

EMPLOYEES' STATE INSURANCE CORPORATION

(Ministry of Labour & Employment)

2A/3, Asaf Ali Road,

New Delhi, 13-1-1960.

From

Colonel V.M. Albuquerque,
Director General,

To

The Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sir,

I have the honour to state that certain recent events leading to unwarranted interference by the Ministry in the routine administrative matters of the Corporation, have made it extremely difficult for me to discharge my duties as Director General, and that I feel, I should ask to be relieved with immediate effect.

These developments have arisen, out of the indisciplined and subversive activities of a few disgruntled clerks of the Corporation, over the past two years, culminating in an ugly incident in Calcutta, where Regional officers were surrounded and forcibly detained in the office during a staged demonstration in December 1958. In January 1959, two clerks, one from the Regional Office, Calcutta, who had a long record of subversive activities prior to joining the Corporation and the other from the Regional Office, Madras, whose services had been terminated for continuous and disciplined activities, were given a personal interview and hearing by the Minister. As a result of this interview and without ascertaining the full facts from me and at a time when connected appeals were pending before me, the Minister ordered a special enquiry into their complaint in January 1959 through a Joint Secretary to the Ministry though there is no provision in the Act for an enquiry of this kind.

I was also instructed to freeze all action on the cases in the Regional Offices including the appeals to the Director General. My preliminary objections, that the officer was unfamiliar with the working of the Corporation and that he had had no opportunity

alising the difficulties through which it had been

up and that in addition he would be biased, as I had

er resisted his attempts at influencing a transfer of

ficial in the Corporation, were over-ruled.

Through the Enquiry Officer called for certain informa-

and papers, he did not observe the normal procedure,

, discussion with me and seeking clarification on

as matters raised by the disgruntled employees.

my views on various complicated aspects of their

nces were not called for. Though the Enquiry Officer

cessarily to admit in his final report that almost all

tions taken by my Regional Officers were correct,

to the untenable conclusion that there had generally

ictimization of employees and that in the cases of

them, though they were guilty of disobedience in

n respects, the punishment of removal from service

out to them was excessive. He obviously forgot that

ercise of discretion in a matter of this kind lay

riately with the Head of Department who was fully

nted with the antecedents of these employees rather

ith an Enquiry Officer casually coming on the scene.

surprising that the Enquiry Officer should have come

a conclusion at a time when the appeal from the original

was pending before the Director General. It is also

ing that the Enquiry Officer totally disregarded the

gs of an independent Sub-committee of the Standing Committee

ing of a senior ICS officer, a representative of Employers

representative of Employees constituted by the Standing

ee which had already looked into the matter. An item

ing to regularising the travelling allowances of both

ed and working employees who had come to Delhi for

evidence at the Enquiry, came up at the meeting of the

g Committee held in March 1959 and the members were

d by the Director General that the Ministry of Labour &

ent had appointed an officer who was looking into the

matter. The Standing Committee, however, considered that the alleged victimization should be looked into by its own agency as matters were entitled to know whether there was any truth at all in the allegations. The Sub-Committee referred to in the previous paragraph, after scrutiny of the relevant papers of the two persons interviewed by the Minister and of five others, reported at the meeting of the Standing Committee that they were satisfied that there had been no victimization. With specific reference to the incident at Calcutta, they observed as follows: "That was really a disgraceful incident and that the Corporation should not allow such instances to take place". Continuing, one of the members observed, "that he was very much pleased with the manner in which the Director General and the Regional Director were able to control the situation and exhibited great sense of duty on that occasion. The Corporation should put down such acts of indiscipline so that it can carry out its functions in a proper manner". The Corporation at its meeting in April 1959 fully endorsed the views of the Standing Committee. It is pertinent to mention here that the findings of the Corporation were known to the Enquiry Officer long before the submission of his report which was in the last week of August 1959. If in face of these findings of the Corporation, the Enquiry Officer felt obliged to come to a different conclusion, he should have armed himself with correspondingly weighty and reliable evidence. The Enquiry Officer went far beyond his terms of reference in making unkind remarks against the officers of the Corporation and characterising the administration as amateurish, unaware of powerful administrative machinery set up under the Employees' State Insurance Act.

On the basis of this ill-informed report of the Enquiry Officer and in total disregard of the opinion of the Standing Committee and Corporation, the Labour Minister, I regret to say, made up his mind even before hearing me or calling for a detailed report from me, that there had been victimization and

be two clerks whose reinstatement had been recommended. Enquiry Officer should be reinstated. On my pleading assistance, the Minister, on the only occasion when he discussed matter with me, reluctantly permitted me to submit a detailed reply to the Enquiry Officer's report. In this reply, I completely refuted all the native contentions of the Enquiry Officer. I made no difference with the Labour Minister, who had already made up his mind. My suggestion that at best I be prepared to consider a mercy petition from the two clerks made no impression on him. My further very legitimate request that the matter had already been looked into by the Corporation, the Enquiry Officer's report and my detailed reply should be considered before the Corporation and that I would abide by any decision made at that time, was also rejected. On the contrary, I was peremptorily ordered that I should pass orders on appeal reinstating one of the two clerks (at this stage dropping the case of the second) and that I should impose on him some lesser punishment. I have, however, been clear from the very beginning that in all conscience and in the solemn exercise of my duty I could not pass such an order. In the merits there was no alternative for me but to reject the appeal. In order to make my position clear, the Labour Ministry issued orders in great haste, as if an emergency had taken place, to amend the Staff Regulations which now empower the Chairman of the Grievance Appeal Committee to entertain second appeals from all employees and to get me to publish them. I have no doubt that all my efforts to assume such powers was with a view to entertaining an appeal from this very employee and to setting at naught my first appeal. On 31st December 1959, I was specifically directed to pass orders on this appeal. While the avowed object of such extraordinary measures on the part of Government is to ensure discipline and to a thoroughly indisciplined and undesirable employee, it is apparent that there are no means of ensuring a modicum of justice for the employee concerned. Director General.

In the last six years during which I have been the Director General of the Corporation, I have done my bit to expand the Scheme from a coverage of 1½ lakhs to 14½ lakhs, i.e. two-thirds of the coverage under the Employees' State Insurance Act and to extend it in addition to 4½ lakhs of family members. As against 28 Regional and Local Offices, there are now 153 offices and the staff has increased from about 800 to about 2,200. I must point out that to bring back into service an undesirable employee who has done everything possible to destroy discipline and who could be expected to stir up trouble and undermine authority would be the surest way to destroy the edifice that has so patiently and laboriously been built up all these years. The individual whom I am now asked to reinstate continues, even while his appeal is pending before me, to issue undesirable circulars which are highly inflammatory and which cast aspersions on senior officers of the Corporation, bring out ~~in~~ coloured and distorted versions of various routine administrative actions, incite employees to bring outside influence to bear on service matters and are in general derogatory to the interests of the Corporation. I am afraid that as one who has done his best to build up this difficult scheme of social security in the country almost from scratch, I cannot be a party to an action which I consider to be against my conscience, and which is against the views of the Standing Committee and the Corporation and prejudicial to the interests of the Corporation as a whole. What really distresses me much more than the outcome of these recent events is the uncomfortable but sure feeling which I have entertained for some time past that the Minister has no further use for my advice and services and that any public clamour, however mischievous and devoid of substance, is sufficient to destroy the confidence which should naturally prevail between a Minister and a Head of Department.

I, therefore, request that I may be relieved of my duties immediately and permitted to avail of the leave due to me at the end of which my contract may be treated as-terminated. Under the rules, I am required to give one month's notice of resignation of office, this may be treated as such. As I feel that the Corporation is entitled to know the reasons for my resignation I also request that my letter of resignation be placed before the forthcoming meetings of the Boarding Committee and Corporation.

Yours faithfully,

Sd/- V.M. Albuquerque.

- 9 JAN 1960

Government of India
Ministry of Labour & Employment

Dated New Delhi, the

From

Dr. B.R. Seth,
Deputy Secretary to the Government of India.

To

Shri K.G. Srivastava,
Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Subject:- Regional Board of Employees' State Insurance Corporation for Kerala State.

Dear Sir,

With reference to your letter No.172/ESI/59, dated the 24th December, 1959, addressed to the Union Minister for Labour and Employment, I am directed to say that it appears that in view of the prevailing conditions in the Kerala State since the setting up of the Regional Board, it was not possible for the then State Labour Minister, who was also the Chairman of the Regional Board, to take a decision for convening the meeting of the Regional Board. The administration of the State has since been taken over by the President. As there are now no Ministers of Labour or Health, the Offices of both the Chairman as also the Vice-Chairman of the Regional Board are vacant, and it has, therefore, not been convenient to convene a meeting of the Board. A meeting of the Board will be convened as soon as a new Ministry is formed in the State.

2. As regards the complaints against the working of the Employees' State Insurance Scheme in Kerala State, the Director General, Employees' State Insurance Corporation has already requested Shri A. George Chadayammury, a member of the Regional Board representing the Kerala State Trade Union Council, to forward specific complaints, to the Director General for further action. His reply has not yet been received.

Yours faithfully,

Busein
(B.R. Seth)
Deputy Secretary.

*See it to Com P. C.
for the Kerala State
T.C.
1/1/60
9/11*

Copy of letter No. PHI-31/60 dated
January 8, 1960 from Union Labour Ministry

Sub: Regional Board of ESI Corporation
for Kerala State

Dear Sir,

With reference to your letter No. 172/ESI/59 dated the 24th December, 1959, addressed to the Union Minister for Labour and Employment, I am directed to say that it appears that in view of the prevailing conditions in the Kerala State since the setting up of the Regional Board, it was not possible for the then State Labour Minister who was also the Chairman of the Regional Board, to take a decision for convening the meeting of the Regional Board. The administration of the State has since been taken over by the President. As there are now no Ministers of Labour or Health, the offices of both the Chairman as also the Vice Chairman of the Regional Board are vacant, and it has, therefore, not been convenient to convene a meeting of the Board. A meeting of the Board will be convened as soon as a new Ministry is formed in the State.

2. As regards the complaints against the working of the Employees' State Insurance Scheme in Kerala State, the Director General, ESIC, has already requested Shri A. George Chadayammury, a member of the Regional Board representing the Kerala State Trade Union Council, to forward specific complaints, so the Director General for further action. His reply has not yet been received.

B.R. Seth,
Deputy Secretary

- 6 FEB 1960

From:

Satyapal Dang,
Senior Vice-President,
Textile Mazdoor Ekta Union (Regtd.),
Ekta Bhavan, Chheharta.

179

To:

The All India Trade Union Congress,
4 Ashoka Road, New Delhi.

Dated: 1/2/60.

Subject: Working of Maternity Benefit under the Employees State Insurance Scheme.

Dear Comrade,

Contrary to the decision of the 16th Labour Conference, the Employees State Insurance Corporation is paying Rs.20 instead of Rs.30 as maternity benefit to workers insured under the Employees State Insurance Corporation.

Some time ago we drew your attention to this fact and requested you to take up the matter at the All-India level.

We have not heard from you. This is to request you to let us know as to where the matter stands.

2. We also wish to draw your attention to another fact. No maternity benefit at all is paid if the delivery case is conducted by an undelivered dai.

We think that this is not fair.

In a place like Chheharta, it sometimes happens that the trained dai is not available—although there are 4-5 trained dais in Chheharta—and the worker has no alternative but to avail of the services of the untrained dai available.

To refuse to pay maternity benefit to such a worker is not just.

Of course, it is desirable that workers should get trained dais and, therefore, the maternity benefit should be worked in such a way as to induce workers to engage trained dais. This however is not a ground for depriving the worker of the maternity benefit altogether if he has not engaged the services of an untrained dai.

We think that both the purposes will be served if the maternity benefit is paid as under:

(a) Full maternity benefit when the dai engaged is a trained dai or if there is certificate of the Sarpanch that the village has no trained dai. (This is accepted position by the Corporation already).

(b) 75 percent maternity benefit instead of full maternity benefit if an untrained dai is engaged if for some reason or another a trained dai could not be found when the labour pains started. (This should be demanded from the Corporation).

Action taken in the matter and results may kindly be communicated to us in due course.

Yours Fraternally,

Satyapal Dang,
Senior Vice-President,
Textile Mazdoor Ekta Union
(Regtd.).

Copy to Comrade Sateesh Loomba, General Secretary, Punjab Committee of the AITUC, G.T. Road, Jullundur for information and necessary action.

Satyapal Dang.

Telephone: 264887

BOMBAY STATE TRADE UNION COMMITTEE

(A. I. T. U. C.)

President: K. N. Joglekar
General Secretary: S. Y. Kolhatkar

166, KHANDELVAL BHAVAN,
DADABHOY NAOROJI ROAD,

Ref. No.

179
BOMBAY 1, 8th Feb. 1960

Dear Com. K. G. Shrivastava,

I am sending herewith the report on E.S.I. Corporation meeting. I am sorry, I was not able to send the same earlier. I shall be going to Delhi to attend the meeting of the Governing Body of the National Productivity Council to-night. The meeting is on 9th and 11th and 12th Feb. I shall meet you on 9th evening or 10th morning.

Greetings,

Yours fraternally,

S. Y. Kolhatkar
(S. Y. Kolhatkar)
General Secretary.

T. K.
ms
10/2

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EMPLOYEES' STATE INSURANCE CORPORATION
(MINISTRY OF LABOUR AND EMPLOYMENT)

AGENDA FOR THE EIGHTH MEETING OF THE MEDICAL BENEFIT COUNCIL TO BE HELD ON 4TH JUNE, 1960.

1. Confirmation of the minutes of the meeting of the Medical Benefit Council held on 1st September, 1959.
2. Report to the Medical Benefit Council.
3. Provision of medical benefit to families on the same scale as for insured persons.
4. Review of the scale of -
 - a) Staff of State Insurance dispensaries;
 - b) specialist services;
 - c) ambulance and other conveyance facilities;
 - d) emergency treatment;
 - e) T.B. beds.
5. Arrangement of in-patient treatment in conjunction with State Insurance dispensaries in sparse areas.
6. Proposal to set up a Sub-Committee of the Medical Benefit Council for revision of -
 - a) State Insurance Medical Formulary;
 - b) list of special medicines to be prescribed by Insurance Medical Practitioners;
 - c) specialists list of medicines;
 - d) list of equipment for State Insurance dispensaries;
 - e) minimum list of equipment for Insurance Medical Practitioners.
7. Payment of additional allowances to ministerial staff in State Insurance dispensaries.
8. Enlarging the list of morbid conditions for extended medical and sickness benefit.
9. Any other item with the permission of the Chair.

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CONFIDENTIAL.

No. HI-5(1)/60.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR

NEW DELHI, The 12th February 1960.

From Shri P.M. Menon, ICS,
Secretary to the Government of India,
Ministry of Labour & Employment.

To

Colonel V.M. Albuquerque,
Director General,
Employees' State Insurance Corporation,
New Delhi.

Sir,

I am to acknowledge your letter dated the 13th January 1960, and to say that Government have noted the contents of the letter with great regret and surprise. I am to say that your allegation that the Ministry has been interfering in the routine administration of the Corporation is totally unjustified.

2. You were informed at the time, and you were fully aware of the circumstances in which the Minister had asked the Joint Secretary in the Ministry to conduct the enquiry about which you complain. For some months prior to January 1959, there had been agitation and threats of strike from some of the employees of the Corporation and on the 24th December 1958 there was an ugly incident in the Calcutta Regional Office, as you yourself mention. In the light of these circumstances, the Minister considered that an enquiry should be held regarding the circumstances and causes which led to these undesirable developments and to assess the responsibility for this of the different people concerned. It was an enquiry of the type which the Labour Minister would ordinarily order in cases involving a breach of the Code of Discipline in any Establishment. It was not necessary that a provision for such an enquiry should have existed in the Employees' State Insurance Act. The Joint Secretary in charge of the Evaluation and Implementation Division in the Ministry of Labour, who is charged with the duty of conducting enquiries in such cases, was instructed by the Minister to conduct the enquiry. You had not objected to, or mentioned any reasons why such an enquiry should not be held.

3. As regards your objection to the officer himself, Government were not prepared to accept your view that the senior officer who was instructed to conduct the enquiry did not have the necessary ability and competence to hold the enquiry or was biased in any manner against the Administration of the ~~Corporation~~ Corporation.

4. Regarding the enquiry itself, it is understood that you, and under your instructions, your officers, had placed at the disposal of the Enquiry Officer all the information and clarifications on various matters which the Enquiry Officer had called for. You had also deputed your Administrative Officer to meet the Enquiry Officer and furnish him with all the information he wanted. If you still felt that a further personal discussion was necessary, you could certainly have mentioned it at that time and there would not have been the slightest difficulty. In any case, it does not appear that any relevant points are left which need further clarification.

5. You have referred to the findings of the Sub-Committee of the Standing Committee which expressed ~~xxxx~~ certain opinions in the matter. In the nature of things, the consideration of the matter by the Sub-Committee was not based on a detailed enquiry of the nature which the Enquiry Officer was required to carry out. I am to point out that the relevant item on the agenda for consideration by the Standing Committee was the payment of T.A. out of the Employees' State Insurance Fund to certain former employees of the Corporation whose service had been terminated and who were to be called to give evidence in Delhi before the Enquiry Officer in connection with the allegations of victimization made by the Employees' Federation. The Standing Committee and the Corporation considered the question and agreed to the payment of T.A. In the memorandum which was circulated to the Standing Committee and the Corporation, the relevant facts that an enquiry was being conducted were clearly stated. While agreeing to the payment of T.A., neither the Standing Committee nor the Corporation objected to the enquiry being held by the Joint Secretary. It is abundantly clear that neither the Standing Committee nor the Corporation had any objection to the enquiry which the Minister had ordered.

6. A copy of the Joint Secretary's report to the Minister ~~x~~ was given to you and you had submitted your detailed reply. You will recollect that that Minister had discussed the matter with you both before you had submitted your letter of resignation and also subsequently. I am to say that your contention that you were peremptorily told to pass orders in the disciplinary appeal pending before you in a certain manner is totally incorrect. It was made perfectly clear to you that you were free to pass such ~~xxx~~ orders as you deemed fit in the case. The view mentioned to you regarding the merits of the punishment awarded in the case which was based on a careful study of the Enquiry Officer's report, your reply to that report and subsequently discussions with you, was merely advice which, in similar circumstances, the Ministry of Labour would have given to any other employer or management. It is surprising that in spite of the fact that you were clearly told that it was not an order and that you were free to pass such orders as you deemed fit, you complain that you were peremptorily ordered to do so.

7. Government are also surprised at your complaint that they proceeded in great haste to finalise the Staff Regulations which empower the Chairman of the Standing Committee to entertain second appeals from employees. I am to point out that the Corporation had been working all these years without a set of Staff Regulations formally approved by the Central Government under Section 17(2) of the Employees' State Insurance Act. After a good deal of inter-departmental examination the draft Regulations were approved by the Corporation at its meeting held on the 1st April 1959, and submitted to Government in the same month for formal approval. The draft Regulations, as approved by the Corporation at its meeting of 1st April 1959, contained the provision empowering the Chairman of the Standing Committee to entertain second appeals which you have mentioned. The Staff Regulations were finally promulgated in December 1959 after an interval of nearly eight months since they were submitted to Government. There was no question of any ~~xxx~~ undue haste of which you complain.

8. Government regret to note that even after the position had been fully explained to you by us you still feel that you

should be relieved of your office. I am to say that Government accordingly accept your resignation.

9. You have requested that your letter of resignation should be placed before the Corporation. I am to say that Government do not consider it necessary to do so.

10. Orders regarding the grant of leave due to you will be issued separately.

Sd/- P.M. Menon

12-2-60

Secretary to the Government of India,
Ministry of Labour and Employment.

EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment)
2A/3, Asaf Ali Road,

No. 1-1-60/PS/DG

New Delhi, 17-2-1960.

From Colonel V.M. Albuquerque,
Director General.

To The Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sir,

I acknowledge the receipt of your D.O. No. HI-5(1)/60, dated 12th February 1960, enclosing Government's reply No. HI-5(1)/60, dated 12th February 1960, stating that the Government of India accept my resignation and that Shri S.K. Chibber, Insurance Commissioner will hold the office of Director General, Employees' State Insurance Corporation.

2. With regard to para 9 of the Government's reply, I may venture to point out that as the Director General, Employees' State Insurance Corporation, I am not in fact or in law in the service of Government. I am in fact and by statute an "officer of the Corporation" under section 16 of the Employees' State Insurance Act. The Employees' State Insurance Corporation is my employer. As an organisation, the Employees' State Insurance Corporation is not a Department of Government but a statutory autonomous Corporation of which I am the Chief Executive Officer. Accordingly, all matters relating to me as Director General, Employees' State Insurance Corporation, can only be dealt with and decided by the Corporation, save to the extent expressly provided to the contrary in sections 16 and 95(2)(d) of the ESI Act read with Rules 16 and 16 of the ESI (Central) Rules. It is, therefore, only the Corporation that can accept my resignation, there being no express provision to the contrary such as those relating to the "appointment" and "removal" of the Director General.

In other words, while the Central Government has expressly the power to "appoint" the Director General under section 16(1) of the ESI Act, though subject to the limitations there mentioned, and while the Central Government has expressly (i.e. not by any necessary implication flowing from the power to "appoint" but by specific statutory provision) the power to "remove" the Director General under section 16(7) of the Act, they have no power to accept his resignation. Such a power, unless it was expressly conferred, cannot be inferred by any rule of "necessary implication" from the power merely to appoint or to remove; and even if it could be so inferred from the power to "appoint", which is in dispute, it must in that event, be necessarily subject to the same limitation as is the power to appoint, namely, "consultation with the Corporation", vide section 16(1). In any event, therefore, the Corporation cannot be by-passed in dealing with my resignation.

Moreover, quite apart from the purely legal aspect of the matter, it is plainly necessary on merits that the whole situation which culminated in the submission of my letter of 13th January should be considered by the Corporation itself in the light of all attendant circumstances.

In the very recent sequence of events, as outlined below, it has been such that the Corporation ought to be apprised of it:-

- (i) On 13th January 1960 I submitted my letter desiring to be relieved as soon as practicable from what had become, for me, an intolerable situation. Knowing that meetings of the Standing Committee and of the Corporation itself had been convened for the 3rd and 4th February 1960, I had requested (in the last paragraph of my letter) that my resignation be placed before the Standing Committee and the Corporation;
- (ii) Nevertheless, at the aforesaid meetings of the Standing Committee and of the Corporation held on 3rd and 4th February, the Chairman did not table my letter, nor indeed did he make any reference to it at all. On the contrary, at the meeting of the Corporation on 4th February, he merely said towards the close of his speech at the commencement of the meeting that there were certain differences between

him and myself relating to administrative matters which he hoped to resolve by a personal discussion with me. In view of this, I myself thought it proper to respect the Chairman's reticence by not raising the subject of my letter at the Corporation meeting.

(iii) The subsequent developments, within the short space of a week, are well-known to Government. Suffice it to say that further talks between the Chairman and myself as also between yourself and myself, did not improve matters in any way. This is all the more reason why the Corporation should be informed now that such reconciliation has become impossible.

5. In these circumstances, it would plainly be a grave dereliction of my duty to the Corporation (apart altogether from any consideration of my personal interests) if I did not insist that the Corporation must be afforded an opportunity to discuss my resignation before its acceptance by the competent authority. And since the only authority legally competent to accept my resignation is also the Corporation, there should be no question of my making over charge of my office as Director General to any one until the Corporation itself has considered the matter. I am fortified in this view by the further consideration that any other course would be wholly prejudicial to the best interests of the Corporation itself which it is, and has always been, my duty to serve to the best of my ability.

Apart from any legal technicalities, my resignation is not the result of any private or personal considerations. I am resigning because of certain fundamental differences between me and Government. These differences are bound to affect vitally the discipline in the organisation and hence the working of the Corporation itself. The Chief Executive Officer of the Corporation is appointed for the benefit of the Corporation and for no other purpose. That being so when the Director General resigns on a matter so vitally affecting the working of the Corporation it seems so axiomatic that the Corporation should know what those differences are which have forced its Chief Executive Officer to resign and the Government to accept the resignation and form its own opinion as to who was in the right.

I may add that I addressed my letter of 13th
y to the Government as I did not consider it desirable
te to the Corporation itself in a matter of this kind,

in the concluding portion of the last paragraph of
etter I requested that it be placed before the (then)
oming meetings of the Standing Committee and the
ation. I sincerely felt, and still feel, that the
of my officers which gave rise to this whole matter
been fully supported by the Deputy Labour Minister
his note dated 14-2-1959) and by the Corporation which
autonomous statutory body, I would be failing in my
f I did not bring these latter developments to the
ation's notice. I, therefore, submit that it is fully
my rights as Chief Executive Officer of the Corporation
ire that the reasons for my resignation should be made
to my real masters, that is, the Corporation.

In view of what I have said above, and the fact that
xt meeting of the Corporation has been notified to be
n 7th March 1960, Government will perhaps wish to
ider their decision not to refer the matter to the
ation and place my letter of resignation for consideration
the members of the Corporation. I am sending you
tely my reply to other points raised in your letter
is may also please be placed before the Corporation.

In the event, however, that the Government should still
he view -

that they are themselves competent to accept my resignation,
and
that in consequence, and also on merits, it is neither
advisable nor necessary to place my resignation before the
Corporation,

I be grateful for an early reply, so that I may clear off all
accumulations of work before I make over charge and proceed on

Yours faithfully,

Sd/- V.M. Albuquerque.

CONFIDENTIAL

No.HI-5(1)/60.

New Delhi, the 18th February 1960.

From

Shri P.M. Menon, I.C.S.,
Secretary to the Government of India,
Ministry of Labour and Employment.

To

Colonel V.M. Albuquerque,
Director-General,
Employees' State Insurance Corporation,
New Delhi.

Sir,

I am to acknowledge your letter No.1-1/60/PS/DG dated 17th February, 1960 and to say that under section 16 of the Employees' State Insurance Act, 1948 the Central Government has the power to determine the period of appointment of the Director-General. It is, therefore, for that Government to accept the resignation tendered by you. There is no provision in the Act or the Rules framed thereunder which authorises or ~~requires~~ requires the Corporation to accept the resignation or to be consulted in this matter.

2. I am to say that Government are unable to agree with the argument that your resignation can be accepted only by the Corporation. Government are advised that the Central Government is the only authority which can accept your resignation.

3. You will agree that no useful purpose would be served by carrying on further correspondence on the subject. You are requested to hand over the charge to Shri S.K. Chibbar, Insurance Commissioner.

Yours faithfully,

Sd/- P.M. Menon

18/2/60

Secretary to the Government of India.

EMPLOYEES' STATE INSURANCE CORPORATION

(Ministry of Labour and Employment)

2-A/3, Asaf Ali Road, New Delhi

No. 1-1/60/PS/DG Dated 125.2.60

From

Colonel V.M. Albuquerque,
F.R.C.S.(Eng.); I.M.S(Retd.),
Director General,
Employees' State Insurance Corporation,
NEW DELHI.

To

Shri P.M.Menon, I.C.S., -
Secretary to the Government of India,
Ministry of Labour and Employment,
NEW DELHI.

Sir,

I write in continuation of paragraph 7 of my letter No. 1-1/60/PS/DG, dated 17th February, 1960 in reply to the Government's letter No. HI-5(1)/60 dated 12th February, 1960.

2. At the outset, I regret I must respectfully reiterate my assertion that there has been a great deal of interference by the Ministry in the administration of the Corporation both orally and in writing, especially during the past two years.

Indeed, such interference in the matter of service conditions and discipline of employees as well as in the routine administration of the Corporation has been so frequent that it is astonishing that Government should now seek to deny it.

3. The fact that such interference took the form of directions orally given, now described as "advice" was always tendered with great pressure, backed with the full power and authority of the Ministry, and (for those very reason) expected to be implemented in the same way as if, in fact, it constituted the official directives of Government. Moreover, apart from the fact that on numerous occasions the Director General was required to implement verbal instructions, now described as "advice", which militated against the efficient and disciplined administration of the Corporation's affairs, there have also been several instances of administrative interference in writing. This will be evident if you would kindly

P.T.O.

to a few communications enumerated below and the cor-
ndence, files and papers relevant thereto:-

ference No. and date of
the communication

Subject matter

- i) Minute of the Secretary dated 26-10-1957 on file No. Adm. II(1)/57 and further minutes.
- ii) U.O. No. Adm. I/1-368/56 - Estt., dated 11th March and 25th March 1958 to the Chairman, Standing Committee.
- iii) D.O. No. Adm. II(81)/57 dated 29th November, 1957 from a Deputy Secretary in the Ministry to the Provident Fund Commissioner.
- iv) D.O. No. Adm. III(1)/57/Secret dated 3rd December, 1957 from the Provident Fund Commissioner to the Deputy Secretary.
- (i) D.O. No. HI-10(148)/57 dated 9th September, 1957 from the Secretary to the Director General
- ii) D.O. No. DG/Misc/57 dated 18th September, 1957 from the Director General to the Secretary.
- iii) U.O. No. DG/Misc/57 dated 16th April, 1958 from the Director General to the Chairman, Standing Committee/Corporation.
- iv) U.O. No. PHI-1325-I/S dated 9th October, 1958 and subsequent reminders of even number dated 14th October, 23rd October, 25th October and 13th November 1958 and this office D.O. letter dated 15th November, 1958.
- v) D.O. No. PS/Secy/59 dated 15th August, 1959 from the Secretary and the Director General's reply vide D.O. No. Dg/Misc/60 dated 25th January, 1960.

Reinstatement of an official who had deliberately flouted and disobeyed written orders.

Promotion and transfer of an individual.

Transfer of an official in whom the Enquiry Officer of the Ministry was interested

Requiring the construction of the Building for the Headquarters Office through the Bharat Sewak Samaj instead of through C.P.W.D.

"In order to focus the whole issue under discussion in its proper perspective, I give below a few salient figures showing the growth of the Employees' State Insurance Corporation from the time I took over charge as Director General" in December, 1953. (after it had been moribund for a period of five years):

YEAR	Regional Offices	Local Offices, Sub-Local Offices, Pay Staff	Staff	Coverage	Families
1948	-	Corporation Inaugurated			
Decr. '53	5	23	800	1,52,000	
1953-54	5	23	994	1,52,000	
1954-55	5	73	1268	6,90,000	
1955-56	5	99	1723	10,15,000	
1956-57	6	115	1987	11,52,600	
1957-58	11	129	2322	12,35,000	
1958-59	13	152	2954	14,35,500	2,26,000 (F.U.)
Decr. '59	15	215 (180)	3150	14,42,000	4,10,000 (F.U.)

It will be observed that subsequent to my taking over charge as Director General, Employees' State Insurance Corporation, in December, 1953; the rate at which the Corporation has been grown both in size and in insurance coverage has been phenomenal. This naturally gave rise to administrative and implementation problems of vast magnitude. Not unexpectedly, (if the experience of other Corporations in the Public Sector is at all relevant) it was from about 1957 onwards that "politics" began to creep in amongst some of the lower staff of the Corporation under the influence of interested parties from outside. And while Government policy (and certainly the policy of the Labour Ministry) vacillated in an undefined way

between "Trade Unions" and/or "Service Associations", and also regards the action to be taken against anyone unlawfully and militantly participating in them, especially in the absence of a "recognised" organisation of either category, the employees at some centres went ahead and formed Unions. And, the situation at one of these centres (Calcutta) developed explosively, culminating in what you have rightly described as the "ugly incident" in the Regional Office in December, 1958, when the Regional Officers were forcibly detained in the office and threatened with violence.

In this context, what was the attitude of the Ministry? Instead of supporting the Director General in the firm administration of the Corporation's affairs and in the maintenance of discipline and good order so necessary during a period of rapid growth (when the Director General had to tackle a difficult organisation, administrative and implementation problems on a vast scale), the Ministry adopted a consistent policy of doubting and questioning the actions of the Corporation's Officers. - Eventually, - the Ministry went to the

extreme length of appointing an officer "to enquire into the circumstances and causes which led to these undesirable developments" (viz. those referred to in the preceding paragraph), "to assess the responsibility in this of the different interests (sic) concerned", and to look into the allegations made by some of the Unions "of unfair victimisation of their office-bearers by the administration" of the Corporation.

Meanwhile, i.e. pending the conclusion of the enquiry, the Director General was compelled, at the instance of the Ministry, to direct the Regional Director, Calcutta, to proceed "very leisurely" with the disciplinary action he was then taking against the persons concerned in the incidents

of December, 1958. This was, however, such an unwarranted and grave reflection on the manner in which the officers of the Corporation had handled staff matters until then, that I cannot refrain from quoting here the contrary view expressed in a minute recorded at the time of the Deputy Labour Minister (who personally probed into the matter by a visit to the Regional Office, Calcutta):-

" I am not able to appreciate the advice given to the Regional Director, Calcutta, to proceed "very leisurely" and not to take any final decision in any of these cases. There has been too much of indiscipline in these offices and since two employees are sent away and action contemplated against others, work has been proceeding with good speed and discipline toned up considerably. A good few of the employees who have been served with charge-sheets have expressed regret while some have taken their stand on technical grounds.

It would not be proper to postpone action till the decision of the court case. If the Magistrate is not able to convict the persons against whom charge-sheets have been issued or benefit of doubt is given to them, it would be difficult for the Corporation to take departmental action.

We should not come in the way of proceeding against the persons who have been encouraging indiscipline and violence and also responsible for gherao and the like. They do not deserve any help from us."

Government will recall that four of these rowdies were convicted.

7. Reverting to the decision to hold an enquiry, apart altogether from the impropriety of taking such a serious step without prior consultation with the Corporation or even its Director General, no other single act of the Ministry was more calculated to undermine the morale of the officers of the Corporation (at all levels) or the integrity of the Corporation's administration generally, than a roving enquiry of this kind. As for the Director General's attitude in this matter, my views concerning the advisability or propriety of holding such an enquiry were not invited by Government.

en so, I had made it well known to the Secretary of the Ministry that I gravely doubted the wisdom of this step and was wholly opposed to it for the reasons stated above. I regret, therefore, the necessity of having to contradict you emphatically when you observe, at the end of para. 2 of your letter under reply, that I had "not objected to, and mentioned any reasons why such an enquiry should not be held".

As regards the competence of the officer appointed to conduct the enquiry, Government would recall that the officer first appointed for the purpose was Mr. K.N. Subramaniam, C.S. If at all the enquiry had to be made, no better person could have been chosen for the purpose because Mr. Subramaniam was a former Chairman of the Standing Committee of the Corporation had the experience and the necessary back-ground for such an enquiry. However, for reasons which are even now obscure, Mr. Subramaniam was taken off the enquiry after I had discussed the whole subject with him. His place was taken by another officer, concerning whom I am under the regrettable necessity of having to re-affirm that he was both incompetent and inexperienced to conduct such an enquiry. In proof of this I would invite attention to my comments on this officer's report, where I have shown that every one of his more important allegations and findings was incorrect and/or wholly unfounded.

I must refer here to the bias of the Enquiry Officer against the administration of the Corporation. On 9th October, 1958, as Joint Secretary (valuation) he "wanted an early report in respect of transfer of an official of the Corporation so that he may have a clear idea of the case." This was followed by two U.O. reminders dated 14th October,



1958 and 23rd October, 1958 and two D.O. reminders dated 25th October, 1958 and 13th November, 1958 one of which was marked urgent. This was a blatant effort to bring an undue pressure to further the interests of an individual in-service matters in contravention of the instructions contained in Office Order No. 199 dated 11th October, 1958 of the Labour Ministry itself. Here was a senior officer of the Ministry, who had no concern with the Corporation, bringing influence to bear on the Director General when he had no locus standi whatsoever and was contravening his own Ministry's orders issued about the same time. Hence, I as the Director General took no action in the matter but merely handed over the file to the Chairman, Joint Standing Committee, saying that I proposed to send no reply to the Joint Secretary.

Turning now to the procedure adopted in the enquiry, as the Government has observed, the Director General and his office made available to the Enquiry Officer all the materials, data and papers which he needed or were relevant to the enquiry. But it seems odd, if not an altogether inept way of conducting an enquiry of this kind, that before submitting his report the officer did not care to invite the Director General to discuss the whole matter, despite the wide scope of the enquiry and the complexities of the questions at issue. It was certainly not for the Director General to thrust himself before the Enquiry Officer to express a desire to be heard as if he was himself an accused in the case. On the contrary, it would seem to be an elementary rule of procedure, which the Enquiry Officer should have known and observed, that he should talk over and even discuss his provisional findings at some

preliminary stage with the Director General (as the Chief Executive Officer of the Corporation) before rushing in with his report. Instead of this he merely asked the Director General (on 30th April, 1959) to send an officer to him to clarify a few points regarding grant of leave, transfers, etc. It is therefore, strange that, having seen the kind of report this officer submitted and having also seen also the Director General's comments thereon, the Government should even now observe that the failure by the Enquiry Officer to follow an elementary rule of procedure viz. to discuss the whole matter with the Director General before submitting his Report, left out no relevant points which needed further clarification. The result of the Enquiry itself affords ample proof that the Enquiry Officer overlooked all the important and relevant facts, and came to entirely wrong findings which were totally devoid of any foundations. Indeed, the administration of the Corporation would be wholly condemned without any justification whatsoever, were anyone to see only the Enquiry Officer's Report without the Director General's comments thereon. This may have been an acceptable proposition to Government (though I take leave to doubt it). But it was not acceptable to me, as the Chief Executive Officer of the Corporation; and I am quite certain it would not be acceptable to the Corporation.

I now turn now to para 5 of Government's letter. The Enquiry Officer was appointed in January, 1959; and after he had already conducted his preliminary enquiries, the question of payment of T... came before the Standing Committee of the Corporation in March/April, 1959. Hence the nature and the purpose of the Enquiry, and the circumstances in which the Enquiry Officer came to be appointed by the Ministry at all, naturally came up for

for consideration by the Sub-Committee which was appointed by the Standing Committee to go into the allegation of victimisation. Be that as it may, the fact remains that it was at the insistence of the members of the Standing Committee itself and under the direction of its Chairman that the relevant records had to be placed before the Sub-Committee appointed by the Standing Committee to look into the matter further. Were it merely a question of T.A., raising no other issue of any major importance whatsoever, there would have been no occasion at all for the Standing Committee to refer the matter to a Sub-Committee. The findings of the Sub-Committee, and the observations of the Standing Committee and the Corporation, fully supported the action of my officers and clearly stated that there was no case of victimisation. And I referred, therefore to these findings and observations in my letter of 13th January, 1960 to stress the view that the continuance of the enquiry thereafter was pointless, as the Corporation in its capacity as an employer had already given its verdict. Nevertheless, the Government persisted with this major interference with the Administration of the Corporation by continuing the Enquiry. It is true, that no final objection was raised by or before the Standing Committee or the Corporation to the further continuance of the Enquiry, But this was because I was asked not to raise this issue at all on the ground that it might precipitate some sort of a crisis. Accordingly, it will be recalled (and the relevant record will bear this out) that I merely informed the members that the Ministry had appointed an officer who was looking into the matter.

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Officer's Report in the Ministry towards the ends of August, 1959, you (as Secretary to the Ministry) told me (as the Director General) in clear and unequivocal terms that the Minister was satisfied that there had been victimisation of employees by the Regional Officers and that he (the Minister) desired that the Director General should pass orders (on the appeals which were then pending before him) reinstating the two employees who had been removed from service by the Regional Officers. I strongly protested against such peremptory and arbitrary orders without even being given an opportunity to make my observations on the Enquiry Officer's Report. Indeed, I had even to insist that as a matter of right, I should be permitted to offer detailed comments on the Enquiry Officer's Report before any action was taken on it.

14. Matters then drifted for some time; but on several occasions I had to reiterate that I was not prepared to reinstate the employees concerned as, on merits, I fully supported the action taken by my officers and that any upsetting of their orders would react adversely on morale and would seriously undermine discipline in the Organisation and, in consequence, affect adversely the regularity of some 5,000 daily payments to the cash beneficiaries of the Corporation throughout the country. On the 30th October, 1959, I was summoned by the Minister and asked why I had not passed orders for the re-instatement of the dismissed employees. The Minister was so impatient and peremptory in his demand for the action he desired, that I had to plead with him and even to insist on being heard, which eventually he reluctantly did.

would be reversed by him under the powers now conferred on him as the Chairman of the Standing Committee. The draft history

2

20. On 12th October in a discussion with the Parliamentary Secretary, I was asked to expedite my comments on the Enquiry Officer's Report and to submit them within a fortnight, i.e. by the 26th October, 1959; and this was in fact done.

16. Finally, as regards the Staff Regulations, my reference to the haste with which these were finalised seems to have been misunderstood. Hitherto it was not as if there were no regulations at all, formal or quasi-formal. The Staff Regulations, which had already been approved by the Corporation and published by the Central Government in December, 1950 for inviting comments, were actually being followed by the Corporation. In them the power of review on second appeal was with the Standing Committee i.e. the Executive Committee of the Corporation. The relevant regulations relating to review was subsequently modified in 1959 so as to vest this power with the Chairman of the Standing Committee and to permit second appeals from all members of the staff including Class IV employees. And the Director General was directed to publish the new regulations even though he pointed out that it would be administratively quite impracticable even for the Chairman of the Standing Committee to entertain appeals from all employees. This objection was over-ruled and the Regulations were duly published on 26th December, 1959. Subsequently, on 31st December, I was told by the Secretary of the Labour Ministry that I was now at liberty to pass such orders on the pending appeals as I might deem fit; but at the same time it was also made clear to me quite unambiguously, in so many words, that if my orders did not conform to the Minister's wishes they would be reversed by him under the powers now conferred (in the revised regulations) on him as the Chairman of the Standing Committee. The brief history

by non-industrial employees, had been framed by the Ministry of Home Affairs, the question of making these rules applicable to the employees of the Corporation should be actively pursued. A reference on the subject was made to the Chairman, Standing Committee in May, 1959, communicating the decision of the Standing Committee but no advice has yet been given. The fact that for one reason or other the Ministry kept its views in suspense and gave no advice in regard to this important matter is further borne out by the remarks of the Labour Minister, who at the meeting of the Corporation, on 4th February, 1960 had stated "I am not sure as to whether they (employees of the Corporation) could form associations or unions". It will thus be seen that advice was rarely given where it was most needed but that it was thrust on the Director General when it was least required.

And so I come to the end of this sorry tale. Throughout, in the Government's letter under reply, you have been at pains carefully to deny any interference by Government in the administration of the Corporation, whereas the truth lies in precisely the opposite direction. The Ministry has interfered again and again, with the consequence that office morale and staff discipline are today at a low ebb. You have sought shelter for Government from the consequences of this persistent interference and the resulting erosion of the authority of the Director General, by describing the numerous oral directions given ~~me~~ me from time to time as "advice" which, notwithstanding the great pressure and high level of authority at which it was tendered, the Director General was supposed to be free to take or reject.

f these appeals is thus that, first, I was asked to stay
ction; next, I was badgered to pass orders on them in to
particular way; and finally, when I persistently
refused, the revised regulations were put through and I
was told to dispose of the appeals in any manner I
thought fit, but with the threat that my orders would
be reversed by the reviewing authority. Even as late as
2nd February, 1960, the Minister himself desired me to
reinstate one of the employees whose appeals were
pending before me; and I again regretted my inability
to comply with his wishes.

By no stretch of the imagination can such coercive
pressure on the part of the Ministry be construed as
"advice". The sequence of events will go to show
there was constant pressure if not active inter-
ference from the Ministry, now claimed to have been
merely "advice" to a Chief Executive Officer of an auto-
nomous organisation. On the other hand, advice was
 seldom given when it was really necessary or required.
For instance, I repeatedly sought advice on such important
matters as the recognition of unions, formation of
associations, etc. but the matter was kept pending for an
prolonged period. The advice of the Chairman of the
Standing Committee/Corporation was specially
sought on this subject in writing as early as February
7 and January, 1958 and orally on several other
occasions but a final reply on this issue is still
pending. The Standing Committee at its meeting held
on 30th and 31st March, 1959, agreed that since the
rules regarding formation of service associations

19. While the situation as it has developed has gone beyond the point of my personal endurance, it only remains for me to consider what further action, if any, my duty to the Corporation requires of me in this situation. Presently, however, I am too weary and sick of it all to come to any clear conclusions concerning this problem; for the constant and continuous friction with the Ministry, who have done more to hinder than to help me in the administration of the Corporation (especially in the last eighteen months or so), has not been an invigorating or edifying experience. Just at present, I am also not particularly cheered by the thought that whereas in another great Corporation in the Public Sector (the Life Insurance Corporation), the Chief Executive Officer was nearly hounded out of service (and eventually censured) for not standing up to Governmental interference, in my case I have felt compelled, if not driven, to tender my resignation for precisely the opposite reason. The only amusing feature in both cases is that "interference" has been described as "advice".

20. You have informed me by your letter No.HI-5(1)/60, dated 18th February, 1960 that Government are advised that the acceptance of my resignation by Government was fully within their legal competence. While I do not concur with that view (for reasons stated in my previous letter), I accept it as one dictated by "force majeure". I shall, therefore, be making over charge of my office as Director General, Employees' State Insurance Corporation to Shri S.K. Chhibber, this afternoon.

Yours faithfully,

Sd/-

(V.M. ALBUQUERQUE)
DIRECTOR GENERAL.

TEL. No 74888

DOCKYARD LABOUR UNION

(Registration No. 105)

Under Certificate of Posting.

18 P. T. KAMGAR SADAN,
NAWAB TANK ROAD MAZGAON
BOMBAY 10.

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Ref. No. DLU/Misc/17/60

Date April 7, 1960.

Dear Com. Shrivastav,

I am enclosing herewith copy of report of E.S.I. Corporation meeting. I am very sorry for the inordinate delay.

I have not learnt from you about the questions regarding sale of Mazagon Docks, which you had given to Com. S.M. Bannerji, Will you please let me know whether the government has given any reply.

Greetings,

Yours fraternally,

S. Y. Kolhatkar

/ S. Y. Kolhatkar /

Ans. Subj. r. n. d.

17/4/60

Question not asked replied so far in the Parliament.

RESIGNATION OF DIRECTOR GENERAL OF E.S.I. CORPORATION.

The extra-ordinary meeting of the E.S.I. Corporation held on 7th March 1960 was originally called to consider priorities for extension of E.S.I. benefits during the 3rd five year plan. However this issue was thrown ~~into~~^{into} the background and the resignation of Col. V.M. Albuquerque, the Director General of the Corporation became the main issue before the meeting. The Director General had sent in his resignation on the 13th January and the same had been accepted by the Government on 12th February 1960. Prior to the meeting held on 7th March, the Director General had circulated copies of the correspondence on the subject between him and the Government of India to all the members. On the day of this meeting itself the correspondence was also published in a section of the press. All this was ~~was~~ evidently done with a view to seek the support of the Corporation or at least some of its members to the stand taken by the Director General in his letters to the Government.

What were the causes that led to the resignation of Col. Albuquerque? The employees of the E.S.I. Corporation had ~~organised~~ organised themselves into a strong All India Federation and made certain demands for the improvement of their service conditions. The Director General considered that this was a 'subversive action' on the part of the employees and had victimised some of the leading office-bearers of the Union. The Union therefore had approached the Shri G.L. Nanda, Union labour minister and also the Chairman of the E.S.I. Corporation and requested him to intervene in the matter. The latter had asked Shri R.D. Mehta, Deputy Secretary of the Ministry of Labour to make an inquiry into the matter and submit report. In his report Shri Mehta had made a recommendation that since the action taken against the two employees was excessive the same should be reviewed. The Director General was therefore advised by the Labour Ministry to review these cases in the light of these recommendations.

The Director General however was opposed to the very inquiry undertaken by Shri R.L. Mehta. He considered this as interference in the day to day affairs of the Corporation. No wonder therefore that he was not inclined to accept the advice of the Labour Ministry on the question of review of cases of victimisation. He therefore submitted his resignation which was accepted by the Government of India.

While these were the real facts behind Col. Albuquerque's resignation, in his correspondence with Labour Ministry, he had raised the question of Government's interference in the autonomy of the Corporation to cloud the real issue. In his letters he had also maintained that since he was the employee of the Corporation, his resignation could be only accepted by that organisation and not by the Government of India. He had further demanded that the resignation be placed before the meeting which was to be held on the 7th March. The Government however had rejected these contentions and pointed out that under Section 17 of the E.S.I. Act the Govt. was empowered to terminate the services of any employee and thus there was no question of placing the resignation before the Corporation.

It was in this background that the E.S.I. Corporation meeting was held at New Delhi on 7th March 1960. Before the meeting commenced some members especially ~~representatives~~ representing the employers were lobbying for espousing the cause of Col. Albuquerque and there was also a talk of threatening resignations from the Corporation on the question of interference in the autonomy of the Corporation. At the very commencement of the meeting however Shri G.L. Nanda, Chairman fully explained the circumstances which led the Government to accept the D.G.'s resignation and also expressed his readiness to circulate the entire record including Shri R.L. Mehta's report to members of the Corporation. He also told the members how his own efforts to persuade the Director General to withdraw his resignation had failed and how the latter had resisted the reconsideration of cases of even those employees who otherwise had very good service records.

After this explanation, those who had earlier planned to create a crisis beat a hasty retreat and there was no further discussion either about the Director General's resignation or about the alleged interference in the autonomy of the Corporation.

Thereafter the main agenda before the meeting in respect of priorities to be fixed for extension of E.S.I. benefits was taken up. Two of the employers' representatives who had resisted extension of the scheme to families, in the last meeting did not press their opposition at this meeting. However, one of them Shri Madanmohan Mangaldas from Ahmedabad maintained his earlier attitude and recorded his dissent from the majority view. After some discussion the following priorities were fixed for 3rd plan period. (1) Extension of the scheme to non-implemented areas and provision of adequate hospital facilities, (2) Extension of restricted medical care to the families of insured persons (3) Extension of full medical care including hospitalisation to families of insured persons; (4) Measures to improve the health of insured persons - such as promoting health services at the place of work etc.

It was also decided that the quantum of cash benefits to the persons suffering from prolonged illness such as T.B. etc. should be considered immediately and proposals should be put up before the next meeting of the Corporation.

~~Bombay~~

/ S. Y. Kolhatkar/

April 6, 1960.

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Telephone : 2025

Punjab & Himachal Committee
ALL-INDIA TRADE UNION CONGRESS

G. T. Road,
Jullundur City

Dated 28th May, 1960

Ref. No. AT/25-6.

Dear Comrade ,

We have received the complaint from Ludhiana Trade Union Council, and we are sending herewith the same for your necessary action.

Yours fraternally

Kartar Singh

(Kartar Singh)

*See report to the Com. Party
1/5/60
S.P.*

31 MAY

REGIONAL OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
(MINISTRY OF LABOUR & EMPLOYMENT)

ESIC Building,
Colaba Causeway, Bombay-5,
Dated the 23.5.60

No.B/CB.I-14/53

To
The Secretary,

All India Trade Union Congress.
55 Girgaum Rd.
Bombay 4.

Subject:- Cash benefit and court decisions during the
month of _____ in Bombay Region.

Dear Sir,

I am forwarding herewith a copy of the statement showing
the position in regard to registration of employees, incidence of
cash benefit etc. in respect of persons insured under the Employees'
State Insurance Scheme and the decisions of the Court on the appli-
cations filed by the Corporation under various legal provisions of
the Act for the month of April 60 for your information.

Yours faithfully,

W. Prudhara

for REGIONAL DIRECTOR.

np/21.11.58.

S.No-918-D

28 MAY 1960

To

The Secretary,

Ministry of Labour, Government of India, New Delhi

SUBJECT: Proposed change in the prevalent system of authorised medical attendants under the Employees State Insurance scheme.

A news item appearing recently in the Tribune, Amalala

showed that the scheme for abolition of the present system of

authorised medical attendants is under contemplation and it

is proposed to open Govt. dispensaries for the labourers in

lieu of the existing arrangements. The existing system is

favoured more by the labourers than the proposed one and

your attention is particularly invited to some of the following

points in favour of the existing system.

1. The present system provides opportunities to the workers to have a medical attendant of their own choice.
2. It has not been possible for the State Govt to eradicate various evils with the already existing arrangements of medical aid being provided by as many as fifteen doctors.
3. Numerous dispensaries in the State are going on without qualified doctors for dearth of qualified hand and it may not be possible for the Govt to provide doctors to the new dispensaries.
4. All the members of the family of a worker should have equal privileges for receiving medical aid under the existing arrangements.
5. The present system makes the medical attendant to put in greater labour for the ailing workers obviously on the fear of his being deprived of the benefits in case an ailing worker goes dissatisfied.
6. With the opening of Govt. dispensaries, the same conditions would prevail as has been heretofore prevailing in Civil Dispensaries, for the doctors would know that they are to get their pay from the Govt treasury. This sort of affairs would deteriorate the conditions of workers still further.
7. Of course inefficient doctors and have poor knowledge of their profession may be turned out from the existing arrangements.
8. The apprehension that the existing arrangements are more costly is untenable. Rather the proposal of opening new dispensaries would cost much more than the existing system. It would not be possible for four dispensaries to be opened in Ludhiana to work as such as all the fifteen doctors are doing at present. At least it would suffice to open as many as thirty dispensaries as against the existing fifteen doctors.

8 MAY 1960

9. The present industrial set up of Ludhiana is composed of and located in three different localities falling at sufficient distance from each other. The proposal of opening new dispensaries would involve a problem in ascertaining the suitability of the sites for location of such dispensaries.

10. The Govt is not equipped with appropriate buildings for locating proposed new dispensaries and this would involve huge expenditure.

Under the circumstances, the works are in favour of the existing arrangements being continued and the evils and defects in it should be remedied.

Thanking you,

Yours faithfully,

Mudun Lal

DI STT. TRADE UNION COUNCIL, LUDHIANA.

Dated, Ludhiana.

23.5.60.

Copy to Director of Health Services, P.b., Chandigarh.

2. Shri Amar Nath Vidyaalankar, Labour Minister, P.b. Chandigarh.

3. The Labour Commissioner, P.b., Ambala.

4. The Trade Union Congress, Punjab, G.T. Road, Near P.N. Bank Ltd., Jubbundur City.

5. Shri Comrade S.A. Dange, 4, Asoka Road, New Delhi.

for information and suitable action.

The present system makes the medical attendance to a greater extent than before. The present system makes the medical attendance to a greater extent than before. The present system makes the medical attendance to a greater extent than before.

Of course, it is not possible to have good knowledge of the present system.

The present system makes the medical attendance to a greater extent than before. The present system makes the medical attendance to a greater extent than before.

1. Minimum list of equipments of Panel doctor
not mentioned in this Proceeding.

How the new modification may be enforced,
while old things were deferred. Leave by
the Director.

From J. M. A. M. Regul State Branch.
Send a list from Director also. The
same has been referred by Director to S. S. J.
Corporation. Which has been considered by
Council or not.

The accepted scheme of the S. S. J. - How the
scheme is being implemented when the new
scheme is again under agenda.

For Families Medical Benefit
.. about the difficult labor cases

Definition of Family?

Sub Committee

(non official)

3 Representatives from Medical Profession

and at least one from the employees representative

Official representation should not exceed the
number of non official representatives.

Item 4(b)

Specialists must have some beds for the
patients. Increase of orthopedic minor surgical
operation. (Lentils operation) what arrangements
can be made.

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EMPLOYEES' STATE INSURANCE CORPORATION
MINISTRY OF LABOUR & EMPLOYMENT
24/3, Asaf Ali Road.,

No. INS.I-22(1)-1/60 Now Delhi, the 22nd June, 1960.

From The Director General.

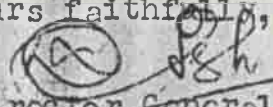
To

- (a) All members of the E.S.I. Corporation and The Medical Benefit Council;
- (b) All State Governments (except the Govt. of Jammu & Kashmir);
- (c) All India Organisations of Employers, Employees and Medical Profession, & All India Chamber of Commerce;
- (d) All Administrative Medical Officers;
- (e) All State Accountants General. (including A.G.C.R.)

Sir,

I am to forward herewith a copy of this office Notification No.INS.I-2(1)-1/59 dated 14th June, 1960 for information. Please acknowledge receipt.

Yours faithfully,



for Director General.

P.T.O.

- : 2 :-
- *1 Ministry of Finance (Revenue Division) - 2 copies.
 2. Ministry of Labour & Employment - 2 copies.
 3. Ministry of Commerce & Industry - 6 copies.
 4. Ministry of Railways;
 5. Ministry of Transport and Communications - 8 copies;
 6. Ministry of Health;
 7. Ministry of Food and Agriculture;
 8. Ministry of Scientific Research & Cultural Affairs;
 9. Ministry of Iron & Steel;
 10. Ministry of Information & Broadcasting;
 11. Ministry of Education;
 12. Ministry of Rehabilitation;
 13. Planning Commission;
 14. Ministry of Works, Housing and supply - 10 copies.

II. Copy also to;

JNK
22.6.60

- I. Copy with enclosures is also forwarded to:-
- *a) All employing ministries of Government of India;
- b) The Comptroller & Auditor General, N. Delhi 2- copies;
- c) The Secretary, Lok Sabha, Secretariat, New Delhi.
- d) The Director General R & E, New Delhi.
- e) The Director, Health Services, New Delhi.
- f) The Director General, Civil Aviation of India, N. Delhi;
- g) The Director Labour Bureau, Simla.
- h) The Chief Labour Commissioner, New Delhi.
- i) The Coal Mines Provident Fund Commissioner, Dhanbad;
- j) The Chief Advisor Factories, N. Delhi.
- k) The Dy. Director, Medical & Health Services (ESI), U.P. Kanpur;
- l) The Director of Health Services, Delhi.
- m) The 15 offices under the Ministry of Commerce & Industry, N. Delhi.
- i) All Regional Offices with a spare copy for the R.A.N.O. and
- ii) All Officers & Branches at the Hqrs.


for Director General.

179

EMPLOYEES' STATE INSURANCE CORPORATION
MINISTRY OF LABOUR & EMPLOYMENT
2A/3, Asaf Ali Road.,

No. INS.I-22(1)-1/60

New Delhi, the ~~17th~~ June, 1960.

From

The Director General.

To

- (a) All members of the E.S.I. Corporation and The Medical Benefit Council;
- (b) All State Governments (except the Government of Jammu and Kashmir);
- (c) All India Organisations of Employers, Employees and Medical Profession, & All India Chamber of Commerce;
- (d) All Administrative Medical Officers;
- (e) All State Accountants General (including A.G.C.R.)

Sir,

I am to forward herewith a copy of this office Notification No. INS.I-22(1)-2/60 dated 8th June, 1960 for information. Please acknowledge receipt.

Yours faithfully,



for Director General.

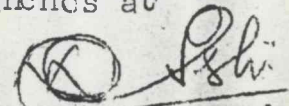
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2. Ministry of Labour & Employment - 2 copies;
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5. Ministry of Transport and Communications - 8 copies;
6. Ministry of Health;
7. Ministry of Food and Agriculture;
8. Ministry of Scientific Research & Cultural Affairs;
9. Ministry of Iron & Steel;
10. Ministry of Information and Broadcasting;
11. Ministry of Education;
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 - d) The Director General R & E, N. Delhi.
 - e) The Director, Health Services, New Delhi.
 - f) The Director General, Civil Aviation of India, New Delhi;
 - g) The Director Labour Bureau, Simla.
 - h) The Chief Labour Commissioner, New Delhi;
 - i) The Coal Mines Provident Fund Commissioner, Dhanbad;
 - j) The Chief Advisor Factories, N. Delhi.
 - k) The Dy. Director, Medical & Health Services (ESI), U.P. Kanpur;
 - l) The Director of Health Services, Delhi;
 - m) The 15 offices under the Ministry of Commerce & Industry, N. Delhi.

II. copy also to:

- i) All Regional Offices with a spare copy for the R.A.A.O. and
- ii) All Officers & Branches at the Headquarters.



for Director General.

J NK
15.6.60

179
June 21, 1960 ✓

Dear Com.Hrishii Banerjee,

Your letter of 19.6.60. The position re. ESI is that after our walk-out from the last general meeting of the Corporation, it was stated by ESIC that they would invite our Member on the Corporation to attend its Standing Committee meetings. Our representative on the Corporation is Com.Kolhatkar and the Standing Committee meetings will be ~~not~~ attended by him, whenever he is invited. As you will see, Com.Ranen Sen can attend the meeting only on his becoming our representative on the ESIC and this can be done only when the term of ~~our~~ representative is over and we have to make fresh nominations.

2. We have received the following reply from the Union Labour Ministry in respect of our complaint re. the appeal filed by Millowners Association of Bengal against the Award:

"In continuation of this Ministry's letter of even number dated 17th February 1960 on the above subject, I am directed to say that the question was taken up with the concerned employers organisation which has now informed us that the Bengal Millowners' Association have withdrawn their appeal against the award of the Tribunal." (letter No.2/13/60-E&I dated 10.6.60).

With greetings,

Yours fraternally,

UMD^p

(K.G.Sriwastava)

2

13 JUN 1960

No.2/13/60-E&I
Government of India
Ministry of Labour & Employment

From

Joint Secretary to the Govt. of India,
Evaluation & Implementation Division.

To

Shri K.G. Srivastava,
Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

0961 NMT 01

Dated New Delhi, the

Subject: - Appeal against award- Bengal Millowner's Association.

Dear Sir,

In continuation of this Ministry's letter of even number dated 17th February 1960 on the above subject, I am directed to say that the question was taken up with the concerned Central Employers' Organisation which has now informed us that the Bengal Mill Owner's Association have with-drawn their appeal against the award of the Tribunal.

Yours faithfully,

[Handwritten Signature]

for Joint Secretary

d.a.nil.
h.s.

Infor the main

*ym
15/6*

All India Trade Union Congress

249, BOWBAZAR STREET, CALCUTTA-12

Date 19.6.60. 195 .

Ref. _____

Com. K. G. Srihastava.

Dear Com. K. G., Last time when I had been in Delhi I had a talk with Com. Acharya regarding the latest present position of Standing Committee of A.S.I. I was told that recently the Govt is extending invitation to A.S.T.U. to attend the Standing Committee meeting. Although they have not yet asked to nominate our nominee for said Committee, but they are adopting this tactic at present. So I had a discussion with Com. Ramesh Sen on this point. He has asked me to write this to you as his suggestion. If any invitation by air time comes to A.S.T.U. he wants to participate in a said meeting. Before this he had different views regarding this A.S.I. business. Now from his talk it appears to me that he has changed his opinion. Any way please see that he may join the deliberation of A.S.I. I think his deliberation in this Committee or Corporation will be great help full for us.

with greetings

yours truly
M. Banerjee

6 JUL 1960

No. PHI-Dy. 2016/60
Government of India
Ministry of Labour & Employment

179

Dated New Delhi, the

4 JUL 1960

From

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

To

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

Subject:- Representation on the Employees' State Insurance
Corporation Regional Advisory Board for Andhra Pradesh.

Sir,

With reference to your letter No.185(1)/A/60, dated the 2nd June, 1960, on the above subject, I am directed to say that a similar representation was also received by the Director General, Employees' State Insurance Corporation, from the Andhra Pradesh Branch of the All India Trade Union Congress. A copy of the reply sent by the Director General is enclosed. Further action will be taken on receipt of the State Government's reply which is awaited.

Yours faithfully,



(Balwant Singh)
Under Secretary.

Copy of letter No.3(4)-9/59-Estt.II dated the 13th May, 1960 from the D.G., Employees' State Insurance Corporation to the Secretary, ~~xxxxxx~~ Andhra Pradesh Trade Union Congress (A.I.T.U.C.) Chikkadpalli, Hyderabad.

Subject:- Representation on the Regional Board for Andhra Pradesh.

I am to acknowledge the receipt of your letter dated the 2nd May, 1960 regarding giving due representation to your organisation on the Regional Board for Andhra Pradesh, and am directed to say that under Regulation 10(1)(e) of the Employees' State Insurance (General) Regulation, 1950, it is for the State Government concerned to recommend the names of the organisations of employers and employees for being represented on the Regional Board. (relevant ~~xxxxxx~~ extracts enclosed for ready reference).

The matter has, however, been referred to the State Government and further necessary action will be taken on receipt of their recommendations.

Extracts from E.S.I.(General) Regulation 10-A(1)(e), Local
'Committee.

XXXX

XXXX

XXXX

XXXX

(e) an equal number of representatives of employees
in the area to be nominated by the Chairman, Regional Board,
in consultation with such organisations of employees as may be
recommended for the purpose by the State Government;

XXXX

XXXX

XXXX

XXXX



2 NOV 1960
A. George Chadayammuri,
Member, Regional Board (ESI) Kerala

179
Kerala State Trade Union
Council of A.I.T.U.C.,
Plantain Grove,
Trivandrum - 1.

28th October, 1960.

The Hon. Minister for Labour,
Chairman, Regional Board for Kerala,
Employees State Insurance,
Trivandrum.

Sir,

Sub:- Treatment meted out to Sri. Thomas Pappan, ESI I. No.

54-084310 at the Civil Hospital, Alleppy.

Ref: My letter dated 7--10--1960.

It is regretted to note that my above letter has not yet been even acknowledged.

In the last para of the letter, I had requested that the subjects raised therein, be placed in the agenda of the next meeting and also that the letter be circulated to the members in advance. So far, nothing seems to have been done.

This is in glaring contrast to the attitude of the Central authorities. Major D.R. Sharma, Asst. Medical Commissioner, had been kind enough to send me an acknowledgement for the copy addressed to the Director-General, E.S.I. Corporation, New Delhi. I consider it really serious that the Kerala Regional Authorities not to have shown atleast this much courtesy, especially when I happen to be a member of the Regional Board.

Sri. Pappan is still in the Nursing Home. As I have already stated, he has already spent more than Rs.500/- He raised this money by pledging his house and all other savings. It is a pity that as yet, the Corporation has not moved in to help him.

I have, before me, a copy of the letter sent by Sri. F.V. Ramachandran, Vice-President, The Travancore Coir Factory Workers Union, Alleppy, and also Member, Alleppy Local Committee of ESI, to the Regional Director, requesting him to arrange for extended benefit to Sri. Pappan. I request that this may be immediately arranged.

I also request that a meeting of the Regional Board be convened at the earliest possible date to discuss the issues raised in my letter. I am sending a separate requisition to the Regional Director, copy of which is herewith enclosed.

FAITHFULLY YOURS,

Capoye

(A. George Chadayammuri)

Copy to:-

1. Regional Director, ESI, Trichur
2. Vice Chairman (Hon. Minister for Health) ESI Regional Board.
3. Director General, ESI Corporation, New Delhi.
4. General Secretary, AITUC, New Delhi. ✓
5. Secretary, Travancore Coir Factory Workers Union, Alleppy.

कपड़ा मजदूर एकता यूनियन (रजि०)

KAPRA MAZDOOR EKTA UNION (Regd.)

Goushala Gate, Kishanganj Mill Area, DELHI.

गौशाला गेट, किरानगंज मिल एरिया, दिल्ली।

Ref: No. MSU/137/60.

Dated: 17th October, 1960.

The Regional Director,
Employees' State Insurance Corporation,
9-B, Pusa Road,
New Delhi.

Sub: Wrongful complaint against a
workman to his employer.

Dear Sir,

It has been brought to our notice that you have reported to the management of M/s Delhi Cloth Mills against one S-hri Bishambar, Insurance No. 11-002944 alleging that he threatened or abused the officials of the local office. On your report the management has charge-sheeted the workman concerned under a rule which might involve the workman's dismissal. Although the management has been advised by us not to take recourse to a step which would be illegal, still it may not heed our advice. In case the management proceeds further and holds an enquiry into the allegations you and your staff will have to appear as witnesses on behalf of the management and submit themselves to cross-examination. It is for you to judge how far it will be proper for you to play such partisan role. In case the workman is punished the matter will be taken up by us in the Industrial Tribunal, where again we shall be under the painful necessity to summon you for cross-examination. Further in case the workman is dismissed or otherwise loses his employment at your instance, that would create a lot of ill feeling towards your staff in the hearts of the workmen in general. We wonder whether you were alive to all these implications and undesirable consequences when you made the complaint.

We are of the definite opinion that the Insurance Corporation should remain away from any situation which might involve them in such disputes. If there is a complaint against any workman, the best course is to complain to the Union concerned and leave it to discipline the member. We assure you of our best co-operation in the matter. Recourse to any other means is fraught with grave repercussions on the relationship between the Insured persons and the Corporation.

As this is a matter of basic policy, we would request you to give deep consideration to the whole matter. In the interest of the Corporation and the objectives which it has to sub-serve, we would request you to kindly withdraw the complaint forthwith.

An urgent response is solicited.

Yours faithfully,



(B.D. JOSHI)
GENERAL SECRETARY

(B.T.O.)

Copy forwarded, for necessary consideration and appropriate action, to:-

1. Shri S.K. Chibber, I.A.S.,
Director General,
Employees' State Insurance Corporation,
Government of India, Ministry of Labour & Employment,
Asaf Ali Road, New Delhi.
2. Shri Gulzari Lal Nanda,
Minister for Labour & Employment,
Government of India,
New Delhi.
3. The Secretary,
All-India Trade Union Congress,
4, Ashoka Road,
New Delhi.
4. Shri Radha Kishan,
Member, Advisory Board,
E.S.I.C., Subsimandi,
Delhi-6.

ERS/

2 NOV 1960

A. George Chadayammury,
Member, Regional Board (ESI), Kerala

Kerala State Trade Union
Council of A.I.T.U.C.,
Plantain Grove,
Trivandrum-1.

28th October, 1960.

The Regional Director,
E.S.I. Corporation,
Madhavi Mandir,
Bankara Iyer Road,
Trichur.

Sir,

This is to request you to convene a meeting of the E.S.I. Regional Board with the least possible delay to discuss the following items :-

1. Condition of Sri. Thomas Pappan, ESI I.N. No. 54-034310 and the treatment meted out to him by the Alleppy Civil Hospital authorities.
2. Question of meeting the expenses so far incurred by Sri. Pappan for his treatment at Sree Narayana Nursing Home, Pathirappally.
3. Causes that led to the demise of Sri. Bhaskaran, ESI I.N. No. 54-034942 at the Civil Hospital, Alleppy.
4. Question of setting up a sub-committee to enquire into the conditions and treatment meted out to insured persons in the civil hospitals in the State.

A copy of my letter addressed to the Chairman, Kerala Regional Board of the ESI is also enclosed.

FAITHFULLY YOURS,

George

(A. George Chadayammury)

Copy to:-

1. Chairman, Regional Board for Kerala
2. Vice Chairman, Regional Board for Kerala.
3. Director General, ESI Corporation, New Delhi.
4. General Secretary, AITUC, New Delhi. ✓
5. General Secretary, KSTUC, Trivandrum.

KERALA STATE TRADE UNION COUNCIL

(A. I. T. U. C.)

PLANTAIN GROVE
TRIVANDRUM-I.

17th November, 1960

President :

R. Sugathan M. L. A.

Presidents :

V. Rajagopalan Nair, M.L.A.
P. K. Padmanabhan
P. Gangadharan
William Snelux

General Secretary :

P. Balachandra Menon
M. L. A.

Secretaries :

A. A. Solomon M. P.
Kallatt Krishnan
P. Sankar
A. George Chadayammuri

Treasurer :

K. V. Surendranath

The Regional Director (E.S.I.)
Trivandrum.

Sir,

Sub:- Treatment meted out to Sri. Thomas Pappan, ESI No. 54-084310.

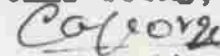
Ref:- Your Letter No. KL/INS/CBS-4(2)d/d4-11-60

I am to thank you for your letter as also your action in extending to Sri. Thomas Pappan, extended medical benefits accepting the certificate produced as alternate evidence.

But the matter cannot be allowed to lie there. The expenses he has incurred so far, in the Nursing Home, has to be met. Moreover, though Sri. Pappan had a providential escape, Shri. Bhaskaran had to lose his life. Hence the question of treatment meted out to the insured workers in the Civil Hospitals require to be gone into.

Hence I repeat the request that an early meeting of the Board be convened.

FAITHFULLY YOURS,



(A. George Chadayammuri)
Member, Regional Board (Kerala)

Copy to:-

1. The Chairman, Regional Board (ESI)
2. The General Secretary, AITUC, New Delhi
3. The General Secretary, KSTUC.

(129)

Unstarred Question 823 - November 25, 1960

UDRAJIT GUPTA:
RENU CHAKRAVARTTY:

Will the Minister of LABOUR & EMPLOYMENT be pleased to state:

(a) whether the Mazgaon Dock, Bombay, has been exempted from the Employees State Insurance Act as from 1st April 1960; and

b) if so, the reasons for such exemption?

Answer:

SRI L.N. MISHRA (DEPUTY MINISTER OF LABOUR & PLANNING)

(a) and (b): The Dock was treated as having gone out of the purview of the Employees State Insurance Scheme due to a misunderstanding. Instructions have been issued to bring it back into the Scheme, and the workers will be given benefits as if there has been no intervening gap of non-coverage.

179

November 26, 1960

Dear Com.Kolhatkar,

Please arrange to send us a short note on the ESI Scheme - particularly the developments since our Ernakulam Session, for inclusion in our Report to the 26th Session.

Since the material for the report is being prepared now, we would like to receive your note not later than 5th December, 1960.

With greetings,

Yours fraternally,

KGS

(K.G.Sriwastava)
Secretary

14, Old Sugar Factory
Compound, PILIBHIT.
Dated 26.12.1960.

R E G I S T E R E D.

The Labour Commissioner, and Secretary,
Implementation and Evaluation Board,
Post Box No. 220,
Kanpur.

Dear Sir,

The Employers of M/S L.H. Sugar Factories & Oil Mill (P) Ltd.,
Pilibhit, U.P. are actually indulging in unfair labour practices. In
breach of the Code of Discipline they are arbitrarily entering into the
agreements out side the courts with the rival union viz- L.H. Sugar
Factories Mazdoor Union, Pilibhit. The cases which are referred to
adjudication and are decided in favour of the workmen are not implemented
and in every such case the employers go in writs. They are members of the
Indian Sugar Mills Association. Within a period of a year they have filed
four writs, which are all on the basis of decided points. The details of
which are given as under :-

S.N.	G.O. No under which cases were referred.	Case Nos.	Date of decision of the Labour court or Tribunal	Writ No.
1.	No. 244(Reference)-174-R-(BR)-1957 dated 14.4.1958.	Case No. 20 of 1958.	Decided by the Labour Court, Bareilly on 20.1.1959. and published on 18.2.1959.	Writ No. 283 of 59.
2.	No. 258(Reference)-143-B(BR)/1957 dated 18.4.1958.	Case No. 22 of 1958.	Decided by the L.C. Bareilly on 7.11.58 and published on 13.12.1959.	Writ Petition No. 657 of 59.
3.	No. 621(LG)/XVIII-LA-42(BR)/1959 dated 19.8.1959.	Case No. 42 of 59.	Decided by the I.T. (I)U.P. Allahabad on 20.11.59 and published on 23.12.59.	Writ petition No. 439 of 1960.
4.	No. 819(Reference)-135-R(BR)-57 dated 29.10.1958.	Case No. 23 of 1958.	Decided by the L.C. Bareilly on 16.12.59 and published on 19.1.1960.	Writ Petition No. 785 of 1960

We have the pleasure to approach this Board to intervene in the matter and persuade the employers to withdraw them at an early date.

Thanking you.

The Pilibhit Mill Labour Union, Yours faithfully,
PILIBHIT (U. P.)

(D.L. Kohli)
Secretary,

Pilibhit Sugar Mill Labour Union, 14, Old Sugar
Factory Compound, Pilibhit.

Copy forwarded for information and needful action to :-

1. The General Secy. A.I.T.U.C. 4, Ashok Road, New Delhi-1.
2. Sri G.S. Sinha, Joint Secy, U.P.T.U.C. and Member Evaluation Committee, Kanpur.

Employees' State Insce. Scheme

Enhanced Employer's Contribution By April '61

NEW DELHI, Mar. 22.

The enhanced rate of employers contribution to the Employees State Insurance Scheme—three and half per cent of the wages in implemented areas and one and three fourth per cent in non-implemented areas—may have to be enforced "from a date not later than the first April, 1961."

This is stated in the budget estimates of the Employees State Insurance Corporation presented to the Lok Sabha today.

The present rate of employer's contribution is one and one fourth per cent of wages in implemented areas and three fourth per cent in non-implemented areas.

The Government decided on increasing the rates in August, 1953, but the increase was not to be collected as long as the current expenditure of the Corporation could be met from the current revenues.

SURPLUS BUDGET

The budget estimates of the Corporation for 1960-61 shows a revenue surplus of Rs. 10.63 lakhs, with revenue receipts estimated at Rs. 905.89 lakhs and expenditure at Rs. 895.26 lakhs.

The revised budget estimates of the Corporation for 1959-60 shows a decrease in both receipts and expenditure as compared to the budget estimates for the year.

This is because "due to administrative and other difficulties of the State Governments concerned", the regional programme relating to extension of the scheme to new areas and extension of medical benefits to the families of the insured persons could not be adhered to.

EXPENDITURE FOR HOSPITALS

The budget for 1960-61 makes an ad hoc provision of Rs. 98.50 lakhs of capital expenditure for hospitals and dispensaries. Out of this 92.50 lakhs is for construction of hospitals and dispensaries, and Rs. 6 lakhs for equipment of hospitals.

An appendix to the budget gives the number of employees and family units already covered by the scheme, and those to be covered up to March 31, 1961. The number of insured persons already covered is 14,51,000 and those to be covered 6,50,500.—(PTD.)

State Insurance Scheme Deadlock

Nanda Urged To Look To Its Working In W. Bengal

By A Staff Reporter

The deadlock created in West Bengal in so far as the implementation of the Employees State Insurance Scheme in the State is concerned, has caused a serious concern to the Standing Committee of the E.S.I. Corporation. The Committee has urged the Union Labour Minister, Sri Gulzarilal Nanda and officials of the Employees' State Insurance Corporation to leave for Calcutta immediately to hold "straight" talks with the Chief Minister Dr. B. C. Roy on the question of finding ways and means for the proper working of the scheme in the State.

The suggestion was made at a meeting of the Standing Committee held in Delhi this week to review the progress made by different States in the matter of execution of the State Insurance scheme. It was found by the Committee that while appreciable progress has been made by different States including Madras, Kerala and Rajasthan, the situation in West Bengal was extremely unsatisfactory. An adverse report has been submitted by an M.P. who visited Calcutta towards the end of February to study how the E.S.I. scheme was working in West Bengal.

LACK OF FACILITIES

Although the Employees' State Insurance Scheme was introduced in Calcutta and Howrah in 1955 to ensure cash and medical benefits to all workers coming under its purview, it has not been possible to offer such benefits to the extent prescribed for lack of hospital facilities and other difficulties. It was decided earlier that the scheme would be extended to all workers in Hooghly and 24-Parganas districts within a period of two years from the date of its commencement but for difference of opinion regarding the setting up of hospitals between the Public Health Department of the State Government and the Corporation, no extension was possible within the last five years.

At present about 2.25 lakhs of workers have been brought under the purview of the scheme but members of the workers' families who are also eligible for the benefits could not be offered the facilities for lack of arrangements.

EMPLOYERS RESIST EXTENSION OF E.S.I. BENEFITS
TO FAMILIES OF INSURED WORKERS.

(BY: S.Y.KOLHATKAR)

The employers made a determined bid to resist extension of the E.S.I. benefits to the families of insured workers since that ^{would} have meant enhancement of their contribution to the schedule I rate under the Act, at the meeting of the E.S.I. Corporation held on 4th February, 1960. They sought to exploit the existing deficiencies of the scheme to the fullest possible extent and shed crocodile tears for the woes of the insured workers who were not getting a fair deal from the Corporation. They pointed out to the slow progress in regard to the extension of the scheme to all the insurable workers; they waxed eloquent over the non-construction of the hospitals and the resultant misery inflicted on the workers; they catalogued a long list of grievances and complaints against the panel doctors and argued that let the Corporation first remove all the existing defects of the scheme and only then think of extension of medical benefits to the families of insured workers. One of the employers from Ahmedabad even went to the extent of saying that they cannot agree to the principle of extension of benefits to families at the present stage.

The A.I.T.U.C. representative on the Corporation (S.Y. Kolhatkar) exposed the game of the employers by pointing out that what they (employers) really desired was the non-enhancement of their contribution to the schedule I rate under the Act which will become inevitable if benefits were extended to families, but they have no courage to say so openly. Hence they were taking shelter behind the existing deficiencies of the scheme to oppose extension of benefits to families on the grounds of propriety and practicability. He further stated that it was rather too late in the day for the employers to raise the question of principle in this matter because the Corporation including the employers representatives on it

cont...2

visit were already committed to the extension of restricted benefits to the families and in fact in a number of states this has already been effected. As regards enhancement of employers contribution, he said that under the Act the employers were legally bound to pay 4 $\frac{1}{2}$ % of the wage and they cannot be allowed to enjoy the present concession of 1 $\frac{1}{2}$ % contribution for long since the workers had ^{all} along been paying 2 $\frac{1}{2}$ % of their wage which was two times of the contribution paid by the employers. Lastly he strongly emphasised the urgent need to undertake a plan for construction of a number of hospitals in Bombay, Calcutta, Cawnpore and Delhi almost as a war-emergency measure so that it becomes possible to extend full medical benefits to the families at the earliest possible date and employers are not able to exploit this weakness to resist extension of E.S.I. benefits and enhancement of their contribution.

The above discussion in the E.S.I. Corporation took place while considering the agenda before the meeting for fixation of priorities for extension of benefits to the workers during the Third plan period. At the end of the discussion it was agreed by all members except the employers representatives that the first priority should be extension of the scheme to all the insurable workers; second, increase in the quantum of sickness cash benefits to persons suffering from prolonged illness and the third, full medical care to the families including hospitalisation on the same scale as for the insured persons. It was further agreed that the extension of these benefits should be effected within the resources of the Corporation available on the basis of schedule I rates contribution from the employers. The employers representatives finding that they were isolated on the question asked for a month's time to take instructions from their organisation and hence it was decided that an emergency meeting of the Corporation be held on 7th March 1960 to take a final decision in the matter.

Other items of agenda before the Corporation were, report of the Standing Committee, Report of the Study Group on Social Security, Amendment to Regulations 3-A, 74 and 76, Grant of pensionary benefits to the employees of the E.S.I. Corporation and Budget estimates for the year 1960-61. The Chairman Shri Gulzarilal Nanda, Union Labour Minister presided ^{over} the meeting for some time.

In his introductory remarks Shri Nanda pleaded for co-operation from all parties for the success of the scheme, regretted the unfortunate position in regard to the ~~construction~~ ~~of~~ construction of hospitals and stated that he was personally making every effort to get the agreement of the States for date-wise schedule for construction of hospitals but admitted that so far he could not be able to make much headway in West Bengal and Bombay. At the end he stressed the preventive measures for improving the health of the workers and suggested imparting health education to workers including practice of YOGASANAS !

The Corporation report to the Standing Committee revealed that the progress of construction of hospitals was very slow in Bombay and West Bengal. In the Budget estimates for the year 1959-60 a provision of loan of Rs. 80 lakhs to the Bombay Government for construction of hospitals was made, but the State had not even called for loan instalments!

The report of the Study group on Social Security was discussed at the meeting, but it was agreed that written comments should be invited from all members and the report could be discussed at the next meeting of the Corporation. It was further decided that amendments to the present E.S.I. Regulations should be considered at the next meeting.

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MEMORANDUM

ON

The Employees' State Insurance Scheme.

Presented to

**Shri A. LAKSHMANASAMI MUDALIAR
(Committee appointed by the Govt. of India)**

by

The ALL INDIA TRADE UNION CONGRESS (Tamilnad Branch)

The EMPLOYEES' STATE INSURANCE SCHEME framed under the Employees' State Insurance Act, 1948 was inaugurated in the City of Madras on 14th November 1955. It was intended to cover the Area upto Ennore in the North, Vandalur in the South and Ambattur in the West. It was earlier introduced in Coimbatore, Tamilnad.

The undoubtedly the Act and the Scheme framed under it, has the laudable object of fulfilling Articles 41 & 42- the Directive Principles of State Policy as laid down in the "Constitution of India", namely,

"The State shall, within the limits of its economic Capacity and development, make effective provision for securing right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement and any other cases of underserved want. The State shall make provision for securing just humane condition of work and for maternity relief."

Yet, in actual practice, it has not enthused the Workers who were ostensibly to benefit by it.

The reason for this is two-fold. Firstly, certain amendments must be made in the Scheme and perhaps in the Parent Act itself, so as help the Worker to enjoy the full benefits under the Scheme. Next, the Employees' State Insurance Corporation must be made free from the trammels of Officialdom and red-tapism, if the Worker is to take kindly to it.

This Committee appointed by the Government of India may be pleased to make suitable recommendations under the two aforementioned heads.

1. CONTRIBUTIONS:

The First Schedule to the Act, lays down the contributions to be made to the Common Fund of the Employees' State Insurance Corporation.

The Contribution recoverable from employees is far too excessive and falls very heavily on Workers. When it is remembered that prices of all Food Articles, clothing, house-rent etc., are all skyrocketing resulting in real wages sinking day after day, the existing rates of Contribution recoverable from the employee, is regarded by him as a drastic wage-cut, capable of infinite mischief.

Moreover, Workers contribute 2.5% of their wages in the implemented areas, and 0.75% in non-implemented areas, tho' the Act clearly lays down that Employers should contribute 5% of the Wage-bill every month.

State Government are expected to share one-third of the cost of medical benefit under the Act. This has been reduced to one-fourth. When the Scheme is extended to the families of insured Workers, the State Government are to bear only one-eighth of the cost of medical benefits. At the moment, the Central Government makes no contribution at all.

During the last three years, the respective Contributions of Employees and Employers are shown below:-

Year:	Employees' Contribution.	Employers' Contribution.
1955-56.	Rs. 2,39,61,290.	Rs. 2,25,29,288.
1956-57.	Rs. 3,22,02,834.	Rs. 3,39,39,404.
1957-58.	Rs. 2,52,35,954.	Rs. 2,83,41,328.

During the last 7 years of the Working of the Employees' State Insurance Scheme, Workers have contributed a total sum of Rs. 10.78 Crores. Total benefits distributed to Workers including Medical is approximately Rs. 8.28 Crores. During this period the Corporation has made a net saving of Rs. 2.50 Crores from Workers' Contribution alone.

This is an unconscionably high sum and the strain is being felt very ~~starkly~~ acurately by Workers.

The need therefore of reducing the Workers' Contribution to half of what it is at present is thus abundantly proved.

2. T. B. PATIENTS:

At the moment T.B. Patients who are insured under the Employees' State Insurance Scheme get half the average daily wages for 56 days and thereafter one-fourth, upto a further period depending on their services.

This is far too meagre a benefit. In their case, they should continue to draw half the average daily wage till they are cured or till death whichever is earlier.

The question of building at least a separate block with 100 to 150 Beds as a wing to the Sanatorium at Tambaram and Perundurai may kindly be considered.

Disability Benefits

The Corporation pays only 55 days average wage as Cash Benefit. The period is unduly restricted. Moreover the so-called waiting period of three days is an unnecessary restriction, and no valid reason can be advanced for this. This must go and the benefit for 55 days must be made at least 90 days in the first instance.

(a) Strikes & Lock-Outs: If insured persons are involved in a Strike or Lock-out, Contributions of Workers stop. Then the Workers are denied the benefits under the Act because Contributions were not made during that period of Strike Lock-out. The Act should be amended so as to either waive or at least in the alteration to collect in easy instalments the amount due by way of contributions.

4. Treatment for Eye, Teeth and Skin

Treatment for eye-disease, Teeth and Skin, appear not to be any responsibility of the Employees' State Insurance Corporation. Why that is so, it is difficult to say. Probably the risks involved are great and the Employees State Insurance Corporation would prefer to take up treatment of easier or less costly diseases. This state of affairs must go.

All diseases that flesh is hair to, must be attended to by the Employees' State Insurance Corporation, and no insured person could be told that for certain diseases alone the Corporation would be responsible for treatment.

Further, Spectacles free of cost should be distributed to the insured needy persons. Similarly teeth-sets should supplied free of cost to the insured needy persons.

A Common Complaint from insured Workers is that where the medicines prescribed are costly, the Employees' State Insurance Dispensary not being properly equipped, the insured Patient is asked to go and buy the Medicine himself.

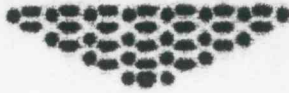
The Employees State Insurance Dispensaries should not be run as if they are some free charity institutions where only Cheap Medicines would be available.

5. Families of Insured Persons:

The Families of insured persons must also be treated at the Employees' State Insurance Dispensaries. To-day they are not. Though an assurance has been given by the Government of India that this would be done, to this date no such facility has been extended to insured persons in the State of Madras. This anomaly should be set right urgently.

4th Page:

By and Large, the Employees' State Insurance Corporation works as if it is a business enterprise. The Social aspect of its work gets blurred in unnecessary red-tapism. This must go and the natural enthusiasm of the insured worker should kindled by not only propaganda but by the efficient, quick and sympathetic treatment accorded to Insured Person.



As Kalyan
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~~2/11~~
Resolution on E. S. I.

Working Committee of Jagatjit Kapra Mill Mazdoor Union Regd. Phagwara has got the information from the Office of Punjab Committee of A. I. T. U. C. that a Meeting of the Regional Board of Employees State Insurance Scheme held on 9-4-1960 at Amritsar. In this meeting decision has been taken to implement the E. S. I Scheme at Phagwara including other places in near future. Further it has been decided inspite of the opposition of S. Parduman Singh representative of A. I. T. U. C. to introduce the Service System here.

In the opinion of the Working Committee, above mentioned decision of the Regional Board of E. S. I. Scheme is against the spirit and words as well as of the Nainital decision arrived at in the Sixteen Tripartite Labour Conference, because this decision has been taken without the prior consultation of the workers and against the will of the A. I. T. U. C. represented by S. Parduman Singh.

Our Union lodge a protest against this decision and request the Union Labour Minister to intervene in the matter and get the panel system introduced as desired by the workers.


(Babu Ram)

President, Jagatjit Kapra Mill Mazdoor
Union Regd. Phagwara.

26 APR 1960

REGIONAL OFFICE
EMPLOYEES' STATE INSURANCE CORPORATION
(MINISTRY OF LABOUR & EMPLOYMENT)

ESIC Building,
Colaba Causeway, Bombay-5,
Dated the 20-4-60

No.B/CB.I-14/53

179

To
The Secretary,
All India trade Union Congress,
55, Girgaum Rd. BOMBAY 4.

Subject:- Cash benefit and court decisions during the
month of **March 60** in Bombay Region.

Dear Sir,

I am forwarding herewith a copy of the statement showing
the position in regard to registration of employees, incidence of
cash benefit etc. in respect of persons insured under the Employees'
State Insurance Scheme and the decisions of the Court on the appli-
cations filed by the Corporation under various legal provisions of
the Act for the month of March 60 for your information.

Yours faithfully,

np/21.11.58.

S.No-918-D

V.P. India
for REGIONAL DIRECTOR.

S.No.	Grounds for prosecution.	Punishment.
19.	Non-submission of C.Gs.	Fined Rs. 20/- or two weeks' R.I. in default. Total fine Rs. 40/-, Rs. 10/- as cost.
20.	-do-	Fined Rs. 10/- or one week R.I. in default. Total fine Rs. 30/-, Rs. 10/- as cost.
21.	Non-payment of E.S.C, E.C. and non-submission of C.Gs. and S.C-2.	Fined Rs. 60/- or five weeks' and 3 days' R.I. in default. Rs. 20/- as cost.
5.	No. of cases where beneficiaries have been prosecuted under Section 84 of the Act under Section 420/511 I.P.C.	

S.No.	Grounds for prosecution.	Punishment.
1.	Giving false declaration for obtaining cash benefits.	Sentenced to 1 day's S.I. and to pay a fine of Rs. 60/- or 8 weeks' R.I. in default.
2.	Tampering with the Medical Certificate for obtaining cash benefit.	Sentenced to 1 day's S.I. and a fine of Rs. 25/- or 2 weeks' R.I. in default.

EMPLOYEES' STATE INSURANCE CORPORATION
(MINISTRY OF LABOUR & EMPLOYMENT)

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NOTIFICATION

Dated, New Delhi the 8th June, 1960.

No.INS.I-22(1)-2/60:- In exercise of the powers conferred by sub-regulation (1) of Regulation 5 of the Employees' State Insurance (General) Regulations, 1950, I hereby determine that in the areas specified in the Schedule given below the first contribution and first benefit periods for sets A, B & C shall begin and end in respect of persons in insurable employment on the appointed day of midnight of 4th June, 1960, as indicated in the table given below:-

Set	First contribution period		First benefit period	
	Begins on midnight of	Ends on midnight of	Begins on midnight of	Ends on midnight of
A	4-6-1960	30-7-1960	4-3-1961	29-4-1961
B	4-6-1960	24-9-1960	4-3-1961	24-6-1961
C	4-6-1960	26-11-1960	4-3-1961	26-8-1961

(ii) In pursuance of the proviso to Section 47 of the Employees' State Insurance Act, 1948(34 of 1948) the condition regarding minimum number of twelve contributions

P.T.O.

p-ayable during a contribution period for entitlement to sickness benefit in the corresponding benefit period is hereby waived for the first contribution period in respect of the insured persons in the areas specified in the schedule given below who are allotted set A and B for whom the first contribution period begins on midnight of 4th June, 1960 and ends on the midnight of 30th July, 1960 and 24th Sept., 1960 respectively.

Schedule

The areas within the jurisdiction of Shyampore Police Station in ~~U~~beria Sub-Division in Howrah District in the State of West Bengal.

S.K. Chhibber
Director General

JNK
15.6.60

EMPLOYEES' STATE INSURANCE CORPORATION
MINISTRY OF LABOUR & EMPLOYMENT

NOTIFICATION

Dated, New Delhi, the 14th June, 1960.

No. INS. I-2(1)-1/59:- The following draft of certain amendments to the Employees' State Insurance (General) Regulations, 1950, which the Employees' State Insurance Corporation proposes to make in exercise of the powers conferred by section 97 of the Employees' State Insurance Act, 1948 (34 of 1948) is published as required by subsection (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft amendment will be taken into consideration on or after the 10th July, 1960.

Any objection or suggestion which may be received from any person with respect to the said draft amendments before the date specified will be considered by the said Corporation.

P.T.O.

Draft amendment to the Employeas' State
Insurance (General) Regulations, 1950.

I. At the end of sub-regulation (2) of Regulation
95-A after the word 'himself', the following words
shall be added:-

'or in the case of death of the insured person
till such date up to which the insured person
would have remained entitled to medical care,
had he survived.'

V. N. Rajan
Director General.

JNK
22.6.60

179

LOK SABHA

STARRED QUESTION NO.193.

TO BE ANSWERED ON THE 17TH FEBRUARY, 1960.

EMPLOYEES' STATE INSURANCE CORPORATION.

*193 SHRI SUBIMAN GHOSE:
SHRI D.R.CHAVAN:

Will the Minister of Labour and Employment be pleased to state:

(a) what is the net surplus fund in Employees' State Insurance Corporation at present;

(b) when the fund became surplus first and the amount of surplus at that time;

(c) what is the specific proposal for utilisation of the said fund;

(d) why there is delay for its utilisation; and

(e) when the work of utilisation is expected to commence?

A N S W E R

DEPUTY MINISTER OF LABOUR (SHRI ABID ALI)

(a) Rs.15,70,02,138/- at the end of 1958-59.

(b) In 1952-53, the amount being Rs.77,50,513/- on 31.3.1953.

(c) Construction of hospitals/annexes and dispensaries.

(d) and (e). Preliminaries had to be settled which has been done and the work has already been started.

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179
COLONEL V.M. ALBUQUERQUE,
F.R.C.S.(Eng.), I.M.S. (Retd.)

14, Teen Murti Lane,
NEW DELHI, 2.
29th February 1960.

Dear Shri Kolhatkar,

As Director General of the Employees' State Insurance Corporation (now on leave) I consider it my duty to bring the following facts to your notice as a Member of the Corporation for such action as you may think fit in the best interests of the Corporation-

- (1) On 13th January 1960 I submitted to Government a letter of resignation of my office as Director General on the ground of continuous interference by Government in the administration of the Corporation and its affairs.
- (2) Chairman of the Corporation chose not to refer to this matter at the meeting of the Corporation held on 4th February 1960; and in deference to his reticence I too did not refer to it.
- (3) Subsequently, on 12th February 1960, the Government accepted my resignation.
- (4) After some intervening correspondence and as desired by Government, I made over charge of the office of Director General to the Insurance Commissioner of the Corporation on 25th February; and I am now on leave.
- (5) Copies of the following correspondence is enclosed for your information in this connection:
 - (i) My letter to Government dated 13th January 1960;
 - (ii) Government's reply No.HI-5(1)/60, dated 12th February 1960;
 - (iii) My first reply threto No.1-1/60/PS/DG, dated 17th February 1960;
 - (iv) Government's reply No.HI-5(1)/60, dated 18th February 1960 to my letter of 17th February 1960;
 - (v) My further reply No.1-1/60PS/DG, dated 25th February 1960.

Yours faithfully,

Sd/-

(V.M. Albuquerque)

15 MAR 1960

XXXVI All-India Medical Conference

ESJ file

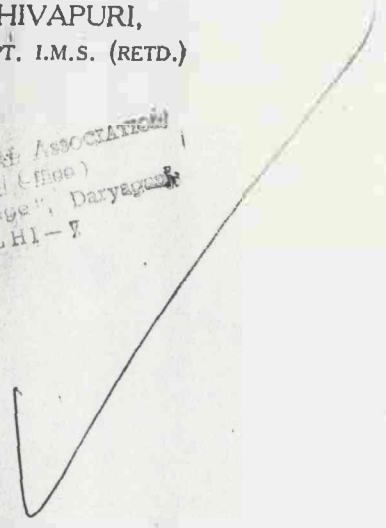
179

PRESIDENTIAL ADDRESS

by

H. N. SHIVAPURI,
M.B.B.S., CAPT. I.M.S. (RETD.)

INDIAN MEDICAL ASSOCIATION
(S. 1141 (1956))
"Hansraj B. 1992", Daryaganj,
DELHI-7



18 MAR 1980

XXXVI All India Medical Conference

PRESIDENTIAL ADDRESS

DR. N. SHIVAPUR
MADRAS MEDICAL COLLEGE

"Look up every man, woman and everyone as God. You cannot help anyone ; you can only serve. Blessed you are that the privilege was given to you when others had it not."

—SWAMI VIVEKANANDA

I am deeply grateful to you all for honouring me as your Number 1 servant for the year. It is a departure from the past. If I am allowed to say so, my predecessors have mostly been aristocrats of the profession, but I claim to be a plebeian in the line. I am conscious of the heavy responsibility placed on me by you all. I can only promise to do my best and I hope I shall be able to do something for the Indian Medical Association and the profession during my term of office with your help, co-operation and good will, which I am sure I shall have in the fullest measure. But in case I fail, the responsibility will be partly yours for electing a back-bencher to this high office.

It is a strange coincidence that my election was declared in Kashmir, a State from where my family has been in exile for generations and I have to preside in a State, where I and my family have spent years. It may be a surprise to many of you that I passed a number of years in the old Central India and did my Matriculation Examination from Darbar High School, Ratlam, and that I was stationed at Mhow for two years during my Army days. My first appearance in a sports tournament was at Indore. Members of my family have been connected with many of the old Central India States and with several places in the old Central Provinces—all of which now form the new State of Madhya Pradesh.

I consider this election as an honour done to my State of Uttar Pradesh and to my *alma mater*—the King George's Medical College, Lucknow.

IN MEMORIAM

During the year a large number of our colleagues in the profession have gone to their eternal rest. We mourn their loss. May God give peace to their souls! Let us pay our homage to them by standing up in their memory.

FLOODS

Parts of our country are devastated annually by Nature's wrath. Last year has not been an exception. Kashmir, Assam, West Bengal, Surat and parts of Andhra Pradesh have been afflicted by severe floods, some of them of unprecedented fury, causing untold suffering and misery to our people. On behalf of the Indian Medical Association, I convey my heartfelt sympathy to those who have suffered in men and material. I am glad our Branches have stood up to their duty to help their fellow beings at this time of travail and misery. I congratulate them for their humanitarian activity.

FIVE-YEAR PLANS

India is today in turmoil. It is like a giant, who after a long sleep has awakened and is trying to rise—rise in more than one way, in more than one direction and all at the same time. Naturally there is a lot of commotion and confusion. To overcome all this, and to set us on the road to progress, our Government has started Five-Year Plans. The first one is over and we are nearing the end of the second and are on the threshold of the third.

Retrospect—It is time that we looked back and considered what we have achieved so far. At the moment India became independent, Pandit Nehru said, "We have to build the noble mansion of free

India, where all her children may dwell." I take it that he meant that the children will dwell well and not anyhow and this includes health.

We have to see how far this great objective has been fulfilled. There has certainly been a good deal of progress in certain spheres; for example, we have now huge steel plants, large river valley and other irrigation schemes, some progress in agricultural and other spheres, but our progress in health schemes has been rather tardy as compared to other spheres. Unfortunately, whenever there has been a re-appraisal, the main items to suffer have been social security schemes including health schemes. We have certainly done something in malaria eradication, in leprosy, filariasis and tuberculosis controls, in family planning, water supply schemes, etc., but what has been done is like a drop in the ocean. The increase in the number of beds and hospital facilities are very very insignificant. Preventive medicine and sanitation have hardly been touched. The subject of health has been given very low priority on our national programme of development and this is very unfortunate. Though industrial planning, power, irrigation and agriculture have rightly been given top places, health also deserves a better recognition and, in my opinion, should get the next higher priority. All our bigger programmes depend mainly on manpower for their success and yet, if our workers' health is not up to the mark, the success becomes dubious and more expensive. "*Mens sana in corpore sano*" is an old adage, which is as good today as it was in olden days.

THE PROSPECT

"So long as the millions live in hunger and ignorance I hold every man a traitor who, having been educated at their expense, pays not the least heed to them."

—SWAMI VIVEKANANDA

It is in this spirit that we should consider the subject.

If the nation is to fulfil our great Prime Minister's dream, then we have to make greater efforts. The subject of health should get better priority in the Third Plan. The Third Plan is still in the making and before the Governments and the planners complete their planning, I would like to place the following objectives before them :

- (i) Prevention of illness ;
- (ii) Rendering scientific relief irrespective of individual financial resources ;
- (iii) Undertaking measures for achieving positive health ;
- (iv) Spread of medical education and medical research.

These objectives were placed before the Government by the Indian Medical Association before the second plan was finalised, but unfortunately the Government then did not find themselves in a position to accept them. I would now reemphasise once more these objectives and I hope they will be accepted for the third plan.

For achieving these objectives, I would particularly stress on the following points :

(i) *Nutrition*—(a) For mother and child—a minimum standard should be achieved, preferably in the form of milk.

(b) For school children—Compulsory and free midday meal containing assimilable protein in adequate quantities.

(c) *Students' health*—This is deteriorating fast. I have some experience in this line. The present arrangements are totally inadequate and have to be improved to a very great extent to be of any value. The I.M.A. will be ready to co-operate in the matter, if such co-operation is desired.

(d) *General*—There is urgent need of much greater production of protective foods, such as

milk, eggs, fish and meat. To help in better consumption of these goods, it is not only necessary to raise the income of the lower income groups (which the Government is trying to do) but there should be educative propaganda on the nutritive value of such foods.

(ii) *Water supply*—There has been a number of schemes, but these are not enough. Our objective should be that by the end of the third plan, protected water supplies and proper sewage schemes are available everywhere. If this is carried out, we shall have got rid of the enteric group of fevers, diarrhoeas, dysenteries and cholera. It was estimated, I understand, by a W.H.O. Expert Committee that the money at present spent on curing these diseases will be saved to such an extent that in 3 or 4 years the savings will cover the entire cost of water supply and sewage schemes.

(iii) *Medical relief*—(a) It should be our aim to provide free medical aid during the third plan at least to

- (1) all unemployed adults and all urban and rural non-earning dependents ;
- (2) all the agricultural labour, the peasantry and the poor in rural areas.

(b) Health insurance is incumbent for the rest of the population. This may not be possible fully in the third plan, but a beginning has to be made and must be made at least in the bigger towns and in selected rural areas.

(c) The number of hospital beds must at least be doubled, so that we can have 1 bed for about 1,500 persons on an average.

(d) If it is decided to have the number of beds and other schemes as suggested above, then the registered medical men of the modern system and other ancillary personnel such as nurses, pharmacists, technicians, etc., will have to be trained in proportionately larger numbers.

(iv) *Social welfare*—This will include items such as

- (a) Family Planning,
- (b) Old age and invalid pensions,
- (c) Crèches,
- (d) Housing, etc.

In an address like this, it is not possible for me to go into details. I am only putting forth an outline of the programme as envisaged by the Indian Medical Association, but if our co-operation is desired, I can assure the Government that the Association will be ready to supply a detailed programme.

However, I shall take up some of the important points.

NATIONAL HEALTH SCHEME

If medical relief is to be given on the above scale, and it should be our aim to reach that objective in the shortest time possible, then we have to have an all-inclusive health scheme. Such a scheme may involve the organisation of a National Health Service, without which it may not be possible to fully attain our objective of a Socialist pattern of society. The organisation of a National Health Scheme and National Health Service may not be immediately possible, but if the objective is fixed and we are to have a real Welfare State, then a beginning has to be made and the earlier the better. And when I suggest a National Health Service, I do not mean a fully paid service for all registered medical practitioners, mainly because the expense involved might be prohibitive for a poor country like India. What I envisage is securing the help of the profession in every possible way, panel system wherever possible and the service system where panel cannot be organised. For example, the National Health Scheme can be organised in the bigger towns earlier on the panel

system, and service system can be started in rural areas or sparsely populated urban communities.

EMPLOYEES' STATE INSURANCE SCHEME

This brings me to the consideration of this scheme. When I was asked to organise this scheme at Kanpur as a Pilot Scheme, I took up the undertaking in the national interest, taking it as a beginning of the National Health Scheme, but the powers that be, have not had a wider outlook and they have stunted its growth and rapid expansion. I may draw your attention in this connection to the opening sentence of the E.S.I. Act, which states: "Whereas it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters. . ."

It may be noted that the Act was intended for "employees" as a whole and not for factory labour only. This is further clear from clause 1 of the Act which runs as follows:

- "1. (4) It shall apply, in the first instance, to all factories (*including factories belonging to the Government*) . . ."
- "(5) The appropriate Government may . . . extend the provisions of this Act or any of them, to *any other establishment or class of establishment, industrial, commercial, agricultural or otherwise.*"

I shall ask you to kindly mark the words I have italicised above. Instead of following up the above provisions of the Act and rapidly extending it to other classes, the Government of India itself has torpedoed the Act by excluding their own factories including the Army and Railways, although my survey in U.P. in the first instance included all such factories and my recommendations were definitely against excluding any registered factory,

whether civil, military or railway. Following this bad example set by the Government of India, the State Governments have begun to follow them and are excluding their factories also. How can the Government force the private employers, when the Governments as the biggest employers exclude themselves from an Act of their own?

Not satisfied with thus undermining the Act, the Government of India have further worsened the position by starting a Contributory Health Scheme. It is not clear to me why such employees cannot be covered by the E.S.I. Scheme under clause 1 (5) quoted above. Multiplicity of similar schemes is not a solution of the problem, but only causes further confusion.

I shall here deal with only one more point in this scheme. The position of doctors is very unsatisfactory, in panel as well as in service systems. The success of the scheme depends mainly on them and yet it is they who are the sufferers. If the terms and conditions as well as facilities given to the E.S.I. doctors are not satisfactory, it is the industrial workers and their families who have to bear the consequences. Even though the E.S.I. Corporation has plenty of money and is willing to give, yet the States have taken a negative attitude and are not prepared to treat the main partner in the scheme fairly. The gentleman's agreement with the I.M.A. has been forgotten. And now a one-man Commission has been appointed to review the working of the scheme. I have no faith in these one-man Commissions, where Government's favourites are appointed as judges. I see no reason why the Indian Medical Association was not asked to collaborate in this work?

I had hoped that the E.S.I. Scheme as first started in 1952 as a pilot scheme was only a beginning of the National Health Scheme, but that hope has been belied by the way the scheme has been worked. I yet hope that better counsels will prevail and the E.S.I. Scheme will be extended and

expanded rapidly so as to cover other classes, if necessary, by slightly modifying the Act.

THE SERVICES

This brings me to the question of organisation of the Medical Services. The present set-up was organised over a century ago by the then rulers to suit their own convenience. Unfortunately, the same organisation continues today, only with addition of staff. This set-up is not conducive to modern conditions and the conversion to Welfare State. It is time the set-up was changed to suit modern requirements.

The emoluments and multiple categories of the Medical Services are causing a lot of dissatisfaction. The Government of India and the various States have started several classes of medical services. This is entirely wrong. I do not see any reason in having such divisions. Everybody now employed has the same basic qualification—the M.B.B.S. degree of a University—and they all do the same or similar work. Why should then there be such differences in pay and allowances, except that it may mean a paltry saving to the various Governments? On the other hand, such differences cause unnecessary prejudice, friction, a false sense of superiority in some and an undeserved inferiority in others. There is also no sense in allowing right to private practice to fully paid services. No such right exists in other technical services and there is no need for such a privilege to exist any longer in the medical services. It is an unnecessary temptation to stay on in places which have a reputation of being profitable and leads to corruption. I would strongly urge the Governments to have one class of Medical Service only with better emoluments on the scale recommended by the I.M.A. for class I officers and do away with various distinctions and special privileges. The latest Pay Commission has recommended abolition of

such distinctions as Class I, II, III and IV servants. Why then keep such sub-castes in the Medical Services? This may cost a little more to the Governments, but will pay better dividends in the long run in the form of better quality of work. Those possessing post-graduate qualifications should have an allowance paid to them as is done in the Army.

As now there are more than one medical college in almost all States, the recruitment to services should be by open competitive examination and should not depend on anybody's whims and fancies. This will further reduce corruption. This is already being done in the Armed Forces Medical Service.

We are faced today with a paradox. On the one hand, the Government complains that doctors are not available, large number of dispensaries are lying vacant and service cadres are short of medical officers. On this plea, various States have started medical colleges in a hurry without proper preparation, without proper equipment and without proper staff. The outturn of doctors now is about 5,000 a year from the 52 medical colleges, though the available number of jobs is not even half that number. On the other hand, there is already unemployment and underemployment in the profession and the doctors so produced do not enter the services. I wonder whether the Government has ever seriously considered this position. The situation is due to two factors:

- (i) Insufficient and unattractive emoluments, and
- (ii) privilege of private practice to service doctors.

Thus no one wants to go to rural areas, where there are additional disadvantages of very little facilities of housing, education of children and other minimum modern necessities.

I daresay this paradox of scarcity amidst plenty will continue even if the number of medical colleges and the output of medical graduates are doubled leading to further unemployment and resulting misery in the profession, unless the two main difficulties pointed out above are properly remedied.

FOOD AND FAMILY PLANNING

These two subjects go together as the shortage of food emphasises the greater need of family planning, but the adequacy of food will not depend on family planning. Family planning is a long-term programme and its effect will be visible after a number of years of persistent education and efforts, whereas production of food needs immediate attention. Family planning depends on several factors. Proper propaganda is of the first importance. My predecessor last year suggested permitting abortions as in Japan and taxing every child-birth after the third child. Abortion can be legalised in suitable cases, but it may not be possible to legalise it on a mass scale. I suggest raising of marriage age for girls and boys. I consider that the age of marriage should be raised to 21 and 25 years respectively for girls and boys. This is scientifically the proper age and it also reduces the fertility period. Then before anyone is allowed to marry, the parties should undergo a health examination and must be certified fit for rearing children, as sick and anaemic mothers or fathers only produce rickety and sick children, which are of little use to the community or the nation and only add to our infant mortality rate. All those who are not fit or cannot become fit up to the age of 25, should be sterilised before they are allowed to marry. The question of fundamental rights should not be allowed to stand in the way, as the right of the nation to live and prosper is greater than the right

of the individual to bring down standards of life and health.

In this connection, I would like to point out that the Government of India is spending large amounts on family planning without proper organisation. I do not understand why is family planning not part of the child welfare and maternity section, who are in the best position to advise on the subject? The Indian Medical Association is prepared to co-operate in the matter (as in all other matters) and has already submitted a scheme to the Government of India. I hope it will be accepted. The health education journals published by the Association in English, Hindi and other regional languages could easily be utilised for propaganda purposes.

MEDICAL COLLEGES AND MEDICAL EDUCATION

As I have stated above there are already 52 medical colleges in the country producing about 5,000 graduates in medicine every year and yet there is demand for more and more. In a way it is good, but on the other hand, I am worried about the future of these products and the standard of their education. Many of the colleges have been started in a hurry without proper arrangements. The shortage of doctors is emphasised in comparison to Western standards and we are told that we have only one doctor for about 5,000 persons, whereas the Bhore Committee had laid down one doctor for 2,000 persons as our preliminary goal. When we are told this, people forget that there are about 5,00,000 other practitioners of various sorts, trained, untrained; educated, uneducated; baked or even half-baked, but most of them registered and called 'registered medical practitioners' under various laws and using all the latest drugs without having sufficient knowledge of their utility or toxicity and all those practitioners are recognised by the Governments of the land. And they all are

competing with the doctors of scientific medicine. The latest modification of the definition of "Registered Medical Practitioner" in the Indian Pharmacy Act, by which various States have been permitted to declare any person or persons as 'Registered Medical Practitioner', is the greatest disservice done to modern science and a big aid in increasing quackery in the country. I must strongly protest against such measures. The practitioners of modern medicine have a Code of Ethics to follow, whereas all these half a million or more practitioners have no Code to follow and the councils established for their registration give them all the privileges, but have no control on their activity. This should be remedied as early as possible. Under these circumstances it is very wrong to say that there is only one doctor for 5,000 persons. All these should also be taken into account and if that is done, the proportion may be even better than either in U.S.A., U.K., or U.S.S.R. With this unfair and quack competition, the practitioner of modern medicine is at a great disadvantage and there is already both unemployment and underemployment in the profession. The medical colleges are being started without any schemes for the absorption of their products. I am dead against starting of such new colleges. No new college should be started unless the Government has schemes sufficiently developed to absorb the products on proper wages. I do not want any slave labour for the profession.

No college should be started without proper equipment in staff and material and unless the proper number of beds are available for students. No medical college should admit more than 100 students per year and that also if sufficient number of teachers are available in the right proportion. The profession of medicine is an extremely responsible one and mass production cannot be allowed in the training of doctors. Such products cannot be allowed to play with the health of the nation.

While on this subject I may be permitted to say a few words about failures in medical colleges. This is a serious problem. Failures in such large numbers are unheard of anywhere in professional examinations. Students are admitted after stiff competition or by selection and cannot, therefore, be below average in intelligence. Therefore, the cause must be sought somewhere else—either lack of interest on the part of teachers or the taught—may be both. In any case a serious probe is necessary and the required remedy should be applied early. At present it is a great national waste.

Allied to this is the question of indiscipline amongst the students. There is good deal of confused thinking on the subject. The primary fault is of the parents in not training their children properly in their early impressionable period of life. The teachers also must share the blame in not taking enough interest in their students and in not guiding their youthful energy into useful channels like extra-curricular activities, reading of healthier literature, active sports and useful hobbies. One reason may be that we do not select teachers properly. I am afraid, it is not sufficiently appreciated that every good scholar cannot necessarily become a good teacher. Besides, the teachers are not paid properly, leaving them to busy themselves with private practice. Today, even the jobs in non-clinical subjects are not fully non-practising in most of the institutions and it is a sight to see such teachers sitting at chemists' shops even up to midday. How much time do they devote to teaching should be a subject for enquiry. If the posts of all non-clinical teachers and the requisite number of clinical teachers are made non-practising with adequate pay and allowances, then they may be able to give more attention to their wards, creating mutual trust, friendliness and better social relations. If that is done we may hear much less about indiscipline in future.

In other sister professions higher posts are

much better paid, for instance, if a lawyer or an engineer could look up to posts carrying salaries of Rs. 3,000 to Rs. 5,000 a month or more, I see no reason why our talented men should be treated so parsimoniously. I hope the Government will consider this point seriously.

The medical course needs drastic changes. There have been large number of conferences, seminars, etc., but our educationists cannot come to any decision. I think the experts having failed, the matter should be left now to lesser men like us to decide for the experts to carry out. As it is, the course is very big and the students are overburdened. Medical science is developing so rapidly that the course is becoming more and more complicated every year and early decision in the matter is necessary.

GENERAL EDUCATION

The general education that our youth gets in his earlier years also needs early and careful changes. The present courses are not helpful in either building the character or widening the outlook nor do they give a good grounding for later technical or professional studies. I hope something will be done soon in this matter. Female education should be particularly emphasised, if necessary, even at the expense of boys' education. What we urgently need is good mothers. Health education is a subject which has so far been neglected. It should form a compulsory subject in secondary schools and practitioners should be employed on a part-time basis to give a course of lectures on the subject.

RESEARCH

It is a matter of regret that we have so far lacked in research on medical subjects, though now the Government has taken some interest in encouraging research and some of our research laboratories are doing good work, I understand.

But one must remember that research is a matter of patience and persistence and is a long drawn out process. Nothing can be expected in a hurry. Laboratories in other countries, that have done good work, have been in the field for years and it is after years of patient work that any good results have followed or new discoveries made. I may here again emphasise that if a person is to persist in research and to stick to that line, then he must be kept satisfied by adequate remuneration. A dissatisfied person cannot be expected to stick to it for long.

METHODS OF TREATMENT

It is time that we decided once for all how we intend to treat our sick and how we intend to preserve the health of the nation. A lot has been said on this subject, but certain points have to be emphasised over and over again. Ayurveda and Hikmat are not different systems, as alleged, but are only predecessors and precursors of modern medicine. Modern medicine is a direct descendant of these older methods and we have neither jealousy nor prejudice against either Ayurveda or Hikmat. But in the modern atomic age, when we are adopting the results of researches of modern science in every other walk of life, we cannot remain stationary only in the matter of health and treatment of disease. Just as in manufacturing steel, or building construction or for the matter of that in every walk of life, the older methods have been consigned to the limbo of history, so should Ayurveda and Hikmat find an honourable place in the history of medicine. Many of the older drugs have already been analysed and tested and many that were efficacious have been adopted in the modern pharmacopoeia and some that remain can also undergo the process of testing, modification and adoption as and when proved.

It is fallacious to argue that our people want

Ayurveda or Hikmat or even Homocopathic treatment in preference to modern methods. Those of us, who have seen the working of these methods in parallel institutions know very well how great is the demand for modern medicine, and the people seek the aid of the older methods only when no modern aid is available. I would suggest a very simple way of deciding. Before a new dispensary is opened in any area, the people of that area be asked to express their preference as to what they want. The result will be an eye-opener to those good people who in season and out of season are harping on enlarging medical aid on the older methods. It is also a mistake to place Ayurvedic and Hikmat dispensaries in rural areas on the plea of cheapness. Is the life of a villager cheaper than that of a city dweller? Why should then there be differentiation between the medical facilities for urban and rural areas?

Integrated medicine is another bogey created by the interested. I do not understand the meaning of 'integrated' medicine. How can there be any integration between a bullock cart and a motor car or even between a railway train and an aeroplane? If integration means teaching both methods in the same course, the result is disastrous, as shown by repeated strikes in such institutions. No person can believe or follow at the same time two opposite or contradictory methods and theories. The consequence has been that the products of all such institutions follow and practise only modern methods and not the older ones. But the misfortune is that in modern methods their training has not been as efficient as it should have been. The whole farce is a make-believe of certain politicians and I am glad that the bluff is now being called off. If the product is eventually to practise modern medicine, why then not give him proper training in that only and the rest can be taught as history of medicine or as a post-graduate course? I congratulate the authorities of the Banaras Hindu

University in taking a bold step and doing the correct thing.

Homoeopaths have now started giving injections of penicillin and other modern drugs. I have even seen an advertisement of 'Homoeopathic penicillin'. I do not know what it is and what sort of Homoeopathy is that which includes modern toxic drugs and injections without having been fully trained into their pharmacology and toxicity? Our Government once appointed a Committee on Homoeopathy and that committee submitted a report with some very good recommendations. Hardly any of these recommendations has so far been carried out. The same fate met the recommendations of an earlier and more famous Committee—I mean the Bhole Committee. These recommendations are quoted often but hardly any serious attempt has ever been made to carry them out. And now another committee is at work. I only hope that its recommendations would meet better fate.

Our Parliamentarians and legislators are always harping on Ayurveda and Homoeopathy. I do not know why they do not get themselves treated by these methods when they are sick and why should it be necessary to include them in the Contributory Health scheme or open modern dispensaries for them? I suggest that they should compulsorily be treated by Ayurvedic or Homoeopathic methods and no modern aid be allowed to them at Government expense.

DRUGS

The Drugs Act was well meant, but in actual working it has mostly failed to achieve its objects. This is due to lack of proper supervision and inherent lacunae. The spurious and adulterated drugs are being sold on a fairly large scale. It has been noticed that a registered medical practitioner finds it often difficult to obtain drugs, but quacks never seem to lack even those drugs which

are in short supply or whose import is restricted. The Act and its rules work severely on registered practitioners, but evidently there is no check on others.

As soon as a rumour goes round that a particular drug is in short supply, the price overnight doubles or trebles itself as happened in the case of sodii salicylas and other drugs during the last influenza epidemic.

There is a good deal of misuse in import of drugs also. Whereas large number of patent drugs more or less of same or similar pharmacological action are allowed to come, some others, even essential ones, are not imported. This confusion would not occur, if the drugs were sold under their pharmacopoeial names and not under trade names. I think such a provision should be made in the law. It will cause less confusion for doctors also.

DRUG INDUSTRY

One argument in favour of Ayurveda, Hikmat and Homoeopathy is their alleged cheapness. It is, no doubt, true to some extent but the main reason is that we do not manufacture basic chemicals of required purity in our country. Most of our so-called manufacturers are merely bottlers and labellers of imported drugs. It is time that real manufacturing industry of basic medicinal chemicals, and other medicinal products was started in the country. If this is done, prices can be reduced to considerable extent. It is now hoped that with the offered help from U.S.S.R. we may be able to have this industry in our country in the Third Plan. But there will have to be rigorous control on the quality, purity and price of such drugs.

One word of caution in this connection. Firms are appearing with small capital and naturally cannot afford to employ proper personnel with

sufficient scientific and technical knowledge and skill. Such firms are liable to produce or market sub-standard drugs. I hope the standards will not be allowed to go down and strict quality control will be enforced from the very beginning. All conditions for issue and renewal of manufacturing licences should be strictly adhered to and enforced and no exemptions should be given to any firm under any circumstances, as no one has the right to play with the lives of people.

The production of instruments and other surgical and hospital appliances should also be undertaken in the Third Plan with proper quality control on such manufactures.

Now that we have an Indian Pharmacopoeia and it is already undergoing revision, it is time that all drugs and pharmaceuticals manufactured in the country should rigorously adhere to standards as laid down in the Indian Pharmacopoeia rather than to British or other well-known Pharmacopoeias.

QUACKERY

With the formation of Medical Councils for the control of quackery and registration of Ayurvedas, Hakims and Homoeopaths in most of the States, it was expected that quackery will be controlled to a great extent, but on the other hand it has grown by leaps and bounds. It is true that no country has been able to completely abolish quackery. Quackery will remain so long as there are people prepared to be befooled and treated by quacks. But with proper measures it can be controlled to a great extent. On the one hand, the Government of India has circulated a model Anti-Quackery Bill for adoption by the States; on the other hand, and even before this Anti-Quackery Bill could be passed, the Government of India has modified the definition of the word "Registered

Medical Practitioner" in the Indian Pharmacy Act in a way that will very greatly help quacks in getting themselves registered as Registered Medical Practitioners. I consider this very inadvisable and a great disservice done to modern medicine and we should strongly protest against it. A "Registered Medical Practitioner" under the Drugs Act, the Indian Pharmacy Act and other similar laws should mean "A Registered Practitioner possessing a qualification in Modern Medicine as recognised by the Indian Medical Degrees Act (Act VII) of 1916" and there should be no laxity in the standard.

The present Drugs Act or another similar Act should be enforced for the manufacture and purity of Ayurvedic, Hikmat and Homoeopathic medicines. There is at present no standard or law for their manufacture and a lot of undesirable things are, I am told, happening in the manufacture of such preparations. Besides, many medicines are being prepared and sold in the market in the garb of Ayurvedic or Hikmat medicines but really the active ingredients in such preparations are modern drugs. The purity and standard of such patents should also be strictly controlled under the Drugs Act.

Many such medicines are being advertised in the most unethical fashion, in the lay press, by loudspeakers, by disfiguring advertisements on the walls and many other ways. Such advertisements and breach of professional conduct need strict control by laying down a Code of Medical Ethics for Ayurvedas, Hakims and Homoeopaths as already suggested by me in an earlier paragraph.

LOCAL SELF-GOVERNMENT

This needs great strengthening on the health side of its activities. At present the condition of these departments is very unsatisfactory in most

municipal and rural areas. Too much burden has been placed on the health officers, as in addition to being a health officer of a fairly big area, he is also responsible for checking adulteration of food and drugs under various laws. He is understaffed with the result that he has neither time, nor powers nor staff and there is chronic financial difficulty. I suggest that 25 per cent of the income of such local bodies should be earmarked by law for the health department, which should also be strengthened.

If proper measures were adopted and strictly carried out, we should be able to eradicate within reasonable time diseases such as cholera, small-pox, typhoid and dysentery from our country. Other countries have done it and there is no reason why we should not be able to do the same. Only the will to do it is required and then the necessary measures can be adopted.

I have already briefly mentioned above other important subjects such as water supply, housing and food. Other matters equally important and needing urgent attention are sewage disposal and environmental hygiene.

FINANCES

All these and other important developments and improvements, on which depends the health of the nation need finance and our country is hard pressed for it. In the Second Plan many schemes were curtailed or dropped because of lack of finances or exchange difficulty. I consider that the available money can be made to go further than it does at present by stricter control and economy and by reducing expenses on the construction side. It is not necessary to house a good scheme in an expensive abode. We should try to have utility buildings of simpler construction and utilise to a greater extent material available

locally. But in spite of all these suggestions, more money is required. I can suggest one or all of the following methods :

(i) *Sale of seals*—The Tuberculosis Association of India is raising some money in this way, but more can be done.

(ii) *Lotteries*—We may be able to secure good amount of money by this method as Ireland has done. Our Government frowns on them, but these may be allowed for the noble purpose of improving health facilities.

(iii) *Health cess*—Finally a health cess can be imposed. A rupee per head per year all over India will give us annually a fairly large amount and it will not be too hard a tax on anyone but the amount realised should be reserved for the purpose for which it is raised.

B.C.G., ANTIMALARIA, LEPROSY PREVENTION AND OTHER PROGRAMMES

B.C.G. vaccination has been given to large number of children all over the country, but I am told that proper records have not been kept. If correct, this is unfortunate. How is the vaccination to be repeated? Besides it means great loss in collecting valuable scientific data. B.C.G. vaccination has now been given for a number of years and the time, I think, is ripe for scientific evaluation of its results so that we can get some guidance for the future.

Malaria eradication programme and filariasis control programme are also being carried out. I do not know if the authorities hope to eradicate malaria completely by the unsatisfactory way in which the programme is being worked, but there is no doubt that for the present, cases of true malarial fever have perceptibly declined. Whether that will be so permanently or eventually a D.D.T. resistant mosquito will emerge and spread the scourge

again remains to be seen. It is too early to say anything about the filariasis control plans. Both are essentially mosquito control programmes and what I do not understand is why the two are not combined together, as, if a single agency works the two programmes, the administrative expenses may be economised. However, the Indian Medical Association, welcomes all these programmes including the one of leprosy control and hopes that in due course, we shall succeed in getting rid of these diseases from our country. Tuberculosis requires much greater attention than has been given so far, as this is probably our biggest problem next only to malaria.

LIFE INSURANCE CORPORATION

The country had welcomed the nationalisation of the life insurance companies, but unfortunately for us, the doctors have been treated shabbily by the new authorities. Many of them were thrown out without rhyme or reason. No definite principles are followed in the appointment of new ones. As usual, the Indian Medical Association was not consulted, leading to good deal of dissatisfaction in the profession. The success of this Corporation, as that of the E.S.I. Corporation, depends on the efficiency of the doctors and yet they are the persons to suffer in both schemes. Even in the medical examinations, the new bureaucracy controlling the Corporation has created favourites, as some doctors for some unaccountable reason get many more cases, while others receive comparatively very few. A recent fiat has made 65 years as the age of retirement of their medical examiners. This again is an arbitrary decision and no explanation is available so far. The Indian Medical Association had suggested its representation on the Corporation and its Regional Boards, but it has been denied. We suggested modification in the scheme of payment of fees to doctors for medical

examinations. That has also not been accepted. Only a few minor things here and there have been agreed to, but let me frankly state we are not at all satisfied.

CO-OPERATION

This brings me to the subject of co-operation with the Government. The Indian Medical Association as the national association of doctors of the land is always ready to co-operate with the Central and State Governments in their efforts to uplift the health of the nation, but co-operation is not merely a one-sided affair. It has to be by its very nature a two-way traffic. Critics we were even in other times, but if we are not allowed to play other and better roles, then we are again left as critics and this is not a healthy state of affairs. I earnestly appeal to all Governments, Central as well as State, to accept our co-operation in the interest of the nation and I hope, in future, we shall have a more constructive role to play.

MEDICAL COUNCIL OF INDIA

It is a matter of regret to us that some of our suggestions on the Medical Council of India Act, when it was recently amended, were not accepted by the Central Government, particularly one about a common register.

It has come to us as a surprise and a shock that amongst the nominees of the Government to the Medical Council of India, there is one non-medical person. How he will work and what does he understand about the working of the Council, which is a technical body, passes comprehension? A layman will not be able to appreciate our Code of Medical Ethics. The profession is greatly agitated over such a move and I hope it is not yet too late to rectify it.

are invidious, but I consider it my duty to recall two names, whom I call as true builders of this Association—the Late Dr. K. S. Ray and the Late Dr. Bhupal Singh. I have seen them work. They put their heart and soul into organising this Association at a time when the stars and the powers that be were all against us. When the history of the Association comes to be written, these two names will stand out prominently in letters of gold amongst the list of others. I pay my tribute to these early builders known and unknown.

*“Lives of (our) great men all remind us,
We can make our lives sublime,
And departing leave behind us
Footprints on the sands of Time—*

—LONGFELLOW

It is in this spirit that we have to emulate our predecessors and work.

As a result, the Indian Medical Association today is the truly national medical association of India and as such deserves your support in much greater degree than it has received so far. I am told that the profession is now about 70,000 strong in the country, but the I.M.A. has only about 22,000 of them on its rolls. This is not even a third and the position is completely unsatisfactory. The old adage that in Unity lies Strength, is as good today, as it was in the olden days and as true for us, as it is true for the country. I would like to ask the question, why is it that more than two-thirds of our professional colleagues are outside our membership. Is it due merely to their apathy or is it due to any failings or omission on our part? I prefer to think that it is the first cause, but whatever the reason, it calls for fresh efforts on our part to strengthen the Association and enrol members in larger numbers. Unless

we have strength, we cannot and do not succeed in our efforts to improve our lot. We are at present weak and fragile and because of this, we do not get the respect that we deserve. We are called members of the noble profession. The tribute is very flattering to us (though I do not know if other professions are not noble), but that is not enough. We must try and maintain the prestige of the profession. Only when we keep our self-respect and dignity and raise the prestige of the Association by our precept, conduct and humanitarian treatment of our patients, only then will the Government also respect us and treat us better. Even the press often treats us with scant courtesy. The remedy lies in our own hands—make the Association so strong that others will feel its strength.

We should try and follow our Code of Ethics. Recently at the fifth All-India Drugs Conference, our conduct was severely criticised by some speakers and we found it difficult to defend ourselves on certain points. I am mentioning this incident to impress upon you that our prestige depends on ourselves and let us behave in a way that such criticisms are not levelled against us in future and we raise our prestige as the members of the noble profession.

We must fight out any group or local tendencies, if any, and work as a united body. Therefore, we should recognise the merits of our real workers. You all should strengthen and support the Central Office. It is a matter of regret to me that in spite of repeated appeals and such persuasive tours as of Dr. S. C. Sen, our Building Fund is still far short of our expectations. By now you all know that our building is expected to cost about Rs. 10 lakhs. The Government of India has very kindly agreed to contribute one-fourth of the cost up to a maximum of 2½ lakhs. It is now our moral duty and incum-

bent on us to collect the remaining Rs. 7½ lakhs as early as possible. If everyone of us put our shoulders to the wheel and contributed our mite the goal is not difficult to attain. We all expect a well kept and well run Central Office and are often critical of its shortcomings, but we must remember that a well kept office must have a proper house and atmosphere to work in. Your own building will give added prestige to the Association. All other national bodies have either their own buildings already or are constructing them. Only we have so far lagged behind. Let not that lacuna remain any longer.

Our office is often criticised in comparison to A.M.A. and the B.M.A. But we must remember the help and strength given to these bodies by the profession in those countries. Our Central Office will work even better, if you give them the same help and the sinews of war as the profession does in those other countries. When a few years ago, the A.M.A. celebrated its centenary, the Government of U.S.A. issued special postage stamps in commemoration of that historical event. This prestige is due to the strength given by the profession. Your Association can have the same prestige in your country and it is in your hands to give it. Let us all then make a united effort and contribute liberally to the Building Fund of the Indian Medical Association and add to its numbers and thus add to the prestige and the strength of the Association.

The Association is publishing 3 Journals—our Journal which comes out so regularly twice a month and the two health journals *Apka Swasthya* and *Your Health*. These two monthly journals deserve much greater help from you, the Governments and the general public than they have received so far. I am sure they will receive it in future in ample measure, as they richly deserve.

Ladies and gentlemen, my task is done. I am grateful to you all for the patient hearing and I close with Swami Vivekananda's prayer :

"Hero, take courage that you are an Indian, I am an Indian and every Indian is my brother. India's soil is my highest heaven, India's good is my good. Thou Lord, Thou Mother of the universe vouchsafe manliness to me,—Thou Mother of strength, take away my unmanliness and make me man", and let the profession work in the spirit—"Let the giver kneel down and give —Let the receiver stand up and take."

JAI HIND

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PRESS INFORMATION BUREAU

GOVERNMENT OF INDIA

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"12.6"

EMPLOYEES' STATE INSURANCE SCHEME

BENEFITS EXTENDED TO NEW AREAS IN KERALA

New Delhi, Kartika 5, 1882,
October 28, 1960.

The benefit provisions of the Employees' State Insurance Act, 1948 will be extended to Cannanore, Tellicherry and Baliapatam in the State of Kerala from the mid-night of October 29, 1960.

The scheme is already in force in nine centres in the State and by its ~~introduction~~ in the above three areas, about 6,500 more factory workers will be benefitted.

Medical care in these areas will be provided by the State Government under the Service System as well as under the Panel System. For this purpose three whole-time dispensaries one each at Cannanore, Tellicherry and Baliapatam have been set up. Additionally, one panel doctor has been appointed for the insured persons who live sparsely, distributed over a wide area, far away from the dispensaries at Cannanore and Baliapatam. Provision has also been made for one mobile dispensary to cater to the needs of insured persons residing in the far flung areas of Tellicherry.

For payment of cash benefit under the scheme, one local office at Cannanore and two pay-offices, one each at Tellicherry and Baliapatam, have been set up.

The employers of factories covered under the Scheme will now be required to pay the employers' special contribution of 1½% of the total wage bill vide Central Government Notification No. SS.131(9), dated February 1, 1952, instead of ¾% which they were paying so far.

UCT/Rao.
PRM

725/28.10.60/10.35hrs/610.

PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA

"12.6"

EMPLOYEES' PROVIDENT FUND SCHEME

WORKERS IN AUTOMOBILE REPAIRING
INDUSTRY TO GET BENEFIT

New Delhi, Jaistha 25, 1882.
June 15, 1960.

The benefit of compulsory provident fund, under the Employees' Provident Funds Act, 1952, is to be extended to workers in the automobile repairing and servicing industry from June 30, 1960. It is estimated that about 10,000 workers in this industry will be entitled to join the provident fund scheme.

With the extension of the scheme to the automobile repairing and servicing industry, the number of industries covered by the Act will increase to 43. At present 26.86 lakhs of workers employed in 7,299 establishments get the benefit of provident fund under the Act.

SKD/Rao.
PRM

750/15.6.60/12.00/264.

✓ 179

MEETING OF THE MEDICAL BENEFIT COUNCIL

The AITUC suggested for 5 years. The house did not accept this proposal so it was passed that after 3 years every number of the agenda mentioned was 10. Most important agenda was (a) Report of the Council, (b) Consideration of the report of Dr.A.L.Mudaliar.

From this report it appears that the Corporation by and by is trying to abolish the Panel System. The number of workers very recently covered by the Act is 32,250 and out of which 1800 workers only were given opportunity for Panel system. Questions were put in the meeting but the authority remained silent all together. The whole attitude of the Council was not at all healthy. The authority was trying to stick to ~~their~~ their points. In this connection the affairs of West Bengal is deplorable. For the remarks passed with meeting it may be ascertained rightly that in West Bengal the stumbling blocks ^{are} and Chief Minister and his associate Director of health. An unanimous resolution was adopted ~~in the meeting~~ in the meeting for this attitude of the West Bengal Government. There is a tussel between Corporation and the state Government in all levels. Almost all State Governments are having this tussel, the employees in different States are suffering a lot. This fact also has been mentioned in Mudaliar Report.

In Mudaliar's Report a great stress has been given to open Paly clinic. Generally the council supported this Poly clinic. The AITUC ~~did not~~ did welcome this move. Also AITUC wants to know whether in these poly clinics X-Ray and Labrotary arrangement for clinical examination should be there or not; Director and other remained silent. According to Mudaliars Report we supported that a Board in local language should be displayed by the Pannel doctors ~~and~~ and other things.

ending the council meeting as soon as possible. They do not want to discuss other points.

In question of Renewal of Pannel doctors, after 3 years, the AITUC suggested for 5 years. The house did not accept this proposal so it was passed that after 3 years every Pannel doctor services must be subject for Renewal. Dr. Maitry Bose pointed out that by introducing Poly clinic the corporation should not try to minimise the number of Pannel Practitioners. At least in West Bengal Dr. Mrs Bose could not think of this fact. Higher capitation fees for higher qualified Pannel doctor was opposed by the Council. It was decided that in Private owned Hopsital the allocation committee along with the member of Benefit Council should pay visit to have an ide regarding the treatment and other emoluments.

A sub-committee was formed in the last meeting. This committee submitted its report for adoption. In this sub-committee ~~xxxxxxxx~~ all doctors were taken. No representative of the employees was give chance. Dr. Mrs. Bose wanted to discuss, this report after recess. But the doctors who are Director of Health of different states wanted to finished the business within half an hour. The chairman took votex in this issue (whether the session should be broken up for recess or not). As this, Mr. Bose took exception and left the meeting with a strong protest. After she left the meeting the chairman very clearly trad to put all other items in the sub-committee. At this stage myself pointed out to the chairman that he was adopting very delaying tactics. For this delay, it was only the workers would suffer.

At the outset when report was dismissing it was mentioned that so long as the workers are paying still higher contribution than employer. Dr. Bose said that every item should be discussed properly and no hash up business would be adopted. But really the attitude of the authority is for ending the council meeting as soon as possible. They do not want to dilate other points.

This is the ~~time~~ first time the Chairman took vote rightly. Dr. Bose told in the meeting that taking vote is unfair. Everything must be done in mutual co-operation and understanding.

A great danger has been cropped up now. Henceforth in the council meeting every important item should be referred to this sub-committee. The sub-committee once formed an idea it would be impossible for any body to crack this idea. This sign of danger should be ^{right} bright out in this ^{necessary} necessary stage.

For West Bengal and other States an immediate demand for seperate Hospital of E.S.I. should be launched. ~~In this~~

In the report a dangerous line is appearing for family ^{unit} limit of workers. It is said like this ^{that} medical treatment should be meted out to the members of the family except hospitalisation. On behalf of AITUC a strong protest was made. But the Director and other gave a reply ^{that} the proper accomodation in Hospital is not available for workers so for the present the corporation is thinking like this. This move of the corporation should not be allowed in any stage.

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(179) (246)

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MEETING OF THE MEDICAL BENEFIT COUNCIL

This time the attendance of the meeting was nearly full. Report of the Council was circulated previously. In the report it is mentioned in certain areas the E.S.I. Act has been promulgated. The system of medical care was mentioned - Employers medical facility. On this very issue the question was put and the answer is that there are certain Hospital run by the management or anybody. These existing system have been taken by E.S.I. Throughout the whole report it may ascertained that there is a concerted action going on by the government as well as by E.S.I. to introduce ~~service~~ service system instead of Panel System. That is this E.S.I. wants to do away the Panel System. Total employers covered by the Act is 62,850. Only in two places in Madras the Panel System whose the member of employees are ~~2200~~ 8,200 only.

Further Extension.

In the report it is mentioned "extension of medical care to families drawn up in October 1958 could not be adhered to number of areas." The reason for this is not known to anybody. Certain questions were put in the Council meeting and as usual the Director General and other officials ~~meeting~~ tried to avoid this particular issue. A revised programme was known up and it was sent to the state government requesting to adhere the target dates indicated there is only few state governments have sent that there is certain amount of apathy still exists in the label of states.

Hospitalisation.

Up till now there is not a single hospital in any state of India run by E.S.I. In 1955 the E.S.I. Corporation decided to build separate Hospital for Insured persons. Up till now this decision has become paper decision. In the Labour Ministry's conference which took place in January 1960 it has again been decided in setting up "cottage type hospital" in several areas such as Madras, Bombay, Calcutta, Bangalore etc. How long this will be completed no body knows what is actually meant by cottage Type Hospital? The Present Director General -----

answered that there would be 40 to 50 beds, only certain type treatments may be given. That is in these Hospital the insured persons will ~~not get full facilities~~ not get full facilities of the treatment. In Madras already 2,00000/- has been deposited with the state governments for constructing the separate hospitals. But the construction work has not been commenced by the state government. The state government has not been able to make arrangements for the report the condition of Amritsar (Punjab) is pitiable. Report says that due to non availability of suitable plot of land the proposed annexes have not been constructed regarding this item the condition of West Bengal is worse than ever. The State Government have forwarded proposals for constructing 11, hospitals and 19 polytechnics. So far it is very good proposals but no work for a single hospital has ever been stated by the state government. A site has been selected at Rallys Jute Press (Cassipore) but this has already been acquired by Ministry of Food and Agriculture for storing food grains. Also it is mentioned in the report at Bellur (Utarpara) MS National Iron & Steel Co., have offered a plot of land free of cost. Adjoining the plot of land Belur Municipality has got their trenching ground. In the meeting of the Council the Director General of Health-General Chakravarty admitted that there is trenching ground near by. In that case how the E.S.I. Hospital may be constructed? Also General Chkrabarthy admitted in near future he is not in a position to say how many hospitals may be started. There is another item which is very much interesting.

Yoga education for industrial workers - in the ~~next~~ last meeting this item came before the council for ~~opinion~~ opinion. Council rejected this item and a resolution was adopted on that effect. From the report it is clear that this rejection was upheld by the Corporation, and it also approved a proposal for starting ~~equitable~~ pilot scheme at 5 centres in Delhi. The ~~expenditure~~ expenditure of this scheme is Rs. 19150/-. The entire expenditure is met by corporation. But the scheme will run through the agency of of Bharat Sewak Samaj. From this single item it can be ascertained how the workers money is squandering away by the corporation.

MEDICAL BENEFITS TO FAMILIES.

In the memorandum it is stated extension of restricted medical care to families would start. In the Act or Scheme there is no such term as restricted medical care. So the large number of members are in favour of full medical care. Government of West Bengal has taken the legal opinion and they are also insisting full medical care. The Director General of Corporation is of opinion that they should start with restricted medical care and after working for few years the full medical care should be incorporated. There was another system placed before the council - Ambulance services. From various reports it may be said that Ambulance services are not up to the mark. Although the Director General of the corporation was trying to avoid this issue, the members were very much critical. Lastly it was decided the services should be improved.

These are the very important items discussed in the Council meeting. Criticism were made in the meeting. But how the things will be improved no body knows. From the report and from the discussion it appears that there is a tug of war between the corporation and the different state government. The request and ~~at~~ other things which are sent to the states regularly by the Corporation are not properly taken in to account. In many cases the states are not sending their replies to the corporation. The corporation in each item will have to depend upon the state government. The state government as usual ants to take credit by passing the corporation. The corporation ~~xxxx~~ wants to intervene. So there is a tough fight and the war between the corporation and state government. For this attitude the workers are worst suffers, no proper arrangement of hospitalisation, inclusion of families and ~~not~~ not carried through.

From the A.I.T.U.C. Centre certain jobs should be done immediately.

(1) To convene a meeting of the members who are in the Regional ~~Executive~~ Boards in various states and local countries.

(2) Along with this, the members belonging to the Corporation Council and other bodies should be present.

(3) The problem of Hospitalisation, inclusion of Families etc., should be discussed state wise and on that discussion a memorandum would be prepared by the A.I.T.U.C.

(4) Workers' contribution must be less at that by 50% and the employers contribution should be enhanced.

(5) Suggestion of amendment of E.S.I. Act.

(6) Proper Forum should be created to ventilate these vital grievances of worker in the floor of the Parliament and Assemblies.

(7) There should be co-ordinated action among all the States.