in production of handloom cloth due to high prices of yarn, accumulation of "Bleeding Madras", consumer resistance to purchase handloom cloth in the face of other fabrics in the market at competitive rates etc. Even so, the overall losses of 1.670 million rupees sustained by Weavers' Co-operatives in the previous year was reduced to 1.103 million rupees in the year under review.

The progress made by primary weavers co-operative societies during the year under review is indicated in the table below:-

	As on 30 June 1959.	As on 30 June 1960.
1. Number of societies.	1,008	1,049
2. Number of members.	201,003	214,030
3. Number of looms in the societies.	202,000	210,865
4. Percentage of looms in co-operative fold to the total number in the State.	44 per cent.	46 per cent.
	(Rupees in Millions)	
5. Owned funds.	23,540	27,395
6. Working Capital.	44,570	55,535
7. Value of Cloth produced.	11,853	91,959
8. Value of cloth sold.	107,264	99,768
9. <del>Dividend</del> Wages paid.	29,850	24,465
10. Dividend on shares paid.	0.122	0.141
11. Bonus to members paid.	0.464	0.275
12. Net profit.	3,839	1,345
13. Net loss.	1,670	1,103

**Co-operative Housing.-** The following table indicates the progress made by housing societies of all types in the State during the year under review:-

	As on 30 June 1959.	As on 30 June 1960.
1. Number of Societies.	423	489
2. Number of members.	34,775	40,179
	(Rupees in Millions)	
3. Paid-up share capital.	16,062	17,589
4. Working Capital.	53,097	58,953
5. Number of houses completed.	664	874
6. Number of houses under construction.	1,187	2,095

During the year, a Government loan of 12.416 million rupees was advanced to these societies. The Co-operative Central House Mortgage Bank was started at Madras on 15 July 1959. At the end of the year, the Bank had on its roll, 39 members consisting of 25 primary house mortgage Banks, 13 individuals and the Government of Madras with a total paid-up share capital of 784,500 rupees including the Government share capital of 347,100 rupees.

Labour Contract Societies.- The progress made by Labour Contract Societies during the year under report is indicated in the following table:-

	As on 30 June 1959.	As on 30 June 1960.
1. Number of Societies.	26	34
2. Number of members.	3,201	4,496
3. Paid-up share capital.	Rs. 51,039	Rs. 60,493
4. Value of Contract executed.	253,341	297,767
5. Amount of wages disbursed.	110,930	111,301

The Government sanctioned a loan of 72,000 rupees towards the working capital of 14 labour contract societies during the year 1959-60.

Miscellaneous Societies.- The following table shows the progress made by miscellaneous types of societies during the year under review:-

	As on 30 June 1959			As on 30 June 1960		
	Num-ber.	Mem-ber-ship.	Share capi-tal. Rs.	Num-ber.	Mem-ber-ship.	Share capi-tal. Rs.
1. Sugarcane Growers' societies.	4	865	21,594	5	1,487	31,142
2. Fruit and Vegetable Growers' Societies.	1	225	3,764	3	608	17,291
3. Fire and General Insurance societies.	1	5,061	392,498	1	5,550	397,737
4. Canteen and Restaurants.	25	13,163	45,887	25	14,870	55,811
5. Printing Presses.	9	3,313	262,000	11	3,927	361,000
6. Health Cooperatives.	6	1,430	-	5	1,305	-
7. Educational cooperatives.	2	174*	3,580*	2	189*	3,545*
8. Salt Societies.	8	981	41,526	10	1,307	47,588
9. Motor Transport Societies for Ex-Servicemen.	7	298	192,000	7	298	194,000
10. Motor Transport Societies for Civilians.	1	27	4,700	1	43	6,400
11. Co-operative Laundries.	2	157	5,277	4	341	6,817

\* Figures relate to one Society. Another did not function.

Important development in the Co-operative Sector.- Some of the important development in the Co-operative movement during the year under review are listed below:-

(1) The Mehta Committee on Co-operative Credit which has made useful recommendation on various matters connected with Co-operative Credit has recommended that Service Co-operatives may be formed for a group of contiguous villages within a radius of 3 or 4 miles of the headquarters village and with a population of not more than 3,000 in all. This modification in the earlier policy of the National Development Council that the organisation of village credit societies should be on the basis of the village community as the primary unit will facilitate the establishment of viable units at the primary level in the agricultural sector.

(2) In the field of agricultural credit, one other important step taken during the year was the removal of many of the bottlenecks and restrictive features that had hampered the easy flow of credit. The maximum borrowing power of Societies had been restricted by their by laws to monetary limits which were low. Similarly the maximum borrowing power of members was fixed at very low levels. Village credit societies based on unlimited liability were permitted to amend their by-laws fixing their maximum borrowing power straightaway at 1/8th of the net assets of their members and the individual maximum borrowing power at 3,000 rupees.

(3) In the sphere of long-term credit, some important changes were made in the basis of valuation of land offered for mortgage by members of Land Mortgage Banks and the procedure for sanction of loans so as to provide adequate credit and eliminate delays in the issue of loans. For a number of years, the basis adopted for valuation of lands was pre-war value with an increase of 25 per cent. The basis was revised as average market value of similar lands sold in the vicinity during a period of 5 years prior to the date of loan applications. In regard to sanction of loans, the practice followed was that all loan applications had to be sanctioned only by the Central Land Mortgage Bank. The Government have approved the proposal of the Central Land Mortgage Bank to decentralize its powers of the sanction of loans and permit the primary Banks to sanction loans upto 3,000 rupees without its prior sanction.

(4) In the sphere of farming, an important development was the constitution of a National Co-operative Farming Advisory Board by the Government of India to function as separate agency for promoting Co-operative Farming. Another important development was the recommendation made by the working Group under the chairmanship of Sri Nijalingappa for the establishment of 320 pilot projects of Co-operative Farming in the country. Steps are being taken to implement this recommendation.

(5) During the post-war period, the Consumers' Co-operatives received a set-back, as they could not compete with private traders. With a view to give fillip to the movement, schemes for suitable assistance such as State participation in share capital, managerial subsidy, etc., have been included in the Third Five Year Plan.

(6) The establishment of a Central Co-operative House Mortgage Bank was another land-mark in the development of the movement.

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CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS.

INDIA - SEPTEMBER-OCTOBER 1962.

50. General.

Contract Labour in the Distribution and Marketing Side  
of the Petroleum Industry: Results of a Survey Conducted  
by the Labour Bureau\* .

On the recommendations of the Planning Commission in the Second Five Year Plan, the Labour Bureau conducted a survey on the working conditions and employment of contract labour in the distribution and marketing side of the petroleum industry, a review of which has been published in the August 1962 issue of the Indian Labour Journal. The following are some of the salient features of this review.

Introduction.- At the time of launching the survey there were six Oil Distributing Companies, viz., (i) Burmah Shell Oil Storage and Distributing Company of India Ltd., (ii) Standard Vacuum Oil Company Ltd., (iii) Caltex (India) Limited, (iv) Western India Oil Distributing Company, (v) Burmah Oil Company (I.T.) Limited, and (vi) Indo-Burma Petroleum Company. Of these, Western India Oil Distributing Company did not engage contract labour on any operation connected with the distribution and marketing of petroleum and its products and hence was excluded from the scope of the survey.

The sampling frame for the enquiry was the towns having such depots/installations/terminals where contract labour was engaged. The total number of such towns was 195. The whole country was divided into the following four zones:-

- (i) Northern Zone - comprising Uttar Pradesh, Punjab, Jammu and Kashmir, Rajasthan, Delhi and Himachal Pradesh;
- (ii) Eastern Zone - comprising Assam, Bihar, Orissa, West Bengal, Tripura and Manipur;

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\* Indian Labour Journal, Vol. III, No. 8.



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(iii) Southern Zone - Comprising Madras, Mysore, Andhra Pradesh and Kerala; and

(iv) Western Zone - Comprising Maharashtra, Gujarat and Madhya Pradesh.

In each zone, the towns were classified into two categories, viz., (i) towns having depots of more than one company (common towns) and (ii) towns having depots of only one company (un-common towns). Thereafter, the towns in each category were grouped into the following three clusters:-

- (A) Very big cities viz., Calcutta, Bombay, Delhi and Madras. Okha and Kandla were also included in this cluster as a special case;
- (B) Other towns except those situated at the base of hilly areas; and
- (C) Towns situated at the base of hilly areas.

In cluster 'A' there were six towns and it was decided to cover all of them. In clusters 'B' and 'C' there were 180 and 9 towns respectively and it was decided to cover 93 and 6 towns respectively. The total number of towns covered was thus 105.

The total number of depots/installations/terminals belonging to all companies in the sampled towns was 225 - 50 each in Northern and Eastern regions, 68 in Southern region and 57 in Western region. It was decided to cover all these depots. During the course of survey, however, one depot was found closed and in seven depots no contract labour was engaged. The actual data, collected during the survey, therefore, relate to only 217 depots. As regards contractors attached to these depots, it was decided to cover 50 per cent of the contractors attached to each depot/installation/terminal subject to a minimum of five in each depot. The total number of contractors attached to 217 depots/installations/terminals situated in the sample towns was 358 of which 311 were covered.

Jobs on which contract labour was employed.- On the distribution and marketing side of petroleum and its products the following jobs were entrusted to contract labour:-

- (1) Loading and unloading of bulk and packed products, stacking or unstacking of packed material, filling of tank wagons, tanks lorries, barrels, tins, etc.
- (2) Carting of packed petroleum products from depots to railway goods sheds and vice versa.
- (3) Transporting bulk/packed products from depots/installations/terminals to up-country depots or agents, etc.
- (4) General maintenance of and repairs of plants, equipment and building, painting of tanks, etc.

System of Recruitment.- The most common method of recruiting labour was direct. Of the 311 contractors covered during the survey, thirteen did not employ and labour as they were carrying on the entire work with their family members. Of the remaining 298 contractors, as many as 231 recruited their workers directly; 17 each through agents/sardars and existing workers and the remaining 33 adopted more than one method of recruitment.

Advances.- The available information shows that the practice of giving advances to workers before or after engagement was not so common with the contractors in this industry. Of the 311 contractors covered, only 77 - 4 before engagement and 73 after engagement were giving advances to their workers. After the engagement the workers were given advances against the wages earned by them. None of the contractors charged any interest on such advances, which were recovered in one or more instalments depending upon the amount from the wages of the workers.

The following table shows the number of workers employed by the contractors on the last working day of each month during the period November 1959 to October 1960:-

Year/Month.	Men	Women	Total
November, 1959	4,017	374	4,391
December, 1959	3,699	246	3,944
January, 1960	4,194	258	4,452
February, 1960	4,208	278	4,486
March, 1960	4,298	246	4,544
April, 1960	3,998	228	4,226
May, 1960	4,077	279	4,356
June, 1960	4,229	290	4,519
July, 1960	4,156	276	4,432
August, 1960	3,994	254	4,248
September, 1960	4,199	266	4,465
October, 1960	4,737	395	5,132

NOTE.- Although the number of contractors covered was 311, the figures relating to employment pertain to 266 contractors as 13 of them worked without any hired labour while 33 did not maintain any records of employment nor could they give even a rough idea of the labour regularly employed by them. The labour was employed by them only occasionally and this was not included.

Seasonal Variations in Employment.- In order to study seasonal fluctuations in employment during the reference period of the enquiry i.e., November 1959-October 1960, employment data of only those contractors who had worked during the entire period of enquiry are presented in the following table. Such data were available in respect of 212, out of 311 contractors covered during the survey.

Month/Year		No. of workers employed
November, 1959	--	4,377
December, 1959	--	3,761
January, 1960	--	4,000
February, 1960	--	3,937
March, 1960	--	4,017
April, 1960	--	3,828
May, 1960	--	3,803
June, 1960	--	3,959
July, 1960	--	3,862
August, 1960	--	3,607
September, 1960	--	3,703
October, 1960	--	4,579
Average ..		3,937

It will be seen that the average number of contract labour employed (by the contractors who had worked in the entire period of the enquiry) during 1959-60 (November 1959 to October 1960) was 3,937 which is identical with the employment figure in February, 1960. Further, employment was the lowest in the month of August, 1960 and was considerably higher than the average in the month of October 1960 and November 1959.

Employment of Women and Children.- Women workers were also employed in this industry specially for loading and unloading of packed petroleum products. The percentage of women workers to the total labour force in October 1960 was 7.7. None of the contractors covered during the survey employed any child labour (below the age of 15 years).

Wages and Earnings.- During the course of the survey, it was observed that some of the contract agreements drawn up by the oil companies with the contractors contained a clause according to which the contractors were required to comply with the provisions of the Minimum Wages Act, 1948 and the rules framed there-under.

Of the 298 contractors only 132 employed such workers on time-rate basis. Of these, 84 engaged them on daily basis, 23 on monthly basis, one on weekly basis, 23 on daily and monthly basis and the remaining one on daily as well as weekly basis. The daily wages of general workmen varied from Re.1.00 to Rs.4.87. The weekly wages of the workers would varied from Rs.13.00 to Rs.16.00 and monthly wages between Rs.30.00 and Rs.100.00.

Dearness Allowance.- Of the 298 contractors only 8 paid separate dearness allowance to their workers. Four contractors paid it at the rate of Rs.10.00 to Rs.40.00 per month to some of their workers. The rate of payment was also different for different categories of workers. One contractor was was paying at the rate of Rs.2.37 per day to his workers. Another contractor was in Calcutta was paying Rs.25.00 per month as dearness allowance to some of his workers, in addition to Calcutta Dearness Allowance at the rate of Rs.6.00 per month. Of the remaining two contractors, one paid it at 110 per cent on the first slab of Rs.20.00; 55 per cent on the next slab of Rs.20.00 and 25 per cent on the remaining part of basic wages subject to a minimum of Rs.32.00 per month.

Other Cash Allowances.- Of the 298 contractors, only 49 paid some other cash allowances to some of their workers. Such cash allowances were generally paid to drivers and cleaners in the form of trip allowance, trip bonus, food allowance, daily allowance, etc. The rate of payment was, however, different for different categories of workers.

Money Value of Concessions in Kind.- Of the 298 contractors, only thirty-one gave some concessions in kind to their workers. Such concessions mainly consisted of free food, snacks, tiffin, free uniforms, etc.

Overtime Payment.- Of the 298 contractors, 88 took overtime work from their workers. Of these, 26 contractors made no overtime payment to their workers. Of the remaining 62 contractors, who were paying extra wages for overtime work, seven paid ordinary rates; ten 1½ times the ordinary wages; thirteen double the ordinary wages; eight had not prescribed any fixed rate of payment and the rate of payment in respect of eighteen contractors varied between Re.0.25 and Re.1.00 per hour. One contractor paid fixed overtime of Rs.40.00 and Rs.20.00 per month to his drivers and cleaners respectively. The other five contractors paid at the rate of Re.1.00 to Rs.3.00 per day to drivers and Re.0.50 to Rs.2.00 per day to cleaners.

Working Conditions: Daily Working Hours.- The daily hours of work for workers employed by the contractors for doing any job within the premises of the installations/terminals/depots were regulated, as in the case of labour employed directly by the companies, by the Factories Act. Their normal daily hours of work were limited to 8. The working hours of contract workers working outside the premises of the installations/terminals/depots, were, however, not regulated. Of the 298 contractors, 25 took more than 8 hours work a day; 145 took 8 hours work a day; 41 took more than 8 hours but upto 10 hours work a day and one 12 hours a day. The working hours in respect of 88 contractors were not even fixed as the nature of work was casual and irregular.

Weekly Hours of Work.- The normal weekly hours of work for even contract workers working within the premises of installations/terminals/depots were fixed at 48, as per the Factories Act, but for the workers working outside the premises there was no limit. The information collected from the contractors reveals that there was a wide variation in the weekly hours of work which was due to casual nature of work. Of the 298 contractors, 58 took less than 48 hours a week; 97 for 48 hours; 42 for more than 48 hours. The weekly working hours in respect of 101 contractors were not fixed.

Rest Intervals.- The information collected during the survey reveals that most of the workers took some rest, the duration of which varied from half an hour to three hours a day.

Shifts.- Most of the contractors got their jobs carried out in one shift. However, when the tankers arrived at installations/terminals/depots the contractors ran more shifts (normally three shifts) in order to release the tankers as early as possible. Only two contractors worked in two shifts. One was changing the shifts every fortnight, whereas the other had no such arrangement.

Weekly/Fortnightly/Monthly Off with Pay.- Of the 298 contractors, 144 allowed weekly-off to their workers - 138 with wages and 6 without wages. Of the 138 contractors, 55 had imposed certain restrictions - eleven had extended this facility only to their non-casual workers; 21 to their monthly time-rated workers; one to only those workers who had worked with him continuously for the preceding six days in the week; one allowed only half day's rest with wages and another allowed off subject to two hours work being done that day. The remaining 103 contractors did not impose any restriction. Besides this, one contractor was allowing fortnightly off with wages and another allowed only three days' rest in a month to his workers with wages.

Leave and Holidays with pay.- Casual workers who formed bulk of the total employment in this industry were rarely given leave with pay. No work, no pay was the prevailing rule. Some of the contractors were, however, allowing leave with wages to their casual as well as non-casual workers. The details are given below:-

Casual/Sick Leave.- Of the 298 contractors, 84 were allowing casual/sick leave with pay to their non-casual workers. Of these, four contractors had extended this facility to their casual workers. The duration of such leave given to non-casual workers in respect of 26 contractors varied between 5 and 36 per annum. Two contractors allowed it at the rate of 1/20th and 1/25th of the total number of days worked respectively to their non-casual workers. The other two contractors, who were allowing casual leave from 7 to 15 days per annum, also allowed sick leave from 14 to 15 days per annum to their non-casual workers. The duration of leave in respect of the remaining 54 contractors was not fixed. As regards casual workers, the duration of such leave was 24 days per annum in one case, and not fixed in other two cases. One contractor allowed 7 days (casual) and 15 days (sick) leave to his casual workers also.

Earned/Privilege Leave.- Of the 298 contractors, 77 were allowing earned leave to their non-casual workers. Of these, 2 contractors were allowing such leave to their casual workers also. The duration of leave for non-casual workers was from 5 to 30 days per annum in respect of 54 contractors. Of the remaining 23 contractors, six allowed at the rate of one day for every 20 days work on completion of 240 days continuous work in a year (as per Factories Act); one 1/25th of the period spent on duty and the remaining 16 contractors had not fixed the number of such leave days. In respect of casual workers one contractor allowed 10 days' leave with pay and in the other case it was not fixed.

National Holidays with Pay.- Of the 298 contractors, 106 were giving national holidays to their non-casual workers. Of these, 5 were giving one holiday, 64-2 holidays, thirty-four -3 holidays and in respect of the remaining 3 contractors, the number was not fixed. Of these, six contractors had extended this facility to casual workers also and allowed their workers two holidays.

Festival Holidays with Pay.- Of the 298 contractors, 125 were allowing festival holidays to their non-casual workers. The number of holidays ranged between 1 and 20 days per annum in respect of 118 contractors, one was allowing only partial holiday and the remaining 6 contractors had not fixed the number of holidays.

Welfare Facilities.- The working and living conditions in this industry were found to be unsatisfactory. The principal employers had provided certain facilities such as drinking water, urinals, latrines, etc., within the premises of installations/terminals/depots for the workers employed directly by them. The workers employed by the contractors who were required to work within the premises of such installations/terminals/depots, etc., were also permitted to make use of some of these facilities. For instance, the workers of all contractors, if injured on duty within the premises of depot were given first-aid in the company's dispensary. The workers of some of the contractors enjoyed all the benefits provided under the Employees' State Insurance Scheme where the same have been applied. In some cases, the contract labour could also buy at the usual rate, snacks, tea, etc., from the canteens, stalls, provided by the companies for their direct labour.

Medical Facilities.- Of the 298 contractors, 100 had provided medical facilities to their workers. Of these, 66 had provided only first-aid facilities; four had engaged doctors who used to attend to the injured workers; 17 were providing free treatment; 8 were reimbursing medical expenses and the workers of the remaining 5 contractors were getting all benefits under the Employees' State Insurance Scheme.

Housing.- Of the 298 contractors, only 26 had provided housing facility to some of their workers. Of these, one contractor was, however, providing accommodation to all his workers. The nature of accommodation provided varied from contractor to contractor.

Social Security: Accidents and Workmen's Compensation.- According to the terms of their contracts with the oil companies, the contractors were required to pay compensation to their workers for any injury sustained by them during the course of their employment as provided in the Workmen's Compensation Act or any other law applicable to them. The company could recover the amount of compensation paid to the contract workers from the payment due to the contractors. Workers covered under the Employees' State Insurance Scheme were entitled to all the benefits provided under the Scheme.

Of the 298 contractors, 19 had insured their workers against accidents, 14 had insured their drivers and cleaners only and the workers of 18 contractors were covered under the Employees' State Insurance Scheme. There were 27 accidents during the year 1980 and a sum of Rs.1,779.31 was paid as compensation in 18 cases.

Maternity Benefits.- There is no statutory provision for payment paying maternity benefits to women workers employed by the contractors working on the distribution and marketing side of the petroleum industry. Of the 298 contractors, 21 employed female labour and none of them paid any maternity benefit to female workers.

Provident Fund.- Of the 298 contractors only 10 had made some provision for the future of their workers. The rate of contribution by the workers was  $6\frac{1}{2}$  per cent, of the basic wage in 6 cases;  $6\frac{1}{2}$  per cent of the basic wage plus dearness allowance in two cases;  $8\frac{1}{3}$  per cent of the basic wage in one case, and 10 per cent of the basic wages for the crews and Rs.5.00 and Rs.3.00 per month for sarangs and crews respectively in the remaining one case. The employers contributed an equal amount in 9 cases and in the last case where the contribution of the workers was  $6\frac{1}{2}$  per cent of the basic pay plus dearness allowance, the employer contributed  $8\frac{1}{3}$  per cent of the basic pay only. In case there was any difference between the employees' contribution and employers' contribution plus gratuity where due, the difference was made up by payment of special gratuity.

Gratuity.- Of the 298 contractors, only 3 paid gratuity also to their workers. One of them paid it at the rate of 15 days' wages for each completed year of service in the event of death, retirement and resignation of his worker, whereas the remaining two paid at the rate of one month's basic wage for each completed year of service subject to a maximum of 15 months' basic pay on the death of the employee while in service or his physical or mental disability so as to prevent him from continuing in service.

Industrial Relations: Grievance Procedure.- In majority of the cases, grievances of the workers were settled individually by the contractors themselves with the help of their agents, jamadars, or head gangman. Only in seven cases, the contractors were settling the grievances of the workers either through Panchayats/Unions of workers or through the Heads of Departments who used to decide the cases of the workers on the basis of the report of the Personnel Department which used to investigate into the matter.

Trade Unions.- A majority of the workers employed in this industry were unorganised. Workers of only 13 contractors of the 298 contractors covered under the survey, were members of some union not exclusively their own. The percentages of such workers to the total labour employed by contractor, however, varied between 50 and 100.

(Indian Labour Journal, Vol. III, No. 8,  
August 1962, pp. 635-646 ).



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Uttar Pradesh Shops and Commercial Establishments  
Bill, 1962.

The Government of Uttar Pradesh published on 15 September 1962 the text of the Uttar Pradesh Shops and Commercial Establishments Bill, 1962, proposed to be introduced in the Legislative Council of the State. According to the Statement of Objects and Reasons of the Bill, the U.P. Shops and Commercial Establishments Act, 1947, was enacted in the year 1947 to provide for holidays and to regulate the hours of employment in shops and commercial establishments. Since then the Act has been enforced in more than 100 towns. During the 14 years of its administration in the State many shortcomings and deficiencies have been experienced. A number of suggestions from the employers and the employees' unions have also been received for making amendment to certain provisions of the existing Act. In order to remove these difficulties and to provide some additional facilities to the employees of shops and commercial establishments, it has become necessary to amend the existing Act. As the proposed amendments are numerous it has been decided to repeal the existing Act and to bring in a comprehensive Bill incorporating the necessary provisions for regulating the conditions of work and employment of employees in the shops and commercial establishments. The salient provisions of the Bill are summarised below.

The provisions of the Bill will not apply to (a) employees occupying positions of confidential, managerial or supervisory character in a shop or commercial establishment, wherein more than five employees are employed; provided that the number of employees so exempted in a shop or commercial establishment shall not exceed ten per cent of the total number of employees thereof;

(b) employees whose work is inherently intermittent, as in the case of a traveller or canvasser;

(c) offices of Government or local authorities;

(d) offices of the Reserve Bank of India;

(e) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit; and

(f) members of the family of an employer.

Hours of business.- No shop or commercial establishment, not being a shop or commercial establishment mentioned in Schedule II, shall, on any day, open earlier, or close later than such hour as may be prescribed in this behalf.

The establishments specified in Schedule II to the Bill includes shops and establishments mainly dealing in meals, refreshments, newspapers, medicines, cooked food, vegetables, etc., cinemas and theatres, clubs and residential hotels, hair dressers, transport services, electric and water supply undertakings, etc.

Hours of Work.- No employer shall require or allow an employee to work any day for more than -

- (a) five hours in the case of a child,
- (b) six hours in the case of a young person, and
- (c) eight hours in the case of any other employee;

Any employee, not being a young person or a child, may be required or allowed to work longer than the aforesaid hours of work, so however, that the total number of hours of work including overtime does not exceed ten on any one day except on a day of a stock-taking or making of accounts; The total number of hours of overtime work shall not exceed fifty in any quarter.

A child has been defined to mean a person who has not completed 14 years and a young person means a person who is not a child and has not completed his seventeenth year.

The working hours in a shop or commercial establishment shall be so arranged that each employee gets an interval of not less than half an hour for rest after not more than five hours of continuous work, and the periods of work and intervals of rest of an employee do not spread over more than twelve hours in one day.

Holidays and leave.- Every employer shall keep his shop or commercial establishment, not included in Schedule II, closed on -

- (i) one day in a week, and
- (ii) such public holiday in a year as may be prescribed, to be hereinafter referred to, as close days.

Every employee, not being a watchman or a caretaker, shall be allowed by the employer holiday on -

- (i) Every close day which is a public holiday; and
- (ii) one whole day in each week.

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Every employee, who has been in continuous employment of the same employer for a period of twelve months or over, shall, be entitled to earned leave for not less than fifteen days for every twelve months of such service. A watchman or a caretaker who has been in continuous employment for a period of twelve months or over shall be entitled to not less than sixty days earned leave for every twelve months of such service. Every employee, shall, who has been in continuous employment of the same employer for a period of six months or over shall, subject to such conditions as may be prescribed, be further entitled to sickness leave for not less than fifteen days in any one calendar year. Every employee shall, subject to such conditions as may be prescribed, be also entitled, in addition to earned leave and sickness leave, to casual leave for not less than ten day in any one calendar year.

All leave shall be granted when applied for, subject to such conditions as may be prescribed.

Any earned leave not availed of in any year by an employee shall be added to such leave accruing to the employee in the year following. Provided that the total period of earned leave admissible to an employed at any time shall not exceed 45 days.

Wages.- Every employer shall fix a period, hereinafter referred to as the wage period, at the expiry, and in respect, of which wages shall be payable to his employees. No wage period shall exceed one month. No deductions from the wages of an employee shall be made except to such extent, and in such manner, as may be prescribed.

Discharge.- No employee, other than an employee engaged for a specified period or in a leave vacancy, shall be discharged from service by his employer except on the ground that -

(i) the post hold by him has been retrenched; or  
(ii) he is unfit to perform his duties on the ground of physical infirmity or continued ill-health;  
and he has been served with a notice in writing containing the grounds of discharge. The notice shall be for a period of not less than thirty days, or such longer period as may be required under the terms of employment.

The notice of discharge may be of a shorter period if the same is accompanied with payment of wages to the employee for the number of days the notice is short of the required period.

No employee, other than an employee engaged for a specified period or in a leave vacancy, shall terminate his employment, except after notice of thirty days, or of such longer period as may be required under the terms of his employment.

Employment of children and women.- No child shall be required, or allowed, to work in any shop or commercial establishment except as an apprentice in such employment as may be notified by the State Government in the Gazette. No woman or child shall be required, or allowed, to work, whether as an employee or otherwise, in any shop or commercial establishment during night.

No employer shall knowingly require or allow woman to work, and no woman shall work in any shop or commercial establishment during the period of six weeks following the day on which she is delivered of a child.

A pregnant woman employee may, by seven clear days' notice in writing, require her employer to relieve her from duty for a period not exceeding six weeks preceding the expected date of delivery.

Every woman employee who has been, for a period of not less than six months preceding the date of her delivery, in continuous employment of the same employer, whether in the same or different shops, or commercial establishments, shall be entitled to receive from her employer for the period of -

- (a) six weeks immediately preceding the day of delivery; and
  - (b) six weeks following the day of delivery;
- such maternity benefits and in such manner as may be prescribed.

A woman employee, during the period she is nursing her child, shall, in addition to the regular intervals of rest, be entitled to two breaks of half an hour each for the aforesaid purpose.

No employer shall discharge or remove from service any woman employee on account of, or during the period of, absence from duty allowed to her.

Other provisions of the Bill deal with enforcement and penalties, application of Workmen's Compensation Act and Rules to employees of shops and commercial establishments rule making powers and repeal.

(Government Gazette of the Uttar Pradesh,  
Extraordinary, 15 September 1962, pp.1-18).

Working Conditions of Indian Workers in Foreign  
Countries.

An article on "Workers of Indian Origin Abroad", has been published in the Indian Labour Journal, September 1962. It describes the conditions of living, work and wages of workers of Indian origin in some of the Overseas country. The following is a brief review of this article.

Introduction.- Indian workers migrated to various countries in the middle of the 19th century mostly under indentured labour schemes. This was the period when the Indian economy was affected by the Industrial Revolution which resulted in the development of large-scale industries in European countries. The industrial and commercial needs of European countries particularly that of England necessitated the transformation of India from a manufacturing to a market economy for the supply of raw material, cheap labour to some of the countries abroad and the market for sale of foreign goods.

A brief survey description of the conditions of living, work and wages of workers of Indian origin in some of the overseas countries, is given below:-

United Kingdom.- During the year 1960, the number of Indian workers in the U.K. was about 80,000. These workers were mostly employed in factories. The local authorities provided special welfare facilities for workers from the overseas commonwealth countries in the Midlands area where about 85 per cent of Indian workers were estimated to be employed. There were various National Health and Education Acts providing adequate medical and educational facilities to all residents irrespective of their nationality. The rates of wages were either fixed by law or by the joint industrial agreements arrived at from time to time.

Asia: (a) Burma.- The available figures of Indian population relate to 1956. The total population of Indian origin was about 91,000 as against 1,017,825 in 1931. The decrease in the size of Indian population has largely been due to the political independence achieved by the two countries.

(b) Ceylon.- The population of Ceylon grew about 10 million by the end of 1961 out of which about 1 million constituted people of Indian origin. There were 396,641 and 39,488 Indians employed in the tea and rubber estates respectively at the end of 1960. The details are given below:-

		Tea	Rubber	Others
Men	---	180,115	20,837	1,200
Women	---	180,453	18,731	990
Children	---	36,073	1,920	204
<b>Total.</b>		<b>396,641</b>	<b>39,488</b>	<b>2,394</b>

All employees including estate workers were entitled to free medical aid from their employers. The estate dispensaries-dispensers or apothecaries were directly in charge of the sanitation on estates. Urgent cases were attended to by the District Medical Officers in charge of the various districts. There was also provision for the payment of maternity benefits, establishment of lying-in-wards and creches and employment of midwives. In estates where there were no lying-in-wards, midwives, etc., there was provision for the payment of alternative maternity benefits. Cases which did not qualify under the Maternity Benefits Ordinance got benefits under the Medical Wants Ordinance. During 1960, there were 23,445 cases for which a sum of 1,376,739 rupees was paid as regular maternity benefit while alternative maternity benefits amounted to 659,778 rupees in 21,040 cases. Provision also existed for the payment of workmen's compensation. It was incumbent on the employers to provide their resident labour with living accommodation. The Medical Department could legally compel the employers to provide living rooms to satisfy sanitary conditions. The floor of each room was required to be not less than 120 square feet and the width or length also at least 9 feet. Employers were encouraged to build line-rooms (cottage type) consisting of a verandah, a living room and a kitchen with chimney. A few employers provided educational, recreational and other facilities to labourers employed in their estates. The medium of instruction was Tamil.

The average daily wages (basic plus dearness allowance) paid to workers in tea and rubber estates during 1959 and 1960 are shown below:-

Year		Tea			Rubber		
		Men	Women	Children	Men	Women	Children
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1959	--	2.42	1.92	1.65	2.57	2.09	1.85
1960	--	2.40	1.91	1.59	2.55	2.16	1.84
1961	--	2.41	1.92	1.60	2.56	2.17	1.85

(c) Malaya.- The total number of persons of Indian origin in Malaya in 1960 was 772,880 out of a total population of 6,909,009. Adequate medical facilities were provided for the workmen in all the places of employment. Wages were paid on monthly basis. The employers also provided living accommodation to workers near the place of employment though there was no legal binding in this respect. All employees above the age of 16 were covered by the provisions of the Employees' Provident Fund to which the workers and employers contributed equally. Membership of the Fund was compulsory. All female workers were eligible for maternity leave and allowance. Ninety per cent of the directly employed workers in the plantation industry were getting annual leave besides 14 days annual paid sick leave.

(d) Singapore.- Singapore is predominantly a commercial centre and is dependent primarily on her entrepot trade. Its trading economy is served by small industries as about 80 per cent of the industrial undertakings employ less than 20 workmen. The total number of persons of Indian origin was 141,500 (93,800 males and 47,700 females) on 30 June 1961 out of a total population of 1,687,300.

The normal daily wages (average) of various categories of workers employed in private industries varied from \$1.00 to \$22.90. It revealed that about 98 per cent of 404 establishments that furnished information under the Sample survey conducted in July 1960 worked 8 hours a day or less and that about 85 per cent worked 44 hours per week or less. This showed that majority of employers observed 8 hours day and 44 hours week which conforms to the requirements laid down in the Labour Ordinance regarding hours of work. The ordinance also provided for the examination of workmen by a registered medical practitioner and subject to certification the workers were entitled to an aggregate of twenty-eight days paid sick leave in a year. First aid equipment was provided in every place of employment where twenty-five or more workers were employed. A female worker was entitled to maternity leave of four weeks each before and after confinement and maternity allowance during this period at the rate of \$4 per day if she had worked for more than six months in the same establishment. Public authorities like the Government City Council, Housing and Development Board and the Singapore Harbour Board were taking interest to provide housing accommodation to workers at nominal rents. The Housing and Development Board had built artisans quarters which were let out at low rents.

Africa: (a) Kenya.- The estimated Indian population in Kenya at the end of 1961 was 178,000 out of a total population of 7,287,000. An employment census organised by the East African Statistical Department revealed that Kenya's employed population, as on 30 June 1960, totalled 622,153 persons of all races, of whom 560,882 (90 per cent) were Africans, 38,264 (6 per cent) Asians and 23,007 (4 per cent) Europeans.

Despite economic setbacks and unemployment the upward trend in wage levels had continued. Trade union activities had also influenced wages in many industries and services. The 1960 average of African earnings throughout Kenya was Sh.114 per month (including of the value of housing and rations) as compared with Sh.107 per month in 1959.

Working hours were regulated by Statute in certain industries, through the Wages Council System and by collective agreements between employers and workers' organisation in many sectors of employment. Normal hours of work in industry and in the distributive trades were between 45 and 50 per week, spread over five-and-half or six working days. In most of the commercial offices a 42½ hour week was usual. The majority of civil servants and public authority officials worked a 40 hour week. In agriculture and plantations the normal working hours varied between five and six per day, for a six day week.

(b) Uganda. - Uganda is primarily an agricultural country. Cotton, coffee, tobacco and sugar are its main cultivations. Based on the 1959 population, there were 63,130 persons of Indian origin in Uganda out of a total population of 6,556,616. The number of Asians employed at the end of June 1960 was 10,637 and the largest number of these were in commerce and followed by miscellaneous manufacturing industries, agriculture, forestry, fishing and construction. Indians were not engaged in unskilled manual labour and were mostly employed as supervisors, skilled workers, shop assistants, clerks, etc. The Road Passenger Transport Industry Minimum Wages and Conditions of Employment Order which came into force on the 1 January 1960 fixed minimum wages in the industry throughout the Protectorate ranging from Shs.60/58 to Shs.176/- a month according to the category and place of work of the employee. The Uganda Employment Ordinance only applied to persons earning Shs.150/- per month or less. The wage level of Indian employees was more than this income limit and, therefore, the statutory obligation for employers to provide medical attention and free housing did not apply to them. However, most of the employers outside the urban areas provided housing for their Indian employees. Some of the big employers provided medical facilities for Indians at their places of employment. Any employee could obtain treatment at any of the Government hospitals or dispensaries throughout the country. Employers did not generally provide educational and recreational facilities for Indian employees and their families but a notable exception to this was found on the estates of the two largest sugar companies where adequate facilities were provided in these spheres. Schools for Indian children and recreational clubs for members of the Indian community were established, at many centres.

(c) Zanzibar. - In 1956, there were 18,334 persons of Indian origin out of a total population of 299,111. This forms about 6.13 per cent of the total.



(d) Federation of Rhodesia and Nyasaland.- The people of Indian origin in the Federation of Rhodesia and Nyasaland numbered about 25,000 at the end of 1961. Majority of these people had taken up the Federal or U.K. citizenship and were engaged in trade and commerce except in the case of Nyasaland where about 150 to 200 persons were employed by the Nyasaland Railways. They were mostly employed in trade and commerce and were economically well-off.

(e) South Africa.- According to the census of 1951, the Union of South Africa had a total population of 12,437,227 out of which 358,738 were Asiatics. Over 98 per cent of the Asiatic population consisted of Indians. They were spread over mainly in Natal, Transval and Cape provinces of the Union.

Others: (a) Fiji Islands.- The total estimated population as on 31 December 1960 was 401,018 out of which 197,952 were of Indian origin. The estimated number of wage-earners (Excluding domestic servants, casual stevedores, seasonal and agriculture workers, salaried and professional people, non-manual workers, etc.) during 1960 was 23,869 half of which comprised people of Indian origin. The general level of wages ranged from 11 shillings per day for an un-skilled workman to 50 shillings per day for a skilled tradesman. Free medical facilities existed for treatment of persons suffering from tuberculosis. An ordinance provided for compensation for accidents and certain occupational diseases. A pilot scheme to provide homes for workers in the low-income group was put in commission during 1959 by the Housing Authority. Although there was no system of social insurance or old-age pension schemes in this colony, provision existed for assistance to destitutes.

(b) Mauritius.- Its population was estimated at 670,000 in 1961 out of which nearly two-thirds were people of Indian origin mostly engaged in sugar, plantations and transport industries. The other industries in which Indians were employed related to fibre extraction, alcohol distilling and manufacture of tea and tobacco. The average weekly earnings of workers in sugar industry during 1960 was Rs.58.73 for artisans followed by Rs.41.58 for drivers, men labourers Grade I Rs.31.63 men labourers Grade II Rs.21.78, women Rs.17.36 and juveniles Rs.15.00.

The following table shows the latest available estimates of people of Indian origin in some of the overseas countries and their proportion to the total population of the countries:-

Country (1)	Year to which information relates. (2)	Total population. (3)	Population of Indian origin. (4)	Percentage of column 4 to column 3. (5)
United Kingdom	-- 1957	53,000,000	150,000	0.28
Asia-				
Burma	-- 1956	697,200	90,631	13.00
Ceylon	-- 1961	10,000,000	1,007,000	10.00
Federation of Malaya	-- 1960	6,999,009	772,880	11.19
Singapore	-- 30-8-1961	1,687,300	141,500	8.39
East and Central Africa-				
Kenya	-- 1961	7,287,000	178,000	2.44
Uganda	-- 1959	6,536,616	63,130	0.97
Zanzibar	-- 15-3-1958	200,111	18,334	6.13
Federation of Rhodesia and Nyasaland	-- 1960	8,430,000	26,000	0.31
South Africa	-- 1951	12,437,227	358,738	2.88
West Indies-				
Jamaica	-- 1959	1,568,400	35,500	2.26
Trinidad & Tobago	-- 1960	827,957	301,946	36.47
British Guiana	-- 1959	502,800	248,500	49.42
Others-				
Fiji Islands	-- 1960	401,018	197,952	49.36
Mauritius and Dependencies.	1959	650,000	455,000	70.00

81. Hours of Work.

India - September-October 1962.

Annual Report on the Working of the Hours of Employment Regulations (Railways) for the Year 1960-1961\* .

The following is a brief review of the article which has been published in the Indian Labour Journal, September, 1962.

Scope and Application.- The object of the Hours of Employment Regulations (Railways), is to regulate the hours of Employment of different categories of Railway servants, to provide for them periodic rest, to secure for them overtime wages in case they are required to work extra hours and to provide for the grant of compensatory rest whenever they forego their periodic rest. The Regulations are applicable to all classes of Railway Servants excepting those governed by the ~~Factories~~ Factories Act, 1948, Mines Act, 1952 and the Indian Merchant Shipping Act, 1958 and those who are specifically excluded from the purview of the Regulations such as supervisory staff, persons employed in a confidential capacity, certain categories of employees in the medical department, armed guards and other police personnel subject to military and police discipline, Class IV staff whose work is exceptionally light and the staff of the Railway Schools imparting technical training or academic education.

Administration.- The Chief Labour Commissioner(Central), Deputy Labour Commissioner(Central), excepting Regional Labour Commissioner (Verification) and the Regional Labour Commissioner (Implementation) and the Conciliation Officers (Central) excepting Conciliation Officers (Verification) have been appointed as "Supervisors" of Railways labour under the Indian Railways Act, 1950. They are assisted by the Labour Inspectors(C) who carry out inspections on behalf of the Regional Labour Commissioners in their respective jurisdictions. There were 6 Regional Labour Commissioners, 27 Conciliation Officers and 99 Labour Inspectors stationed all over the country.

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\* Indian Labour Journal, Vol. III, No.9, September 1962, pp. 749-752.

Classification of Workers.- The peculiar nature of employment in Railways requiring service round-the-clock has necessitated classification of employees under different categories with varying hours of work and periodic rests. Rule 4 of the Railway Servants (Hours of Employment) Rules, 1951 empowers the General Managers of Railways to classify the railway servants under one of the other four categories, namely, (1) intensive, (2) continuous, (3) essentially intermittent, and (4) excluded.

Enforcement: (i) Method of Inspection.- The Labour Inspector inspects railway stations every month regularly and other establishments under the Hours of Employment Regulations. The Regional Labour Commissioners and Conciliation Officers check certain percentage of the inspections done by Labour Inspectors. They also conduct independent inspections during the course of their tours. Minor irregularities such as, non-display of abstract of the Regulations, working beyond scheduled hours or during rest periods, non-maintenance of registers and records, instances of continuous night duty, etc., are taken up directly by the inspecting officers with the concerned Railway Administration. Cases of wrong classification and other major irregularities are referred by the inspecting officers to the Regional Labour Commissioners for scrutiny and necessary action.

(ii) Classification of Employees.- As classification of railway servants under the Regulations is of primary importance to them, officers of Industrial Relations Machinery continued to pay special attention in this matter. Cases of incorrect or doubtful classification of staff reported by the Inspecting Officers are scrutinized by the Regional Labour Commissioners and thereafter submitted to the General Manager of the Railway concerned for consideration and necessary action. Differences of opinion do arise in such cases between the Industrial Relations Machinery and the Railway Administration. In order to resolve them, joint inspections are sometimes carried out by the officers of the Industrial Relations Machinery. Out of 119 cases of reclassification referred to the Industrial Relations Railway Administration, the Administration accepted the suggestions of the Inspecting Officers in 22 cases and contested 9 cases. The remaining 88 cases were pending settlement with the Railway Administrations at the end of the year. During the same year, 115 cases were referred to the Railway Administration for the appointment of additional staff. Of these, 9 cases were accepted by the Railway Administration, 5 cases contested and the remaining 101 cases were pending settlement at the end of the year.

(iii) Inspection and Irregularities.- During the year under review 6,671 establishments were inspected as against 6,905 during the previous year. The number of irregularities detected were 28,443 as against 33,164 during the previous year. The nature of irregularities detected and the number of such irregularities are shown in the following table:-

Nature	Number	Percentage
1. Non-existence of Rosters	-- 9,010	31.68
2. Non-display of Rosters	-- 1,157	4.07
3. Out-of-date Rosters	-- 671	2.38
4. Illegible and otherwise defective Rosters.	1,386	4.87
5. Non-display of Regulations	-- 1,323	4.65
6. Habitually working outside rostered hours.	394	3.14
7. Habitually working on Rest days	-- 1,558	5.48
8. Occasionally working outside rostered hours.	944	3.32
9. Occasionally working on Rest days	-- 2,145	7.54
10. Working contrary to Rosters	-- 1,464	5.15
11. Performing continual night duty	-- 120	0.42
12. Compensatory off not given in lieu of weekly rest foregone	-- 2,713	9.54
13. Non-payment of overtime Allowance	-- 1,524	5.36
14. Non-maintenance of overtime Register	-- 423	1.49
15. Irregularities regarding maintenance of Muster Rolls	-- 1,173	4.12
16. Other irregularities.	-- 1,938	6.81
TOTAL.	-- 28,443	100.00

It will be seen from the above table, that non-existence of rosters, non-display of rosters, out-of-date rosters, illegible and otherwise defective rosters accounted for the largest number of irregularities, i.e. 42.98 per cent of the total.

(iv) Rectification of Irregularities.- All the irregularities detected by the Officers of the Industrial Relations Machinery were taken up with the Railway Administration for rectification. Of the total 28,443 irregularities taken for rectification 18,073 or 63.54 per cent were rectified during the year under review. Of the balance, 5 were contested as against 22 during the previous year. Of the irregularities rectified 50.91 per cent were rectified within three months, 26.34 per cent within a period of three to six months, 11.92 per cent within a period ranging from six to nine months, and 10.83 per cent within a period of nine months to 12 months. To enable the Railway Administration to rectify the irregularities pending with them, the Regional Labour Commissioners continued to furnish quarterly statements of cases as before. Cases pending for more than 3, 6, 9 and 12 months were reported in these statements. The officers of the Industrial Relations Machinery continued to make efforts in order to ensure that the Railway employees enjoy the benefits conferred upon them by the regulations.

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

India - September-October 1962.

Canteen facilities for Central Government Employees;  
Principle Accepted.

The Union Government has agreed in principle to provide canteen facilities to its employees throughout the country. It will also make available interest-free loans for buying equipment. The Government will bear partially the wages of canteen employees.

The Pay Commission had recommended canteen facilities for both industrial and non-industrial Government employees.

(Already in most of the Central Government offices, canteens, subsidised by the Government, are being run.)

(The Statesman, 13 September 1962).

55. Protection of Minors.

India - September-October 1962.

Working of the Employment of Children Act, 1938 in  
Railways and Major Ports during the year 1959-60.

Introduction.- The Employment of Children Act, 1938, prohibits the employment of children under 15 years of age in any occupation connected with the transport of passengers, goods or mails by Railway and in any Port occupation involving handling of goods, within the limits of any Port. The Act also lays down that children between 15 and 17 years of age employed in these occupations must be allowed an interval of rest of not less than 12 consecutive hours in a day (including 7 consecutive hours between 10 P.M. and 7 A.M.). A register of such children with full particulars such as name and date of birth, nature of work, period of work and the interval of rest, etc., is also required to be maintained. Section 4 of the Act prescribes penalties for breach of the provisions of the Act.

The ~~Chief~~ Labour Commissioner (Central), the Deputy Chief Labour Commissioner (Central), the Regional Labour Commissioners (Central), the Conciliation Officers (Central) and the Labour Inspectors (Central) continued to function as Inspectors under the Act during 1959-60 for securing compliance with the provisions of the Act in Railways and Major Ports.

Inspections and Irregularities.- The number of establishments inspected and irregularities detected during the year 1959-60 were 5,670 and 1,441 respectively as against 4,813 and 1,495 during the preceding year, which shows some improvement in inspection work.

Classification of Irregularities.- Of the 1,441 irregularities detected, 1,330 (92.30 per cent) related to non-display of abstracts, One hundred and two (7.08 per cent) related to employment of underaged children and 9 (0.62 per cent) related to non-maintenance of registers.

Rectification of Irregularities.- At the end of the year, 1958-59, 692 irregularities were pending and 1,441 irregularities were detected during the period under review, thus making a total of 2,133 irregularities for rectification. Out of 2,133 irregularities, 1,676 were rectified during the year under review. Of these, 870 or 51.91 per cent were rectified with 3 months; 316 or 18.85 per cent within 3 to 6 months; 105 or 6.27 per cent with 6 to 9 months; 19 or 1.13 per cent within 9 to 12 months; 366 or 21.84 per cent over one year and the balance of 457 or 21.45 per cent of the total irregularities remained pending at the end of the year 1959-60.

(Indian Labour Journal, Vol.III, No.8,  
August 1962, page 648 ).



56. Labour Administration.

India - September-October 1962.

Madras: Working of the Factories Act, 1948 during 1960\*.

Coverage.- The Factories Act, 1948 applies to all power factories employing 10 or more persons and to all non-power factories employing 20 or more persons. The Act was extended by a notification of the Government under section 85 of the Act, to minor engineering factories and to certain other categories of factories such as rice mills, oil mills, structural engineering workshops, etc., employing less than 10 workers with power and 20 workers without power.

At the beginning of the year 1960 there were 5,843 factories on the registers. During the year 474 factories were brought on the registers and 433 factories were removed from the registers. At the end of the year, 5,884 factories were covered by the Act, of which 5,670 factories were in commission. The details of factories in commission are given below:-

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(1) Factories using power and employing 10 or more persons (Section 2/M(1)).....	3,677
(2) Factories not using power but employing 20 or more persons (Section 2/M(4)).....	553
(3) Minor factories, such as rice mills, structural engineering factories, etc., employing less than 10 workers with power .....	784
and less than 20 workers without power (notified under Section 85(1)) .....	658
<b>Total.</b>	<u><b>5,670</b></u>

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\* Report on the working of the Factories Act in the State of Madras for the year 1960. Printed by the Controller of Stationery and Printing, Madras, on behalf of the Government of Madras 1962, Price 8 rupees 70cp.; pp.258 + 3.

Employment.- The average daily number of workers employed in the 5,670 factories which were in commission at the end of the year was 320,115. (This figure includes estimated average daily number of workers employed in factories in respect of which returns were not received.)

All the units from which prescribed returns were received have worked 82,595,300 mandays.

There were 172 factories in the Public Sector (Government and Local Fund factories) at the end of the year, employing 39,754 workers as against 167 factories employing 41,671 workers in the previous year.

Health and Safety.- As in the previous year special attention was paid by Inspectors of Factories to protection of workers against industrial diseases and to maintenance of their general health. General standard of sanitation and cleanliness was noticed in all most all factories. Adequate steps were taken wherever necessary to mitigate dust nuisance in textile mills, decorticating factories, tea and coffee curing factories, and also to prevent as far as possible, inhalation of dust by employees working in dusty processes.

Fencing and guarding of machinery continued to receive the active attention of the Inspectorate with the result that a major portion of their time was devoted towards advising and instructing the managements of factories in the upkeep of fences and guards. Inspectors have acted in their advisory capacity explaining the necessity and type of guards to be provided in order to secure compliance with the statutory provisions. The advice tendered by the Inspectors of factories received the due attention from the managements of factories and fencing and guards for dangerous parts of machinery, etc., were provided and maintained fairly well in all most all factories.

Hours of work.- Majority of the factories worked on the 48 hours per week basis with a working day of 8 hours each. Compliance with the provisions of the Act relating to hours of work was generally found to be satisfactory. Surprise visits by the Inspectorate proved effective in several cases in controlling irregular employment beyond scheduled working hours or on weekly holidays.

Rest interval.- Rest intervals as required by section 56 of the Factories Act, 1948 were given in all factories.

Weekly holidays.- Sundays or substituted days were observed as weekly holidays in all the factories except those that were exempted from the provisions of section 52 of the Act on account of the manufacturing processes being of a continuous nature. Compensatory holidays for the weekly holidays so lost were given in all cases as required by section 53 of the Act.

Wages and labour welfare.- The report gives the wages rate prevalent for the various categories of workers in the various industries in the State and the welfare amenities including housing, education and medical facilities.

Accidents.- In 1960, the total number of accidents in all factories was 16,680 as against 17,816 in 1959. Of these accidents, 19 proved fatal as against 33 in 1959. There was thus a decrease in the rates of accidents. Though the downward trend in the accident rates is not appreciable, yet, this was possible on account of the factories section of the Labour Department, having been relieved of the burden of enforcing the non-technical Acts, devoting more attention towards this important item of work (viz) accidents prevention in industries. The constant propaganda on prevention of accidents by way of talks undertaken by the Chief Inspector of Factories and the Inspectors of Factories has had its effect to an extent in reducing human suffering in industries.

The table below analyses all accidents with reference to their industrial origin:-

Industry	1959		1960		
	No. of Accidents.	Percentage.	No. of Accidents.	Percentage.	
Transport.	--	8,425	47.3	7,097	42.6
Textiles.	--	3,758	21.1	3,769	22.6
Engineering.	--	1,952	10.9	1,905	11.4
Matches.	--	515	2.9	819	4.9
Sugar.	--	248	1.4	134	0.8
Miscellaneous.	--	2,918	16.4	2,956	17.7

The table below analyses by causes, non-fatal accidents during the period 1956-1960:-

Year.	Struck by falling body.	Stepping on striking against objects.	Power driven machinery.	Handling of goods.	Use of hand tools.	Persons falling.	Molten metal or other hot or corrosive substances.	Miscellaneous.	Total.
1956 -	2,059	1,336	1,776	960	892	505	417	2,585	10,530
1957 -	2,765	1,495	1,897	1,554	1,290	508	598	3,313	13,420
1958 -	2,978	1,852	2,468	1,879	1,398	615	899	4,483	16,572
1959 -	1,997	2,063	2,394	3,217	1,367	614	832	5,332	17,816
1960 -	2,602	1,829	2,099	3,202	962	753	546	4,685	16,680

The classification of fatal accidents according to causation;-

Serial number and Causation.	No. of fatal accidents.
1. Falling on the flat	2
2. Falling from a height	2
3. Falling into pits	1
4. Transmission machinery - shafting	1
5. Wood working machinery circularsaws	1
6. Electricity	2
7. Explosion or Fire	1
8. Gassing	2
9. Melting metal, other hot or corrosive substances.	2
10. Struck by falling body	2
11. Handling good or articles	1
12. Others	2
	<b>Total. 19</b>

Analysis of accidents by causation, shows that 'struck by falling body', "slipping on or striking against objects", "power driven machinery", handling of goods", "use of hand tools", etc., were some of the causation groups responsible, for a large number of accidents. Lack of supervision, instruction, misunderstanding, non-observance of simple precautions while handling goods by the workers and the failure of the managements to take sufficient care to provide for the workers working at heights with sufficient safe-guards to prevent falls, were the main reasons for the fatal accidents.

Mandays lost due to accidents.- The details of mandays lost due to accidents are tabulated below from the year 1956. During the year 1960, the number of man-days lost due to industrial accidents was 117,631 as against 144,911 in the year 1959. There were thus a decrease in the number of mandays lost compared to last year.

Year	Number of man-days lost.
1956	88,729
1957	113,725
1958	256,823
1959	144,911
1960	117,631

Inspection.- Of the 5,884 factories which were on the registers during the year 1960, 3,134 factories were inspected once, 553 factories twice, 69 factories thrice and eight factories more than three times. Two thousand one hundred and twenty factories were left uninspected during the year. During the year, Assistant Inspectors of Labour who were additional Inspectors under Factories Act, 1948, and who were inspecting small power and non-power factories were transferred to the Labour Wing, thereby relieving them of the work of inspecting factories in order to bestow their attention in enforcing non-technical Acts only. As a consequence 25 posts of Assistant Inspectors of Factories were sanctioned by the Government for enforcing the provisions of Factories Act, 1948, in small power and non-power factories that were hitherto under the Control of the Assistant Inspectors of Labour. As fully qualified engineering graduates were not sufficiently available to man these posts, most of the posts remained unfilled for the major period of the year. Steps are being taken to fill all the posts of Assistant Inspectors of Factories so that no factory remains uninspected in the coming year.

In addition to the above, the Inspectors have made 1,267 Sunday, surprise, special and night visits to factories to check employment of workers outside their specified hours of work and on their weekly holidays. They have also inspected 146 unregistered factories.

Prosecutions and convictions.- Enforcement of the provisions of the factories Act results in prosecuting offenders who do not comply with the provisions of the Act inspite of warnings. Two hundred seventy nine prosecutions were launched against managements of 186 factories for non-compliance with various provisions of the factories Act, 1948. Two hundred twenty nine cases ended in conviction realising an amount of 8,197 rupees as fine.

(The working of the Act during the year 1959 was reviewed at pages 87-93 of the report of this Office for September-October 1961).

Punjab: Review of the Annual Report on the Working of  
the Factories Act, 1948, during the year 1961.

According to the review of the annual report on the working of the Factories Act, 1948, in the State of Punjab during the year 1961, the Factories Act, 1948, is administered by the Chief Inspector of Factories and Labour Commissioner, Punjab, duly assisted by two medical inspectors of factories, eight inspectors of factories and seventeen labour inspectors who also function as additional 'Inspectors of Factories'. Further the Government sanctioned 8 posts of wage inspectors, who were also declared as additional Inspectors of Factories.

The number of registered factories in the State at the end of the year 1961 was 4,079 as against 3,866 at the end of the previous year resulting in an increase of 213 factories during the year under report. Three hundred thirtythree factories were newly registered and 120 factories were removed from the list of registered factories. The total number of workers employed daily during the year under report in 3,489 working factories was 130,022 as against 117,067 in 3,280 working factories during the previous year. Out of 3,489 working factories 3,127 submitted the annual returns as against 2,941 during the preceding year. This noticeable change is attributable to the fact that a research and statistical section under the charge of a statistical officer started working during the year under report and the staff engaged therein put in tremendous efforts for collection and analysis of the data.

Out of 3,489 working factories, 1,154 factories were inspected once, 391 twice, 106 thrice and 35 more than three times.

The total number of accidents reported during the year was 3,600 as against 3,573 during the preceding year. Out of this 33 proved fatal, 215 were serious and the remaining were of minor nature. The factory inspectors were directed to form safety committees in co-operation with the employers and the workers in order to inculcate the habit of safety, thus reducing the human factor which plays an important part in the incidence of accidents.

During the year under report 3,834 complaints were filed in the courts against 2,387 factories, for violations of various provisions of the Factories Act and the Rules framed thereunder. Out of these complaints, 1,320 were decided during the year under report while the rest remained pending in various courts. The total amount of fines imposed was Rs. 25,654.25nPs. The average fine per offence thus comes to Rs. 12.12nPs.

The general health of workers in the State remained satisfactory and no outbreak of any epidemic disease was reported during the year under report.

As discussed <sup>in</sup> the conference of chief Inspector of factories held in December 1961, at Madras which was attended to by ~~Shri P.N. Shulla, in his capacity as~~ chief inspector of factories a meeting of all the inspectors of factories, medical inspector of factories and few officers of the labour department of the State was summoned in August 1961, for reviewing the policy of inspections and prosecutions under the Factories Act. As a result of the discussion held at this meeting comprehensive instructions were issued by chief inspector of factories to the staff to see to the prompt and better enforcement of the provisions of the Factories Act. Each inspecting officer was directed to complete inspection of each factory lying within his jurisdiction at least twice a year. Further, a monthly quota of inspection on weekly basis was also fixed for all the Inspectors under this Act.

(Supplement to Punjab Government Gazette,  
5 October, 1962, pp. 136-137 ).

Punjab: Review on the Annual Report on the Working of Plantations Labour Act, 1951, during the year 1961.

According to the review on the annual report on the working of Plantations Labour Act, 1951, in the State of Punjab for the year 1961, the Labour Commissioner, Punjab, who is the chief inspector of plantations continued his efforts for the implementation of the provisions of the Plantations Labour Act, 1951, throughout the State during the year under report. Steps are being taken to declare the medical inspectors of factories as inspectors under the Act to look after the proper enforcement of the provisions of the Act.

During the year under report the number of plantations covered under the Plantations Labour Act stood at 16. One plantation of Messrs Mand Lal Paras Ram, Tea Estate, Bawarna, split up into three different partnerships and went out of the provisions of the Act.

During the year under review all the plantations covered under the Act submitted the annual returns which showed that on an average 1,912 persons were daily employed in the plantations as compared to 1,712 during the year 1960. The working strength and the number of days ~~workers~~ worked in all the tea plantations showed that 2 plantations employed 30 or more but less than 50 workers, 6 plantations employed 50 or more but less than 100 workers, and 8 plantations employed 100 or more but less than 500 workers. The number of days worked in these plantations showed that 2 plantations worked for more than 240 days but less than 300 days and 14 plantations worked for more than 300 days. Eleven tea plantations ~~worked for more~~ employed 1,201 workers who worked up to 48 hours per week and five tea plantations ~~worked up~~ employed 711 workers who worked for above 48 hours a week.

All the plantations covered under the Act have engaged part-time vaides/doctors who are attending the workers once a week and provide treatment free of cost. Prevention of communicable diseases, continued to be the sole responsibility of the State Health Department. The provisions of sickness and maternity benefits were observed quite satisfactorily and there was absolutely no complaint during the year under review.



The water-supply arrangements are quite adequate to meet the requirements of workers. Proper conservancy arrangements have been provided in tea plantations as required under section 9 of the Tea Plantations Act and Rules 13 to 20, but the workers prefer to go in open fields rather than make use of latrines, etc.

The question of providing canteens and creches at the plantations had been discussed many a time in the meetings of the advisory committee but it was not considered useful as the resident labour comprised of small number and are working at different plots of plantations every day.

The provisions of section 13 in regard to the recreational facilities were enforced during the year under report and the workers derived its full utility. The labour welfare centre run by Government provided facilities of education, sewing, embroidery, music, library, indoor and out-door games for workers and is functioning very nicely and gaining popularity.

During the year 1960, 220 better type rent-free quarters were built by planters for workers but during the year under report, no new quarters were built as majority of workers prefer to go back to their villages after day's toil rather than to live in these quarters. Only 2 per cent workers utilise these quarters and in all 145 quarters were occupied by the workers.

(Supplement to Punjab Government Gazette,  
5 October 1962, pp. 137-138 ).

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## Chapter 6. General Rights of Workers

### 64. Wage Protection and Labour Clauses in Employment Contracts with the Public Authorities.

India - September-October 1962.

#### Working of the Payment of Wages Act, 1936 on Railways During the Year 1959-60.

Introduction.- The benefits of the Payment of Wages Act are available to all persons employed on Railways, either directly or through contractors and drawing wages less than Rs.200/- per month. Since 1 April 1958 the monetary limit has been raised to Rs.400/- per month by amending the Act in 1957. The Act seeks to ensure regular and prompt payment of wages to the workers and to protect them against arbitrary deductions and fines. The present report deals with the working of the Act on Railways and Railway Contractors' Establishments during 1959-60.

Inspections and Irregularities.- During the year 1959-60, in all 7,420 inspections (6,566 relating to Railway and 854 relating to Railway Contractors' Establishments) were carried out and 14,510 irregularities (12,600 in Railways and 1,910 in Railway Contractors' Establishments) were detected; the corresponding number of inspections carried out in the previous year was 6,316 (5,967 relating to Railways and 349 relating to Railway Contractors' Establishments) and the number of irregularities was 17,516 (14,519 in Railways and 2,997 in Railway Contractors' Establishments). Of the 12,600 irregularities detected in Railways, as many as 8,461 irregularities, i.e. 67.15 per cent related to Transportation Department. As regards Railway Contractors' Establishments, the number of irregularities relating to the establishments in Southern Railway was highest i.e. 599 (31.36 per cent).

Nature of Irregularities.- Out of the 12,600 irregularities detected during the year, 4,926 (39.1 per cent) related to delayed payment of wages, 2,780 (22.06 per cent) related to non-display of notices, 2,636 (20.92 per cent) related to non-payment of wages, 449 (3.56 per cent) related to unauthorised deductions, 439 (3.48 per cent) related to non-maintenance of registers, 344 (2.73 per cent) related to improper maintenance of registers, 172 (1.37 per cent) related to fines, 77 (0.61 per cent) related to deductions for damage or loss, 58 (0.46 per cent) related to recovery of advance and the remaining 719 (5.71 per cent) related to other miscellaneous irregularities.

Rectification of Irregularities.- As many as 11,089 irregularities were pending rectification in Railways and Railway Contractors' Establishments at the end of previous year and 14,510 irregularities were detected during the year, thus making a total of 25,599 irregularities for rectification. Of these 25,599 irregularities, 14,357 (56 per cent) were rectified during the year under report. Out of the 14,357 irregularities rectified, 5,240 (36.50 per cent) were rectified within 3 months, 3,027 (21.08 per cent) within 3 to 6 months, 1,556 (10.84 per cent) within 6 to 9 months, 1,324 (9.24 per cent) within 9 to 12 months and the remaining 3,210 (22.36 per cent) were rectified in more than one year.

Total Wages Paid and Deductions Made.- The total number of persons employed in all the Railways excluding Railway factories in India covered by the provisions of the Act was about 2,882,000. The total amount of wages paid during the year was about 1,265.7 million rupees. The amount realized as deductions in Railways was 29,835.88 rupees in case of fines, 125,000.91 rupees in case of damage or loss and 1,020.00 rupees in case of breach of contract. Total disbursement from the fine funds in all the Railways amounted to 1,453,040.00 rupees.

Out of 433 Contractors' Establishments covered by the Payment of Wages (Railways) Rules, 1938, annual returns were received from 259 Contractors' Establishments, employing about 415,000 persons. The total wages paid to them was about 5.965 million rupees. The total amounts deducted on account of fines and breach of contract were 90.20 rupees and 2,808.38 rupees respectively.

Claims.- At the end of 1958-59, 741 applications were pending before the authorities and 677 applications were filed in 1959-60, making a total of 1,418 applications for disposal before the authorities. Of these, 776 applications were decided during the year.

Prosecutions.- Three prosecution cases in respect of Railway Contractors in Northern Railway were pending at the end of the previous year and 2 were filed during the year against Railway Contractors in the same Railway. All the 5 cases were decided during the year.

Payment of Wages Act, 1936, extended to Persons  
Employed in Oil Fields.

In exercise of the powers conferred under the Payment of Wages Act, 1936, the Central Government has with effect from 15 September 1962 extended the provisions of the Act to the payment of wages to all classes of persons employed in oil-fields in the whole of India except the State of Jammu and Kashmir and the State of Assam to which the Act has already been extended separately.

(Notification SO 2863/PWA/Oil-fields dated  
5 September 1962, the Gazette of India,  
Part II, Section 3, Sub-section (ii), 15 September 1962,  
page 3002 ).

Payment of Wages (Bihar Amendment) Bill, 1962.

The Government of Bihar published on 20 September 1962 the text of the Payment of Wages (Bihar Amendment) Bill, 1962, proposed to be introduced in the Legislative Assembly of the State. According to the Statement of Objects and Reasons of the Bill, a proviso was added to section 6 of the Payment of Wages Act, 1936 (IV of 1936), by the Payment of Wages (Bihar Amendment) Act, 1960 (Bihar Act IV of 1961) by which it was provided that where the amount of any bonus payable to an employed person under any award or settlement or order of a Court, exceeds an amount equal to one-fourth of his earnings (exclusive of dearness allowance) for the year to which the bonus relates, such excess shall be paid to him or invested on his behalf in the manner prescribed. The existence of the words "any bonus payable" in the said proviso indicated that the test whether the amount of bonus was in excess of one-fourth of earnings for a year or not had to be applied to each bonus paid in a year, in case there was more than one. This enable the provision to be circumvented. It is, therefore, proposed that the entire bonus paid during the year may be taken into account in applying the said test.

Since under the said proviso the excess of bonus is to be paid to the employed person or invested on his behalf in the manner prescribed, it has also become necessary to amend sub-section (3) of section 26 of the Payment of Wages Act, 1936 (IV of 1936) (which deals with the powers of the State Government to make rules in respect of certain items) by adding a fresh item under the said sub-section to provide that the rules made by the State Government may also prescribe the manner in which the excess amount of the bonus shall be paid or invested.

The Bill seeks to achieve the aforesaid objects.

(Bihar Gazette, Extraordinary, 20 September 1962, pp. 1-3).

CHAPTER 7. PROBLEMS PECULIAR TO CERTAIN CATEGORIES  
OF WORKERS.

INDIA - SEPTEMBER-OCTOBER 1962.

71. Employees and Salaried Intellectual Workers.

Working Journalists (Amendment) Bill, 1962.

Shri Jaisukhlal Hathi, Minister of Labour in the Ministry of Labour and Employment, introduced in the Lok Sabha on 7 September 1962 a Bill further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, and the Working Journalists (Fixation of Rates of Wages) Act, 1958. According to the Statement of Objects and Reasons of the Bill, in the case of Express Newspapers vs. Union of India, the Supreme Court in its judgment dated 19 March 1958 declared that section 5(1)(a)(iii) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 was illegal and void as it contravened the fundamental rights guaranteed to citizens under article 19(1)(g) of the Constitution. The Supreme Court observed that there would be no justification for awarding gratuity when an employee voluntarily resigns except in exceptional circumstances like the operation of a 'conscience clause' and a longer period of continuous service.

Section 5(1)(a)(iii) inter alia provides for payment of gratuity to a working journalist when he voluntarily resigns from service from any newspaper establishment after rendering a continuous service of not less than three years. It is accordingly proposed to amend the Act to provide for payment of gratuity to a working journalist if he voluntary resigns on any ground whatsoever after the total service of ten years and also on the ground of conscience if his total service is not less than three years but less than ten years. Provision is also being made for enabling a working journalist to appoint nominee or nominees for receiving gratuity in case of his death.

The Central Government is also being empowered to fix and revise rates of wages payable to working journalists. For this purpose provision is now being made to set up Wage Boards from time to time which will make necessary recommendations to the Central Government as regards the rates of such wages.

For the purpose of effective implementation of the provisions of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958, opportunity is being taken to provide for appointment of Inspectors and for requiring newspaper establishments to maintain registers, master-rolls and other records.

The Notes on clauses explain in detail the various provisions of the Bill:

**Clause 3.-** The clause substitutes the existing section 5 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 by two sections 5 and 5A and makes provision inter alia for the payment of gratuity to a working journalist -

(a) on resignation on grounds of conscience after a service of three years, or

(b) on voluntarily resignation after a service of ten years, the maximum gratuity payable not to exceed 12½ months' average pay.

Specific provision has been made to enable a working journalist to nominate a person or persons to receive payment of gratuity in case of his death. If no nomination is made, the gratuity would be payable to his family. It is also being provided that any dispute whether a working journalist has resigned on the ground of conscience shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947 or any corresponding law in force in any State.

**Clause 4.-** This clause substitutes the existing sections 8, 9, 10, 11, 12 and 13 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. Under the proposed section 8, the Central Government is being empowered to fix and revise rates of wages payable to working journalists. In order to enable the Central Government to fix and revise such wages, the Central Government is being empowered in the proposed section 9 to constitute a Wage Board which will consist of seven persons, two representing employers, two representing working journalists and three independent persons, one of whom, who is or has been a Judge of a High Court or the Supreme Court, will be appointed by the Government as the Chairman thereof.

Under the proposed section 10, the Wage Board will make the necessary recommendations to the Central Government after taking into account the various representations made to it by newspaper establishments and working journalists and any other person interested in the fixation or revision of the rates of wages. The powers of the Wage Board will be the same as of an Industrial Tribunal constituted under the Industrial Disputes Act, 1947. Under proposed section 12, the Central Government will issue the order fixing the rates of wages in the light of the recommendations made subject, of course, to any modifications that the Central Government may think fit to make. This new section is on the same lines as section 6 of the Working Journalists (Fixation of Rates of Wages) Act, 1958. It is also being provided in the proposed section 13 that working journalists shall be entitled to be paid by the employer wages at the rate which shall in no case be less than the rates of wages fixed by the Central Government. This corresponds to section 7 of the Working Journalists (Fixation of Rates of Wages) Act, 1958.

**Clause 5.-** This clause substitutes the existing section 17 by a new section and inserts two new sections 17A and 17B. New section 17 is almost on the same lines as section 9 of the Working Journalists (Fixation of Rates of Wages) Act, 1958. The two new sections 17A and 17B are necessary for the purpose of the effective implementation of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958. Under the proposed section 17A, every employer shall be required to prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed by rules. Under the proposed section 17B, State Governments are being empowered to appoint Inspectors who will exercise functions mentioned in that section.

**Clause 6.-** This clause substitutes the existing sub-section (1) of section 18 by five new sub-sections. The existing sub-section (1) provides for penalty for violation of the provisions contained in section 6 only. It is felt that the employer should be made liable for contravention of every provision in the Act or any rule or order made thereunder. New sub-sections (1B), (1C) and (1D) provide that where an offence has been committed by a company, every person who is in charge of, and was responsible to, the company for the conduct of the business of the company shall also be liable to be proceeded against and punished accordingly. These new sub-sections are on the general pattern relating to offences by companies.

**Clause 7.-** This clause makes amendment in section 19 so as to afford protection also to an Inspector appointed under the Act.



**Clause 8.-** This clause inserts two new sections 19A and 19B. Proposed section 19A provides that defects in appointments shall not invalidate acts or proceedings of the Board. As regards section 19B, it is necessary to exclude Government servants from the operation of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958 as the Government rules and regulations generally offer better terms and conditions of service.

**Clause 9.-** Section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 is being amended by this clause so as to enable the Central Government to make rules with regard to the procedure to be followed by Wage Board, the manner in which nominations are to be made by working journalists, the powers to be exercised by Inspectors and the manner in which registers, records and muster-rolls are to be maintained by newspaper establishments.

**Clause 10.-** This clause amends the Working Journalists (Fixation of Rates of Wages) Act, 1958 in following respects. Section 8 is being omitted as it is no longer necessary in view of the new sections 8 to 12 proposed to be inserted in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 by clause 4. There is no provision in the Working Journalists (Fixation of Rates of Wages) Act, 1958 for penalty for the violation of the provisions of section 7. The proposed section 12A provides for such penalty.

(Gazette of India, Extraordinary,  
Part II, Sec. 2, 7 September 1982,  
pp. 783-800).

74. Indigenous Labour.

India - September-October 1962.

Report of Scheduled Tribes Commission discussed in  
Lok Sabha: Development allocation in Third Plan  
Raised.

Moving for consideration the Report of the Scheduled Areas and Scheduled Tribes Commission, Shri Lal Bahadur Shastri stated in the Lok Sabha on 6 September 1962 that a series of measures were being taken by which the scheduled areas were expected to be "descheduled" within 15 years and brought on a par with other sections of the people. He stated that the Planning Commission had agreed to raise the third plan allocation for the tribal development blocks to 233.1 million rupees an increase of 69.5 million rupees. These blocks, the Home Minister said, would be in areas where the scheduled tribes formed more than two-thirds of the population. With the increased allocation, it would be possible to set up 450 blocks during the plan period, he said.

Shri Lal Bahadur also said that the Planning Commission had accepted the Commission's recommendation that the blocks should also cover areas where the tribals formed more than half the population. The number of blocks would have to be doubled for that purpose. The Home Minister assured the House that preparatory work for setting up the blocks would be started within the current plan itself so that 900 tribal development blocks would be established in the country by the end of the next plan. Shri Lal Bahadur said the main difficulty in carrying out welfare work was the dearth of trained personnel. People with a sense of mission were needed.

The Home Minister said that in accordance with the Commission's recommendations, the Central Government had suggested to the State Governments the establishment of a special section in the Legal Department to examine the existing laws and suggest legislative action to protect the land and other rights of tribal people. The new section could examine the laws with a view to prevent transfer of tribal land to non-tribals on the ground of indebtedness.

Shri Sarkar Murmu (Com.-West Bengal), himself an adivasi, complained that the Government of West Bengal had done very little to help its adivasis and tribes. He said that industrialists and "land grabbers" had uprooted thousands of adivasis from their ancestral lands in West Bengal.

Shri M.G. Ulkey (C.M.P.), also representing an adivasi area, paid a tribute to the work done by the Diebar Commission and asked that its report be implemented. Shri Ulkey wanted the Government to take complete control of educational and medical facilities for adivasi and tribal areas.

(The Statesman, 7 September 1962).

CHAPTER 8. MANPOWER PROBLEMS.

INDIA - SEPTEMBER-OCTOBER 1962.

81. Employment Situation.

Punjab: Pilot Scheme for Employment Promotion in  
Rural Areas.

The Government of Punjab is undertaking in October 1962 a 20 million rupees scheme with a view to give full employment to people in rural areas.

For detail please see paragraph 33, pp. 24 of this report.

83. Vocational Training.

India - September-October 1962.

Meeting of State Representatives of Training and  
Employment Bodies: Admission to Industrial Training  
Institutes through Employment Exchanges.

A joint meeting of State representatives of training and employment bodies was held at New Delhi on 14 September 1962. The meeting was addressed, among others, by Shri Jaisukhlal Hathi, Minister of State in the Ministry of Labour and Employment. The meeting was told that the Government had decided that the National Employment Service should be the normal channel of recruitment to services. It had taken upon itself the task of assisting applicants to obtain not only jobs but admissions to various training centres. The meeting agreed that employment officers should be included as members of selection committees for industrial training institutes.

Addressing the meeting Shri Jaisukhlal Hathi, Minister of State in the Ministry of Labour and Employment, said that industrial training institutes should serve as models for private industry which would also provide similar training facilities under the Apprentices Act. The Minister said there was a vast reservoir of young men whose services could be properly utilized if they were trained in useful trades. He said that training of the 200,000 people was the target set for the third Plan, and emphasized that every effort should be made to fulfil the target as also draw up an outline of requirements for the fourth plan.

The Director-General of Employment and Training, Shri Abdul Qadir, detailed the steps taken by his organisation to impart technical or vocational training to students who had passed the High School examination. They constituted the bulk of applicants on the registers of employment exchanges.

(The Hindustan Times, 16 September 1962).

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## Chapter 9. Social Security

### 92. Legislation.

India - September-October 1962.

Employees' Provident Funds Act, 1952, extended to  
Certain Establishments.

In exercise of the powers conferred under the Employees' Provident Funds Act, 1952, the Central Government has with effect from 31 October 1962 applied the said Act to the following establishments employing 20 or more persons each, namely,

1. Establishments engaged in the processing or treatment of wood including manufacture of:
  - (i) Hand-board or chip-board
  - (ii) jute or textile wooden accessories
  - (iii) cork products
  - (iv) wooden furniture
  - (v) wooden sports goods
  - (vi) cane or bamboo products
  - (vii) wooden battery separators;
2. Saw mills;
3. Wood preservation plants;
4. Wood seasoning kilns;
5. Wood workshops.

(Notification GSR 1232 dated 7 September 1962,  
the Gazette of India, Part II, S. 3, sub-sec. (1),  
15 September 1962, pp. 1341-1342 ).

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93. Application.

India - September-October 1962.

VIII. Maternity Benefits.

Working of the Maternity Benefits Acts during 1960\*.

An article on the working of the Maternity Benefit Act during the year 1960 has been published in the Indian Labour Journal, September 1962. The following is a brief review of the article.

Introduction.- Legislation providing for the payment of cash benefits, grant of leave and provision for other facilities to give maternity relief to women workers employed in factories, exists in most of the States and Union Territories of India. The State Acts have also been extended to cover the women workers employed in plantations in Assam, Kerala, and West Bengal. Besides, the Central Government have passed the Mines Maternity Benefit Act which provides for similar benefits to women workers in mines. The scope, qualifying conditions, the period and the rate of maternity benefits are not uniform under various State Acts.

During the year under review, the overall percentage of factories and plantations submitting returns registered an increase from 70.0 during 1959 to 76.1 in 1960. Under the Mines Maternity Benefit Act, this percentage was 55.3 for coal mines and 68.1 for other mines, as against 48.6 and 65.4 respectively in the preceding year. In several industrial centres in the States, women workers are being covered by the integrated social insurance scheme framed under the Employees' State Insurance Act, 1948 and the State Maternity Benefit Acts cease to be operative in areas where the scheme is enforced.

In factories among States, Gujarat reported the largest number of cases in which maternity benefit was paid. Next in order came Mysore. In plantations, Assam reported the largest number of cases. Though the number of claims paid in factories was the largest in Gujarat, the amount of benefit paid was the highest in the State of West Bengal followed immediately by Madras. The proportion of women workers who were paid maternity benefit in full or in part both in factories and plantations to the total number of women workers who claimed such benefit during the year under review was fairly high in all States except Rajasthan and Madras. While in Rajasthan not a single claim was paid, in Madras the percentage of claims paid to the total claims made was 42 as against 100 in Uttar Pradesh, 96 in West Bengal and Kerala and 95 in Mysore.

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\* Indian Labour Journal, Vol. III, No. 9, September 1962, pp. 752-758.

Statistics for the years 1959 and 1960, showing the percentage of women workers employed in factories and plantations who claimed maternity benefit to the total number of women employed in factories and plantations submitting returns and the average amount of benefit paid per case, in the various States and mines are shown in the following table:-

State	No. of claims made per 100 women employed.		Average amount of benefit paid per case	
	1959	1960	1959 Rs.	1960 Rs.
<b>Factories -</b>				
Andhra Pradesh	--	0.8	34	19
Bihar	--	7.8	129	163
Gujarat	--	(a)	(e)	32
Kerala	--	(b)	(f)	75
Madhya Pradesh	--	1.8	49	82
Maharashtra	--	(a)	(e)	47
Madras	--	4.3	56	107
Mysore	--	11.0	30	33
Orissa	--	2.8	64	79
Punjab	--	0.02	38	38
Rajasthan	--	2.8	59	51
Uttar Pradesh	--	1.0	90	172
West Bengal	--	(c)	(g)	127
Average	--	(d)	(d)	74
<b>Plantations -</b>				
Assam	--	(d)	(d)	96
Kerala	--	(d)	(d)	72
West Bengal	--	(d)	(d)	68
Average	--	(d)	(d)	86
<b>Average for Factories and Plantations</b>				
	--	10.7	64	85
<b>Mines -</b>				
Coal	--	12.1	40	131
Others	--	12.8	35	37
Average for Mines.	--	12.5	38	65

**NOTES -**

- (a) The figure for erstwhile Bombay State was 3.9.
- (b) The figure for both Factories and Plantations was 17.0.
- (c) The figure for both Factories and Plantations was 20.7.
- (d) As information for Factories and Plantations was not collected separately during previous years, this figure is not available.
- (e) The figure for erstwhile Bombay State was Rs.30.
- (f) The figure for both Factories and Plantations was Rs.65.
- (g) The figure for both Factories and Plantations was Rs.71.



The average maternity benefit in factories paid per case varied appreciably from State to State, the highest recorded by Uttar Pradesh and the lowest by the State of Andhra Pradesh; the figures being Rs.172 and Rs.19, respectively. The average maternity benefit paid per case was Rs.74, Rs.86 and Rs.65 for factories, plantations and mines, respectively.

The average amount of maternity benefit paid per case during the year under review was about Rs.252 taking all States together. The percentage of women who claimed maternity benefit was about 5.7 of the total insured women. The figures for the year 1959 were Rs.202 and 6.2. Thus during the year under review the amount of benefit paid per case was appreciably higher than that in 1959.

According to the review <sup>the</sup> number of women who claimed maternity benefit during the year 1960 stood at 6,236 and the total amount of benefit paid during the year was Rs.1,488,369.

The number of complaints received in respect of factories was the highest in Kerala followed at a distance by Madras. In Kerala, most of the complaints received were from the factories sector. Prosecutions were launched only in a few cases as the breaches of the <sup>A</sup>cts or Rules made thereunder were reported to be of a very minor nature.

LIST OF THE PRINCIPAL LAWS PROMULGATED DURING THE  
PERIOD COVERED BY THE REPORT FOR SEPTEMBER-OCTOBER,  
1962.

INDIA - SEPTEMBER-OCTOBER 1962.

CHAPTER 1. INTERNATIONAL LABOUR ORGANISATION.

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- \* (d) "Speech of Shri Prabhu V. Mehta, Chairman of the All-India Manufacturers' Organisation, held at Indore on 11-10-1962"; The All-India Manufacturers' Organisation, Cooperative Insurance Building, Sir Pherozshah Mehta Road, Fort, Bombay-1. pp.20.
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