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INDIA - MAY 1958.

11. Political Situation and Administrative Action.

Fifteenth Session of Labour Ministers' Conference,
Nainital, 15 and 16 May 1958: Extension of Employees'
Provident Fund Scheme and Greater Benefits under
Employees' State Insurance Scheme recommended.

The fifteenth session of the Labour Ministers' Conference was held at Nainital on 15 and 16 May 1958, Shri Gulzarilal Nanda, Union Minister for Labour and Employment presiding. Shri V.K.R. Menon, Director of this Office was present at this conference by special invitation. Among other matters, the conference approved proposals to enlarge the coverage of the Employees' Provident Funds Act and to extend the benefits under the Employees' State Insurance to families of workers.

Agenda.- The agenda before the meeting consisted of the following:- (1) Action taken on the decisions of the 14th Session of the Labour Ministers' Conference. (2) Industrial Relations. (3) Working of the Employees' State Insurance Schemes. (4) Amendments to the Industrial Disputes Act, 1947. (5) Election Procedure to be adopted for constitution of Board of Trustees in exempted factories under the Employees' Provident Fund. (6) Subsidized Industrial Housing Scheme. (7) Question of closures and employment. (8) Evaluation and implementation of labour enactments, awards, settlement, agreements, etc. (9) Notes for information on:- (i) Productivity. (ii) Workers' participation in management. (iii) Review of the manpower and employment schemes of the D.G.R. & E. (iv) Workers' Education Scheme. (v) Steering Group on Wages. (vi) Progress made on the policy recommendations on labour matters in the Second Five Year Plan. (10) Implementation of terms of transfer of administration of Exchanges and Training Centres to State Governments with special reference to confirmation of staff.

(For a summary of the memoranda prepared by the Ministry of Labour and Employment on the items of the agenda, see pp. 11-32 of this report, which contain a review of the proceedings of the 16th Session of the Indian Labour Conference. Practically the same agenda was considered by the Indian Labour Conference).

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Inaugural address.- Inaugurating the Conference, Shri Nanda emphasised the need for introducing workers' participation in Government-owned factories and other organisations. If the Government called upon others to introduce this type of organisation it could not for long ignore its own advice. The Government, in fact, had to give a lead in this sphere if its proclaimed ideal of socialistic pattern had any meaning. He was happy that workers' participation in management, one of the biggest new ideas, was progressively finding favour with employers. No fewer than 25 units had adopted it.

At one stage workers had demanded legislation for this purpose. Shri Nanda said he had resisted the proposal, and he was glad he had done so. Now the scheme was proceeding on an agreed basis.

Nevertheless the Government had to promote its extension. This required Government assistance which must watch developments. Adequate and proper study needed to be made of the working of the scheme, both at the Centre and at the State level.

Many happy and significant developments in the labour world had taken place during the last years. Shri Nanda listed among them the code of discipline which had been voluntarily developed by all concerned.

It was not the substance of the code which was important as the manner in which it had been brought about. This was a heartening feature. The Government had only assisted the procedure. He favoured the code because it was based on no legislation. Instead it had internal sanctions.

At the same time he did visualize circumstances in which the code ceased to be observed effectively. He thought that it would require proper machinery to work it throughout India.

It helped to diagnose the ailment from which any production unit suffered when its workers went on strike. It was obvious that someone had erred. Either the workers or the employers had not observed some provisions of the code. If they did, he was sure, there would be no strike.

Shri Nanda was still open to conviction about the basis of India's labour relations on which the entire legal superstructure had been built up. An imposed settlement was the last resort.

He was also concerned about closures. He saw no reason why things should be allowed to drift until a unit served the Government only a month's notice of its intention to close down. He preferred preventive measures.

When a closure did take place and workers were unemployed the problem arose, what could be done to help them.

He visualized a limited unemployment insurance scheme. He took the cue from the Government's assistance to rural areas in the event of calamities. The Government in such cases opened test works. Some such scheme could be considered for workers who lost their jobs as a result of closures.

In the sphere of industrial relations, the Government had evolved an elaborate system to settle disputes. Shri Nanda thought it largely answered the need of the times. Nothing, of course, could ever give complete satisfaction.

He was, however, worried about two types of difficulties. They arose from delays in legal processes and in effective implementation of awards and decisions. Delays were sometimes the responsibility of parties themselves. They did not always come prepared and asked for long adjournments.

Measures had already been taken to reduce delays, but he was prepared to consider others which the conference suggested.

In many cases recourse to courts was intentionally dilatory. Nevertheless the Administration had to help courts to expedite the decisions, considering the volume of work with which they were faced. One such step could be the appointment of special benches, particularly in the Supreme Court.

Long delays in labour disputes could not be tolerated, he said. It was not proper to keep thousands of workers in a state of suspense. The economy of the country and the success of the Plan depended on a happy relationship between workers and employers.

So far as delays in implementation of awards were concerned, he was convinced that they were frequent enough to ruffle anybody. The Government had started a department to hasten implementation. It would also evaluate the results of various measures. The department was founded on the realisation that unorganised workers had no remedy if legal awards and decisions were not implemented.

The Government had therefore to play a positive part in the matter. It was therefore not enough that there was no trouble. "In that event we must trouble ourselves", said Shri Nanda.

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Decisions: 1) Industrial Relations: i) Suspension of Adjudication.- The consensus of opinion was that the time was not appropriate for the suspension of adjudication for the settlement of industrial disputes though it was agreed that adjudication should be looked upon as a last resort. Greater emphasis should be laid on voluntary arbitration and more extensive use should be made of such machinery. The difficulties in getting the services of good arbitrators might be overcome by adequate payment for such work. Greater use should also be made of the bipartite and tripartite machinery in the matter of settlement of disputes. The numerous awards given by tribunals and courts should be properly analysed in order to evolve norms in respect of particular issues such as service conditions, welfare provisions, etc., so that these might be used for the guidance of arbitrators. The norms will also be useful in deciding whether particular disputes should or should not be referred for adjudication.

ii) Works Committees.- The trade unions should be asked clearly whether they were willing to continue the system of works committees. Where there were no unions, there should be works committees constituted on the basis of elections. Where there was a representative trade union, the works committee might be constituted on the basis of nomination by that union. In the event of there being a number of unions, those with insignificant membership need not be given any representation on the Works Committees. The works committee should form part of the grievance procedure and be concerned with matters of day-to-day interest to the workers. The broader issues should be left to the trade unions.

iii) Grievance Procedure.- The guiding principles for a grievance procedure drafted by the Sub-Committee of the Indian Labour Conference (15th Session) should be circulated for further discussion at the 16th Session of the Indian Labour Conference. (The Indian Labour Conference approved the guiding principles and asked the Sub-Committee to draft a simple and flexible grievance procedure in accordance with these principles.)

iv) Steps to make the work of evaluation and implementation more effective.- An Evaluation and implementation unit should be set up by each State Government and there should be greater co-ordination between the Centre and States in this respect. There should be a quarterly assessment of the working of the different courts dealing with labour cases. Procedural rules should be laid down for Industrial Tribunals so that cases might be disposed of more speedily. The State Government should be kept fully informed of the developments affecting the public undertakings under the Central Government.

v) Steps to be taken to mitigate the evils of trade union rivalry.- This was discussed separately at a meeting of representatives of the different Central Government Organisations of workers and a Code of Conduct was adopted at that meeting. According to this Code of Conduct, the representatives of the four Central Labour Organisations, viz., I.N.T.U.C., A.I.T.U.C., H.M.S., and UTUC agreed to observe the following basic principles for maintaining harmonious inter-union relations:

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- 1) Every employee in an industry or unit shall have the freedom and right to join a union of his choice. No coercion shall be exercised in this matter.
 - 2) There shall be no dual membership of unions. (In the case of Representative Unions, this principle needs further examination).
 - 3) There shall be unreserved acceptance of, and respect for, democratic functioning of trade unions.
 - 4) There shall be regular and democratic elections of executive-bodies and office-bearers of trade unions.
 - 5) Ignorance and/or backwardness of workers shall not be exploited by any organisation. No organisation shall make excessive or extravagant demands.
 - 6) Casteism, communalism and provincialism shall be eschewed by all unions.
 - 7) There shall be no violence, coercion, intimidation, or personal vilification in inter-union dealings.
 - 8) All Central Labour Organisations shall combat the formation or continuance of Company Unions.

It was generally felt that machinery consisting of representatives of the four Central Labour Organisations, with an independent Chairman, might be set up for implementing the Code of Conduct. For the time being, Shri Nanda, the Union Labour Minister, might invite the parties, from time to time, for further developing and amplifying the Code.

vi) Registration of Trade Unions.- (a) Delays in the registration of trade unions should be avoided.

(b) All trade unions should prescribe a minimum membership fee of 4 annas a month and the Registrar of trade unions or his nominee should have the power to inspect the books of the union.

vii) Recognition of trade unions and verification of members.-
It was agreed that certain conventions should be evolved for the voluntary recognition of trade unions by employers. The criteria agreed to for such recognition were as follows:-

- (a) Where there was more than one union, a union claiming recognition should have been functioning for at least one year after registration; (where there was only one union, this condition would not apply).
- (b) Its membership should cover at least 15 per cent of the workers in the establishment concerned. Membership should consist of those who have been members in good standing by payment of membership fees for at least three months during the period of six months preceding the date of reckoning.
- (c) A union might claim to be recognised as a representative union for an industry in a local area if it had a membership of at least 25 per cent of the workers of that industry in that area.
- (d) Where there were several unions in an industry or establishment, the one with the largest membership should be recognised.
- (e) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment had a membership of 50 per cent or more of the workers, it should have the right to deal with matters of purely local interest, such as, for instance, handling of individual grievances in so far as its members were concerned.
- (f) As regards the procedure for verification of the strengths of unions, the suggestions contained in paragraph 16 of the memorandum on Industrial Relations were approved. It was further agreed that the verification procedure to determine the representative character of a union should be made more adequate.

(viii) Union-shop and check-off.- The proposals for the introduction of union-shop and check-off were rejected. It was, however, agreed that a recognised union should be entitled to collect membership fees every month within the premises of the undertakings.

2. Working of the Employees' State Insurance Scheme:-

(i) Share of the State Governments towards the cost of medical benefits on extension of medical care to the families of insured persons.- The State Government's share, on extension of medical care to families, should be 1/8th of the total expenditure during the Second Five Year Plan period. The position should be reviewed sufficiently in advance of the expiry of this period. No revision should be effective unless mutually agreed upon.

(ii) System of medical care.- The State Government concerned might adopt any system (service, panel or mixed) which they considered most feasible, keeping in view the conditions in a particular area and in consultation with the workers' organisations.

(iii) Capitation fee to be paid to panel doctors.- It would be desirable for the Employees' State Insurance Corporation to approach the medical profession through the State Government concerned and not directly.

(iv) Arrangements for confinement of maternity cases.- A sum of 30 rupees per confinement case should be paid to the wives of insured persons, on extension of medical care to families.

(v) Improvements in cash benefit.- Further improvements in the quantum of cash benefits might not be made till such time as the Scheme was extended to the present coverable population in the country and families included within its scope. Improvement in the rate of maternity cash benefit was, however, necessary under the Employees' State Insurance Act as under some State Maternity Acts the rates were higher. Persons suffering from T.B. might also be given special consideration in this respect.

(vi) Waiting period.- Revision of the waiting period provision should be examined, keeping in view the comparable provisions in the English law.

(vii) Covering families of insured persons.- Families of the insured persons should be covered for medical care and treatment. Hospitalisation should also be provided for them as soon as possible.

(viii) Raising employers' contribution.- To enable these proposals being made financially feasible, the employers' contribution should be raised to 4-3/4 per cent as already provided for in the law.

(ix) Integration of Administration.- The Administration of the Employees' State Insurance Scheme and of the Employees' Provident Funds Scheme should be integrated.

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(x) Raising of Provident Fund Contribution.— Contributions to the Provident Fund should be increased from 6-1/4 per cent to 8-1/3 per cent.

(xi) Pension.— The proposal to convert the Provident Fund Scheme into an Old-age and/or Survivors Pension (for widows and children) Scheme should be further provided that this could be worked within the limit of 16-2/3 per cent of wages recovered by way of contributions from employers and workers covered by the Employees' Provident Funds Act.

(xii) Extension of the Scheme to establishments having 20 employees or more.— The present employment limit of fifty persons or more prescribed under sub-section(3) of section 1 of the Employees' Provident Funds Act, 1952, should be reduced to twenty persons or more. Employees in commercial establishments should also be covered. (Note:— These recommendations were approved, mainly, on the basis of the conclusions and recommendations of the Study Group on Social Security. The Group has not yet finalised its report, but a summary of its recommendations were made available at the Conference. For this summary, please see pp. 84-88 of this Report).

3. Amendments to the Industrial Disputes Act, 1947: —(i) Appointment of District Judges on Tribunals.— (a) The proposed amendment to Section 7A(3) of the Industrial Disputes Act, 1947 to enable the appointment of serving or retired District Judges as Presiding Officers of Industrial Tribunals, was approved. It was, however, urged that such appointments should be made in consultation with the High Court.

(b) While amending the Act for this purpose, note should be taken of the provisions in the U.P. Industrial Relations Act in this regard.

(ii) Exemption of hospital staff.— Regarding the suggestion of the West Bengal Government that the staff of hospitals etc., should be excluded from the purview of the Industrial Disputes Act, the consensus of opinion was that the matter should be left to the State Government concerned.

4. Election procedure to be adopted for constitution of Board of Trustees in Exempted factories under the Employees' Provident Fund.— The procedure outlined in the Memorandum on this item was generally approved.

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5. Subsidized Industrial Housing Scheme.- With a view to encouraging the employers to discharge their responsibility towards their workers in respect of housing, the following measures were recommended:-

- (a) the present quantum of loan to employers under the scheme should be raised from 37-1/2 per cent to 50 per cent the quantum of the subsidy, viz., 25 percent, remaining unchanged;
- (b) the rules for the allotment of tenements should be left to the employer to be finalised in consultation with the workers of his establishment, subject to certain broad principles being laid down by the Government; and
- (c) the matter of giving some income-tax relief to the employers who built houses for their workers should be examined by Government in greater detail.

(ii) When State Governments found that industrial housing was not making progress for want of developed building land, they should spend as much of their allocation under the Subsidised Industrial Housing Scheme as was needed for the acquisition and development of land. This land could be utilised by them or sold at a no-profit no-loss basis to employers for the purpose of building houses for workers.

(iii) If despite these steps, employers failed to realise their responsibility, Government should seriously consider the question of compulsion through legislative measures, to get the employers to provide housing for some reasonable percentage of their workers.

6. Question of closures and employment.- The Labour Minister, Assam, raised the question of closure in Plantations in Assam and suggested that the Industries (Development and Regulation) Act should be extended to cover plantations also so that it might be possible for Government to take over the management of closed gardens. The consensus of opinion was that it was a matter for the Assam Government who should send their draft legislation on the subject for consideration by the Government of India.

The Chairman suggested that consideration might be given to the idea of creating an Unemployment Relief Fund to be utilised, not for giving doles, but for running the units that had closed down with a view to maintaining employment until some other satisfactory arrangements had been made for working them properly.

(The subject was discussed in greater detail at the 16th Session of the Indian Labour Conference).

7. Evaluation and implementation of labour enactments awards, settlements, arrangements, etc. (Also includes a supplementary memorandum).- The proposals contained in the memorandum on the subject and the procedure outlined in the supplementary memorandum were approved.

8. Implementation of terms of transfer of administration of Exchanges and Training Centres to State Governments with special reference to confirmation of staff.- According to the terms of transfer, not less than 60 per cent of the staff transferred to State Governments was to be made permanent in State Services. Confirmation of the staff was generally agreed to in principle by the State Governments. Some State Governments, however, pointed out certain difficulties that stood in the way of immediate confirmation of staff.

(Documents of the Conference,
received in this Office).

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Sixteenth Session of Indian Labour Conference,
Nainital, 19-20 May 1958: Recommendations on
Extension of Social Security Measures, continuance
of Adjudication and Measures to avoid closure.

The Sixteenth Session of the tripartite Indian Labour Conference was held at Nainital on 19 and 20 May 1958, under the Chairmanship of Shri Gulzarilal Nanda, Union Minister for Labour and Employment. The Conference was attended by Ministers and officials from all the States and representatives of employers and workers.

The Conference, among other matters, reached decisions on enlarging the benefits under the Employees' State Insurance Scheme, extending the provisions of the Employees' Provident Funds Act to a larger number of workers and continuing adjudication.

Agenda.- The following were the items of the agenda before the Conference:- (1) Action taken on the decisions of the 15th Session of the Indian Labour Conference. (2) Industrial Relations. (3) Working of the Employees' State Insurance Scheme. (4) Amendments to the Industrial Disputes Act, 1947. (5) Subsidised Industrial Housing Scheme. (6) Evaluation and Implementation of labour enactments, awards, settlements, agreements, etc. (7) Notes circulated for information:- (i) Productivity; (ii) Workers' Education; (iii) Workers' Participation in management; (iv) Workers' discipline and grievance procedure; (v) Steering Group on wages; and (vi) Progress made on the policy recommendations on labour matters in the Second Five Year Plan. (8) Closure of Units and Unemployment.

The memoranda on the more important items of the agenda, prepared by the Ministry of Labour and Employment, are briefly reviewed below.

a) Industrial Relations.— After a review of the recommendations contained in the second Five Year Plan and the law and practice regarding industrial relations the memorandum states that the approach to industrial relations that is followed at present is in a sense unique in as much as Government has assumed very large obligations for establishing and maintaining industrial peace, for putting in the proper perspective the obligations of various parties for settling disputes. This approach has, however, been criticised in certain quarters. It is, argued, for instance, that the spirit of self-confidence and self-reliance endangered by healthy bargaining has given place, because of the statutory provision made for compulsory adjudication, to the habit of importunity and litigation. The suggestion has, therefore, been made that adjudication should be taken out of the statute book. Alternatively resort to compulsory adjudication might be suspended for a specified period to see how its absence would affect labour-employer understanding. Those who advocate these views appear to overlook the weak state of organisation among workers in this country and their views in this matter. In the conditions existing in this country, it would be a grave risk for Government to divest itself of the authority to step in with adjudication, when all other methods at settlement have failed. There has been no demand from workers for any change in this respect. As a matter of fact during the years 1954, 1955 and 1956, adjudications have been ordered by Government mostly on the request of the workers themselves. However, if the workers and the employers agree to such a course, adjudication may be suspended in certain selected areas or industries for a specified period. It is for the conference to consider this suggestion.

The question of eliminating delays at the conciliation and adjudication stages was discussed at the 14th session of the Labour Ministers' Conference. In pursuance of the recommendations made by the Conference, the Industrial Disputes Rules were amended in December 1957. The amended Rules reduce the interval between the filling of statements and the submission of rejoinders by the opposite parties to two weeks, lay down that the date of the first hearing by a Labour Court or Tribunal shall be within six weeks of the date of reference for adjudication and that the hearing shall thereafter be continued from day to day and that adjournments shall not be granted for more than a week at a time and more than thrice in all. Amendment of Section 29 of the Industrial Disputes Act with a view to securing the speedy and effective implementation of awards by providing penalty for continuing offence has also been taken up.

But, whatever be the legal possibilities there is not no gainsaying the fact that an effective way out of the difficulties lies in the hands of the employers and workers. Certain other standards of conduct, notably the Code for Discipline in Industry, which have been accepted recently both by employers and workers are expected to minimise the occasions on which disputes are taken to courts.

One of the measures envisaged by the Industrial Disputes Act for securing and preserving good relations between the employer and the workmen was the establishment of Works Committees at the plant level. The success attending the functioning of these Committees has not been uniform. It is reported that while insome cases they have played a noteworthy part in part in removing misunderstandings and in bringing about cooperation in several cases they have been found to become moribund and in capable of producing good results. Different reasons have been given for this unsatisfactory state of affairs. Workers' organisations attributemuch of the failure to the unhelpful, resentful and even obstructive attitude of employers. The latter on the other hand are inclined to throw the blame on trade unions for their lack of cooperation. The main difficulties in the constitution and functioning of these Committees may be analysed as follows:-

- (i) opposition from trade unions which consider the works committees as rivals;
- (ii) non-cooperation on the part of employers in some undertakings, e.g.,
 - (a) non-inclusion of some points/ suggestions/ proposals advanced by workers in the agenda for the meeting of works committees,
 - (b) non-implementation of the resolutions of committee, even though passed unanimously;
- (iii) the disputes between unions and management over interpretation of rules relating to the formation of constituencies for election, power of the office bearers - particularly of the Vice Chairman - and scope and function of works committees.

Whatever be the reasons for the present state of affairs, and workers' whoever is responsible, it is necessary that steps should be taken to ensure the satisfactory functioning of these Committees which constitute the base on which the entire industrial relations machinery rests. Some of the suggestions made in this connection are:-

- (i) As a matter of policy, works committees should not be allowed to discuss subjects which appear to be controversial or relate to management functions or are the concern of the trade union, for instance, recruitment, retrenchment, disciplinary cases affiliation of the union, etc.
- (ii) It should be binding on the management to consult the works committees in respect of all matters falling within its scope.
- (iii) The management should give sufficient importance to these committees.
- (iv) The ~~ent~~ existing advisory character of the recommendations of works committees requires revision. These recommendations should be binding on the management. If, however, it is not possible at this stage to make such a provision it should be provided that due reasons should be assigned in case of non-implementation of recommendations.
- (v) Multiplicity of committees - statutory or otherwise - in industrial undertakings should be avoided as it creates practical difficulties. If it is considered necessary to set up other committees such as, shop committee, production committee, safety committee, etc., it would be desirable if the works committee functions as the central co-ordinating body for proper coordination of functions of other committees.
- (vi) It is necessary to give adequate publicity to the importance and objects of works committees in industrial undertakings.

As regards non-statutory measures to be taken towards harmonious industrial relations, the memorandum suggests a grievance procedure. According to this procedure differences between management and workers in respect of wages, leave, promotion, transfer, hours of work, overtime, seniority, work assignment, working conditions, interpretation of agreements, etc., affecting an individual worker or a small group of workers, would constitute grievances. Where the points at dispute are of general applicability or of considerable magnitude, they will fall outside the scope of this procedure and shall be taken up by the unions directly with management. Grievances should be considered primarily with reference to the individual worker and not with reference to any union of which he may or may not be a member, but the unions themselves shall be brought within the scope of the machinery for administering the grievance procedure.

A grievance procedure to be effective should satisfy the following criteria:-

- (i) Full investigation.
- (ii) Settlement at the lowest level possible.
- (iii) Easy steps for taking the grievance higher up in appeal.
- (iv) A time limit at each step.
- (v) A terminal point in the procedure.
- (vi) Arbitration in the last resort.
- (vii) Machinery easy both to understand and operate.
- (viii) Conformation with existing legislation.
- (ix) Adequate compensation for loss in work time spent in attending to their grievance.

The grievance machinery would consist of shop stewards who will constitute a Board of Workers' Representatives and their counterparts on the management side shall constitute the Board of Management Representatives. At a higher level, there will be a Joint Conciliation Committee consisting of five management representatives and five representatives of workers nominated by the unions in the undertaking in proportion to their respective strength (membership) in the undertaking. In so far as the workers' representatives on the Conciliation Committee are concerned, if any union is able to command a strength of not less than 3 members, one of them might be an outsider if the union so desires. On top of this grievance machinery will be a two-member Board of Arbitration to be constituted from among the members of the Joint Conciliation Committee as and when found necessary according to the procedure laid down. The procedure provides for dealing with grievances from the shop floor level upwards for the following authorities: immediate superior, head of department, works manager through the personnel superintendent, Board of Workers' Representatives and the Board of Management Representatives, Joint Conciliation Committee, and finally the Board of Arbitration or Umpire whose decision shall be final and binding on either party.

The points raised in the preceding paragraphs broadly cover the issues requiring consideration in so far as prevention and settlement of disputes between the employers and workers are concerned. But an essential requirement for the success of joint negotiations, conciliation or arbitration is a properly developed and strong trade union organisation. One of the undesirable features noticed in this field is inter-union rivalry which not only hinders negotiations but often promotes disagreement. The remedy for this state of affairs rests really with the Trade Union organisations themselves. Under existing conditions elimination of a multiplicity of unions may not be practicable, but given the necessary goodwill it should be possible for the important Trade Union organisations to get together and voluntarily agree to a Code of Conduct to regulate inter-union behaviour so that many of the causes of friction may be removed. The Minister for Labour and Employment had written to the heads of the four Trade Union organisations offering his good offices to bring them together for discussing this problem if it was their general desire that this should be done.

In the Second Five Year Plan, it was recommended that some statutory provision should be made for securing recognition of unions and in doing so the importance of one union for an industry in a locality was required to be kept in view. The problem does not, however, admit of any easy solution.

The Government's attitude on the subject generally has been that the provision of compulsory statutory recognition was not likely to solve the problems. On the other hand, it might create more problems to the extent that the parties concerned would become more legalistic in their attitude. It is believed that the interest of the employers and workmen will be better served if their relations are governed by a spirit of mutual understanding and accommodation. This position was also explained at the last Labour Ministers' Conference and the Conference agreed that the time was not opportune to have recourse to Central Legislation on the subject. The State Governments were accordingly advised to evolve their own methods on the lines of the provisions of the Bombay Labour Relations Act.

The Informal Consultative Committee of Parliament attached to the Ministry of Labour and Employment has also been in favour of the adoption of a code or convention regarding recognition rather than have legislation.

So far as Departmental undertakings under the Central Government are concerned, some rules for the recognition of unions or workers employed have been framed. It has been suggested by some that the prescribed percentage of 15 per cent of the workmen may be raised. Other suggestions received are about the exclusion of outsiders from becoming members and office-bearers of the trade unions. It has also been suggested that recognition should be confined to unions which conform to the Code of Discipline.

The Government of Bihar has suggested that serious consideration should be given to the question of introducing "Union-Shop" and "Check-Off" as a method of removing union rivalries and also for improving the finances of trade unions.

The Government of India have to ascertain the strength of the all-India organisations of workers as also of their associated unions with a view to determining their representative capacity. The procedure at present being followed for the purpose is that the organisations concerned furnish the required details to the Chief Labour Commissioner (Central) who gets the information supplied verified through a process of test-checking. It has been suggested that the following further steps should be taken in this connection:-

- (1) Copies of the claims of membership submitted to the Chief Labour Commissioner by each of the trade union Federations so that each may be in a position to know which unions the other Federations are claiming and to rectify the position if wrong claims about affiliations are made.
- (2) After the Chief Labour Commissioner has completed verification and before finalising it, he should furnish particulars of the verification to the Federations concerned. If any of the unions claimed by the Federations have not been accepted for inclusion, the reasons why they have not been accepted should be indicated. A specified period of time should be given to the Federations to bring to the notice of the Chief Labour Commissioner any errors or omissions which they may wish to point out.

b) Subsidised Industrial Housing Scheme.- The memorandum on this subject reviews the progress of the subsidised industrial housing and the suggestions made at the fifteenth session of the Indian Labour Conference to improve the success of the scheme. The memorandum further states that notwithstanding the various steps taken so far, the progress made in the employers' and cooperatives' sector is still far from satisfactory and makes the following suggestions requiring employers and cooperatives to build more houses under the Scheme:-

(a) Since the Scheme had not evoked sufficient interest from the employers so far, the Conference of the Housing Ministers held in Mysore in November, 1957, thought that there was little justification for giving a subsidy and a loan to employers for this purpose. They suggested that where an employer was unwilling to take advantage of the prescribed financial assistance, the State Governments may undertake the construction of the requisite number of houses for the employees concerned under the pattern of financial assistance prescribed for State Governments and recover from the employer the commuted value of 50 per cent of the difference between the economic rent and the subsidised rent as his contribution for the provision of houses for his employees. It was suggested by the Conference that legislation should be undertaken by the Union Government to achieve this end.

(b) A definite beginning may be made by requiring at least 10 per cent of the eligible employees of each industrial unit to form themselves into cooperatives for the purpose of constructing houses with the financial assistance available under the Scheme.

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c) Evaluation and Implementation of labour enactments, awards, agreements, etc.- The question of evaluating the implementation of labour laws, awards, agreements and settlements was considered by the Standing Labour Committee at its 16th Session held in October 1957. In pursuance of the recommendations of this Committee, the Government of India has set up an Evaluation and Implementation Division in the Ministry of Labour and Employment to assess the extent of non-implementation of Labour laws, awards, etc., and to evaluate the results achieved by such measures. The State Governments have also been requested to set up similar machinery. According to the information received so far, the Government of West Bengal has finalised proposals for an Evaluation Committee in their State. It has also set up a small Evaluation and Implementation Cell to examine cases of non-implementation, etc., Other State Governments are considering the proposal.

With a view to assessing the extent of non-implementation of awards, etc., and to have full appraisal of the problem, the Evaluation and Implementation Division, in the Ministry of Labour and Employment, issued circular letters, in January 1958, to all State Governments and all-India organisations of employers and workers requesting them to furnish, in specified questionnaires, information regarding cases of non-implementation or partial, delayed or defective implementation of labour enactments, awards, etc., It is proposed to collect such information periodically from the aforesaid agencies so that any case of non-implementation or partial or delayed implementation of an award or an enactment is immediately brought to the notice of the authority concerned and necessary action taken. Members of Parliament have also been requested to offer their suggestions in this connection and to bring to the notice of the Evaluation and Implementation Division any case of non-implementation or infringement of labour laws, awards, etc. In response to the circular letters issued by this Division, replies have been received from some State Governments, workers' and employers' organisations. Certain complaints from individual unions and workers have also been received. An analysis of the cases reported so far reveals that the complaints are generally of the following nature:-

i) Complaints about non-compliance of some labour laws: Some of the important labour laws which have been mentioned in this connection, are: Payment of Wages Act, Minimum Wages Act; Industrial Employment (Standing Orders) Act, Workmens Compensation Act, Mines Act and Industrial Disputes Act. The complaints are mostly of a general nature and very few specific instances of infringement of a provision of an Act by an employer have been reported.

ii) Complaints against non-implementation of certain awards or agreements.

iii) Complaints by individual persons regarding non-implementation of an award in respect of him or some injustice caused to him by the employer concerned.

iv) General complaints about difficulties experienced in the working of certain Acts, etc.

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These include the tendency of certain employers to go in appeal to High Courts or the Supreme Courts, the long time taken by these Courts in deciding cases, the multiplicity of unions in an industry and interference of outsiders in the affairs of unions.

These complaints are being examined in consultation with the State Governments. A senior officer of this Ministry will also go round the States to discuss the cases of non-implementation, etc., personally with the officers of the State Governments and representatives of industry and workers. In cases where a general complaint about the working of a particular measure is made, it is proposed to set up small ad hoc Evaluation Teams of Experts to examine and report on its working. One such team has already been constituted to examine the working of the multi-purpose institutes set up under the Coal Mines Welfare Fund Scheme. The working of the Employees' State Insurance Scheme may also be examined by a similar Committee.

The task of ensuring compliance of all labour laws, awards, etc., throughout the country, is enormous and success can be achieved only with the help and co-operation of all parties and organisations concerned with labour and their welfare. The Evaluation and Implementation Machinery of the State Labour departments, as recommended by the Standing Labour Committee, when set up, will, no doubt, be of considerable help as cases of non-implementation in the State sphere can be tackled efficiently only by them. The co-operation of employers and workers, both in bringing to the notice of the Government cases of non-implementation and in removing the causes of friction and creating a climate favourable for promotion of better labour management relations cannot be over emphasised. The Code of Discipline has already been ratified by all the organisations of employers and workers and if this Code is followed faithfully cases of non-implementation would be considerably reduced. Infringement of Code is also a case of non-implementation and instances of this infringement should be brought to the notice of the Evaluation and Implementation Division.

The Evaluation and Implementation Division in the Ministry of Labour and Employment will, no doubt, render all possible assistance to the parties concerned to get the laws, the Code and the awards, etc., implemented, but in order to enable this Division to function efficiently, it is necessary that while referring cases of non-implementation, etc., complete details of the case, the name of the party concerned and specific items of non-implementation, etc., are furnished as it is difficult to take specific and prompt action in cases of complaints which are vague or are of a general nature.

d) Closure of Units and Unemployment.- The problem of unemployment as a result of closure of certain marginal or uneconomic units has of late assumed considerable significance, particularly, in the textile industry. There may be more than one reason for closure of an industrial unit. Largely, however, organisational and or financial difficulties have been found to be responsible for closure of factories in the immediate past. Mismanagement is another reason. Shortages of raw materials either as a result of foreign exchange difficulties or import restrictions are also contributory causes in some cases. The Government of India had been aware of the problem and steps have been taken to avoid or minimise cases of closures. The various ways in which the Government of India tries to avert closures and retrenchment may be briefly summed up as follows:-

(1) In the case of mismanagement, the Government take action under the Industries (Development & Regulation) Act and investigations are conducted wherever necessary. Last year, Investigation Committees were appointed in the case of 8 textile mills.

(2) To overcome financial difficulties of concerns, the Government consider loan applications for modernisation and rehabilitation through the National Industrial Development Corporation or the Industrial Finance Corporation.

(3) Spinning mills of an uneconomic size are permitted to expand to the economic size of 12,000 spindles. Similarly, composite mills having less than 12,000 spindles and 300 looms are given facilities to expand to that size.

(4) Mills which experience difficulties in procuring raw materials like coal, iron and steel, etc., and for movement of raw materials and finished goods, are helped in getting raw materials and movement priority. Bottlenecks in procuring coal are removed by way of allotment of coal from other mills nearby or from railway stocks while efforts are made to speed up supplies from collieries.

(5) Technical assistance for increasing their operational efficiency and thereby reducing cost of production is given to mills wherever they are in need of the same.

(6) Fiscal measures, e.g., reduction in Excise Duty are taken to help mills whenever necessary in disposing of their stocks. The recent reduction in Excise Duty on various varieties of cloth was effected mainly with a view to helping mills to clear accumulated stocks of cloth and to enable the closed mills to restart their working.

(7) In case any closed mills is purchased by another party and assistance is required by that party for running the mill, the same is rendered by the Government.

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(8) For watching the interests of workers in particular, the Ministry of Labour and Employment has set up an inter-Ministerial Working Group to study and review periodically the question of closure and to suggest remedies for avoiding retrenchment. The scope and functions of the Group are only recommendatory. The Ministry of Labour and Employment provides the Secretariat for the Group and if on the basis of advance information, the Group feels that any investigation about an uneconomic unit is necessary ~~for~~ or desirable, its recommendations are conveyed to the department or the Ministry concerned. The Group feels that advance information about closures should be obtained, in the first instance, voluntarily and not through legislation. The task that faces the Group at present is to build up an effective intelligence for getting information as would help in spotting out uneconomic and weaker units sufficiently in advance. Towards this end, the Group has already sought the cooperation of the Reserve Bank of India, the Company Law Administration, the National Industrial Development Corporation, the Central Provident Fund Commissioner, the Chief Labour Commissioner, Central Labour and Employers' Organisations, etc. The response from these organisations is satisfactory. What is, however, necessary is that the information furnished to the Group should be specific and should give complete details about the causes, etc., of closure of a particular unit as otherwise it would not be possible for the Group to make any recommendations to the department concerned for averting the closure of a unit. Besides textile industry, closures have also been reported in other industries such as Jute, Tea, Engineering etc. In the Engineering Industry, in particular, the problem is becoming acute because of cut in the import-quota of steel. While every attempt is made by Government to allow as much import of raw-materials for indigenous industries as possible, it will be appreciated that stresses are bound to occur in certain sectors due to ~~the~~ tight foreign exchange position. The impact of import restrictions will thus be felt in certain industries and some amount of displacement of Labour is inevitable. It is sometimes suggested that the Government should arm themselves with legal powers to avoid and or ban closure of units. The Government already has necessary legislative powers to take action for avoiding closures. Under the Industries (Development & Regulations) Act, investigations can be ordered where mismanagement is reported and if found necessary, the Government can take over the concern. Again, under the Companies Act, action can be taken for bringing to book cases of mal-practices or mismanagement. As far as workers are concerned, the Industrial Employment (Standing Orders) Central Rules provide that no shift working can be discontinued without one month's notice being given while the Industrial Disputes Act, 1947, provides for the payment of lay off and retrenchment compensation in case workers are laid off or retrenched. Complete banning or closure of factories is not possible under the Constitution. Article 19(1), Sub-Clauses (f) and (g) of the Constitution gives the right to all citizens to acquire, hold and dispose off property and to practise any profession or to carry on any occupation, trade or business. The right to carry on a business includes the right to start a business, the right to continue a business and the right to close a business. It does not also seem necessary to take any extreme step at this stage. The measures already taken by the Government will, it is hoped, meet effectively the present crisis which seems to be more of a transitory nature. The Working Group is seized of the problem and steps will be taken by it from time to time to avert closures as far as possible.

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e) Employees' State Insurance Corporation.— This memorandum reviewed the working of the Employees' State Insurance Scheme. (This has been reviewed at pp. 95-102 of this report).

Proceedings: Labour Minister's Address.— Opening the Conference, Shri G.L. Nanda, commended the creation of an unemployment relief fund with the help of a small levy for the sake of maintaining continuity of employment in industrial units and concerns which had closed down or where closure was inevitable.

Shri Nanda, who was referring to "shrinkage of employment" in textile industry and in some other establishments, said it was difficult to comprehend why wheels of industry should slow down in this matter in a developing economy with a rising tempo of investment. In cases of units which has already closed down or where closure was inevitable the best course was to bring about quick liquidation and pending transfer of an establishment to new hands, employment might be offered to workers as a measure of relief more or less on lines agreed to in the Sholapur Mill (where workers accepted lesser pay).

Shri Nanda also spoke about the unemployment problem in general and said if they did not find themselves in a position to exceed the outlay of 45,000 million rupees in terms of actual implementation, the employment content of the Plan would shrink to 6.5 million jobs from 8 million jobs.

He held the restriction on imports of various commodities on account of foreign exchange difficulties as being responsible for the loss of employment to a considerable number of workers. This feature of the situation might become a more serious threat in the future as it had a direct bearing on the continuity of employment in a number of industries, specially those related to engineering, he said.

Shri Nanda told the working class that while they should certainly have a fair deal, it must be realised that there was a "severe limit" to satisfaction of their various demands. To overstep this limit might mean some advantage to a small section at the expense of a very large number similarly placed, both in the present and future, particularly in terms of employment opportunities.

He said: "I am all for making up any deficiencies that exist anywhere in respect of remuneration and conditions of work of any class of labour to the extent feasible. I may also add that we should make an all-out effort to eliminate all sources of exploitation and cut down excessive gains wherever they occur. My only plea is that we should do nothing to sacrifice or prejudice the future of millions of poor people in the country."

Union Rivalries.- He called upon the trade union organisations in the country to arrive at a code of conduct setting out the "do's and don'ts" which they should observe for the good of the working class. He said inter-union rivalry was the bane of labour movement in the country and was the major factor for disturbed conditions of industrial relations in many places.

The Labour Minister appealed to political parties "which have active interest in promoting betterment of working class" to keep trade unions out of political strike. "If they do so, labour organisations will grow in strength and furnish support for all progressive activity which forms common grounds among all socialist parties in the country", he said.

The Central Government, he said, had set up working group to study and review periodically the question of closures and to recommend measures which might be adopted for dealing with the problem.

Shri Nanda drew attention to a feature of the situation which, he said, was at the moment responsible for loss of employment to a considerable number of workers and might become a more serious threat in the future. Imports of various commodities had to be restricted on account of foreign exchange difficulties. This had a very direct bearing on continuity of employment in a number of industries, specially related to engineering. Shortage of steel, in particular, was a matter of concern and it was of vital importance that nothing happened in the country to accentuate this shortage and that every effort was made to increase the output of steel to the maximum extent.

Development Machinery.- Shri Nanda said to overcome the time lag in finding alternate employment for those retrenched after the completion of a big construction project, the Government was organising a suitable development machinery at the Centre and in the States. It would enable the early transfer of retrenched ~~the~~ early personnel to other projects which required this type of personnel.

The Labour Minister reiterated his willingness to suspend adjudication in certain selected areas of industries for a specified period if the majority of workers would prefer such a course. The consensus of opinion at the conference, he said, was not in favour of taking such a step.

He referred to the "recurring topic" of complaint about failure of implementation of awards and agreements and said the Central Government's organisation for evaluation and implementation had already taken up in right earnest cases of non-implementation and was moving the parties concerned to rectify the shortcomings. The States were also setting up machinery on the same lines but organisations of employers and workers would have to bear the real burden of responsibility. It was bound up with the code of discipline.

He expected that a tripartite arrangement for this purpose would soon be an operation in Delhi, at the headquarters of the States and at important industrial centres. He particularly keen that unorganised sections of labour and those who worked in out of the way places should receive adequate attention.

On labour participation in management, Shri Nanda said the initiative as well as primary responsibility ~~as well~~ for the success of joint councils rested on the employer. Preparatory work was in progress in various establishments about the shape and working of these councils.

Shri Nanda, who devoted a considerable portion of his speech to the evil of inter-union rivalries, said the problem of trade union recognition was at the bottom of much of the friction and unseemly conduct encountered these days. He was ~~employers and~~ sure that if organisations of employers and workers arrived at an agreed basis for trade union representation regarding the choice of unions as well as minimum standards to which the union must conform, there would be, by and large, no resistance in the matter on the part of employers. Ways could be found to deal with it where it persisted.

Works Committees.— Shri Nanda said there was a widespread impression that in most cases the ~~workes~~ committees were not performing any useful function. If they ~~successful~~ succeeded in formating a code of conduct for trade unions and could agree regarding the basis of recognition, the future of the works committees would be assured.

He hoped that the enlarged code of discipline agreed upon by the standing committee of the Indian Labour Conference at its last session would be implemented in its fullness by all parties concerned.

Shri Nanda referred to interruptions of work which, he said, occurred from time to time on account of strikes and lockouts. The right to strike was not in question in terms of laws which governed industrial relations but the ~~exercise~~ exercise of that right had to be viewed in relation to the consequence of stoppage of work on the economy of the country and the progress of the ~~country~~ Five Year Plan and the damage it caused to the workers' own interest. With the code of discipline and various other safeguards that were being provided, there should be very little loss of man-days arising out of industrial disputes.

Welcoming the delegates to the conference, Dr. Sampurnanand, Chief Minister of U.P., said his personal belief was that concentration of power in the hands of the Central Government was not in the country's interests. In a big country like India it would be better to let the State Governments settle most of their problems themselves.

The Chief Minister, who was pleading for delegation of powers to the States to appoint controllers in industrial concerns which were not running efficiently, said it had to be remembered that decisions in labour matters might very often involve questions of law and order which the Central Government could not properly assess. This power had been taken by the Centre but "my experience has unfortunately been that, on the whole, this assumption of power by the Centre in the sphere which lies more definitely and legitimately within the province of States' jurisdiction, has not produced satisfactory results."

Dr. Sampurnanand said suspensim of adjudication would be fatal. In India of today it was absolutely essential that while every effort should be made to induce the parties to a dispute to settle among themselves, there must be some machinery for giving a decision binding on both parties.

The main decisions of the Conference are briefly reviewed below:-

Decisions: 1) Industrial Relations: Suspension of Adjudication.- The consensus of opinion was that the time was not appropriate for the suspension of adjudication for the settlement of industrial disputes though adjudication would be the last resort in the process.

ii) Works Committees.- The present position should be more fully examined.

iii) Grievance Procedure.- The guiding principles for a grievance procedure drafted by the Sub-Committee of the Indian Labour Conference (15th Session) were approved. The Sub-Committee should be requested to draft a simple and flexible grievance procedure in accordance with these principles.

iv) Steps to make the work of evaluation and implementation more effective.- The proposals made in the memorandum on this item and the procedure outlined in the supplementary memorandum on the subject were approved.

v) Steps to be taken to mitigate the evils of trade union rivalry.- This was discussed separately in a meeting of representatives of the different Central Organisations of workers and a Code of Conduct was adopted at this meeting.

According to the Code of Conduct, the four Central Labour Organisations, namely, INTUC, AITUC, HMS and UTUC have agreed to observe the following basic principles for maintaining harmonious inter-union relations:

- 1) Every employee in an industry or unit shall have the freedom and right to join a union of his choice. No coercion shall be exercised in this matter.
- 2) There shall be no dual membership of unions. (In the case of Representative Unions, this principle needs further examination.)
- 3) There shall be unreserved acceptance of, and respect for, democratic functioning of trade unions.
- 4) There shall be regular and democratic elections of executive-bodies and office-bearers of trade unions.
- 5) Ignorance and/or backwardness of workers shall not be exploited by any organisation. No organisation shall make excessive or extravagant demands.
- 6) Casteism, communalism and provincialism shall be eschewed by all unions.
- 7) There shall be no violence, coercion, intimidation, or personal vilification in inter-union dealings.
- 8) All Central Labour Organisations shall combat the formation or continuance in inter- of Company Unions.

It was generally felt that machinery consisting of representatives of the four Central Labour Organisations, with an independent Chairman, might be set up for implementing the Code of Conduct. For the time being, Shri Nanda, the Union Labour Minister, might invite the parties, from time to time, for further developing and amplifying the Code.

vi) Registration of Trade Unions:

- (a) A trade union should prescribe a minimum membership fee of annas four a month and the Registrar of trade unions or his nominee should be given the power to inspect the books of the union.
- (b) Delay in the registration of trade unions should be avoided.
- (c) If out of the 7 signatories to an application for registration, one or two got discharged during the pendency of the application and if the signatories were entitled to apply for registration at the time of the application, registration should not be refused on the ground that they had since ceased to be workers.

vii) Recognition of trade unions and verification of membership.-
It was agreed that certain conventions should evolve for the voluntary recognition of trade unions by employers. The criteria agreed to for such recognition were as follows:-

- (a) Where there was more than one union, a union claiming recognition should have been functioning for at least one year after registration.

Where there was only one union, this condition would not apply.

- (b) The membership of the union should cover at least 15 per cent of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.
- (c) A union might claim to be recognised as a representative union for an industry in a local area if it had a membership of at least 25 per cent of the workers of that industry in that area.
- (d) When a union has been recognised, there should be no change in its position for a period of two years.
- (e) Where there were several unions in an industry or establishment, the one with the largest membership should be recognised.
- (f) A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment had a membership of 50 percent or more of the workers of that establishment, it should have the right to deal with matters of purely local interest, such as, for instance, the handling of grievances pertaining to its own members. All other workers who were not members of that union might either operate through the representative Union for the industry or seek redress directly.
- (g) As regards the procedure for verification of the strengths of unions, the suggestions contained in paragraph 16 of the memorandum on Industrial Relations were approved. It was further agreed that the verification procedure for the determination of the representative character of a union should be made more adequate. Where the results of verification by the departmental machinery were not accepted by the parties, a committee composed of the representatives of all central trade union organisations should go into the question and resolve the dispute. For this purpose, the central trade union organisations, which could act as a standing machinery, would provide the necessary panels of persons for different localities. If this machinery failed, the question should be left to the decision of an agreed independent agency or a tribunal. The State Governments also should evolve similar procedures concerning industries within their sphere.

(h) In the case of trade union federations which were not affiliated to any of the four central organisations of labour, the question of recognition would have to be dealt with separately.

(i) Only unions which observed the Code of Discipline would be entitled to recognition and the procedure for recognition should form a part of the Code of Discipline.

(viii) Union-shop and Check-off.- The proposals for the introduction of union-shop and check-off were rejected. It was, however, agreed that a recognised union should be entitled to collect membership fees every month within the premises of the undertaking.

2) Employees' State Insurance Scheme.- i) Share of the State Governments towards the cost of medical benefits on extension of medical care to the families of insured persons.- The State Government's share, on extension of medical care to the families, should be 1/8th of the total expenditure during the Second Five Year Plan period. The position should be reviewed sufficiently in advance of the expiry of this period. No revision should be effective unless mutually agreed upon.

ii) System of medical care.- The State Government concerned might adopt any system (service, panel or mixed) which they considered most feasible, keeping in view the conditions in a particular area and in consultation with the workers' organisations.

iii) Capitation fee to be paid to panel doctors.- It would be desirable for the Employees' State Insurance Corporation to approach the medical profession through the State Government concerned and not directly.

iv) Arrangements for confinement of maternity cases.- A sum of 30 rupees per confinement case should be paid to the wives of insured persons, on extension of medical care to the families.

v) Improvements in cash benefit.- Further improvements in the quantum of cash benefits might not be made till such time as the Scheme was extended to the present coverable population in the country and families included within its scope. Some improvement in the rate of maternity cash benefit was, however, necessary under the Employees' State Insurance Act as under some State Maternity Acts the rates were higher. Persons suffering from T.B. might also be given special consideration in this respect.

vi) Waiting period.- The question of revision of the waiting period should be examined, keeping in view the comparable provisions in English law.

vii) Covering families of insured persons.- The families of insured persons should be covered for medical care and treatment. Hospitalisation should also be provided for them as soon as possible.

(viii) Raising employers' contribution.- To enable the proposals mentioned above being implemented, the employers' contribution should be raised to 4-3/4 per cent as already provided for in the law.

ix) Integration of Administration.- The administration of the Employees' State Insurance Scheme and of the Employees' Provident Funds Scheme should be integrated.

x) Raising of Provident Fund Contribution.- Contributions to the Provident Fund should be increased from 6-1/4 per cent to 8-1/3 per cent.

xi) Pension.- The proposal to convert the Provident Fund Scheme into an Old-age and/or Survivorship Pension (for widows and children) Scheme should be further examined provided that this could be worked within the limit of 16-2/3 per cent of wages recovered by way of contributions from employers and workers covered by the Employees' Provident Funds Act.

xii) Extension of the Scheme to establishments having 20 employees or more.- The present employment limit of fifty persons or more prescribed under sub-section (3) of section 1 of the Employees' Provident Funds Act, 1952 should be reduced to twenty persons or more. Employees in commercial establishments should also be covered.

With regard to this, the representatives of the workers' organisations urged that separate hospitals should be provided for insured persons and the employers' representatives were of the view that medical care and treatment should be extended to the families of insured persons only after the Employees' State Insurance Scheme had been extended to insurable persons in all coverable areas.

The employers' representatives reserved their position with regard to items (viii) to (xii) above as they felt the need for consulting their constituents before making any commitment in this regard. They agreed to forward their comments and suggestions on these items by the end of June, 1958. It was agreed that, if possible, the employers' representatives would be consulted before further action was taken on these matters.

3) Amendments to Industrial Disputes Act.- The proposed amendment to Section 7A(3) of the Industrial Disputes Act, 1947 to enable the appointment of serving or retired District Judges as Presiding Officers of Industrial Tribunals was approved.

Regarding the suggestion of the West Bengal Government that the staff of hospitals etc., should be excluded from the purview of the Industrial Disputes Act, the consensus of opinion was that a convention should be established whereby the staff would not go on strike provided that an effective machinery for the speedy redress of their grievances was set up by the employer.

Subsidised Industrial Housing Scheme.- The employers' representatives undertook to push on with the construction of houses for their workers on a voluntary basis. With a view to encouraging the employers to discharge their responsibility towards their workers in respect of housing, the following measures were recommended:-

- (a) the present quantum of loan to employers under the scheme be raised from 37½ per cent to 50%, the quantum of the subsidy, viz., 25%, remaining unchanged;
- (b) the rules for the allotment of tenements should be left to the employer to be finalized in consultation with the workers of his establishment, subject to certain broad principles being laid down by Government; and
- (c) the matter of giving some income-tax relief to employers who built houses for their workers should be examined by Government in greater detail.

(ii) If State Governments found that industrial housing was not making progress for want of developed building land, they should spend as much of their allocation under the Subsidized Industrial Housing Scheme as was needed for the acquisition and development of land. This land could be utilized by them or sold at a no-profit no-loss basis to employers for the purpose of putting up houses for their workers.

Evaluation and Implementation of Acts, Agreements, etc.-
The proposals contained in the memorandum on the subject and the procedure outlined in the supplementary memorandum were approved.

Closure of Units and Unemployment.- (i) Plantations:
Suitable steps should be taken by the Central and the State Governments after examining the recommendations of the Plantations Inquiry Commission, the Industrial Committee on Plantations and in consultation with the Tea Board.

(ii) Cotton Textile: (a) There were a dozen and more units which had been closed for a number of years. These were beyond the economic possibility of reopening. Where the Government was convinced on expert advice that these old units could not be run, the granting of licences for new units of equivalent capacity should be considered in the same place if parties were willing to seek such licences;

(b) For the other closed mills or for units which had given notice of closure, an Expert Committee should be appointed to examine each individual unit and make recommendations for suitable remedial action to restore normal working;

(c) The present difficulties were confined to coarse and medium count mills. Steps might be taken to make available if possible, long staple cotton to these mills as a special relief measure to enable them to produce finer cloth;

(d) When adequate additional securities were available, scheduled banks including the State Bank of India should be requested to reduce the margin required by them for the advance of working capital. This recommendation should be only of a temporary character till the heavy stocks with the Unit were disposed of;

(e) Rehabilitation and modernisation through the National Industrial Development Corporation might be expedited. In all cases of modernisation, however, the recommendations of the 15th Session of the Indian Labour Conference on rationalization should be kept in mind.

(f) For such units where the working was found uneconomic, the grant of licence for the necessary balancing equipment either in spindles or in looms or in preparatory equipment might be favourably considered by Government after examination of the unit concerned;

(g) In Kanpur and Indore where the situation was more difficult, special Expert Committees might be appointed to enquire into the existing conditions of units located there and to suggest remedial action;

(h) Any steps that might be taken to remedy the situation in cotton textile industry should also take into account the position of the handloom industry and of exclusive spinning units;

(i) Liberal exports of yarn, particularly on the basis of O.G.L., might be considered to help the spinning units in the country.

(iii) Jute: (a) In the case of jute textiles outside West Bengal, the transfer of the working of looms from one unit to the other should be effected only after the prior permission was accorded for such transfer by the Government concerned.

(b) The Conference took note of the diversification of jute products which was already taking place and recommended that efforts in this direction should be further intensified.

(c) Possibilities of further action should be explored at a meeting of the Industrial Committee on Jute to be convened in Calcutta at an early date.

(iv) Engineering: The Conference drew the attention of the Government to the acute shortage of steel and imported raw materials for all industries - big, small and medium - and urged that unless immediate steps were taken by Government in

this regard, a large number of full or partial closures would take place in this important sector of the national economy.

(v) General: (a) The Standing Orders might be so amended that no shift working should be closed without two months' notice and that no total closure should take place without three months' notice to the workers as well as to the Government. However, in the case of units of the Engineering industry, the period could be reduced in individual cases, if the State Government concerned was satisfied that because of the circumstances of any particular unit, a shorter period of notice, not less than the existing statutory period of one month, was adequate.

(b) Lacunae in the present provision for the lay-off compensation whereby labour could be denied compensation by working nominally for some days in a week after 45 days' lay-off to avoid payment of compensation should be immediately remedied. In the meantime, such practices should not be resorted to.

(c) Liquidation proceedings took an unconscionably long time. Where Government was convinced on competent advice that a mill, company or a unit could not be worked unless ownership was changed, some measures - legal, if necessary - might be devised for an early completion of the liquidation proceedings or the sale by transfer or open auction of such property even before liquidation so that the new party would restart working of such units. In the interim, the Government should, as far as possible, work the mill as a measure of unemployment relief with such conditions as agreed to between Government as an employer and the workers concerned. In such cases, steps should be taken to overcome the difficulties caused by the normal financial procedures of Government.

(d) The Government of India should consider favourably any request coming from the State Governments for enquiries under the Industries (Development and Regulation) Act and in conducting such enquiries should associate the concerned State Governments if it so desired.

(For a review of the fifteenth session of the Indian Labour Conference, please see section II, pp. 1-22 of the report of this Office for July 1957).

(Documents of the Conference received in this Office.)

12. Activities of External Services.

India - May 1958.

Participation in Meetings and Conferences

The Director of this Office attended the fifteenth session of Labour Ministers' Conference at Nainital on 15 and 16 May 1958.

Books, Articles, etc.

- (a) During the month "ILO Bulletin", Vol V, No.2, was published ~~sw~~ by this Office.
- (b) During the month a second impression of this Office's publication "Labour Legislation in India" was got printed.

Visits

Visitors to the Office included Mr. Livchen of the Bangalore Office and Mr. Ali of Geneva Office.

14. Conventions and Recommendations.

India - May 1958.

India and I.L.O. Conventions: Labour Bureau Review.

An article in the Indian Labour Gazette, Vol. XV, No. 10, for April 1958, reviews the position regarding ILO Conventions and India. A brief account of the article is given below.

The article points out that though India has ratified only 22 Conventions (and 5 more are being considered for ratification), it is necessary to remember that, so far as India is concerned, certain Conventions have to be kept out of consideration. Of the 107 I.L.O. Conventions, 3 (Nos. 105-107) were adopted only in 1957 and are currently under examination by Government. There are 9 Conventions (Nos. 59, 64, 65, 82-86, 104) which relate to non-metropolitan territories or dependent populations and are not applicable to a country like India which has neither. Another set of Conventions numbering 7 (Nos. 10, 12, 25, 36, 38, 40, 101) relate to subjects like minimum age, paid holidays, workmen's compensation and social security in agriculture. Their provisions are generally far removed from the realities of the economic situation in India and they are not of much practical interest to this country at present. Similar considerations apply to another 5 Conventions (Nos. 43, 47, 49, 51, 61) calling for a rather drastic reduction in the hours of work in a number of industries and occupations. There are 22 Conventions (Nos. 7-9, 23, 53-58, 68-76, 91-93) more Conventions which belong to the maritime group. Their ratification may not, in every case, be of equal advantage to all India sea-men until other countries, on whose ships Indians are employed in large numbers, also agree to ratify them simultaneously. Even so, the National Maritime Board is exploring the possibilities of their ratification. Lastly, there are 4 more Conventions (Nos. 28, 33, 34, 66) which have been replaced by new ones and are no longer open to ratification. A few more have also undergone subsequent revision. Thus, if all these categories of Conventions are kept out of view, the effective number would come to 55. It is against this figure that one should measure the progress of ratification in India. India's record of progress, as on 1 April 1958, shows 22 Conventions (Nos. 1, 4-6, 11, 14-16, 18, 19, 21, 22, 26, 27, 29, 32, 41, 45, 80, 81, 89, 90) ratifications with 5 more Conventions (Nos. 42, 65, 88, 99, 100) ~~more~~ under consideration.

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But ratification, reveals only a part of the picture. It would indeed have been surprising if India, which played not an insignificant part in the framing of these Conventions, had failed to follow them up in practice. In fact, she has set up a standing tripartite body - the Committee on Conventions - which systematically reviews the position in respect of each Convention and explores the possibilities of its actual application even when formal ratification may not always be practicable. This Committee has completed its first round of review, and, on its recommendations, three Conventions have already been ratified and by this the ratification of five more is under examination. The study made by this Committee has revealed the area of actual application of international labour standards in India even though the country's law and practice may, at times, fall short of the precise requirements of formal ratification of Conventions.

The general account given above covers 79 out of the 107 Conventions adopted so far. A brief review of the position in respect of the remaining 28 as also of the 5 recommended for ratification by the Committee on Conventions is given in the following paragraphs. For convenience of treatment, these have been grouped together according to their subject-matter, e.g., social security, hours of work, protection of young persons, etc.

Social Security.- Convention No.17, concerning Workmen's Compensation (Accidents), 1925, provides for payment of compensation for employment injury to all employees except those employed in agriculture, on ships and as fishermen. Such compensation is paid in India under the Workmen's Compensation Act, 1923 and the Employees' State Insurance Act, 1948. The combined coverage of these two Acts, however, is not as comprehensive as that of these the Convention. Legislative provisions in India also fall short of the requirements of the Convention in certain other particulars e.g. the initial waiting period, additional payment in certain circumstances, etc. Further, there is no provision for supply of medical and surgical aids under the Workmen's Compensation Act, 1923, though the Employees' State Insurance Act 1948, provides for medical facilities. It is because of these reasons that India has not been able to ratify this Convention.

Convention No.24 concerning Sickness Insurance (Industry), 1957, No.35 concerning Old Age Insurance (Industry), 1933, No.37 concerning Invalidity Insurance (Industry), 1933 and No.39 concerning Survivors' Insurance (Industry), 1933, provides for a system of compulsory insurance against contingencies like sickness, old age, invalidity and death. The coverage of these Conventions is comprehensive. It includes manual and non-manual workers in industrial or commercial undertakings, liberal professions and domestic service. In India, the benefits payable under the Employees' State Insurance Act, 1948, are in the first instance, limited to factory workers and the survivors' benefit and the invalidity benefit are payable only when death or invalidity results from employment injury. Again, the social insurance system does not as yet include old age pensions though provident fund benefits are available to workers in mines, plantations and a large number of factory industries.

Convention No.44 concerning Unemployment Provision, 1934, provides for payment to all persons habitually employed for wages or salary, cash benefits during unemployment. This benefit is to be provided out of an insurance fund. Even though Indian law provides for payment of compensation on retrenchment and during lay-off it has not yet been found practicable to introduce any general scheme of unemployment insurance at the present stage of the country's economic development.

Convention No.103 concerning Maternity Protection, 1952, provides for maternity benefits in the shape of cash and medical facilities. Such benefits are to be provided either out of public funds or through a system of social insurance. The coverage of the Convention is also comprehensive. In India, maternity benefits are available to most of the Women workers, e.g., those employed in factories, mines and plantations and some sections of the building industry. But the relevant laws do not always require provision of medical facilities. Such facilities are available only under the Employees' State Insurance Act, 1958, and the Plantations Labour Act, 1951. A few other Acts provide for additional cash payment in lieu of such facilities. Again, except under the Employees' State Insurance Act, 1948, maternity benefits are provided by the employers and not out of public funds nor through any system of insurance as required by the Convention. Thus, even though women workers in India enjoy most of the benefits provided for under the Convention, India has not been able to ratify it as the Indian law and practice do not fully satisfy all its technical requirements.

Convention No.102 concerning Minimum Standards of Social Security, 1952, is a comprehensive instrument which lays down minimum standards in respect of benefits payable in a large number of contingencies including those covered by the other individual Conventions. The ratification of this Convention was considered by the Committee on Conventions. It was found, however, that though the law and practice in India broadly satisfied the minimum requirements of ratification, the principal difficulty was the minimum permissible coverage required for such ratification. The minimum coverage envisaged is 50 percent of all employees employed in industrial work places employing 20 persons or more. It is expected that when the Employees' State Insurance Scheme has been implemented in a few more industrial areas, it would be possible for India to fulfill this condition about coverage. The question of ratification of the Convention would be taken up at that stage.

Hours of Work.- Convention No.30 concerning Hours of Work (Commerce and Offices), 1950, provides for a 48-hour week and an 8-hour day and prescribes a maximum daily spread-over of 9-hours. It applies to persons employed in commercial or trading establishments including postal, telegraph and telephone services, establishments and administrative services in which persons are engaged in office work and to mixed commercial and industrial establishments. The hours of work in shops and commercial establishments in India are regulated by the different State Acts on the subject. While a 48-hour week and an 8-hour day have been prescribed in a number of these Acts, the provision is not uniform throughout the country. The coverage of these Acts also is not as wide as that of the Convention. The hours of work followed in Government establishments like Posts and Telegraphs and Administrative Offices, however, generally satisfy the requirements of the Convention. The question of having a central law providing, inter alia, for uniform hours of work in shops, commercial establishments, etc., was examined by the Indian Labour Conference, the Standing Labour Committee and the Committee on Conventions. It was, however, felt that it would be preferable to leave discretion in the matter to the State Governments. Accordingly, the Central Government has circulated a model bill on the subject for adoption by the States with such modifications as may be warranted by local conditions.

The provisions regarding hours of work as contained in Convention No.46 concerning Hours of Work (Coal Mines), 1935, are generally satisfied in practice in India. However, the rigid manner in which these hours are to be calculated differs from the Indian practice. There are certain other rigid provisions from the regarding overtime etc., which are not fully met by the provisions in Indian law. Though it has not been possible for India to ratify the Convention because of its rigid provisions, the substance of the more important provisions has been incorporated in the Mines Act, 1952. Incidentally, this particular Convention has not yet come to force as it has not yet received the required number of ratifications and the International Labour Organisation is considering a revision of this Convention, with a view to removing its rigidity and making it acceptable to a larger number of countries.

Convention No.67 concerning Hours of Work, and Rest Periods, (Road Transport), 1939, contemplates a 48-hour week and an 8-hour day and applies to all road transport vehicles, public or private, engaged in the transport of passengers or goods. The Motor Vehicles Act, 1939 as amended in 1956 regulates the hours of work for drivers of transport vehicles in India and the hours of work in public motor transport undertakings are regulated by the rules framed under the Minimum Wages Act. But the coverage of these laws falls short of the scope of the Convention, and their provisions also do not fully meet its requirements. Legislation for regulating the conditions of work in road transport is under Government's consideration. When this proposed law is enacted, it may be possible for India to apply the principles of this Convention more fully.

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Protection of Young Persons,- Convention No.59 concerning Minimum Age (Industry),1937, in its application to India, prohibits employment of children under 12 years in power-using factories employing more than 10 persons, of children under 13 in work connected with transport of passengers or goods or mails by rail or in the handling of goods at docks, quays and wharves, and of children under 14 in mines and quarries as also in dangerous and unhealthy occupations. The provisions under the Factories Act, 1948, the Mines Act,1952, and the Employment of Children Act,1938, generally meet the requirements of the Convention. But there is an additional provision in the Convention that young persons between 12 and 17 are not to be employed in factories and those between 15 and 17 in mines unless they have been medically certified as fit for such work. While the provision in the Factories Act,1948, satisfies this condition, the Mines Act,1952, requires a medical certificate for fitness to work as an adult only in respect of employment in work underground. It has not been found possible to extend this provision to all young persons working in mines and because of this technical difficulty, the Convention could not be ratified.

Convention No.60 concerning Minimum Age (Non-Industrial Employment),1937, which contains special provisions for India, prohibits the employment of children under 13 in non-industrial occupations like shops, offices, hotels, etc. The minimum age for employment prescribed in the different State Acts concerning shops and commercial establishments varies from 12 to 14. They also do not contain any specific provision that young persons under 17 should not be employed in non-industrial employment deemed to be hazardous. India could not ratify this Convention due to these deficiencies.

Convention No.77 concerning Medical Examination of Young Persons (Industry),1946 and 78 concerning Medical Examination of Young Persons (Non-Industrial Occupations),1946, require medical examination for fitness for employment of all young persons under 18 and their annual re-examination until they attain the age of 18 (until 21 years in occupations involving high health risks). In the case of India, the respective age limits have been lowered from 18 years to 16 and from 21 years to 19. The provisions in the Factories Act 1948 fully satisfy the conditions laid down in Convention No.77. The Mines Act,1952, also generally meets its requirements in respect of mine workers. However, there is no provision in the latter Act for medical examination beyond 18 years as required in the Convention. So far as non-industrial occupations are concerned, the State enactments concerning shops and commercial establishments do not generally prescribe any pre-employment medical examination.

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The special provisions for India contained in Convention No.79 concerning Night Work of Young Persons (Non-Industrial Occupations) 1946, prohibit the employment, during night, in non-industrial occupations of children below the age of 12, of children over 12 years, if subject to full-time school attendance and of other young persons under 15 years. Under the State Acts covering shops and commercial establishments, night work of children and young persons is generally prohibited during a period of 10 to 12 hours. But as there are some other provisions in the Convention which are not fully met by these Acts, the Convention could not be ratified.

Freedom of Association.- Convention No.87 concerning Freedom of Association and Protection of the Right to Organise, 1948, guarantees to all workers and employers the right to establish and join organisations of their own choice. These organisations should be able to determine their objects, draw up their own rules and carry out their activities in full freedom. Convention No.98 concerning the Right to Organise and to Collective Bargaining 1949, provides adequate protection against measures of anti-union discrimination and also protects workers' and employers' organisations against mutual acts of interference in their establishment, functioning and administration. It further requires that appropriate machinery should be established for ensuring the free exercise of the right to organise and for encouraging collective bargaining. The Constitution of India guarantees freedom of association to all citizens subject only to such reasonable restrictions as may be imposed by the State in the interests of public order or morality. Even though employers and workers are at complete liberty to organise themselves, the Government of India has not been able to ratify Convention No.87 mainly because of certain legal difficulties arising from the interpretation of some of its articles. While, on the one hand, it lays down that trade unions should, in exercising their rights, respect the law of the land it stipulates on the other that the law of the land should not be such as to impair the guarantees provided for in the Convention. The Indian Trade Unions Act, 1926, accords legal protection to registered trade unions; but in order to secure registration the unions have to fulfil the conditions laid down in the Act. The extent to which these conditions can be said to be in consonance with the stipulation laid down in the Convention is not clear. Also, the Second Five Year Plan contains some suggestions for strengthening trade union organisation in this country. These measures, if implemented, might also be construed to be contrary to the Convention. Another difficulty has been that even though civil servants are free to organise themselves and get their unions registered, certain restrictions have been imposed on the functioning of civil servants' unions, particularly in the matter of direct action. The Convention itself does not deal with the right to strike but the possibility of such a right being considered to be an integral part of trade unions rights in general cannot be ruled out. Similar doubts and difficulties have been felt by a number of other countries also. This situation has prompted the I.L.O. Committee of Experts on the Application of Conventions and Recommendations, in 1959. It is hoped that the Committee would be in a position to suggest some way out.

to examine the questions

There is nothing in the laws or regulations relating to trade unions which goes against the Convention No.98. The Government of India has, however, thought it advisable to defer ratification of this Convention until such time as a final decision could be taken in respect of the basic Convention No.87.

Safety.- Convention No.13 concerning the Use of White Lead in Painting, 1921, prohibits the use of white lead and sulphate of lead and of all products containing these pigments in internal painting of buildings. So far as factories are concerned, the use of white lead is regulated by legal provisions. But as the Convention is applicable to any place where painting is done it has not been found practicable to enforce similar provisions over so wide an area.

Convention No.62 concerning Safety Provisions (Building), 1937, provides for the maintenance of safety measures and appliances in the building industry. Although there is no legislation in India in respect of safety provisions in the building and construction industry there are certain provisions on this subject in the bye-laws framed by municipal authorities to control construction of buildings, etc., and regulatory provisions have been incorporated in the contract forms of the Central Public Works Department, Military Engineering Service and for other public works. Labour regulations on similar lines have been introduced in the contract forms of some State Governments and Port Authorities also. It has, however, not been possible to ratify the Convention because of its wide coverage and the difficulty of securing enforcement of safety regulations in respect of all building operations.

Migrant Labour.- Convention No.48 concerning Maintenance of Migrants' Pension Rights, 1935, seeks to establish an international scheme for maintenance of rights in respect of compulsory invalidity, old age and widows' and orphans' insurance. Such insurance institutions do not exist in India at present. The Employees' State Insurance Scheme provides for survivors' benefits only in respect of death due to employment injury and is applicable only to factory workers.

Convention No.97 concerning Migration for Employment, 1949, lays down the measures to be adopted by the Member States for protecting the interests of migrant workers. It deals with such matters as the placings of migrants in employment, transport arrangements, protection of the health, safety and welfare of migrant workers, repatriation, importation of personal effects, tools and equipment belonging to migrants for employment, etc. The Indian Emigration Act, 1922, and the Indian Emigration Rules, 1922, cover most of the provisions contained in the Convention. As regards immigration, however, there is no special problem in India as the Government is of the view that having regard to the climatic and other conditions of this country, it would not be advisable to bring the field workers of foreign extraction on any considerable scale. The existing regulations do not also permit any large-scale immigration into India. Government did not consider it necessary to ratify the Convention in view of the negligible quantum of migration either into or out of India at present.

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Other Conventions.- Convention No.2 concerning Unemployment, 1919, requires the establishment of free public employment agencies under the control of a central authority and regular supply of information to the I.L.O. on un-employment and measures taken or contemplated to combat it. India has a National Employment Service which is free and open to all; but difficulties of a purely technical nature in the matter of regular supply of information as required by the Convention stand in the way of its ratification. In fact, the Convention was once ratified by India but ratification had to be denounced later due to these difficulties.

Convention No.20, concerning Night Work (Bakeries), 1925, prohibits night work in bakeries during 11 P.M. to 5 A.M. or 10 P.M. to 4 A.M., but permits exemption of a permanent as well as temporary natures. In a number of States in India, bakeries come under the Shop Acts which, by prescribing opening and closing hours, do in effect prohibit night work. But the total number of units and their average employment throughout the country are not significant enough to justify any special legislation for the prohibition of night work in bakeries.

Convention No.52, concerning Holidays with Pay, 1936, provides for the grant of an annual holiday with pay for at least six working days on completion of one year's continuous service. The Convention is applicable to factories, mines, construction works and a large number of non-industrial occupations. The provisions under the Factories Act, 1948, the Mines Act, 1952, and the Shop Acts generally satisfy the requirements of the Convention and are at times, even much more liberal but there are a number of occupations listed in the Convention which are not covered by any law in India in this respect. It has, therefore, not been possible for India to ratify this Convention.

Convention No.94 concerning Labour Clauses (Public Contracts), 1949, lays down that contracts given out by public authorities should contain clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of work, which are not less favourable than those established for work of the same character in the trade or industry concerned in the district. It also provides that adequate measures should be taken to ensure fair and reasonable conditions of health, safety and welfare of the workers concerned.

At present the agreement form in force in the C.P.W.D. contracts includes a fair wage clause. Labour regulations have been framed to ensure proper implementation of this clause. The contractors are further required to observe all rules, framed by Government from time to time, for the protection of health and sanitary arrangements for workers employed by them under any C.P.W.D. contract. Necessary Model Rules have been framed for this purpose. Some of the State Governments have also introduced a fair wage clause in their contract forms and framed labour regulations on similar lines for the protection of workers engaged in building works undertaken by their contractors. It has, however, been possible to apply the Convention only in respect of contracts relating to public works. The application of its provisions to other categories of public contracts as required by the Convention has not been found practicable.

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Convention No. 95, concerning Protection of Wages, 1949, aims at prevention of unfair practices in regard to the payment of workers' wages through prohibition of unauthorised deductions; abolition of abuses connected with payments in time; regulation of work stores, periodicity, time and place of wage payment; the treatment of wages as a privileged debt and exemption from attachment of a part of wages necessary for the maintenance of the worker and his family. The principles underlying the Convention have been accepted by India and statutory provisions for protection of wages exist under the Payment of Wages Act, 1936. But the coverage of this Act falls short of the coverage of the Convention which applies to all categories of industrial and non-industrial workers. It is because of this difficulty that it has not been possible for India to ratify this Convention.

Convention No. 96, concerning Fee-charging Employment Agencies, 1949, provides for the progressive abolition of fee-charging employment agencies or for proper regulation of such agencies. A National Employment Service is functioning in India and the number of fee-charging employment agencies is small. Their scale and area of operation also are not so significant. It has, therefore, not been considered necessary to take any special measures for their regulation.

(Indian Labour Gazette, Vol. XV, No. 10,
April 1958, pp. 987-995).

Chapter 3 : Economic Questions

32. Public Finance and Fiscal Policy.

India - May 1958.

The Finance Act, 1958 (No. 11 of 1958).

The Finance Bill (vide pages 1-2 of the report of this Office for April 1958) as passed by the Parliament received the assent of the President on 29 April 1958 and has been gazetted as Act No.11 of 1958. The Act implements the budget proposals for 1958-59 (vide pages 24-29 of the report of this Office for March 1958).

(The Gazette of India, Extraordinary,
Part II, Section 1, 29 April 1958,
pp. 37-58).

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34. Economic Planning, Control and Development.

India - May 1958.

U.S. Technical Aid to India: Eight Agreements
Concluded.

The Governments of India and the U.S.A. on 28 May 1958, signed eight Indo-American Programme Agreements under which India will receive 285,555 dollars in technical assistance for ground water exploration, live-stock improvement, industrial research, health, co-operative membership, education and agriculture.

The projects represent a portion of 6.3 million dollars programme of technical assistance to India under the U.S. Fiscal Year 1958.

(The Statesman, 28 May 1958).

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The Gift Tax, 1958 (No. 18 of 1958).

The Gift Tax Bill (vide pages 59-60 of the report of this Office for March 1958) as passed by Parliament received the assent of the President on 15 May 1958 and has been gazetted as Act No.18 of 1958. The Act provides for the levy of gift-tax.

(The Gazette of India, Extraordinary,
Part II, Section 1, 16 May 1958,
pp. 75-100).

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Development Council established for Oil-based and
Plastics Industries.

In exercise of the powers conferred under the Industries (Development and Regulation) Act, 1951, the Central Government has declared that the Development Council established on 4 March 1958 for oil-based industries (vide page 58 of the report of this Office for March 1958) shall be re-designated as the Development Council for Oil-based and Plastics Industries and has further directed that in the previous notification issued in March 1958 for the words 'Oil-based Industries' the words 'Oil-based and Plastics Industries' shall be substituted in the opening paragraph.

(Notification SO 967, dated
26 May 1958; the Gazette of India,
Part II, Section 3, Sub-Section ii,
31 May 1958, page 834)

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35. Productivity.

India - May 1958.

Madras: State Productivity Council set up.

At a meeting of employers, employees and others ~~included~~ interested in productivity, held in Madras on 26 May 1958, it was decided to set up a Productivity Council for Madras. The meeting which was attended, among others, by Shri H.D. Shourie, Officer on Special Duty, Ministry of Commerce and Industry, and Mr. J.B. Shearer, Chief of the I.L.O. Productivity Mission, was presided byer by Shri R. Venkataraman, State Minister for Industries.

Inaugurating the meeting, Shri Venkataraman said that the Productivity Centre of the Government of India had organised two projects in this State, one at Coimbatore and another at Madras under the auspices of the Institute of Management.

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Shri H.D. Shourie, the Ministry of Commerce and Industry after explaining the work done by the Council to rouse productive consciousness said that the Council was also organising training in productivity subjects. Under the training programme they had recently set up a committee to determine the availability of technical personnel in the country. In the light of the information available in reply to the questionnaire issued by the Committee, the programme of training would be prepared. The other activity of the Council included the undertaking of research in productivity subjects, and the encouragement or technical exchange within the country and in the international sphere. A textile industry team from Coimbatore recently visited Ahmedabad and produced a useful report. In the course of the next three years, it was proposed to send 38 technical teams abroad. They would also encourage the sending of trainees abroad for longer periods of training. Their target for the coming three years was 140 trainees, 40 in 1959, and 50 each in 1960 and 1961. For financing all these programmes, the money set apart by the Government of India would be supplemented by help from international agencies. For the current financial year, the Government of India had set apart 1 million rupees. This was not the ceiling. The financial assistance made available would depend on the size of their performance. He also said that the National Council would assist the State Productivity Council by contributing a rupee for every rupee of subscription raised by it.

(The Hindu, 27 May 1958)

36. Wages.

India - May 1958.

Minimum Wages (Amendment) Bill, 1958: Non-Official Bill
Introduced in Parliament.

Shri K.L. Balmiki (Congress - Uttar Pradesh) introduced in the Lok Sabha on 2 May 1958, a Bill to amend the Minimum Wages Act, 1948. According to the Statement of Objects and Reasons of the Bill, the Minimum Wages Act, 1948 has been in force since 1948, but the State Governments have not framed rules for the determination of over-time wages to the employees working over-time in the scheduled employments. This is resulting in an injustice to the employees and also it contravenes Article 29 of the Constitution wherein it is stated that no one will be forced to work without any payment and begar shall be treated as an offence. But in actual practice, the lack of corresponding rules for the determination of over-time wages in the States has resulted in employees working over-time without payment. It is therefore proposed to amend section 14 of the Minimum Wages Act, 1948, for the determination of over-time wages at a rate double the ordinary wages.

(The Gazette of India, Extraordinary,
Part II, Section 2, 2 May 1958,
pp. 631-632)

37. Salaries.

India - May 1958.

Andhra: Committee set up to enquire into Government Officials' Pay Scales.

The Andhra Pradesh Government has announced the appointment of a five-member committee headed by the Finance Minister, Shri K. Brahmananda Reddi, to enquire into the pay and service conditions of lowpaid State Government employees.

The committee is to make an "adequate, if not elaborate", enquiry into the living conditions of its low-paid employees and to recommend appropriate action as speedily as possible in regard to their grievances.

According to the committee's terms of reference, it will enquire into and make recommendations regarding the existing structure of pay scales of the various categories of Government employees the minimum of whose scale of pay is 250 rupees or less and the existing service conditions with particular reference to leave and pensionary benefits. Employees in industrial undertakings of the Government are excluded from the scope of the enquiry.

In making its recommendations, the committee has been asked to keep in view the present finances of the State Government. Any recommendations which the committee might make should not impinge upon the size and the orderly execution of the Second Five-Year Plan, nor on the available resources earmarked for the execution of planned programmes.

The committee is authorised to make recommendations for a rationalised structure of pay scales by minimising, as far as practicable, the number of pay scales at present obtaining.

The committee has also been authorised to make recommendations for any measure of interim relief if it considers that it would take time for making its final recommendations.

(The Deccan Herald, 21 May 1958)

38. Housing.

India - May 1958.

State Housing Board Inaugurated.

A State Housing Board for Madras State was inaugurated on 15 May 1958. Speaking on the occasion Shri R. Venkataraman, Minister for Industries and Housing, said that more than one department had been dealing with the subject 'Housing', and it was therefore considered necessary to have a co-ordinating agency to deal with the housing schemes, for the Harijans, weavers, fishermen, etc., will also be brought under the Housing Board in course of time. He hoped better progress would be made in the implementation of slum improvement schemes. He indicated the need for a statutory Housing Board, to take charge of every aspect of housing, and to be a more effective instrument for laying down not only policy but to execute all housing schemes in the near future.

Housing schemes for

(The Hindu, 18 May, 1958).

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Official Team Recommends Statutory Housing Corporations
For Slum Clearance.

The selected buildings projects team set up by the Committee on Plan Projects of the National Development Council has suggested in its report the formation of statutory housing corporations in the States and a statutory housing corporation at the Centre.

The report of the team says that the suitable agency for organising slum clearance was a statutory corporation or a board with a chairman and an appropriate number of directors. The proposed statutory housing corporations in the States should be autonomous bodies charged with implementing the housing programmes included in the second Five Year Plan. They should also formulate regional planning policies.

The report, among others, suggested the award of annual prizes for observing certain codes of conduct consistently, adoption of preventive measures to curb the growth of slums, including steps to stop the influx of population from villages to cities and inculcating clean habits in the people in new colonies which face the danger of relapsing into slums.

The team suggests that the Central Government should finalize a model town planning Bill after obtaining expert advice and make it available to the States as early as possible. The report says that the allocation of 200 million rupees for slum clearance and sweepers' quarters in the second Plan is "very inadequate". The National Buildings Organisation has estimated that 100 million to 200 million thousand rupees would be needed to demolish slums and develop those areas.

The report says that an idea of the housing needs in India can be had from the fact that the urban population, according to the last census reports, increased by 10.6 million during 1931-41 and by 18.1 million during 1941-51. As against this, the number of occupied houses in urban areas increased by 1.8 million and 1.7 million, catering to an additional population of about 9 million and 8.5 million respectively.

The housing shortage thus in 1951 was 2.5 million (on the broad assumption that each household means a separate house).

"The number of houses required to be constructed during 1951-61 to meet the shortage is estimated at 8.9 million which takes into account the shortage of 2.5 million houses in 1951, houses required for a 33 per cent increase in population during 1951-61 and replacement of existing houses which are overaged", says the report.

"On the other hand, it is estimated that during the same period only about three million dwelling units would be constructed in urban areas by the public authorities and private agencies. Thus the shortage in housing by 1961 is likely to be twice the figure in 1951".

(The Statesman, 23 May 1958).

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39. International Economic Relations.

India - May 1958.

India signs provisional trade agreement with Burma.

A provisional agreement has been reached on 10 May 1958, between India and Burma regarding measures to be taken to promote trade between the two countries. A communique announcing the conclusion of the provisional agreement, said that a list of commodities in respect of which promotional measures would be taken had been drawn up. The agreement, it said, is subject, however, to the approval of the two Governments, when its terms and conditions will be announced.

A five-year trade agreement was reached between the two countries for the development and expansion of commerce and diversification and balancing of trade in September 1956 (vide section 39, pp.31-33 of the report of this Office for the month of October 1956).

(The Hindustan Times, 10 May 1958).

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CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS.

INDIA - MAY 1958.

50. General.

Ad hoc Transport Administrative Committee set up.

A Resolution dated 5 May 1958, of the Ministry of Transport and Communications, Government of India, published on 10 May 1958, states that in order to secure the fuller development of road motor transport and its expansion to meet the demand created by the Second Five Year Plan, it is essential that there should be suitable machinery in the States to look after the various problems facing the industry and to plan and foster its development. It is felt that the existing administrative set-up in most States is concerned more with the regulation of motor transport rather than its planned development. To assist the States in reorganising their transport administration, the Government of India has decided to appoint an Ad Hoc Committee to conduct a comprehensive enquiry and make recommendations for the re-organisation of the transport administrative set-up in the States.

The Committee consists of Shri M.R. Masani, Member, Lok Sabha, as chairman and nine other members. The terms of reference of the Committee are as follows:-

(1) to survey the existing machinery for the administration of motor transport in the States, with particular reference to the working of the Regional Transport Authorities and State Transport Authorities and their suitability to look after the development, and coordination and regulation of road transport consistently with the economic development of the country vis-a-vis our successive Five Year Plans and the need to expand motor transport to rural areas in order to develop village economy;

(2) to suggest a model administrative set-up which will ensure:

- (a) the fair and speedy disposal of applications for permits;
- (b) the healthy growth of motor transport, providing efficient services and adequate amenities to the public;
- (c) the elimination of inhibitory factors which stand in the way of the development of motor transport;
- (d) adequate development of truck-trailer combinations;
- (e) the fullest use of available road facilities and transport vehicles; and
- (f) proper coordination with the activities and functions of the Inter-State Transport Commission; and

(3) to make any other recommendation germane to the subject matter of the enquiry.

(The Gazette of India, Part I, Section 1,
10 May 1958, page 155)

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Conditions of Work of Staff on Indian Railways:
Railway Board's Annual Report for 1956-1957.

The following information regarding the conditions of work of railway employees in India during the year ending 31 March 1957, is taken from the Annual Report of the Railway Board on Indian Railways for 1956-1957*.

Number of railway employees.- The total number of employees, permanent and temporary, on all Indian Railways (including Non-Government Railways) and in the office of the Railway Board and other offices subordinate thereto, excluding staff employed on construction at the end of 1956-57 was 1,054,408 as compared with 1,026,559 at the end of 1955-56, an increase of 27,809.

As compared with the previous year, there has been an increase in the total number of employed on Government Railways during 1956-57 by 27,462 on open line and by 2,053 on construction.

Recruitment and promotion.- Four hundred and twenty-three appointments, temporary and permanent, were made in the Gazetted Railway Services by direct recruitment during the year.

Eighty-one permanent promotions to Class I Service were made during the year from Class II and Class III Services. The Railway Board have decided to introduce the Departmental promotion committee's procedure for permanent promotion from Class II Service to Class I Service and this has been in vogue from the year under review. Under this procedure a quota of 33 1/2 per cent has been reserved for Departmental Officers and 16-2/3 percent for Officers of the Ex-State Railways.

Railway Staff College, Baroda.- During the year the capacity of the Railway Staff College at Baroda was increased from 30 to 110. During the year, 12 sessions were held for training the officers, of which 5 were for probationary officers and 7 for temporary officers. A total of 325 officers went through the College during the year. In addition, an officer from the Nepal Government Railways also received training in the regular courses of the College.

* Government of India: Ministry of Railways (Railway Board):
Report by the Railway Board on Indian Railways for 1956-1957:
Volume I: Published by the Manager of Publications, Delhi,
1958: pp. iii + 159.

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In order to deal with the large number of classes as a result of the increase in the number of trainees, four additional posts of Instructors were created. In order to give the trainee officers the benefit of the knowledge of the officers dealing with specialised subjects and of the experience of various practices following followed on different Railways, officers from Railways were invited to give lectures on different subjects. During the year nine visiting officers came to this College for giving lectures to trainee officers.

The Railway Service Commissions at Allahabad, Bombay, Calcutta and Madras continued to conduct recruitment of Class III staff for the Indian Railways during the year under review. Seven hundred and sixty thousand eight-hundred and twenty-two applications were received by the Commissions, out of which 37,457 applicants were selected for non-technical vacancies and 9,587 for technical categories.

Training schools.- There are at present 40 training schools functioning on Railways including one each for the Chittaranjan Locomotive Works and the Integral Coach Factory. Some of them are Traffic Training Schools where recruits are trained in the duties of station masters, signallers, guards, booking and parcel clerks, etc. Refresher and promotion courses for staff already in service are also provided in a large number of these schools. In some schools Loco running staff and permanent way staff are also trained.

To meet the immediate needs for the large number of engineering personnel required on the Railways and also to initiate and develop the schemes of establishing adequate and suitable facilities on a permanent basis, three Technical Training Centres - one each at Mhow, Shahjahanpur and Madhupur, had been set up between October and December 1956 to impart training to apprentice assistant inspector of works, draftsmen, estimators, tracers and works mistries for the Central and Western, ~~Rail~~ Northern and North Eastern and Eastern and South Eastern Railways respectively. The training capacity of the Centres at Mhow, Shahjahanpur and Madhupur is 200, 150 and 300 respectively and this is being utilised fully by the Railway Administrations concerned.

Indian Railways continue to maintain various Technical Training Schools for imparting theoretical training to the apprentice mechanics and trade apprentices in the mechanical, electrical and signal and tele-communication departments and to the apprentice train examiners in the Mechanical Department. Practical training facilities exist in the Railway Workshops.

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Relations with labour.- The relations between the Railway Administrations and labour were generally satisfactory. The Working Committee of the National Federation of Indian Railwaymen met three times during the year under review. At these meetings resolutions relating mainly to procedural difficulties, internal working of the unions, unity among workers, etc., were adopted.

Permanent negotiating machinery.- The Permanent Negotiating Machinery which was set up by the Railways in 1952 with a view to maintaining contact with Labour and resolving disputes and differences which may arise between them and Administrations continued to function satisfactorily during the period under review. On the seven zonal Railways, forty eight meetings were held at the Headquarters level and nine hundred meetings were held at District and Divisional level. The discussions covered a wide range of subjects.

At the second tier of the Machinery, however, due to a combination of circumstances, no quarterly meeting between the Railway Board and the National Federation of Indian Railwaymen could be held during this period; also, no discussions could be held in regard to the two terms of reference to the Ad Hoc Tribunal which remained unsettled. In a meeting with the representatives of the recognised labour unions held on 10 February 1957, the Hon'ble Minister for Railways announced a redistribution of posts leading to an appreciable increase in the number of posts in the higher grades with corresponding reduction in the posts in the lower grades. This was intended to improve the chances of promotion of nearly 170,000 employees. This met partially the demands of the labour listed under one of the two pending items of reference to the Tribunal.

The Staff Councils and Staff Committees on Railways functioned satisfactorily. The staff deliberations of these bodies were useful in promoting better understanding between the Administration and the staff.

Labour welfare: (a) Schools.- During 1956-57 there were 157 schools run by the Railways. These schools which had a total population of 34,571 pupils continued to function satisfactorily during the year.

(b) Staff benefit fund.- A contribution of two rupees per employee was made from Railway Revenues to the Staff Benefit Fund during the year. The Fund was managed by a Committee with the Senior Deputy General Manager as Chairman. During the year the Fund paid a total amount of 1,521,753 rupees by way of distress relief, sickness benefit, education and recreation for the employees and their children, etc.

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(c) Canteens.— Section 46 of the Factories Act, 1948, imposes a statutory obligation on employers to provide canteens in factories employing more than 250 workers. In addition to canteens compulsory under the statute, canteens are also provided on railways where there is large concentration of staff as a measure of staff amenity. Many such canteens have been opened. With a view to associating the staff served by the canteen increasingly and actively in the management of canteens, the management of the canteens is to be entrusted to Committees of Management consisting of duly elected representatives of the staff for whose benefit the canteens are run, representatives of shareholders of the co-operative society, if the canteen is managed by one, and the representatives of the Railway.

(d) Holiday Homes.— Progress made with the scheme for providing holiday homes for non-gazetted staff was considered satisfactory. The patronage, though quite popular was, however, not encouraging. The report observes that holidaying is a novelty among this class of staff but it is expected to spread gradually.

(e) Children's Camps.— This new activity, started in 1955-56, evoked considerable response during the year. Fourteen camps were held during 1956-57 as against 10 camps during 1955-56.

The expenditure on these camps is primarily met from the Staff Benefit Fund and the amount payable by the parents is kept low so as to bring the benefit within the reach of the lower-paid staff. Besides affording the children glimpses of the country outside their normal surroundings these camps provide an opportunity for the children to mix together in outdoor life and to participate in healthy debates, elocution, variety entertainments, sports, etc. These camps are greatly appreciated by the staff and children.

(f) Scholarships for technical education.— A new feature introduced during the year was a scheme of awarding scholarships from the Staff Benefit Fund to children of Railway employees for prosecution of technical education. One thousand such scholarships ranging from 15 rupees to 50 rupees per month were awarded during the year.

Liberalization of Service Conditions of Staff.-(a) Upgrading.-

In his speech, presenting the Railway Budget for 1956-57, the Minister for Railways referred to the proposal for the redistribution of posts in the various grades with a view to providing an increase in the number of higher grade posts in recognition of the increase in the work-load resulting from increase in traffic. The redistribution and upgrading of posts in certain important categories was announced on 10 February 1957 to have retrospective effect from 1 April 1956, and as a result, the following categories have been benefited:

Assistant surgeons, station masters, assistant station masters, office clerks of departments other than Accounts, clerical staff in the Accounts Department, sub-heads and stock verifiers of the Accounts department, train clerks, commercial clerks, train examiners, travelling ticket examiners, signallers, pay clerks, telephone operators and typists.

In the scale case of running staff, like drivers, firemen and guards, the scheme provided for a higher rate of running allowance as an incentive to greater output of work.

(b) Leave.- The following further liberalization has been made in the Liberalized Leave Rules promulgated on the recommendation of the Central Pay Commission:-

- (a) Leave on average pay may be accumulated to the extent of 180 days instead of 120 days.
- (b) 'Commuted leave' may be granted up to a maximum of 240 days instead of 180 days.
- (c) Maximum leave at any one spell in combination with leave on average pay, commuted leave and vacation has been increased to 240 days as against 180 days.
- (d) Admissibility of leave not due has not only been enhanced in rate, i.e., 360 days as against the previous limit of 180 days but also the condition for grant of the same, viz., on medical certificate, has been relaxed to the extent that 90 days at a time and 180 days in all may be otherwise than on medical certificate.

(c) Provident Fund.- It has been decided that the Government contribution and interest thereon will be credited to the provident fund accounts of temporary railway employees (other than those specifically recruited for construction and other temporary projects) who completed three years continuous service on or before 1 April 1956, with retrospective effect from the second year of service.

Co-operative credit societies and banks.— The number of Railway Employees' Co-operative Credit Societies and Banks, their membership, capital, funds, transactions, etc., at the close of the year, are shown in the following table:—

Number of Co-operative Credit Societies and Banks,		28
Membership -----		559,046
Share Capital -----	Rs.	35,466,414
Reserve fund -----	Rs.	9,216,173
Other funds -----	Rs.	10,514,043
Working capital -----	Rs.	224,486,219
Investment in Government Securities, Shares and stock.-----	Rs.	18,005,905
Loans to Members -----	Rs.	211,384,795
Amount of deposits from members -----	Rs.	99,573,146
Amount of loan borrowed from different sources, the average rate of interest paid thereon by some of the societies being approximately 4-1/4 percent.-----	Rs.	6,229,873

The working of the Co-operative Credit Societies and Banks on Railways continued to be satisfactory. They have recorded all round improvement.

The average rate of interest on loans advanced by these societies to member employees is 6-1/4 per cent per annum. Some of the societies paid a dividend to their shareholders at an average rate of 5-1/2 per cent per annum while societies on four railways also paid bonus to their employees, ranging from half a month's pay to one month's pay. A sum of 25,526 rupees was paid on account of bonus.

The number of Consumer Co-operative Societies, their membership, capital, funds, transactions, etc., at the close of the year, are shown below:—

Number of Railwaymen's Consumer Co-operative Stores (excluding those registered as Joint Stock Companies and their branches) on Indian Railways as on 31 March, 1956-----	101
Number of Railwaymen's Consumer Co-operative Stores registered during 1956-57-----	9
Total -----	110
Total membership of the Co-operative Stores as on 31 March, 1957-----	51,930

(Table continued to next page)

(Table continued)

	Rs.
Total share capital of the Co-operative Stores as on 31 March, 1957.-----	737,056
Total reserve fund of the Co-operative Stores-----	812,490
Total working capital of the Stores as on 31 March, 1957 -----	1,635,804
Purchases made during 1956-57 -----	6,002,470
Sales during 1956-57 -----	6,253,704
Gross profit for 1956-57 -----	350,739
Net profit for 1956-57 -----	66,612

There was a general improvement in the working of these societies during the year. Their number increased from 101 to 110, the corresponding increase in membership and share capital being from 39,455 to 51,930 and from 541,234 rupees to 737,056 rupees respectively. The sales made by the societies also recorded an increase from 4,175,618 rupees during the previous year to 6,253,704 rupees during the year under review. A large number of these societies have been provided with accommodation from surplus railway buildings and the question of constructing new buildings for such of the societies as have no buildings or have been allotted inadequate or unsuitable accommodation is actively under consideration.

A sum of 45,696 rupees was paid by way of subsidy to the Societies which had not completed three years of working.

During the year some of the Consumer Societies declared a dividend on their shares. The minimum rate of dividend was 3-1/8 per cent, while the maximum was ten per cent in the case of societies on the Northern Railway.

Housing societies.— The number of Railway Employees' Co-operative Housing Societies, their membership, capital, funds, etc., as on 31 March, 1957 are detailed below:—

Number of Co-operative Housing Societies -----		5
Membership -----		1,093
Share capital -----	Rs.	77,350
Reserve funds -----	Rs.	2,598
Other funds -----	Rs.	501,846
Total working capital -----	Rs.	586,054
Amount of investment in land -----	Rs.	214,180
Cost of superstructures -----	Rs.	47,180
Amount of deposits -----		-
Number of houses built during the year 1956-57.		9
Number of houses under construction -----		16

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Housing.- During the year 9,645 quarters for various categories of staff were constructed by the Railways in addition to 16 blocks of single-roomed barracks for bachelors constructed at the Chittaranjan Locomotive Works.

Medical Aid.-During the year under review an assessment of the existing medical facilities on the Railways was made with the object of further improving them. As a result of this the following decisions and practical steps were taken:-

- (i) All the dispensaries were decided to be converted into Health Units. These units are now responsible both for the curative and preventive aspects of diseases.
- (ii) The health arrangements on Railways, which were not under the Medical Department, have now been taken over by the latter Department on some of the Railways.
- (iii) For control and treatment (domiciliary) of tuberculosis, 33 chest clinics were established and for indoor treatment sanctioned strength of beds, either in the form of annexes or reservation of beds in approved sanatoria or in Railway hospitals, was brought up to 646. To relieve financial distress of victims of T.B. amongst railway employees and their families, liberal financial assistance from the Staff Benefit Fund was afforded. The pay limit of the staff suffering from T.B. for purposes of supply of free diet, was raised to 300 rupees.
- (iv) For control of infant and maternal mortality and morbidity, resulting from confinements, 35 additional Lady Doctors and 18 midwives were appointed.

During the year under review the following were added:-

- (i) Eight new Health Units bringing the total to 434.
- (ii) One hundred and Fifty-three additional indoor beds during bringing the total to 3,543.
- (iii) Three mobile vans for the benefit of the railway staff working on places away from the dispensary and where train services are not frequent.

The health of the staff and their families remained satisfactory.

Accidents.- The following table shows the number of railway servants killed and injured in accidents on Indian Railways exclusive of casualties in railway workshops during 1956-57, as compared with the previous year :-

	Killed		Injured	
	1955-1956	1956-57	1955-56	1956-57
(a) In accidents to trains, rolling-stock, permanent way, etc. -----	28	23	203	213
(b) In accidents caused by the movement of trains and railway vehicles exclusive of train accidents. -----	161	187	5,205	6,787
(c) In accidents on railway premises in which the movement of trains, vehicles, etc., was not concerned. -----	45	43	17,715	19,292
TOTAL -----	234	253	23,123	26,292

On the Government Railways, the main causes for the accidents to railway servants caused by the movement of trains and railway vehicles exclusive of train accidents, are analysed in the following table:-

Cause	Killed		Injured	
	1955-56	1956-57	1955-56	1956-57
(1) Misadventure or accidental -----	151	182	4,848	6,653
(2) Want of caution or misconduct on the part of the injured person -----	9	5	334	105
(3) Want of caution or breach of rules, etc., on the part of railway servants other than the persons injured. -----	1	-	14	21
(4) Defective apparatus, appliances, etc., or want of sufficient appliances, safeguards, etc. -----	-	-	1	-
TOTAL -----	161	187	5,197	6,779

Of the total of 5,054 persons killed, 4,156 or 82 per cent were other than passengers and railway servants. Of this number, 3,511 were trespassers and 343 were suicides. Altogether 83 persons were killed on railway premises otherwise than during the movement of trains, vehicles, etc.

The total number of passengers who lost their life was 625 as compared to 401 for the previous year. The total number of injured being 3,621 as compared to 3,292 for 1955-56.

(The report for the year 1955-56 was revised at pages 64-74 of the report of this Office for April 1957).

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

India - May 1958.

Free Education for Workers in Factory Premises:
Kashmir Government's Scheme.

Mir Habibullah Kamli, Director of Industries, Jammu and Kashmir Government, stated at Srinagar on 6 April 1958, that the Jammu and Kashmir Government is shortly going to provide free education within factory premises to individual labour in the State under the Second Five-Year Plan. He added that initially educational facilities would be provided to labour, and particularly child labour, engaged by the Government silk spinning and weaving factories, the State wollen factory in Srinagar and silk factories in Jammu.

Mir Mamli said that managements of these industries which employed over 3,000 labourers had agreed to release their workers interested in educating themselves for two hours daily to enable them to attend classes within the factory premises.

The entire cost of the scheme is estimated at several thousand rupees initially, Mir Kamli said, would be borne by the State Government. The Government would also pay 5 rupees to every child labourer attending the factory educational classes as pocket money, he said.

(The Times of India (Moffusil Edition)
8 April 1958)

Voluntary Welfare Fund Scheme by Secunderabad Lime Stone Quarry Owners.

Five lime stone quarry companies in Secunderabad Division agreed, at the instance of the Conciliation Officer (Central), Secunderabad, to constitute with effect from 1 April 1955, a voluntary Welfare Fund called "The Lime Stone Quarry Owners' Voluntary Welfare Fund". The contributions to the Fund were to be made by the companies concerned by levying an ad-valorem cess at the rate of 1-1/2 per cent on the total sales of lime stones or any other product sold by the companies. The contribution has no relation to profits. The Fund has to be utilised by the managements of each of the companies solely to meet the expenditure to be incurred for the promotion of welfare activities, egg., housing, education, medical facilities, recreational facilities, libraries and reading rooms, etc. The amounts collected in the Fund of each of the companies be expended on its own employees only. The administration of the Fund was entrusted to a Committee called "The Lime Stone Quarry Workers' Welfare Fund Committee". The Committee would consist of a representative each of the five companies, two representatives of workers elected by Works Committees functioning at the establishments of any of the two companies, and a nominee of the Department of Mines and Geology, Government of Hyderabad. The workers' representatives were to be elected by Works Committees of various companies by rotation so as to give chance to all the five companies. The Chairman of the Committee would be nominated by the Conciliation Officer (Central), Secunderabad.

The five companies now propose to constitute separate committees for each of the companies rather than have one committee, for all the five units as at present.

The progress made by the Fund in the Five companies in promotion of welfare activities for their employees during the period 1 October 1956 to 31 March 1957, is given in the table below:-

Total money deposited.	Expenditure incurred towards					
	Medical aid.	Education	Construction*	Recreation	Library	Total Expenditure.
Rs. As.P.	Rs. As.P.	Rs. As.P.	Rs. As.P.	Rs. As.P.	Rs. As.P.	Rs. As.P.
40,178-2-3	10,851-5-9	3,299-14-9	20,415-5-0	266-12-3	138-0-0	34,969-5-9

* Workers' quarters, rest sheds, welfare centres, dispensaires, school buildings, etc.

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59. Social Research.

India - May 1958.

National Committee on Women's Education set up.

The Government of India has by a Resolution dated 19 May 1958, set up a National Committee on Women's Education consisting of Srimathi Durgabai Deshmukh (Chairman, Central Social Welfare Board) as chairman and 8 other members. The terms of reference of the Committee are as follows:-

- (i) to suggest special measures to make up the leeway in women's education at the Primary and Secondary levels;
- (ii) to examine the problem of wastage in girls education at these levels;
- (iii) to examine the problem of adult women who have relapsed into illiteracy or have received inadequate education and who need continuation education so as to enable them to earn a living and participate in projects of national reconstruction;
- (iv) to survey the nature and extent of material and other facilities offered by Voluntary Welfare Organisations for the education of such women and to recommend steps necessary to enable them to offer larger educational facilities to them;
- (v) to examine the possibility and methods of encouraging a larger number of women to go into vocational trades by providing suitable vocational training as a part of their formal education or through special courses designed for adult women.

(The Gazette of India, Part I, Section 1,
31 May 1958, page 166)

Chapter 6: General Rights of Workers

63. Individual Contracts of Employment.

India - May 1958.

Abolition of Employment of Casual Labour Bill, 1958: Non-official Bill introduced in Parliament.

Shri Aurobindo Ghosal (Forward Block - West Bengal) introduced in the Lok Sabha on 2 May 1958, a Bill to provide for the abolition of the system of employing casual labour in the employment of permanent character. According to the Statement of Objects and Reasons of the Bill, a large number of workmen are in employment of various industries as casual workers. Even in the works of permanent nature, which are continuing for a decade, hundreds of workers are employed as casual labourers with breaks in their services before they attain the status of permanent workers. This is done with the purpose of depriving the workers of the benefits of permanent workers. This is ^{the} worst type of exploitation. The object of the Bill is to stop this practice. Hence the Bill.

The Bill prohibits the employment of casual workers in any permanent employment and provides that any casual worker who completes three months service on the date the Bill comes into operation shall be considered as a permanent workers.

(The Gazette of India, Extraordinary,
Part II, Section 2, 2 May 1958,
pp. 619-620.)

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67. Conciliation and Arbitration.

India - May 1958.

Industrial Disputes (Amendment) Bill, 1958:
Non-official Bill introduced in the Lok Sabha.

Shri Aurobindo Ghosal (Forward Bloc - West Bengal) introduced in the Lok Sabha on 2 May 1958, a Bill to amend the Industrial Disputes Act, 1947. According to the Statement of Objects and Reasons of the Bill, in cases of J. Chowdhury Vs. M.C. Banerjee and another (1951) 2 F.J.R., 218 and Bilas Chandra Mitra Vs. Balmer Lawrie and Co. (1953) F.J.R. 73 of the Calcutta High Court has said that unless any dispute is taken up by any union or by the majority of workers of the establishment or trade concerned, it will not be considered as an industrial dispute and as such the said dispute will not come under the purview of the Industrial Disputes Act, 1947. About 75 per cent of workers are not organised under any union and so the industrial disputes of the majority of the workers are being rejected by the tribunals on the ground that an individual dispute is not an industrial dispute and such disputes are rejected even at the initial stage on the above ground. Presumably Parliament had not intended to exclude individual's disputes from the purview of the Industrial Disputes Act, 1947. The object of this Bill is to clarify the definition of the term 'industrial disputes' so as to remove the hardship of the unorganised.

(The Gazette of India, Extraordinary,
Part II, Section 2, 2 May 1958,
pp. 625-626).

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CHAPTER 7. PROBLEMS PECULIAR TO CERTAIN CATEGORIES
OF WORKERS.

INDIA - MAY 1958.

71. Employees and Salaried Intellectual Workers.

Conditions of Labour in Cinema Industry in Bombay.

The Government of Bombay conducted in the summer of 1956 an enquiry into the conditions of labour in the production sector (including film studios and laboratories) of the Cinema Industry in Bombay State. The more important of the findings of this enquiry in so far as Bombay City is concerned are summarised in the following paragraphs.

Structure of the Industry.- India is the second largest producer of feature films in the world next only to U.S.A. It is estimated that a capital of about 840 million rupees has been invested in the industry and it gives employment to nearly 100,000 of persons. Although the prospects of the industry appear to be bright, yet all is not well due to the disorganised nature of the industry, advent of a number of mushroom producers, absence of sufficient capital resources and consequent exorbitant rates of interest demanded by financiers, insecurity of employment, high rates charged by the "Stars", delayed payments to workers, etc.

Scope of Enquiry.- The industry in Bombay accounts for nearly half the number of pictures produced in India. In this State it is confined to three centres, namely, Bombay City, Poona and Kolhapur; Bombay City being by far the most important one. The present enquiry actually covered 24 studios and 11 laboratories and data were also collected from 10 established producers, 249 workers, 255 free lance technicians, 117 junior artistes, 10 trade unions, etc.

Labour Employed by Producers.- (i) Employment.- The producers fall into two groups, namely, independent producers and the established producers owning studios. The total number of workers employed by producers was estimated to be about 4,400. Of these, only 5 per cent were women who were generally employed as hair dressers, junior artistes or character artistes. The largest single group of employees, viz., about 1,000 forming about 23 per cent of the total employment, were musicians. Thirty-seven per cent of the workers employed by ten out of sixteen established producers were temporary. Free lancers constituted about 84 per cent of the total number of persons employed by the producers. Out of 255 workers interviewed it was found that 16.5 per cent were unemployed and 62.3 per cent were found to be working in only one picture.

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(ii) Recruitment.- Workers are generally recruited either directly by producers or through agents. The technicians, music and dance directors, costume and make-up artistes, cameramen, editors, etc., are directly employed by the producers either on a monthly salary basis or on a contract basis for a picture as a whole. The junior artistes are employed through middlemen known as "extra suppliers" who charge a commission of 20 to 25 per cent of the wages paid to artistes. One of the reasons for this high rate of commission is that it includes an element of interest for late payment of bills by the producers. Recruitment of junior artistes through agents is beset with several ills. They are exploited in a variety of ways and the system has given rise to immoral practices as well. The practice of not issuing even appointment letters and the absence of any muster-roll seems to be fairly widespread.

(iii) Security of Service.- Insecurity of service is inherent where free lancers are to be found in large numbers. They are generally engaged only for the duration of picture. The junior artistes are employed casually and on an average, they hardly find employment for ten days in a month. Thus, these workers cannot have the ordinary benefits like leave with pay, provident fund, sickness insurance, etc.

(iv) Wages and Earnings.- There are 3 distinct methods of wage fixation, viz., a contract for the picture as a whole, a fixed monthly remuneration and a payment for the day. In some cases the technicians are paid both time-rates as well as piece-rates. The wages and commission paid to junior artistes and agents have been settled as a result of a collective agreement between two organisations of artistes, the Agents' Association and the I.M.P.P.A. (Indian Motion Picture Producers' Association).

From the information regarding wages obtained from about 700 workers employed by both established and independent producers, it was found that 9 per cent of the workers were unemployed and an equal percentage of the employees received less than 40 rupees per month. Nearly 33 per cent of the workers were being paid between 81 rupees and 150 rupees per month and only 7.2 per cent of the workers were getting over 300 rupees per month. The junior artistes, who get occasional work for a few days only, were the worst affected class. It was observed that wages in their case moved inversely with the length of service. This is so because advancing age is a liability for a junior artiste, particularly the female, while the same is an asset to a technician.

In the case of workers employed with the established producers, only the mazdoors, costume assistants, and washermen received less than 100 rupees per month while the remaining workers earned more than 100 rupees per month. The minimum earnings of several categories of technicians such as assistant director, assistant cameraman, musicians, assistant art director, production assistant, assistant still camera-man, make-up assistant, costume-in-Charge, tailors, assistant editors and female artistes, were, however, much less than 100 rupees in October 1955.

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As regards the earnings of free-lancers, the information was collected from 207 workers. It was found that assistant cameraman, make-up artiste, editor and assistant editor earned on an average more as free-lancers than as regular employees of studio-owning producers, while the assistant director, production manager and his assistant and costume-in-charge and his assistant were better paid while they were employed with the established producers.

As regards the earnings of junior artistes, the data was obtained by personal interviews with 117 workers, of whom 20 were found unemployed. On account of the casual nature of their employment, the earnings of many junior artistes were extremely low. The average number of days of employment was found to fluctuate from 4 to 15 per month.

(v) Allowances, etc.- Of the ten studio-owning producers who supplied information, only six paid separate dearness allowance to their employees on a slab basis. In two of these the workers were paid 30 rupees as dearness allowance for a basic salary upto 100 rupees per month and 35 rupees for basic salary above 100 rupees per month. In two other concerns, the scale of dearness allowance was 30 rupees upto a monthly salary of 50 rupees, 35 rupees for salaries between 51 rupees and 100 rupees and 40 rupees for salaries between 101 rupees and 200 rupees. The fifth producer paid 20 rupees upto a basic salary of 100 rupees, 10 rupees for basic salary between 101 rupees to 150 rupees and 10 per cent of basic salary above 150 rupees. In the remaining concern, dearness allowance was paid at the discretion of the management.

It was customary for independent producers to provide free lunch, or meals to their employees on 'shooting' days, or give lunch money in lieu. The amount of lunch money varied from 1 rupee 8 annas to 5 rupees per meal, depending upon the status of the employee.

(vi) Problems connected with wage payments.- The problems connected with wage payments are two-fold, viz., later payment and non-payment. Majority of workers interviewed stated that they were getting wages very late and in a number of cases they did not get it at all. The film employees of Bombay City, according to one of the workers' union, had lost more than ten million rupees in their wages during the last decade. This was so, largely because of the financial instability of producers, whose undertakings went into liquidation or who evaded payment, by the simple expedient of starting a new concern under a different name and label.

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(vii) Hours of work and overtime.- Although only one shift of eight hours - either day or night - was generally worked daily in a producing concern, it was not uncommon to work 2 or 3 shifts at a stretch. Some of the free lancing technicians were found to be working on both the shifts of the day. The make-up artistes had work only on 'shooting' days. The work days of the editor depended upon the speed with which the picture was being 'shot'. The junior artistes worked for 1-1/2 hours more than the scheduled hours and for the extra time they were not paid anything. The practice of paying overtime to junior artistes was that for every extra 4 hours or part thereof over 9-1/2 hours' actual work, they were paid at the usual single rate. The production manager and the assistant director worked for about 14 to 16 hours on shooting days and 10 to 12 hours on other days. The worst affected category of workers in this respect was the editors and their assistants who invariably worked for more than 16 hours, particularly towards the end of a picture. Except musicians and junior artistes under extraordinary circumstances, no technician was paid for any overtime work.

(viii) Working conditions and Amenities.- The junior artistes had to work under trying conditions, in 'full-light' and under 'heavy make-up' which caused severe exhaustion. Holidays and leave facilities were conspicuous by their absence. Even Sunday was not sometimes observed as a weekly holiday.

Labour in Studios.- (i) Employment and Recruitment.- The total employment in 25 studios in Bombay in October 1955 was about 2,200. About 80 per cent of them were permanent and the remaining 20 per cent temporary. Casual employment was negligible, viz., 0.6 per cent of the total. Women constituted only 0.7 per cent of the total and they were mainly employed as sweepers. All the workers were recruited directly by the employers.

(ii) Length of Service.- There have been frequent changes in the management of studios, specially in the post-war years. During the enquiry it was found that nearly 55 per cent of the workers had less than 3 years of service with the same employer. In contrast to this amongst the 197 studio workers interviewed, 139 or 65.5 per cent stated that they had actually put in more than 7 years' service in the industry.

(iii) Wages, Allowances, etc.- A complete wage census of 2,024 studio employees, excluding casual workers, showed that monthly wage of 84.3 per cent of the total workers was between 41 rupees and 125 rupees. Only about 3 per cent of the workers were getting over 200 rupees per month. One of the reasons for the low wages of workers is that the studios have to pay a large amount as lease money to the owners. There were no wage-scales in any of the studios excepting in two.

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In 10 out of 24 studios, employing 1,191 workers, dearness allowance was paid separately, the rate varying from 10 rupees to 40 rupees per month on slab basis. In one studio, dearness allowance was paid at the discretion of the employer. No other allowances were paid to the studio employees.

During the years 1953-55, bonus was received only by the employees of 5 studios. The average amount of bonus paid per participant during 1953, 1954 and 1955 was 139 rupees, 178 rupees and 149 rupees respectively. The number of workers who received the bonus during these three years was 56, 112 and 236 respectively. Their percentage to total employment was also small, viz., 2.6, 8.2 and 11.0 respectively.

(iv) Working Conditions.- (a) Hours of work, shifts, etc.- Sixteen studios employing 74.1 per cent of the total workers worked two shifts a day while the remaining eight studios employing 25.9 per cent of the labour worked only one shift. No studio worked more than two shifts on any day. Usually the shift consisted of 8 hours. Only in two studios, employing 3.4 per cent of the total number of workers, the shift consisted of less than 8 hours. It was reported by the employers that 7 studios worked overtime regularly and 13 occasionally, while in the remaining 4 studios there was no overtime working. With the exception of two studios, all the employers stated that they were paying overtime at double the wage rate. But it is not known how far this was correct as employers seemed to have adopted various methods not strictly legal to avoid overtime payment. For example, in two concerns, it was reported that all the studio employees working overtime were paid 2 rupees only as 'lunch money' for about 4 hours of extra work. Some of the studios were giving holidays in lieu of extra payment for overtime.

(b) Holidays and Leave with Pay.- A weekly off was granted to workers by all the studios. Paid festival holidays were given by 20 studios employing 88 per cent of the total number of workers. The number of such holidays ranged from 1 to 10 per year. Annual leave facilities, as provided by the Factories Act, were given by 16 studios employing 51.5 per cent of the workers. In 4 studios, workers enjoyed in addition to statutory leave, 15 days' sick leave and 10 days' casual leave per year. In the remaining 4 studios, workers were given an additional leave of 10 to 15 days in the form of sick and casual leave.

(c) Welfare.- The welfare facilities left much to be desired. Provident fund schemes had been instituted only in 3 concerns. Rates of contribution were fixed in terms of an award of the Industrial Tribunal at the rate of one anna in the rupee of wages for both the workers and the employers. But it was alleged that the schemes were not running successfully as the employers deducted the workers' contribution from their wages but did not give their own share of the contribution. It was further alleged that the employers misappropriated even the workers' contribution. Though the provident fund schemes were enforced under the terms of an award, couple of years back, the employers had not completed even the preliminary work, such as, the registration of the Fund.

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Canteen facilities were available in 20 studios, but the conditions of canteens in most of the studios were far from satisfactory. With the exception of two studios, all were covered by the Employees' State Insurance Act, 1948. There were no other amenities such as sports clubs, housing, recreational facilities, etc., available to studio workers excepting in one unit. In this unit which provided housing and food to its workers, the employers were deducting 50 rupees per month towards the cost of the same out of the monthly earnings of about 65 rupees to 70 rupees. While calculating the annual bonus, the basic wages of workers were taken as 15 rupees to 20 rupees only.

Labour in Laboratories.-(i) Employment, etc.- The total employment in all the twelve laboratories was estimated to be about 775. Eleven of these employed 625 workers. Of these, 86.6 per cent were permanent and the rest, temporary or casual. About 45 per cent of the employees had 5 to 10 years' service to their credit. This is probably due to the fact that experienced technical workers are an asset to the undertaking.

(ii) Wages, earnings, etc.- About 21 per cent of the workers employed in the laboratories, earned between 101 rupees and 125 rupees per month. As compared to studio workers, it was observed that laboratory workers were paid better. The dryers, writers, assistant electricians, watchmen, sweepers, gardeners and mazdoors forming nearly 25 per cent of the total workers earned, on an average, less than 100 rupees per month. All the departmental supervisors, including the laboratory incharge and the light suggestor were paid more than 200 rupees per month. In almost all the laboratories, wages were being paid regularly and in three of them graded scales of wages also existed.

Dearness allowance ranging from 25 rupees to 35 rupees per month was being paid only in six out of 11 laboratories. In two of these, dearness allowance of 30 rupees was paid to workers earning 100 rupees per month and below. In the third unit a fixed dearness allowance of 35 rupees per month was being paid to all workers. In the three others, the rates of allowance varied from 25 rupees to 35 rupees per month.

Profit bonus was paid only by 2 concerns during 1955. The percentage of recipients of bonus to total employment in 1955 was 6.9 and on an average each worker received 216 rupees.

(iii) Working conditions.-(a) Hours of work and shifts, etc.- Three shift working was prevalent in 5 laboratories employing 78.4 per cent of the workers. In 4 laboratories with a compliment of 14.9 per cent of the workers, 2 shifts were worked per day, while the remaining 2 laboratories worked only one shift a day. The shift was generally less than eight hours. Overtime work was done occasionally in the laboratories and it was paid at double the ordinary rates of wages in all laboratories excepting one. In this unit, there was a system of paying 2 rupees as 'lunch money' for every 4 hours of overtime work.

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(b) Holidays and Leave facilities.- A uniform weekly holiday was observed by all the laboratories. In addition, nine laboratories gave paid holidays ranging from 1 to 10 days per year. Leave facilities according to the provisions of the Factories Act were available in 3 laboratories employing 44 workers, while in other 8 laboratories employing 581 workers, more liberal leave facilities were available.

(iv) Welfare.- Provident fund schemes existed only in four laboratories and they were functioning successfully in three of them. Though canteen facilities existed in six laboratories, their condition was extremely poor. Medical aid was provided by the Employees' State Insurance Corporation to the employees of eight laboratories. There were no other facilities either in the shape of sports, clubs or libraries, etc.

Trade Unionism and Collective Bargaining.- Trade Unionism in film industry and its origin.- The first union came into existence in 1946. At the time of enquiry there were 11 unions in Bombay City whose membership was about 60 per cent of the total number of workers. Most of these unions were organised on a craft basis. More recently, i.e., in March 1956, a Federation known as the Western India Cine Employees' Federation was formed. It has seven units affiliated to it. About one fourth of the total number of workers are members of the affiliated unions. There had been a number of strikes, specially after the Second World War, the main cause therefor, being non-payment of wages. Works Committees were functioning only in 4 out of 9 undertakings required to constitute such Committees. Even these, it was reported, were not functioning satisfactorily.

There have been 3 outstanding collective agreements in this industry - first in 1949, second in 1950 and the third in 1954. The topics covered by the first agreement were wages and commission paid to junior artistes and their agents respectively. The second one related to leave rules, promotion, provident fund, etc. The third related to wages of musicians and the method of payment of the same.

(Indian Labour Gazette, Vol. XV, No. 10,
April 1958, pp. 1009-1014).

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CHAPTER 8. MANPOWER PROBLEMS.

INDIA - MAY 1958.

81. Employment Situation.

Employment Exchanges: Working during March 1958.

General employment situation.- According to the Review of work done by the Directorate-General of Resettlement and Employment for the month of March 1958, a slight upward trend in regard to the employment situation was observed at most employment exchanges as compared to the month of February. A total of 6,012 employers utilized the services of the employment exchanges during March 1958. The vacancies notified by them was 29,989, a rise of 5,905 as compared to 24,084 of the last month. This was the highest figure for 9 months. A total of 17,482 placings were effected as against 16,523 in February, a rise of 959 during the month under review. The rise in the live registers of the employment exchanges which had steadily increased since June 1957 was arrested during March 1958 when a fall of 13,191 was recorded and the number of applicants on the live register stood at 931,749 at the end of the month. This was however a seasonal trend as college and school examinations were impending.

Widespread shortage continued in respect of draftsmen, overseers, experienced stenographers, fast typists, compounders, midwives and nurses. Shortage in respect of qualified engineers, experienced doctors, electricians and skilled fitters was also fairly pronounced. A number of exchanges reported dearth of accountants, surveyors, skilled turners, welders, tractor drivers and road roller drivers.

Widespread surpluses persisted in respect of clerks, untrained teachers, motor drivers, carpenters, unskilled office workers and unskilled labourers. There was an excess of supply in respect of freshers from the educational institutions as usual. A good number of exchanges reported surplus of primary school teachers, motor mechanics, cleaners, chowkidars and sweepers.

Registrations and placings.- The following table compares registrations and placings during the months of February and March 1958:-

	<u>February 1958.</u>	<u>March 1958.</u>
Registrations -----	147,713	134,523
Placings -----	17,482	16,523

Register of unemployed.- The number of applicants on the live register which was steadily on the increase since June 1957, stepped down from the record figure of 944,980 at the end of February 1958 to 931,749 at the close of March 1958 - the extent of decrease being 13,231. The decline was conspicuous in the State of West Bengal (9,482), Bihar (6,399), Uttar Pradesh (2,665) and Rajasthan (1,043). On the other hand an increase in the live register was significant in the State of Bombay (2,857), Madhya Pradesh (1,993) and Orissa (878). In all, 12,216 employed and self employed persons of whom 488 were women remained on the live register at the end of the month under review.

The composition of the live register occupation-wise is given below:-

<u>Occupation</u>	<u>Number on Live Register on 31 March 1958.</u>
1. Industrial supervisory -----	5,343
2. Skilled and semi-skilled -----	71,717
3. Clerical -----	258,140
4. Educational -----	40,344
5. Domestic service -----	38,155
6. Unskilled -----	472,321
7. Others -----	45,729
TOTAL.	931,749

Employment position of special categories of applicants.- The following table shows the employment position of special categories of applicants during the month under report:-

<u>Categories.</u>	<u>Registrations.</u>	<u>Placings.</u>	<u>Number of Live Register.</u>
1. Displaced persons -----	3,914	565	41,010
2. Ex-service personnel -----	5,215	776	24,907
3. Scheduled Castes -----	17,386	2,646	96,774
4. Scheduled Tribes -----	3,348	608	16,332
5. Women -----	9,748	1,172	59,261

Collection of Employment Market Information.- Arising from the follow-up mission of the I.L.O. Expert (Mr. J.H. Devey) during November 1957 - February 1958 the I.L.O. have forwarded a report to the Government of India on "The Collection of Employment Market Information" containing various recommendations with regard to the development of the programme in the States.

An officer of the Manpower Division of the Directorate General of Resettlement and Employment visited Kanpur and assisted the State Government officers concerned in launching the programme for the collection of employment information in Kanpur with effect from 31 March 1958. The Manpower Division of the Directorate of Employment Exchanges prepared "A study on the Supply and Demand for Trained Teachers", under the series 'Employment and Unemployment Studies'.

Vocational Guidance and Employment Counselling.- A pilot enquiry in connection with the employment pattern survey of the alumni of Delhi University was completed during the month.

The Vocational Guidance Unit at Bombay started functioning during the month and a film script on Guidance and Careers was prepared and sent to the Ministry of Information and Broadcasting.

Employment exchange procedure.- During the month under report, instructions were issued to the employment exchanges in the country on the procedure to be adopted for submission of applicants, obtaining copies of National Register Cards, and their proper distribution, circulation of vacancies to employers and issue of 'no objection certificates' to qualified laboratory attenders of customs offices to enable them to register at employment exchanges for nomination to posts of lower division clerks.

Occupational Information.- The occupational classification code was finalised in consultation with the I.L.O. expert and the working group on occupational classification consisting of representatives of the C.S.O., I.S.I., Planning Commission, Labour Bureau, Registrar General Census, National Sample Survey and Directorate General of Resettlement and Employment and which held its sittings on 3, 4 and 7 March 1958.

Ten new Employment Exchanges started functioning during the month under report thus bringing the total number of employment exchanges functioning to 197.

(A Review of Work Done by the Directorate-General of Resettlement and Employment for the Month of March 1958; issued by the Ministry of Labour and Employment, Government of India, New Delhi).

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Abolition of Supply of Labour Through Contractors
Bill, 1958: Non-official Bill introduced in Parliament.

Shri Aurobindo Ghosal (Forward Block - West Bengal) introduced in the Lok Sabha on 2 May 1958, a Bill seeking to abolish the system of supply of labour through a middleman or a contractor. According to the Statement of Objects and Reasons of the Bill, in order to avoid the payment of legal benefits that have accrued to the workmen through different labour legislations, the employers have resorted to the tactics of employing labour through a middleman or a contractor. This is one of the worst types of exploitation of the working class and a huge amount of money which the workers could have received in the shape of wages is pocketed by the middleman. The object of this Bill is to put an end to this sort of practice. Hence the Bill.

(The Gazette of India, Extraordinary,
Part II, Section 2, 2 May 1958,
pp. 621-623).

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Conditions of Work of Workcharged Establishment C.P.W.D.:
Ad Hoc Committee set up.

A Resolution dated 21 May 1958 of the Ministry of Works, Housing and Supply, Government of India, published on 31 May 1958, states that, the Government of India has had under consideration for sometime past the question of effecting improvements in the administration of the workcharged establishments of the C.P.W.D. In August 1957, it was announced in the Lok Sabha that a portion of the workcharged establishment would be brought on to the regular establishment and 50 percent of the posts in the remaining categories which had been in existence for atleast 3 years would be made permanent on the workcharged establishment. On account of the unsatisfactory state of maintenance of the service records and non-availability of statistics of sanctioned posts, it had not been possible to implement the announcements. The Government of India has now constituted an Ad Hoc Committee in order to implement the announcements as soon as possible and also to attend to other matters relating to the workcharged establishment.

The duties and functions of the Committee relate to transfer of certain categories of posts of workcharged establishment to the regular establishment and creation of permanent posts within the workcharged establishment and confirmation of the workcharged employees.

(The Gazette of India, Part I, Section 1,
31 May 1958, pp. 167-168).

83. Vocational Training.

India - May 1958.

Labour Ministry's Training Scheme: Training during March 1958.

According to a Review of work done by the Directorate-General of Resettlement and Employment during the month of March 1958, proposal for additional seats in Orissa (Hirakud 16 seats) is being examined in Directorate - General of Resettlement and Employment. The question of increasing physical targets in Madhya Pradesh (Bhidkhor-128 seats) is also being examined in Directorate-General of Resettlement and Employment. Revised proposals from Orissa (Cuttack 96 seats), Bihar (Bhuli-new Centre), Uttar Pradesh (Bhalia 264 seats, Kotdwara 264 seats and Kanpur 400 seats) are being awaited. Proposals of Andhra Pradesh (Warrangal 76 seats, Anantapur 168 seats, Kakinada 128 seats and Vuyyuru 172 seats) have been received and examined. These proposals are incomplete and require some revision. The State Government is being requested to send revised and complete proposals. The total number of seats so far sanctioned remains 16,294.

The following table gives the total number of training institutes and centres and the number of persons (including displaced persons) undergoing training:-

<u>Number of Training Institutes and Centres.</u>	<u>Number of Seats sanctioned.</u>	<u>Number of Persons undergoing training.</u>
379	20,667	15,543

Stores and Equipment.- T.C.M. Equipment worth approximately 20,000 rupees was reported to have been received by the various training centres and institutes during the month March 1958, bringing the total value of equipment under the Aid Programme to approximately 2.5 million rupees.

National Council for Training in Vocational Trades.- A meeting of the working committee of the National Council for training in Vocational Trades was held under the chairmanship of Labour Minister on 15 March 1958. The various items of the agenda were discussed and the minutes are under preparation.

(Review of Work Done by the Directorate-General of Resettlement and Employment during the Month of March 1958; issued by the Ministry of Labour and Employment, Government of India, New Delhi)

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CHAPTER 9. SOCIAL SECURITY.

INDIA - MAY 1958.

91. Pre-Legislation Measures.

Conversion of Employees' Provident Scheme into a Pension Scheme and Integration of all Social Security Schemes: Study Group's Recommendations.

The Study Group on Social Security, set up by the Government of India, with Shri V.K.R. Menon, Director of this Office as Chairman, has recommended the conversion of the existing Employees' Provident Fund Scheme into a pension and the integration of all existing social security schemes for workers.

The group has not finalised its report, but a summary of its main findings were made available to the Sixth Labour Ministers' Conference and the fifteenth Indian Labour Conference, which met in Naini Tal during May 1958. (For the decisions of both these conferences, please see section 11, pp. 11-32 and pp. 1-10 of this Report.)

The Committee's recommendations are reviewed below:

1. Under existing conditions, any large extension of social security measures will not be possible either in terms of coverage or actual benefits. The aim should be to improve upon existing measures and to simplify administrative procedure all on the basis that no appreciable additional financial burden is placed either on the employers or workers beyond liabilities already placed by existing statutory laws or on measures which have practically come to stay as permanent liabilities of one party or the other.

2. (a) Existing enactments providing for some form of social security or social insurance in the accepted sense are:

<u>ACT</u>	<u>CONTINGENCIES PROVIDED FOR</u>
(i) Employees' State Insurance Act.	Medical care and treatment, sickness benefits, maternity benefits, employment injury including validity and dependents' pensions where death arises as a result of employment injury.

ACT

CONTINGENCIES PROVIDED FOR

- (ii) Coal and Mica Mines Labour Fund Acts Medical care and treatment.
- (iii) Employees' Provident Fund, Coal Mines Provident Fund, Act and Assam Tea Plantations Provident Fund Schemes Act (The scheme of old age pension introduced in the Uttar Pradesh is left out of account for present purposes). Old age or death while still in service.

(b) Existing enactments providing for relief in certain contingencies but which are not measures of social security in the accepted sense as the liability in each case is placed directly on the individual employers:

ACT

CONTINGENCIES PROVIDED FOR

- (i) Workmen's Compensation Act. Compensation in the form of single lump sum payments in case of permanent disability or death resulting therefrom.
- (ii) Plantations Labour Act. Medical care and treatment, sickness benefits, maternity benefits.
- (iii) Maternity Benefit Acts of State Governments and Mines Maternity Benefits Act. Maternity benefits.
- (iv) Industrial Disputes Act. Payment in cases of retrenchment and lay-off - a form of limited unemployment relief.

(c) Liability on employers which have assumed the nature of permanent liabilities either through awards of tribunals or by customs: Gratuities.

3. One single agency should be set up - hereinafter referred to as the Organisation - which should, as a first step, assume administrative responsibility for the enactments mentioned on item (i) and (iii) under 2(a) above. In case of workers covered by both the Employees' State Insurance Act and one of the Provident Fund Acts, employers will pay to this Organisation in one single payment, the contributions due under both. Inspectorate and supervisory staff will be unified. These and other consequential measures will aim at simplification and added convenience to both parties - employers and workers.

3.

The coverage under items (i) and (iii) under 2(a) are not identical but the advantages of setting up the Organisation still exist. It should, however, be the aim to make the coverage under the two enactments identical as far as practicable and in stages by a prescribed target date.

4. The present arrangements in respect of item (ii) under 2(a) by which the respective Welfare Funds are responsible for medical care and treatment of workers in coal and mica mines is working satisfactorily and should continue.

5. The liability of employers in respect of the item in 2(c) - Gratuities - should be made statutory and the employers required to pay this as a contribution towards the Pension cum Gratuity Scheme referred to in para 7 below.

6. The quantum of cash benefits at present granted under the E.S.I. Act should be augmented as follows:

(i) Sickness benefit should be payable up to a maximum period of 13 weeks in any three benefit periods of 26 or 27 weeks each.

(ii) Extended sickness benefit, at half the normal benefit rate may be granted in case of Tuberculosis, or other prescribed long term diseases ~~gr~~ for a further period of 39 weeks but only to such persons who are eligible for any invalidity pension.

(iii) The maternity benefit rate should be raised so as to be equal to the full average wage of the insured woman and subject to a minimum of Re.1 per day.

7. There is considerable scope for improving the standard of medical care and treatment for workers covered by the E.S.I. Act. The provision of medical care and treatment (including hospitalisation for families of workers is urgently needed as it is this omission that has brought in the largest and quite legitimate criticism from organisations of workers and individual workers themselves. All these increases could be provided by raising the levy on employers to the maximum that the law already provides for. The justification which existed for levying contributions at lesser rates has, with the considerable extension of the scheme lost much of its force. Levy at the maximum rates should now be made, the ~~stand~~ ^{standard} of medical care and treatment improved and the scope extended to cover families.

8. The enactments relating to Provident Funds have proved a real boon to workers covered thereby, in the form of provision for old age. But payment in lump sum has obvious disadvantages compared with a regular pension scheme. The time is ripe for converting the Provident Funds into a statutory Pension Scheme to be administered by the Organisation. This involves payment of a small gratuity sufficient to meet immediate needs and using the rest of the resources towards giving the

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maximum pensionary benefits. A scheme of old age invalidity and/or survivorship pension cum gratuity is recommended for adoption.

To provide pensions of reasonable amounts, the resources should be augmented by:

- (a) Increasing the present rate of contributions of workers and employers to Provident Fund from 6-2/3 per cent. to 8-1/3 per cent of wages.
- (b) Requiring employers to contribute to the statutory fund - a further contribution approximating to equated instalments of lump sum gratuities now paid by them direct, on a worker's retirement. With the payment of this contribution this liability of individual employers to pay gratuities to such workers will cease. The total contributions by the employers towards the Pension cum Gratuity Scheme will thus be 12 per cent. (8-1/3 + 3-2/3).
- (c) While the statutory amendments and administrative arrangements required for the conversion into a Pension Scheme will take time, it is recommended that the increase of provident fund contributions (to 8-1/3 per cent of wages) should be given immediate effect by amendment of the rules under the respective Acts. This will enable the Pension scheme to start with larger initial resources.

9. As a transitional arrangement three rates of contributions may be laid down:

- (a) 16 3/4 per cent. by employers and 10 3/4 per cent by employees, applicable to factories, the employees of which should be covered for the full range of benefits under the Employees' State Insurance Act plus the proposed Old Age and Survivorship Pension cum Gratuity Scheme.
- (b) 4 3/4 per cent by employers and 2 3/8 per cent. by employees, applicable to factories, the employees of which would be eligible only to the benefits under the Employees' State Insurance Act.
- (c) 12 per cent by employers and 8-1/3 per cent. by employees, applicable to factories, the employees of which would be eligible only to benefits under the proposed Scheme of Old Age and Survivorship Pension cum Gratuity.
- (d) When the suggested scheme relating to retrenchment benefits - payment of part of the benefits through the Organisation - becomes effective, the contribution by the employers liable under this measure, will be increased by a further . . . per cent.

5.

10. Except to the extent suggested in 5, 8 and this paragraph, the liability of individual employers in respect of claims of individual workers, will continue though the situation will gradually change with the progressive extension of the E.S.I. Act to other categories of workers some of whom are, at present, protected by the enactments listed in 2(b). The Workmen's Compensation Act, which is a case in point, originally provided coverage for both workers in organised industry as also in several scattered employments. With the gradual extension of the E.S.I. Act more and more workers in organised industry will be governed by this Act. Several cases will still remain where the responsibility for payment of compensation will rest with the individual employer concerned. But a pension scheme can be adopted even in these residuary cases by requiring the employer to pay to the Organisation a lump sum amount and the organisation then taking on the responsibility for making recurring pensionary payments to the injured worker of his dependents as the case may be. Steps should be taken to revise the relevant schedule to the Workmen's Compensation Act to increase the present scales of lump sum payments to meet the cost of the new pensionary liabilities.

11. While the provision in the Industrial Disputes Act relating to compensation on retrenchment and lay-off have afforded some relief and acted as some deterrent to hasty retrenchment, certain unsatisfactory features have nevertheless been revealed as well. The permanent remedy may be in the form of a scheme of unemployment benefit but a full scheme of this type will not be practicable. A scheme which is somewhat midway is recommended which will retain individual employers directly responsible for payment of retrenchment compensation while a statutory body assumes responsibility for the other part, finances being provided through a levy. If this scheme is adopted, the administration of the second part - relating to a form of unemployment relief - will be taken on by the Organisation.

12. Comparative studies made of some countries in Europe by the I.L.O. show that the employers' liability towards cost of social security measures for the workers - expressed as a percentage of the wages - is, in many cases higher than what the Group has recommended. This, in spite of the fact that adequate standards of medical care, hospitalisation etc. are provided in these countries by the State for the population as a whole including industrial workers. The sum total of the levy on the employers, resulting from the Group's recommendations, is not, therefore, in any way excessive.

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92. Legislation.

India - May 1958.

V. Old-Age Insurance Benefits.

The Employees' Provident Funds (Amendment) Act, 1958
(No.22 of 1958): Provision made for Extension of the
Act to Public Sector.

The Employees' Provident Funds (Amendment) Bill, 1958 (vide page 106 of the report of this Office for April 1958) as passed by Parliament received the assent of the President on 18 May 1958 and has been gazetted as Act No.22 of 1958.

(The Gazette of India, Extraordinary,
Part II, Section 1, 20 May 1958,
pp. 122-123).

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93. Application.

India - May 1958.

VI. Compensation in Case of Employment Injury or Occupational Diseases.

Working of the Workmen's Compensation Act, 1923, during 1956.

Statistics of Compensated Accidents and Occupational Diseases.- The table given below shows the number of compensated accidents and the amount of compensation paid during 1955 and 1956:-

Year	Average daily No. of Workers covered.	No. of Compensated accidents causing*				Amount of Compensation paid**			
		Death	Permanent disablement.	Temporary disablement.	Total	Death	Permanent disablement.	Tempo- rary disablement.	Total
						Rs.	Rs.	Rs.	Rs.
1955	3911987	1142 (0.29)	4865 (1.24)	69786 (17.8)	75,793 (19.3)	2158867 (1,890)	2190344 (450)	1617983 (23)	5967194 (79)
1956	3417529	937 (0.27)	3406 (1.00)	57267 (16.76)	61,610 (18.03)	2041114 (2,178)	1759945 (517)	1381998 (24)	5183057 (84)

* Figures in brackets show rate per 1,000 workers covered.

** Figures in brackets show average Compensation paid per case.

It will be seen from the above table that the number of compensated accidents decreased during the year under review. The number of total accidents was 61,610 as against 75,793 in the year 1955. This was mainly due to the decrease in the number of accidents in Factories, Plantations and Railways. The number of accidents decreased from 38,741 in 1955 to 29,446 in 1956 in Factories, from 3,659 to 915 in Plantations and from 19,931 to 12,619 in Railways.

The decrease in the number of accidents also affected the accident rate. The accident rate per thousand workers decreased from 19.3 in 1955 to 18.0 during the year under review.

Since the industries in which the accident rate decreased, account for 86.7 per cent of total workers, the over-all accident rate also decreased from 19.57 in 1955 to 18.03 in 1956. The highest increase was recorded in 'docks and ports' while the highest decrease was recorded in 'tramways'. In docks and ports, the accident rate increased from 32.47 in 1955 to 72.19 in 1956 while in tramways, it decreased from 30.23 in 1955 to 14.04 in 1956. The amount of compensation paid per case decreased in factories, mines, docks and ports and miscellaneous group while it increased in the remaining industries. The industries in which the amount of compensation paid per case decreased did not influence the over-all average as these industries account for only 5.5 per cent of total workers. Taking the over-all picture, the average amount of compensation paid per case increased from 79 rupees in 1955 to 84 rupees in 1956. There was remarkable increase in the average compensation paid per case in the case of tramways, posts and telegraphs, C.P.W.D., building and construction and municipalities.

The incidence of cost of compensated accidents per worker (obtained by dividing the amount of compensation paid by the corresponding figure of average daily employment) in certain important industries is shown in the statement below:-

Industry.	1955	1956
1. Factories -----	1.5	1.3
2. Plantations -----	0.1	0.1
3. Mines -----	3.4	3.9
4. Railways -----	1.6	1.4
5. Docks and Ports -----	3.7	7.3
6. Posts and Telegraphs.....	0.3	2.2
7. Building and Construction.-----	2.8	2.2
Over-All Average -----	1.5	1.5

Classified State-wise, the highest rate of accidents was in Orissa (69.93), followed by Punjab (54.93) and Madhya Pradesh (54.66). The information relating to Orissa and Madhya Pradesh does not relate to all industry groups and is, therefore, partial. The other States having high rate of accidents were Andhra (29.69), Madras (19.51), Bihar (16.79), Bombay (16.62) and West Bengal (14.69). The data further furnished for different States in this table is not comparable with the data furnished during the year 1955 as the data now relate to reorganised States. The average accident rate is also reflected in the accident rate of temporary disablements as these really preponderate in the total accidents. As compared to the other States, the rate of fatal accidents was much higher in the Punjab. The rate of accidents resulting in permanent disablement was also the highest in the Punjab. The other States in which permanent disablement rate was high are Bihar, West Bengal and Bombay.

An analysis of the compensated accidents shows that during the year under review 93.0 per cent of the total compensated accidents resulted in temporary disablement as compared to 92.1 per cent in 1955; 5.5 per cent caused permanent disablement and 1.5 per cent proved fatal. As regards permanent disablement, the total number was the lowest in 1956. The accident rate per thousand workers in this case was also low as compared to such rate for the years 1951 to 1955. The number of accidents causing death was also the lowest during the year under review. It was 937 as compared to 1,142 in the year 1955. The accident rate per thousand workers was also low, viz., 0.27 as compared to 0.29 in the year 1955.

Classified industry-wise, the general rate of accidents per thousand workers was the highest in docks and ports (72.19), followed by mines (46.76), miscellaneous group (24.18), factories (20.52), railways (15.50) and tramways (14.04). The rate was the lowest in municipalities (0.32). It was also low in C.P.W.D. (0.59) and plantations (1.87).

Similar was the position with regard to rate in the case of temporary disablement. Permanent disability rate was the highest in docks and ports (7.07). Next in order were mines (2.95), building and construction (1.42) and factories (1.26). The death rate was the highest in tramways (2.23). Next in order were mines (0.78), miscellaneous industries (0.66), building and construction (0.54), docks and ports (0.52) and posts and telegraphs (0.51). The death rate was the lowest in plantations (0.04).

The average amount of compensation paid per accident was the highest in municipalities (1,193 rupees), followed by C.P.W.D. (788 rupees), building and construction (451 rupees), tramways (378 rupees) and posts and telegraphs (200 rupees). The lowest amount was paid in factories, i.e., 65 rupees per accident. For fatal accidents, the maximum amount was paid in the case of posts and telegraphs (2,629 rupees), as against 3,500 rupees paid in the case of tramways during the year 1955. Next in order were railways (2,627 rupees), building and construction (2,575 rupees), docks and ports (2,569 rupees), miscellaneous industries (2,159 rupees) and factories (2,136 rupees). The lowest amount per fatal accident was paid in plantations, viz., 1,295 rupees per case.

The Workmen's Compensation Act 1923 also provides for payment of compensation in case of certain occupational diseases listed in Schedule III of the Act. In Mysore State, 5 fatal and 828 permanent disablement, cases occurred as a result of occupational diseases like Silicosis and compensation amounting to 13,500 rupees and 914,620 rupees respectively was paid to claimants. In West Bengal also, there were 5 cases of occupational diseases pending at the beginning of the year. One new case was filed during the year under review. Out of these 6 cases, one case was dismissed and 5 cases remained pending at the close of the year. All of them were lead poisoning cases.

The average compensation paid per accident was the highest in Delhi (333 rupees), followed by the Punjab (231 rupees), Uttar Pradesh (159 rupees) and Bihar (142 rupees). The highest average compensation per fatal accident was paid, as in the previous year, in Bombay (2,552 rupees), followed by Delhi (2,442 rupees), Madhya Pradesh (2,400 rupees), Punjab (2,325 rupees), West Bengal (2,183 rupees) and Uttar Pradesh (1,901 rupees).

Records of Proceedings before the Commissioners for Workmen's Compensation.— In about 29 per cent of the accidents, workers getting below 50 rupees were involved. Workers getting wages between 50 rupees and 100 rupees accounted for 61 per cent of the total accidents; those getting between 100 rupees and 200 rupees accounted for 9 per cent and those getting above 200 rupees accounted for only one per cent of the total accidents.

During the year 1955, nearly half of the accidents involved workers getting less than 50 rupees per month as against only 29 per cent during the year under review. Similarly the percentage of accidents involving workers getting more than 100 rupees was 14 in 1955 as against 10 during the year under review. On the other hand the incidence of accidents involving workers in middle income groups, viz., 50 rupees - 100 rupees increased considerably during the year under review. Among different wage groups, the percentage to total accidents was the highest (25.1) in the wage group 70 rupees to 80 rupees followed by the wage group 80 rupees - 100 rupees (19.7) and 60 rupees - 70 rupees (10.2). Out of a total of 8,549 cases dealt with by the Commissioner, about 64 per cent related to temporary disablement, 21 per cent to permanent disablement and the remaining 15 per cent to deaths. The corresponding percentages for the year 1955 were 38, 37 and 25 respectively. Women accounted for only 3 per cent of the total accidents during the year under review as against 5 per cent in the year 1955.

Figures relating to the percentage distribution into wage groups of cases of adult workers coming up before the Commissioners for legal proceedings shows that the percentage of cases relating to workers getting 60 rupees and above showed a remarkable increase from 40.2 in 1955 to 65.7 in 1956. The percentage for this group is the highest on record since 1947. As regards workers getting pay between 30 rupees and 60 rupees the percentage (15.0) during the year under review was the lowest since 1947. The percentage for workers getting below 30 rupees declined from 32.8 in 1955 to 19.3 in 1956.

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The Commissioners handled during the year 7696 cases relating to notices of claims. Of these 622 related to fatal accidents, 2,575 to permanent disablement and the remaining 4,499 to temporary disablement. The Commissioners also disposed of 2,512 cases under Section 8 of the Act pertaining to deposits relating to fatal accidents.

At the beginning of the year under review, 74 appeals were pending disposal and during the year 44 fresh appeals were received. Of these, 42 were disposed of during 1956 leaving a balance of 76 appeals pending at the end of the year under review. In the case of Uttar Pradesh and West Bengal the number of appeals pending at the close of the year was more than that pending at the commencement of the year.

The trade unions do not appear to be taking an active interest in either representing workers or their dependents in realisation of their claims, or in contesting such claims against the employer in courts. This leads to unnecessary expenditure and worry on the part of the claimants. The lack of enthusiasm on the part of the trade unions has resulted in high litigation expenditure to the workers and considerable delay in settlement of claims. In many cases the payments were delayed even after the awards were given on account of the certificate proceedings.

In Andhra, the State Government sanctioned an amount of 10,000 rupees during 1956-57 for providing legal assistance at State cost to the injured workmen or their dependents for the conduct of their cases under the Workmen's Compensation Act. The Commissioner for Workmen's Compensation and the Additional Commissioner for Workmen's Compensation were authorised to engage counsel on application by injured workmen or their dependents who file claims under the Act. A maximum amount of 50 rupees for each case and a minimum of 10 rupees for each day of appearance of the counsel was also fixed. Legal aid was given in one case by the State Government to the dependents of the deceased workman for conducting the case. The State Government propose to give wider publicity to this scheme and assist deserving applicants in prosecuting their claims under the Workmen's Compensation Act. In Bihar, an appeal was made to all the registered trade unions to guide and help the workers and their dependents in claiming compensation under the Workmen's Compensation Act. They were also requested to seek any advice, they required from the Commissioner of Labour, Bihar and to give reports of all accidents so that prompt action could be taken with regard to realisation and disbursement of compensation money. In Bombay, the Insurance Companies representing employers in Workmen's Compensation cases rendered co-operation in the prompt disposal of claims, especially by submitting memoranda of agreement. In Uttar Pradesh, the State Government have recently decided to ask the Regional Conciliation Officers and Inspectors of Factories to assist the workers in settlement of their claims under the Workmen's Compensation Act.

Employees' State Insurance Corporation: Annual Report
for the Year 1956-1957.

The Central Government published on 10 May 1958 the annual report of the Employees' State Insurance Corporation for the year 1956-57. The salient points of the report are briefly reviewed below:-

General.- The Employed's State Insurance Scheme continued to make steady, though slow, progress during the year under report. The benefit provisions of the Act were extended to industrial areas in two States, namely Kerala and Rajasthan for the first time. The Scheme was also extended to more centres in Madras, Madhya Pradesh and Uttar Pradesh.

During the year under review the Scheme was introduced in the following further areas, in the States mentioned below:-

Madhya Pradesh -----	Akola, Hinganghat and Burhanpur;
Kerala -----	Quilong, Alleppey, Ernakulam, Trichur and Alwaye;
Madras -----	Madurai, Ambasamudram and Tuticorin;
Rajasthan -----	Jaipur, Jodhpur, Bikaner, Pali (Marwar) Bhilwara and Lakheri;
Uttar Pradesh-----	Allahabad, Varanasi, Rampur and Kalyanpur (Kanpur District).

The number of additional employees covered was about 190,500 thus bringing the total number of employees covered at the close of the year to 1.1225 millions out of a total insurable population in the whole country of about 2 millions.

Arrangements for the extension of the benefit provisions of the Scheme to Patna, Katihar, Monghyr and Samastipur in Bihar State, Jabalpur in Madhya Pradesh and Beawar in Rajasthan were also in hand at the end of the year under review. Negotiations with the State Government were also in progress for early implementation in Bangalore in Mysore State.

Medical care services.- Efforts were continued to construct separate annexes and hospitals in different areas in accordance with the yardstick approved by the Corporation. The progress, though not encouraging, is indicated below:-

- (a) In Delhi, a 50 bed ward in the Irwin Hospital and a 30 bed ward in S.J. Hospital Tuberculosis Hospital were completed and taken into use.

- (b) The construction work of the annexes in the District Headquarters Hospital in Coimbatore was in progress. The tuberculosis ward had come up to roof level and in the maternity and general wards masonry work was in progress on the first floor.
- (c) The construction of T.B. ward of 25 beds in the Mayo Hospital, Nagpur was started and the excavation of all the concrete columns and foundations was completed.
- (d) The construction of a 32 bed ward at the K.E.M. Hospital, Hyderabad could not be undertaken as the site originally selected was not available. Revised plans and estimates for the annexe were received and the same were agreed to. The State Government issued instructions to take immediate steps for starting construction.
- (e) In November, 1956, the Corporation suggested to the State Governments of Bombay, West Bengal, Madras and Uttar Pradesh, where independent hospitals are justified, that it may perhaps expedite matters if the Corporation were to undertake the entire responsibility of constructing and equipping the hospitals. The matter was under consideration.
- (f) Mahatma Gandhi Memorial Hospital, Bombay. - A deed of agreement regarding the 300 bedded Mahatma Gandhi Memorial Hospital, Bombay was finalised. The Board of Management appointed a technical sub-committee to work out the requirements for hospital accommodation and preliminary line drawings prepared by the Architect of the Bombay Government on its recommendation were duly approved.

Provision of Artificial Limbs to insured persons. - The Employees' State Insurance Corporation at its meeting held in July 1956, decided to provide artificial limbs to disabled persons whose limbs were amputated due to employment injury at the cost of the Scheme. Arrangements have been made for fitting the limbs at the Army Artificial Limb Centre, Poona which is the only Centre of its kind in South-East Asia. Two limbs along with necessary appliances (including a box for the spare limb) are supplied to each amputee - one a dress limb, which gives a normal appearance and the other a working limb, to suit occupational needs. In arm cases five or six detachable fittings are also given to serve various needs. For lower limb cases, shoes, stump-socks and a stick are supplied. The amputees are also trained to use limbs at the Centre for a period of 5 to 6 weeks. Besides the cost of limbs and accessories supplied to them, all incidental expenditure for their transport, stoppage charges at the Centre and travelling expenses for an attendant, if required, are met by the Corporation. The first batch of 5 amputees reported at the Artificial Limb Centre in the 3rd week of February 1957, and the second batch of 7 in the fourth week of March 1957.

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Dispensaries and panel doctors.- As has been stated earlier, in all the new areas covered during the year, out-door medical care is being provided through the service system. For this purpose, 35 full-time dispensaries and 5 mobile dispensaries were set up. In addition to this 8 employer's existing dispensaries were utilised under the Scheme and the out-door department of a Government Hospital and an existing Government dispensary were being used as part-time dispensaries.

The total number of dispensaries including employers, mobile and part-time arrangements, in various areas of the country is now 149. Out of these 20 are part-time dispensaries.

Specialists' Services.- Specialists' services were augmented during the year under review as follows:-

- (1) Delhi.- A part-time specialist under the E.S.I. Scheme in E.N.T. was appointed in the Irwin Hospital for 2 hours daily four times a week. Part-time specialists in medicine, surgery, and ophthalmology were already in position. Specialists in other branches were expected to be appointed shortly.
- (2) Andhra Pradesh.- Part-time specialists, one each in medicine, surgery, tuberculosis, pathology and radiology were appointed for the Hyderabad-Secunderabad area.
- (3) Coimbatore and Madurai.- The honorary Assistant Medical Officers of the Government Headquarters Hospital, Coimbatore, Officers of the Erskine Hospital, Madurai, were appointed as part-time specialists in medicine, surgery and tuberculosis. Besides these specialists part-time specialists one each in radiology, obstetrics and gynaecology, ear, nose and throat, eye, pathology and skin diseases were appointed both at Coimbatore and Madurai.
- (4) Bombay.- The part-time specialists in radiology are now available at the Diagnostic Centres four times a week for 2 hours on each day as against 2 days in a week, previously. One part-time Ayurvedic specialist was also appointed at the Diagnostic Centre, located at the M.A. Podar Hospital, Bombay.
- (5) Madhya Pradesh.- The number of part-time specialists under the Scheme at Indore, Gwalior, Ujjain and Ratlam was revised in accordance with the scale approved by the Corporation with effect from 29 October 1956.
- (6) Sparse areas.- In areas with less than 10,000 insured persons no separate specialists' services had been provided and insured persons attended at the existing medical institutions in common with members of the public. In certain States, there was no area with an insurable population of 10,000 or above. In such areas, the Corporation agreed in principle that the total insurable population of all the covered areas with less than 10,000 employees be pooled as a single unit and

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and the State Government may appoint specialists on honoraria keeping the total expenditure on the services within that authorised for a single unit of that strength.

Extended medical benefit for insured persons suffering from tuberculosis.- Extended medical and cash benefits to patients suffering from tuberculosis were made operative from June 1956. An insured person suffering from tuberculosis now receives extended medical benefit for two consecutive benefit periods, after the normal period of entitlement in accordance with the provisions of Section 56 and Regulation 103-A, if ~~the~~ he has been in continuous employment for 3 years before the commencement of the spell of tuberculosis.

Utilisation of Employers' existing medical facilities.- Besides the 5 employers' dispensaries, which were being utilised at the end of March 1956, the following factory dispensaries were integrated during the year:-
Madras State:

- (1) Madurai Mills dispensary at Madurai.
Madurai Mills dispensary at Ambasamudram.
Madurai Mills dispensary at Tuticorin.
- (2) Pandyan Mills dispensary at Madurai.
- (3) Mahalakshmi Mills dispensary at Madurai.
- (4) Meenakshi Mills dispensary at Madurai.

Rajasthan State:

- (5) The Associated Cement Co. Ltd., Hospital at Lakheri.

At Lakheri, in addition to out-patient treatment which is being provided to ~~INSURED~~ insured persons at the employers' hospital, 7 beds have also been reserved in the hospital for in-patient treatment.

Number of insured persons treated.- On the basis of the statistics furnished during the year under report 2,111,570 new and 6,472,627 old cases were treated at the various State Insurance dispensaries and clinics of panel practitioners as against 1,545,794 and 4,988,011 respectively in 1955-56. A total of 18,383 cases were referred for admission to hospitals and 167,231 for specialist investigation as against the corresponding figures of 14,477 and 136,951 respectively in the year 1955-56. Medical certificates issued in the year under report numbered 2,443,850 as against 1,724,970 in the year 1955-56.

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Sample survey among insured women in receipt of maternity benefit under the Employees' State Insurance Scheme.- A sample survey among 314 insured women in receipt of maternity benefit under the Employees' State Insurance Scheme in Bombay was carried out in July 1956, in regard to pre-natal and post-natal care and confinement facilities availed of by them. The salient facts brought out by the survey are:-

- (a) The proportion of cases of confinement at home, at recognised hospitals and at private maternity homes and hospitals was practically equal i.e., about 1/3rd each.
- (b) The average stay in hospitals was about 8 days.
- (c) Between 10 to 13 per cent of the women admitted in recognised hospitals made their own arrangements for food and medicines. It was found on further enquiry that some of them had not availed of hospital diet as they did not like it and some purchased medicines themselves mostly out of ignorance.
- (d) The percentage of abnormal confinements to total confinements was between 5 to 6 per cent.

Expenditure on medical care.- During the year under report a sum of 9,656,010 rupees 4 annas and 6 pies was paid by the Corporation to the State Governments towards its share of expenditure for provision of medical benefit under the Scheme.

Income from contributions.- The income from Employees' was ~~32,202 rupees~~ 32,202,834 rupees and that from Employers' Special Contribution 25939,404 rupees in respect of this year and as against 23,961,290 rupees and 18,789,480 rupees respectively in the year 1955-56. The income from Employees' Contribution thus exceeded that from Employers' Special Contribution by a substantial amount. This was due to the fact that implementation in new areas increases Employees' Contribution more sharply than the Employers' Special Contribution. The Central Government took notice of this disparity and to bring back the Employers' share to its proper level announced its intention to revise the rates of Employers' Special Contribution.

Sickness benefit.- A sum of 10.430 million rupees was paid in cash as sickness benefit as against 5.735 million rupees paid during the year 1955-56. A sum of 3.382 million rupees had been paid upto the end of the year 1954-55. The sickness benefit payments this year thus exceeded the total amount paid under the head in all the earlier years together. This is as it should be since in addition to 0.317 million employees rupees who became eligible to receive this benefit during the year under report, about 0.553 million employees who became eligible to this benefit for part of the year 1955-56 were eligible to it throughout the year.

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The incidence of sickness benefit at Nagpur during the year 1956-57 was much less than that for the year 1955-56. This is probably due to the prolonged strike at Nagpur, from the last week of January 1956 to the third week of April 1956. Failure to pay contributions during the strike period resulted in a substantial proportion of insured persons failing to qualify for sickness benefit during the later part of 1956-57 which in turn led to a lower incidence of sickness cash benefits.

The number of benefit days per spell of sickness ranged during 1956-57 between 6.1 to 10.3, the average being 8.1 whereas the corresponding range for 1955-56 was between 7.3 to 11.8 the average being 9.4 days. The amount of the benefit paid in 1956-57 per spell of sickness ranged from 10.0 rupees to 17.8 rupees the average being 15.8 rupees. The corresponding range for 1955-56 was 11.5 rupees to 20.2 rupees and the average was 18.9 rupees. The variations in the range of spells and payments are due partly to endemic variations in incidence of diseases and partly to different wage levels prevalent to in various areas. However, it is gratifying to note that the experience in respect of sickness incidence in all areas has been favourable than the assumption of 12 days incidence of sickness cash benefit, made in the Interim Valuation Report.

Extended sickness cash benefit to tuberculosis patients at a reduced rate for an additional period of 18 weeks became payable to insured persons from 1st June 1956. During the year under report a sum of 25,747.50 rupees was paid to insured persons qualified for it.

Maternity benefit.- In 1956-57 a sum of 413,737 rupees was paid as maternity benefit as against 214,183 rupees paid during the year 1955-56. A sum of 12,270 rupees was paid upto the end of the year 1954-55. The substantial increase in the amount of benefit payments had been due mainly to the fact that in a number of areas with quite a high percentage of women employees, the insured women became eligible to receive this benefit during the year under report and a substantial number of insured women who were eligible to the benefit for part of the year 1955-56 remained eligible to it for the full year 1956-57.

Temporary disablement benefit.- Temporary disablement benefit was paid throughout the year in the areas where the benefit provisions of the Scheme had been brought into force by the end of year 1955-56. During the year 1956-57 it became payable from the dates of implementation in Akola, Hinganghat, Burhanpur, Alleppey, Quilon, Trichur, Ernakulum, Alwaye, Madurai, Ambasamudram, Tuticorin, Jaipur, Jodhpur, Bikaner, Lakheri, Pali, Bhilwara, Allahabad, Varanasi, Rampur and Kalyanpur. It will be seen that in the year 1956-57 a sum of 1.359 million rupees was paid as against 1.125 million rupees paid during the year 1955-56. A sum of 0.641 million rupees was paid upto the end of the year 1954-55.

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The number of benefit days per spell of temporary disablement benefit ranged, for different areas, during 1956-57 between 12 and 27 days, the average being 20 days. The corresponding range during 1955-56 had been 11 to 23 days and the average was 18 days. The amount of benefit paid during 1956-57 per spell of temporary disablement benefit ranged from 20 rupees to 45 rupees, the average being 39 rupees. The similar range for 1955-56 was 15 rupees to 41 rupees and the average had been 35 rupees. The differences are due partly to variations in length of spell of incapacity and partly to variations in level of wages prevalent in various areas.

Dependants' benefits.- Dependants' benefit, in cases of death due to employment injury, was payable in the same areas and for the same period as for temporary disablement. Claims in respect of 58 death cases were admitted in 1956-57 whereas the number of similar cases admitted during 1955-56 was 58. The benefit actually paid in 1956-57 amounted to 80,267 rupees as against 38,150 rupees in 1955-56. The amount paid as dependants' benefit upto the end of year 1954-55 was 25,092 rupees.

Permanent disablement benefit.- Permanent disablement benefit, in cases of employment injury, was also payable in the same areas and for the same period as for temporary disablement. Number of cases admitted in the year 1956-57 was 1,141 as against 967 cases admitted in the year 1955-56. The number of beneficiaries at the end of the year under report were 2,556. The benefit actually paid during the year 1956-57 amounted to 192,913 rupees whereas the corresponding figures for the year 1955-56 were 84,164 rupees. A sum of 48,928 rupees was paid upto the end of the year 1954-55. No payment of permanent disablement benefit was made in Rajasthan and Kerala areas as the assessment of degree of permanent disablement had not been made in any case, till the end of the year under report.

Total Cash Benefits paid.- The total amount of cash benefits paid to the insured persons during the year under report, the year 1955-56 and up to the end of the year 1954-55 was as follows:-

Benefit (in thousands of rupees)

Year	Sickness benefit.	Maternity benefit.	Temporary disable-ment benefit.	Dependants' benefit.	Permanent disable-ment benefit.	Others	Total
Upto							
1954-55 -	3,580	12	641	25	49	7	4,514
1955-56 -	5,735	214	1,125	38	84	17	7,213
1956-57 -	10,430	414	1,359	80	193	34	12,510
TOTAL-	19,745	640	3,125	143	326	58	24,037

Second Five-Year Plan. - It is the intention that during the period of the Second Five-Year Plan of the country the Scheme should be extended to all areas where there is a concentration of 1,500 employees or more and that medical benefit be extended to families of all insured persons covered as well as those to be covered later in the Second Plan period. It was estimated that a sum of 53.7 million rupees is required to meet the share of the State Governments in the cost of medical care. Each State Government was advised about its share and requested to make necessary provision in their Budget Estimates for 1957-58.

(Notification No. S0771 dated 26 April 1958; The Gazette of India, Part II, Section 3, Sub-Section ii, 10 May 1958, pp. 503-581.)

CHAPTER 10. SOCIAL MEDICINE.

INDIA - MAY 1958.

101. Maintenance of Community Health.

Tentative Results of National Pulmonary Survey.

According to the tentative results of the national pulmonary tuberculosis survey undertaken by the Indian Council of Medical Research, it has been found that tuberculosis has penetrated villages which had been comparably free from the menace. The incidence of the disease is as high there as in urban areas. Preliminary results indicate that 2 per cent of the country's population is affected by the disease. When compared with previous limited surveys, the results seem to suggest that tuberculosis is not showing diminishing trends in cities and industrial areas. The incidence has increased in small towns and is most marked in ~~small towns and in~~ villages where, according to previous surveys, the incidence was between 0.2 per cent and 0.5 per cent.

Undertaken in 1956, the survey covered six zones - Calcutta, Delhi, Hyderabad, Madanapalle, Patna and Trivandrum. As skiagraphy of the chest was thought to be the essential feature, only centres having mass miniature radiography sets were selected. The sample survey covered in each zone 30 villages, six medium-size towns and 25 to 40 blocks of a city.

Nearly 90 per cent of the population of the zones surveyed was covered. Of a total population of 389,844 in the survey areas, nearly 300,000 people were X-rayed. Children below five years of age were excluded.

It was observed that the bacilliary rate for 1,000 population varied from one to 11 in different areas and the number of active and probably active cases from seven to 30 per 1,000 population. The morbidity rate for females was less than that for males; and for both sexes the rates showed a continuous increase with age. The rate of increase with age was, however, much less in the case of females.

(The Statesman, 2 June 1958).

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CHAPTER 11. OCCUPATIONAL SAFETY AND HEALTH.

INDIA - MAY 1958.

112. Legislation, Regulations, Official Safety and Health Codes.

West Bengal Boiler Attendants Rules, 1958.

The Government of West Bengal gazetted on 3 April 1958, the West Bengal Boiler Attendants' Rules, 1958, made in exercise of the powers conferred under the Indian Boilers Act, 1923. The rules provide that the owner of a boiler shall not use it or permit it to be used unless it is placed under the direct and immediate charge of a person holding a certificate of competency as a boiler attendant and prescribe inter alia the mode of examination for the grant of certificates, the examination subjects, the form of certificates and penalties for contravention of the rules.

(The Calcutta Gazette, Part I,
3 April 1958, pp. 951-968).

LIST OF PRINCIPAL LAWS PROMULGATED DURING THE
PERIOD COVERED BY THE REPORT FOR MAY 1958.

INDIA - MAY 1958

CHAPTER 3. ECONOMIC QUESTIONS.

- (1) The Finance Act, 1958 (No.11 of 1958) (Gazette of India, Extraordinary, Part II, Section I, 29 April 1958, pp. 37-58).
- (2) The Gift Tax, 1958 (No.18 of 1958) (Gazette of India Extraordinary, Part II, Section I, 16 May 1958, pp. 75-100).

CHAPTER 9. SOCIAL SECURITY.

Employees' Provident Funds (Amendment) Act, 1958
(No.33 of 1958) (Gazette of India, Extraordinary,
Part II, Section I, 20 May 1958, pp. 122-123).

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INDIA - MAY 1958.

CHAPTER 2. INTERNATIONAL LABOUR ORGANISATION

- * (a) "Proceedings of the Annual General Meeting of the Associated Chambers of Commerce of India, held in Calcutta on 14 and 16 December 1957". pp.54.
- * (b) "Annual Report on the Working of the Trade Unions Act, 1926, (XVI of 1926) in Uttar Pradesh for the year ending March 31, 1954". pp. 134. (1 copy sent to Geneva vide minute D.3/1041/58 dated 19 May 1958).
- * (c) "Proceedings of the 25th Annual General Meeting of the Employers' Federation of India", 1958. Pp.12.
- * (d) "Twentyfifth Annual Report, 1957" of the Employers' Federation of India". pp. 163.

CHAPTER 3. ECONOMIC QUESTIONS.

- * (a) "Indian Coal Statistics 1956". Issued by the Chief Inspector of Mines in India, Dhanbad. pp. 54.
- * (b) "Report (of the) Food Grains Enquiry Committee". Ministry of Food and Agriculture (Department of Food) Government of India. pp. 191
- * (c) "Report of the Export Promotion Committee (1957)". Ministry of Commerce and Industry, Government of India. pp. 200.
- * (d) "Productivity Project for Industries in Coimbatore, March-May 1957" Issued by the Productivity Centre, Ministry of Labour, Government of India. Pp. 101 (two copies sent to Geneva vide minute D.3/1012/58 dated 13 May 1958).
- * (d) "Small Savings Scheme" pp. 19. (Issued by the Publications Division, Ministry of Information and Broadcasting, Government of India.

CHAPTER 5. WORKING CONDITIONS AND LIVING STANDARDS

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- * (b) "History of Indian Railways constructed and in progress, corrected up to 31 March 1955." Issued by Railway Board. pp.34
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