NATIONAL COMMISSION ON LABOUR

Papers for the Conference

On

Working Conditions

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GOVERNMENT OF INDIA
Ministry of Labour, Employment & Rehabilitation
(Department of Labour & Employment)
DIRECTORATE GENERAL FACTORY ADVICE SERVICE & LABOUR INSTITUTES.

Central Labour Institute
Off Eastern Express Highway.
Sion-Bombay 22 (DD).

No.FAS-24/44/66-Tech. Date. August, 18,1967.

My dear Datar,

I would refer to the discussion I had with you regarding working conditions in factories.

The Royal Commission on Labour in India in its Report dealt extensively with working conditions in factories, health, safety and welfare of the workers and the enforcement of the Factories Act. Since the Royal Commission reported the pattern of industrial development in the country has completely changed. There has been a breakthrough from the traditional forms of manufacture with the coming into being of the metallurgical industries and chemical process industries such as petro-chemicals, dyes, insecticides and oil refineries, and as a consequence the health hazards have enormously increased. You had suggested that we might hold a Seminar to discuss the problem and that I might let you have a brief background paper. I am enclosing two copies of a note which might serve as the basis for discussion at the Seminar. I personally feel the Seminar might be limited only to the Factory.Inspectors.

With personal regards,

Yours sincerely,

Sd/-

(N.S.MANKIKER)
DIRECTOR GENERAL.

Shri B.N. Datar
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National Commission on Labour
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WORKING CONDITIONS IN FACTORIES

INTRODUCTION

The Royal Commission on Labour in India had discussed in its report the various aspects relating to working conditions in factories. After dealing with the health, safety and welfare of factory workers the Commission had reviewed the general administration of the Factorises Act.

In the course of discussion on the "Safety Aspects" the Commission had presented data (vide Appendix I) relating to 'reported' accidents during the years 1922-29 in all factories subject to the Factories Act. The Commission had drawn attention to the fact that the accidents showed a rising trend during the period under review. While recognising that the rise in the incidence of accidents might have been largely due to better reporting, the Commission had observed that the fact that there was definitely an increase in the 'risks' run by factory workers could not be ignored. The Commission had stressed the need for setting up of 'Safety Committees' and for taking all measures for inculcating safety consciousness in the workers.

The Commission had also drawn attention to the fact that many manufacturing processes were responsible for the dissemination of large amounts of dusts and that arrangements for their elimination were mostly defective. It had been emphasised in the report that proper attention should be paid to the general cleanliness in factories and that the powers under the Factories Act should be extensively used to improve working conditions in factories to eliminate health hazards.

The Commission also had made elaborate recommendations relating to provision of first-aid, water supply, crèches, canteens and other welfare amenities.

To improve the administration of Factories Act, the Commission had made specific recommendations for strengthening of the inspectorates and for the appointment of medical inspectors.

The Labour Investigation Committee set up under the Chairmanship of Shri D.D.Rege by the Government of India had observed in its Report (1946) that the safety provisions were not always observed by the employers and that inspection was inadequate and enforcement unsatisfactory. As such, the Committee had stressed the necessity for providing suitable machinery to attend to accident prevention aspects and to the early diagnosis and treatment of occupational diseases in factories and mines.

Dr. Thomas Bedford in his Report on the "Health of the Industrial Worker" in India" (1946) drew attention inter alia to the inadequacy of protection afforded to Indian factory workers from dangerous dusts and to the importance of keeping a careful watch on industries in which organic solvents and radio active materials were used. He emphasized the need not only for a substantial increase in the number of factory inspectors in all the States but also to the necessity of imparting proper training to them, factory inspection being a highly technical job requiring the knowledge of a wide range of subjects.

Accident Trends:

It would be appropriate to consider how far the working conditions in factories have improved in the course of last four decades since the Commission held its enquiry. In the following table are presented data pertaining to accident rates during 1951-1963.

Table-Accident Rates from 1951 to 1963.

Year	Fatal Accidents.	Non-fatal Accidents.	Total	F.R.per one lakh man-hrs. worked.	Rate per 1000 workers.
1951	234	75713	75947	11.35	29.93
1952	257	91033	91290	11.70	33.51
1953	256	93431	93687	13.60	37.06
1954	267	93675	94032	13.14	36.31
1955	274	116010	116284	15.01	42.54
1956	278	128177	128455	15.66	44.56
1957	346	131149	131495	14.46	42.78
1958	369	136031	136400	13.90	44.00
1959	341	141675	142016	13.87	44.34
1960	454	144549	145003	14.39	43.05
1961	474	159222	159696	16.18	45.67
1962	528	168755	169283	16.27	46.40
1963	495	184003	184498	16.62	42.25

It may be seen from the foregoing table that the accidents rates definitely show a rising trend though it would have been natural to expect that these should have come down consequent to the implementation of measures suggested by the Commission. The higher rate of accidents observed during the recent years could not all be attributed to better reporting of accidents. The rapid industrialisation in the country since Independence and the consequent setting up of factories of a diverse nature with complicated machinery in many ofthem would probably account for the higher accident rates. This would of course emphasise the necessity to concert all measures to prevent accidents and at the same time to give adequate training to all the factory workers in safety.

Occupational diseases:

Many of the occupational diseases are now notifiable under the Factories Act and many ofthem have been brought under the purview of the Workmen's Compensation Act. But, unfortunately the statistics with regard to the occupational diseases are far from satisfactory. This may perhaps be due to want of adequate knowledge on the part of the concerned physicians to indentify occupational diseases and perhaps also due to the large labour turnover in the country.

Some of the studies carried out by the Directorate General, Factory Advice Service & Labour Institutes during the last 15 years have focussed attention on the high incidence of occupational diseases in many industries. Thus, in an All-India Industrial Hygiene Survey conducted in the storage bettery manufacturing industry, it was found that out of 482 men medically examined, 52 persons, i.e. 10.6 per cent, showed definite signs and symptoms of early lead poisoning. The environmental studies carried out clearly established that the high incidence of lead poisoning amongst the workers was entirely due to unsatisfactory working conditions in the factories concerned.

In an All-India survey carried out in the dichromate manufacturing industry, it was observed that the working conditions in the factories were generally unsatisfactory, the health and safety measures being in most cases overlooked. This had led to a high incidence of chrome ulceration amongst the exposed workers; skin affection was found in 132 workers i.e. 20.9 percent of the total number of persons examined, in 124 workers, i.e. 19.7 per cent, typical skin ulcerations were found; and nasal cartilage perforations were found in 132 workers i.e. 20.9 percent, and nasal mucosal ulcerations in 130 workers, i.e. 20.6 per cent.

In a detailed study carried out in the pottery and ceramic industry in India, it is observed that the incidence of silicosis amongst workers with more than 5 years of service was 15.7 per cent (127 out of a total number of 808 workers examined). This was due to working conditions being extremely unsatisfactory in most of the factories, as was brought out by the environmental studies.

An industrial hygiene study conducted in a ferro-manganese plant indicated that toxic hazards were present in many situations and that the incidence of manganese poisoning amongst the workers was extremely high; out of a total of 179 persons examined, 62 persons were found to have signs and symptoms of manganese poisoning.

It may be observed that during the recent years, many organised industries have come to realise the gravity of the problem presented by health hazards and the consequent necessity to be on a constant vigil to eliminate such hazards.

Discussion.

From the foregoing it may be seen that the working conditions in many factories are generally not satisfactory. It is essential, therefore, to pay greater attention than at present to the subject of safety and health in factories.

It is, therefore, for consideration as to how best this objective could be achieved. Are the different rules framed under the Factories Act enough to meet all exigencies? How best can it be ensured that all dangerous parts of machinery are guarded and accidents eliminated? Is it possible to improve the system of training for foremen and workers so as to avoid accidents due to unsafe acts? Is the present publicity work to promote safety in factories enough? In this connection, it is also for consideration as to how far the National Safety Awards recently instituted by the Government of India meet the purposes for which they are meant. Can the system relating to these awards be improved to achieve better results?

Some of the factories, especially those which had been set up during World War II and immediately thereafter, could not be considered to be quite satisfactory from the industrial hygiene point of view. The factories which are coming up recently of course have fairly good industrial hygiene practices, mainly because at the blue-print stage they are scrutinized and then only approved with whatever modifications may be considered necessary by the Factory Inspectorates. Even so, due to the complex nature of the industries now being set up in the country, there is always the risk to health from toxic substances. Is it possible to introduce suitable engineering control measures in such factories to eliminate health hazards? Can the inspection services be improved and suitably equipped so that it would be possible to make an appraisal of the potential hazards in manufacturing process and to evolve proper control measures in time? These and related questions naturally will have to be given serious consideration by the Chief Inspectors of Factories.

Recommendations:

Some suggestions which may be considered in this connection are the following:

1. The Labour Ministers' Conference held in 1960 had recommended that the State Factory Inspectorates should be further strengthened by having at least one Inspector for every 200 factories (the present strength of the inspectorate is as in appendix II) so as to ensure that no factory goes uninspected in a year (vide Appendix III). This recommendation should be implemented without any further delay, especially as the licensing fees for factories (Appendix IV) have been introduced for this purpose.

2. At the present stage of technological development, it is necessary from the view of administrative efficiency to accord proper status to the Inspection services. Industry should be made conscious that in respect of safety, health and working conditions the Chief Inspector of Factories is the appropriate authority to look to for guidance and help.

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3. In order to prevent accidents, it would be desirable that there should be a safety officer appointed in all factories employing 1000 workers or more.

4. For the past 2 years the Government of India have been operating National Safety Awards Schemes which are applicable to industrial undertakings covered by the Factories Act and working at least one million man-hours in a year. The Govt. of India have also suggested to state Govts. to operate Safety Award Schemes for smaller factories. Excepting perhaps in one or two States, the Scheme has not been implemented so far. It is suggested that all the States Governments should frame Award Schemes and operate them as early as possible.

5. Safety Committees consisting of representatives of managements and labour are functioning in some of the progressive concerns. One of their functions is to investigate all serious accidents to find out their causes and to suggest preventive measures to the management. Another important function of the Safety Committees is to organise safety publicity work in factories. These safety committees have been found to play an effective role in reducing accidents and it is, therefore, suggested that small factories, say even those employing at least 250 workers, should also set up safety committees in their plants.

6. Every endeavour should be to impart training in safety to supervisors and all workers including those newly recruited.

7. All factories should be advised to operate 'Suggestion Schemes' and rewards should be given to workers making important suggestions in regard to safety.

8. All factories particularly those in which hazardous operations are carried out should be encouraged to get industrial hygiene and safety surveys conducted by competent organisations and should be asked to implement the measures recommended.

9. Those which still do not have medical inspectors of factories should be desired to appoint them without any further delay.

10. Every Inspectorate of Factories should also have a laboratory equipped for carrying out industrial hygiene studies, especially those of a routine nature.

11. It is recommended that every State should also have a chemical inspector with adequate training in the principles and practices of industrial hygiene.

Appendix I.

ACCIDENTS IN FACTORIES*

Year	No. of persons injured				No. of persons injured per one lakh employees.			
	Fatal	Serious	Minor	Total	Fatal	Serious	Minor	Total
1922	191	1,207	5,562	6,960	14	89	409	512
1923	197	1,333	5,507	7,037	17	91	391	499
1924	284	1,690	8,055	10,029	20	118	565	703
1925	263	2,181	9,901	12,645	18	166	662	846
1926	270	3,155	11,441	14,866	18	208	753	979
1927	242	3,403	12,066	15,711	16	222	787	1,025
1928	264	3,494	12,590	16,348	17	230	828	1,075
1929	240	4,389	15,579	20,208	15	283	1,003	1,301

* From the Report of the Royal Commission on Labour in India, 1931.

Appendix II.

Statement showing number of factories per Inspector during 1965 in the different states.

Sl. No.	States	1965			
		Inspectors (excluding Chief Insp. Medical Lady Chem. & Productivity Inspectors).	No. of Medical Inspectors.	No. of Factories.	No.of Factories per Inspector.
1.	Andhra Pradesh	20	1	5917	296
2.	Assam	6	1	1470	245
3.	Andaman & Nicobar	1	-	16	16
4.	Bihar	24	1	12,359	513
5.	Maharashtra	43	1	10,084	235
6.	Delhi	3	1	1377	459
7.	Himachal Pradesh	1	-	43	43
8.	Jammu & Kashmir	2	-	191	96
9.	Kerala	9	1	2863	318
10.	Madhya Pradesh	7	-	2452	350
11.	Madras	31	-	6833	-
12.	Manipur	NA	NA	NA	NA
13.	Mysore	10	1	2512	251
14.	Orissa	5	-	886	177
15.	Punjab	8	2	5318	665
16.	Rajasthan	7	-	1523	217
17.	Tripura	1(vac.)	-	76	76
18.	Uttar Pradesh	16	1	3729	233
19.	West Bengal	19	3	5878	309
20.	Gujarat	26	-	4829	185
	Total	239	13	68,356	286

Appendix III.

STATEMENT OF FACTORIES INSPECTED AND LEFT UNINSPECTED DURING 1965.

SL. No.	Name of the State	Total No. of Factories.	No. of Factories inspected	Factories uninspected No.	Percentage.
1.	Assam	1,470	669	801	54.5
2.	Andhra Pradesh	5,917	4,770	1,147	19.4
3.	Bihar	12,359	8,011	4,348	35.2
4.	Delhi	1,337	967	410	29.8
5.	Gujarat	4,829	3,745	1,084	22.5
6.	Himachal Pradesh	43	29	14	33.6
7.	Jammu & Kashmir	191	136	55	18.8
8.	Kerala	2,863	2,668	195	6.8
9.	Madhya Pradesh	2,452	1,591	861	35.1
10.	Maharashtra	10,084	9,073	1,011	10.0
11.	Mysore	2,512	2,138	374	14.9
12.	Madras	6,833	6,718	115	11.7
13.	Orissa	866	282	604	69.0
14.	Punjab	5,318	3,745	1,573	29.6
15.	Rajasthan	1,523	786	737	48.4
16.	Tripura	76	64	12	15.8
17.	Uttar Pradesh	3,729	3,691	38	2.0
18.	West Bengal	5,878	4,146	1,732	27.8

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Appendix IV.

STATEMENT OF INCOME AND EXPENDITURE OF THE STATE FACTORY INSPECTORATES FOR THE YEAR 1965.

S.No.	States	Estimated Income.	Estimated Expenditure.
1.	Andhra Pradesh	6,21,133	6,23,852
2.	Assam	N.A.	N.A.
3.	Bihar	5,47,358	5,24,152
4.	Delhi	N.A.	1,70,274
5.	Gujarat	6,78,440	3,33,056
6.	Himachal Pradesh	12,854	4,223
7.	Jammu & Kashmir	N.A.	7,842
8.	Kerala	4,54,128	3,85,067
9.	Madhya Pradesh	3,30,246	1,65,000
10.	Madras	15,33,233	9,85,800
11.	Maharashtra	14,55,574	8,74,929
12.	Mysore	3,90,000	2,78,000
13.	Orissa	1,83,437	74,448
14.	Punjab	6,33,801	1,36,370
15.	Rajasthan	2,42,043	1,39,733
16.	Tripura	7,164	N.A.
17.	Uttar Pradesh	8,00,223	5,03,837
18.	West Bengal	11,15,483	5,38,945

ANDHRA PRADESH

CHIEF INSPECTOR OF FACTORIES' NOTE TO COMMISSIONER OF LABOUR ON SRI DATAR'S D.O. TO HIM.

...

I had been asked for my comments on Sri Mankiker's note and replies to questions 12-25 of the Commission's Questionnaire. My replies to the above questions were already sent to the Commissioner of Labour for onward transmission to the Commission through the Government. I am, however, enclosing a copy of my reply to the questions referred to above.

I have gone through Sri Mankiker's note and concur with him that the only way for the Commission to appreciate and understand the problems facing the Factory Inspection Services in the States is by direct discussion with the Chief Inspector by holding a seminar.

I am also in general agreement with the broad outline of his assessment of the scope of the activities of the Factory Inspection Service. But Sri Mankiker seems to have kept the crux of the problem untouched except in a vague manner in his Recommendations 1 and 2 vide page 4 of his note. I have to invite attention to my reply to Question 12 of the questionnaire wherein I have stated the following points require careful consideration when dealing with the subject.

1) The set up of the Inspection Service under the Factories Act is under the administrative control of the Commissioner of Labour which is the result of continuation of an old system conceived before there was any industrial development of a significant nature. While conditions have changed drastically since 1940 and a new Factories Act was introduced in 1949 the system had continued as such. The Service as such had not received due recognition as a consequence.

2) Though industry is contributing substantial monies by way of licence fees since 1950, the principle of utilising these monies exclusively for developing the services had not been implemented in a statutory manner so far. Except during the last year or two, sizable surpluses have been taken into the State Revenues.

3) Arising out of the above, the actual problems are the result of handicaps faced by this essentially technical service being subordinate to a non-technical conciliation service.

4) Planning and development of the service are now dealt by the Commissioner of Labour and because of the overwhelming nature of the problems developing in the field of industrial relations constantly, the problems of the technical services have received a very low priority.

5) Article 904 of the I.L.O. convention which is ratified by this country requires the same principle to be

observed that Conciliation Services should not have executive powers. This salutory principle is contravened when the head of the State Conciliation Services, the Commissioner of Labour, is made the Administrative head over the Chief Inspector of Factories who has vast executive powers over the bulk of the industrial sector.

6) The strength of the Inspectorate has to be developed as per norms laid down by the I.L.O. and accepted by the Government of India and State Governments. But in actual practice, as the figures furnished by Sri Mankikar in Appendix 2 would show, this strength is half or less in many States. Similarly the pay scales of the Inspectorate in various States have not been fully equated with that of equivalent scales in Public Works Department and given an added weightage for special skills required and as accepted in principle by the State Governments.

7) An Independent and mobile Inspectorate is the essence of an efficient service. But while many departments of Government enjoy supply of vehicles by the State for effectiveness, so far the Factory Inspection Services have been denied this basic need and is thus severely handicapped.

8) In conclusion, it can be said that the need now is not so much for amending laws or for new laws but to take steps to bring about effective changes in organisation and achiev a real effect in implementing the existing legislation. Changes in the legislation are also very tardy in implementation but these relate only to consequential amendments necessitated by the judicial pronouncements and not to the basic structure of the Factories Act.

I would however like to emphasise the handicaps suffered by this service since Planning bagan by presenting here the plan expenditure of this unit during II and III plan periods as compared with the total expenditure of the rest of the Labour Department.

	Factories Unit.	Labour Unit.
II Plan *	4.80 lakhs	19.97 lakhs.
III-do- *	3.57 lakhs	15.64 lakhs
IV -do- I year	0.20 lakhs	1.30 lakhs
II year	0.15 lakhs	0.98 lakhs

*Note: This expenditure includes the Non-technical wing in charge of shops Act, Minimum Wages Act & Motor Transport Vehicles Act. Since IV Plan they are separated from this units budget.

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It is clear from the above that the allotments equal 1/5th to 1/6th of the total departmental plan expenditure. It is of course obvious that the Chief Inspector of Factories had little say in determining priorities in allocating this expenditure. The figures furnished by Sri Mankiker in Appendix 2 for this State need correction as there were only 17 Technical Inspectors in the field and not 20 in 1965-66. This gives a much greater number of factories per inspector than the figure of 296 furnished by him. This fact clearly indicates the chronic shortage in the strength of the Inspectorate even after the end of III Plan period. These problems among others were subject matter of a D.O. letter from the Hon'Minister for Labour Government of India to the Labour Minister of this State recently. My comments on the relevant aspects of this D.O. sent to the State Government are also enclosed as an annexure to this letter for your perusal and consideration.

In this State we have decided to enhance the fees under the Schedule of Licence Fees suitably and this is now pending final orders of confirmation by Government. Since it has been found extremely difficult for the State Government to allot necessary funds for the proper functioning and development of this service, this step has been taken to overcome this difficulty. Hence the Commission may give due importance to the vital needs of this service as the financial implications of implementing the desired set up will bear very lightly, if at all, on the general revenues of the State.

Sd/-

CHIEF INSPECTOR OF FACTORIES,
ANDHRA PRADESH: HYDERABAD.

ANNEXURE I

COMMENTS ON COMMISSION'S QUESTIONNAIRE.

The question Nos. have reference to the Questionnaire of the Commission.

QUESTION No. 12:

The State Government is concerned only with the implementation of the Factories Act, there being no plantation in this State and the Mines being covered by Government of India. The implementation of the Factories/assisted by the State Factory Inspectorate. The Chief Inspector of Factories is under the administrative control of the Commissioner of Labour and except in purely technical matters relating to the enforcement of the Factories Act, has no direct control over the formulation of policies, planning, and developmental activities of the Inspectorate. The present administrative system has been continued with occasional improvements in the strength of the Inspectorate since the very inception. Though conditions in the industrial field have changed enormously since 1940, there has been no change in the basic structure of the Inspectorate. The Factories Act was amended comprehensively in 1948 and the system of licensing and approval of plans of factories was introduced for the first time since 1949. Thus the industry has been paying substantial monies since 1950 for the service rendered by the Inspectorate. It is therefore necessary that the revenue from licence fees should be spent only on the staffing of the Inspectorate and any surpluses not be taken into general revenues. Though this principle has been accepted it is not yet implemented by the State Governments. Such a provision in the Act or Rules would give a sense of satisfaction to industry and encourage them to call on and ask for advice from the Inspectorate on all technical matters affecting the health, welfare and working conditions of workers. This is the most desirable and enduring method of obtaining implementation of the statute.

The statutory provisions now obtaining are quite comprehensive and if amendments are made promptly to meet the requirements of judicial comment and new developments in the technological field, the statute can meet all the requirements. But it is the administration and its antiquated set up that is unable to rise up to the demands made on it or likely to be made. The problems facing it are listed below.

(1) As already stated, a purely technical service with specialised skills in various branches of industrial safety and health problems is attached to the non-technical labour department, an arrangement which is merely a historical accident, but not conducive to proper expression of service and growth according to its needs in the past and more so at present.

(2) Planning and development of the services are dealt

/ Act is entrusted to the Chief Inspector of Factories

with by the Commissioner of Labour and the problems and needs of this technical service are many times submerged in the overall labour policy for various reasons. Inspection services are meant to help, guide and advice both management and labour in providing healthy and safe environmental conditions in factories irrespective of the profitability in business, labour unrest, trade union activities etc., which have become crucial problems in the last two decades. Hence the Inspectorate should be kept separate from the conciliation and other limbs of the Labour Department in the State in order to perform its duties successfully. This will also be inline with Article 904 of I.L.O. convention that the conciliation officer should not have executive powers. This principle has been accepted in a number of States in this country but still awaits implementation in this State. It will also be relevant to state here that the Factory legislation in this country is closely modelled on that of U.K. But unlike in U.K. the implementation is kept under the control of non-technical Department. This aspect was also discussed in many sessions of the Conference of State Chief Inspectors of Factories and a resolution was also passed in the Conference held at Calcutta in 1964 that Chief Inspector of Factories should be the Head of Department and should not be placed under the Labour Conciliation machinery.

(3) While norms have been laid by I.L.O. and accepted by Government of India and the State Governments on the maximum number of Factories to be allotted to an Inspector, in actual practice, the strength of the Inspectorate is much below that required under the accepted norms. It has been the experience in the past and now, that schemes for strengthening the Inspetorate always come up against financial stringency etc., and are only partly conceded long after the need arose.

(4) The service conditions of the Inspectorate have never been given the proper consideration in order to attract and retain talented and dedicated men. Though the Labour Ministers' conference had accepted the principle of equating the categories with that of the P.W.D. and giving additional beneficial pay in view of the smallness of the Department and the very few chances for promotion to the highest levels and the actual implementation was long delayed and is still below the recommendations. The Inspectors and Regional Inspectors of Factories are equated to Assistant Engineers and Executive Engineers since 1964, but the two highest posts of Deputy Chief Inspector of Factories and Chief Inspector of Factories have/been equated to that of /not special grade Executive Engineer and Superintending Engineer. This anomaly continues to exist even now inspite of pay revision by two successive Pay Commissions. The further additional pay over that of P.W.D. recommended has not been given any consideration at all. During the past decade, three out of the 5 Senior Officers of the Department have left the service to better their prospects.

(5) An efficient inspectorate should be able to be independent of obligations from employers or other agencies in being able to move rapidly from place to place and factory to factory as and when required. In view of the what is stated in (4) above and the galloping costs of motor vehicles

their running and maintenance, many of the Inspectors are either unable to buy their own conveyance or are forced to sell their present vehicles in view of the Static rate of T.A. and unimaginative T.A. rules, however much costs rise on all sides. The inspection services have been pressing for supply of motor vehicles by Government for years and even the acceptance in the preliminary IV Plan schemes to do so for the first time has been since negatived due to the continuing emergency and the recurrent financial stringency. The best possible law would suffer if the enforcement machinery is as severely and continuously handicapped as the Factory Inspection service.

(b) In view of what has been stated above, the existing legislation is quite adequate to ensure proper working conditions provided due reorganisation, strength and mobility of the enforcement machinery is ensured.

QUESTION No. 13:

Does not relate to Factories Unit.

QUESTION No. 14:

Does not relate to Factories Unit.

QUESTION No. 15:

Employment of Child labour has been tending to show a steady fall over the past decade and more, due basically to the fear of prosecution, complications in certification, limited hour of work, and compensation arising out of accidents. The great progress of education has also reduced the pressure of parents to put their young children in gainful employment at an early age. It can be safely said that in this state the incidence is negligible. The only pockets of child employment still extant are mostly in traditional crafts, like Carpentry Foundries, Beedi and Cigar manufacture located in rural and semi-urban areas. The competition offered by the growth of the small commercial establishments, and shops every where and technical training institutes could also be said to be potent factors tending to diminish the incidence of child labour in Factories. In view of the sociological changes mentioned and the adequacy of the Laws inforce no changes are needed in this field. But as far as implementation of the present statute is concerned, the remarks under the Question 12 apply with equal force.

QUESTION No. 16:

The effect of the Judicial pronouncement over the past has been to take away the bulk of the contract labour from the purview of the Factories Act. Amending legislation to rectify this situation has been delayed over long and this is also the case with many necessary amendments to the Factories Act which are pending over long.

QUESTION NO. 17:

The Cooperation of management and Labour Unions is very necessary in providing and maintaining safety inside the factory and the proper running of the Welfare amenities like canteens, creches, rest rooms etc. Such cooperation can be made effective at the plant level by continuous education of both employers and trade union leaders on the social and human benefit accruing from such cooperation. Periodic competitions in safety with awards and rewards as now in force would be an important method of ensuring this objective. But this would be purely a voluntary endeavour.

SAFETY AND HEALTH.

QUESTION NO.18:

It is difficult to make any assertion on the rate of accidents since there can be no question of a basic normal rate. The aim is always to bring about a reduction in the rate progressively. But during the last five years, except in one year when the rate went up significantly, in the period as a whole, it was just possible to maintain the same rate with a slight tendency to fall. But no favourable inference can be drawn on the efficacy of the services from this.

The main causes of the accidents have been insecurely graded machinery, bad house keeping, unsafe handling of goods and articles. It is obvious that while the statute is sound and adequate, it is the enforcement machinery that has not been able to function as effectively as the situation needed. It is therefore necessary to reiterate once again the points mentioned against Question 12.

QUESTION: NO.19:

It is highly desirable to have a convention of training all new entrants in industry on basic principles of safety and health. Since such training programme can be organised only by the Factory Inspectorate, it is necessary to have a specialist in industrial safety and accident prevention who will be exclusively available to conduct such training programmes within the industry or closeby where a number of industries are concentrated and could participate. This requires paid-time of employees which will have to be willingly borne by employers. Incentives like a "prosecution holiday" as far as safety provisions are concerned could also be thought of where management participation is found to be impressive.

It is of course quite essential that periodical refresher training will be required to all workers already in employment, since the early training will not have the same impact as the one that is received after the worker had got a full knowledge of his job and environment. Further knowledge on industrial safety is ever widening and the worker should have access to all such new knowledge.

As already stated such courses will have to be organised and conducted by a specialist branch of the factory inspectorate

within the industry and/or in industrial Safety Centres ~~where one~~ is available.

QUESTION NO. 20:

Safety is a statutory obligation and all agreements on safety standards could at best be working arrangements to have uniformity in a particular industrial group e.g. Cement. So far an agreed standard like this has been applicable only to the cement industry in this State. Such standards could only be evolved for industries like Sugar, Cement, Textiles, etc., where the processes are standardised. The working of this agreement in cement industry has been quite satisfactory in this State, where the supervision of the implementation is done by a Committee consisting of Employers, Trade Unions, and the State Factory Inspectorate. By the very nature of the composition of the Committee, it has been found that a tour by the Committee is able to exert a considerable influence in creating an eagerness to implement the standards. This spirit is one of competition and has been made use of in this State very effectively by holding safety competitions in rice mills all over the State, district by district. This degree of effectiveness is adequate in the present conditions.

QUESTION NO. 21:

Answers to Question 18 to 20 meet the points raised in this Question. In addition legislative sanction by providing for statutory training within industry, financial support by the E.S.I. to meet part of the cost of training courses are desirable.

QUESTION NO. 22:

As far as Factories Act is concerned, the present legislation with amendments pending before the Government of India is quite adequate to provide for industrial safety in varied fields of industrial development in the next decade atleast, provided that greater speed is achieved in bringing about necessary endments, wherever required. The poor importance attached to is piece of legislation till now requires a drastic change. considerable number of amendments decided upon by the Conference of the Chief Inspectors of Factories over the last several years and drafted by the Department of Labour and Employment long ago are still to be brought up before the legislature.

QUESTION NO. 23:

(a) The Safety equipment available in this country is generally not of a comprehensive range to meet all requirements and further suffer from poor quality and lack of uniformity in quality. Until such time as a standard quality manufacture of a wide variety of such equipment is established in this country, a procedure should be evolved to enable industry to import freely their requirements from abroad. In the alternative, business houses who desire to import them and sell them on commercial lines should be encouraged and allowed to do so by providing import licences.

(b) For the reasons stated at (a) above the answer is 'NO'. There certainly is reluctance to use such equipment but only in respect of personal protective equipment, since both the quality and design of such equipment ordinarily available leads to discomfort. The only solution for overcoming this is to supply the equipment easy to use, light and well designed and to educate the worker on the need for using them by means of talks, and audio visual aids which will have a powerful impact.

QUESTION NO. 24:

Industrial Health Service has to start with the appointment of Medical Inspectors of Factories in the State, with special training in industrial health. The setting up of industrial hygiene laboratories to study individual problems and evolve solutions should go hand in hand with the Medical Inspectors of Factories. At present the E.S.I. is concerned only in treating sick workers and has not devoted any thought to the preventive aspects of industrial health. It would pay greater dividends if a part of the resources of the E.S.I. could be placed at the disposal of the State Factory Inspectorate to enable the industrial health service under the Medical Inspector of Factories to look after the preventive and scientific aspects of the problem.

QUESTION NO. 25:

Workmen's Compensation Act has to be so formulated that the cost of compensation should have some deterrent effect on employers who pay scant attention to safety in their industry. Mere prosecutions with meagre fines nominal workmen's compensation rates, E.S.I. coverage etc., have tended cumulatively to breed a sense of smugness and even indifference on the part of many employers in implementing, safety provisions. In advanced countries high workmen's compensation rates, common law suits for compensation and high insurance premium rates for coverage under Workmen's Compensation Act in accident-prone factories tend to create a greater awareness on the employers of his obligations. It is time that the legislature in India also thought of the deterrent effect of such methods, to reduce the accident rate as well as the loss of skilled workers who should be treated as an important and valuable asset of the nation.

QUESTION NO.209:

This question does not relate directly to Factories Act. As long as all the workers who are engaged inside a factory by whatever agency, are covered by a suitable amended definition of 'worker' effective coverage of contract labour under the Factories Act is ensured as in the case of others. The draft amendment for achieving this end is pending for several years now.

I T E M. VI:

No remarks, as the subject productivity in this State is dealt with by Andhra Pradesh Productivity Council and the Factory Inspectorate is not concerned.

Sd/-

K. NARASIMHARAJU
CHIEF INSPECTOR OF FACTORIES

(TRUE COPY)

Sd/-

ANNEXURE II

Government of Andhra Pradesh
Labour (Factories) Department.

From

Shri K.Narasimha Raju, B.E.,
Chief Inspector of Factories,
Andhra Pradesh, Hyderabad.

To

The Commissioner of Labour,
Andhra Pradesh,
Hyderabad.

B2/18537/67 dated 18-9-1967.

Sir,

Sub: LABOUR-Labour unrest in the country- Measures to alloy.

Ref: D2/18565/67 dt.30-8-67 of Chief Inspector of Establishments, Andhra Pradesh, Hyderabad.

I furnish below the remarks called for in the reference cited:-

Two aspects are stressed in this case; 1) The laws being adequate the enforcement is not adequate and effective; 2) changes in the law itself.

With regard to (1) the remedy suggested is to improve the machinery and mode of enforcement. Accordingly Government of India suggest:-

a) as an immediate step, the existing enforcement machinery should be strengthened and financial considerations should not be allowed to come in the way. Further the enforcement staff should be thoroughly trained and briefed in all labour laws.

Proposals were already sent to Government on strengthening the staff of the Factories Unit 2 years back and is pending consideration with Government, due to financial stringency. So it is now for the State Government to consider the suggestions of the Government of India and take a decision atleast now to sanction the minimum additional staff asked for. Another aspect which has not been brought out by the Government of India but which is a very essential aspect of strengthening the enforcement of Labour laws is the supply of transport (conveyances) by Government for each Inspector of Factories and Regional Inspector of Factories, as the purchase of vehicle is much beyond the capacity of most of them in view of the astronomical cost and the frustrating and inordinate delays in buying one through Government quotas leave alone direct purchase. The cost of maintenance, tax, insurance etc. have risen phenominally. As long as the present situation continues, even additional staff will not be able to exert the full force possible and needed, unless they are able to move fast, as and when required and maintain the element of surprise in their inspection work.. This element of surprise is practically dead due to the enforced bovine speed of the ordinary inspection in the present circumstances. Government may therefore attach more importance to this aspect than hitherto and approve a scheme whereby additional staff will go hand in hand with supply of vehicles atleast in a phased manner.

//true copy//
Sd/-

ASSAM

Comments on Sri N.S. Mankiker's paper.

Introduction

The various recommendations of the Royal Commission, Labour Investigation Committee and Dr. Thomas Bedford on safety and health measures made in the past are essential for improvement of working conditions in factories, and they should be fully implemented. This necessity has further increased on account of rapid strides made in industrial development in the recent past resulting in introduction of new and complicated industrial processes machinery and equipment with consequent rise in risks of accidents and health hazards. To achieve the objective of satisfactory working conditions in factories, the points raised for discussion and recommendations made in Sri Mankiker's paper are of utmost importance.

Accident trends

The figures showing accident trends amply justify that fore-most importance should be attached to accident prevention. This problem should be tackled in three fronts: by amending/adding safety rules where they are found inadequate and enforcing them strictly, by educating the employers and their safety supervisors on necessity and importance of safety, and by training the workers in safety.

Occupational Diseases

The results of studies in incidence of occupational diseases in a few industries indicate that more industries and work-places should be surveyed and industrial ailments in different types of factories should be categorised and prevented.

Discussion

The rules framed under the provisions of the Factories Act cannot be made adequate at a time to meet all exigencies that may arise in future. As industries go on growing, new processes, machinery and equipment are added from time to time, and new hazards are recognised or experienced, the rules have to be made upto-date from time to time by amendments, additions, etc. A gap is bound to occur. The problem is to reduce it, by timely addition or revision of rules.

The best ways to ensure guarding of all dangerous parts of machinery to minimise accidents is to ensure strict enforcement of statutory safety precautions, regular supervision at the plant level and training of safety officers, safety supervisors and the workers. Visual aids, propaganda and incentives to workers for safety habits will help.

System of training of fore-men and workers where

.....2.

exists, can possibly be improved. But training facilities do not exist in general. Steps are needed for organisation of such training, particularly for small and medium sized factories.

In a State like Assam publicity work to promote safety in factories is negligible at present. It is almost non-existent. There is need for sufficient publicity work.

Results of the National Safety Awards should be studied. If the results are not satisfactory, the system may be revised.

Wherever toxic substances are manufactured, used, handled or given out, health hazard is to be expected. Careful and complete control of these hazards should be the aim. All hazardous processes should be thoroughly studied and possibility of suitable engineering control measures should be found out. If the inspection services are improved to the requisite standard, manned with persons of required special qualifications and experiences, and properly equipped, the problem can be handled by the Factory Inspectorate. It depends on proper organisation of the service, and willingness of Govt. to utilise the entire collection of factories registration fees for this purpose.

Recommendations

1. The standard for strength of State Factory Inspectorates should be one Inspector for every 150 factories so as to ensure that all factories are inspected at least once in a year and bad one inspected more frequently. This should not include specialised posts like Medical Inspector, Chemical Inspector, etc.

It should be made obligatory on the part of State Governments to utilise all the money collected by Inspectorates as factories registration and licence fees in the inspection services. If necessary, the scale of fees prescribed about 19 years ago may be revised to collect fees at higher rates. (In Assam, only about half the amount of collection is spent on the Inspectorate at present).

2. Proper status of the Inspection Service is of utmost importance. The present comparatively low status of the Chief Inspector of Factories and his staff is a great detriment to the efficient administration of the provisions of Factories Act and Rules. Lower status and poorer pay and allowances at present granted to this service in comparison with management staff in factories and officers of similar responsibility in other Govt. services work as a great handicap. The Chief Inspector should enjoy the status and pay scale of full-fledged Heads of Departments like the Chief Engineers of P.W.D., State Electricity Boards, etc. There should be ample allowances for maintenance of conveyances at present-day cost level, without which quick movements for surprise inspectional visits are not possible. (In Assam, even the meagre allowance of Rs.80/-p.m. previously granted as car allowance to Inspectors has been recently withdrawn).

A standard should be laid down prescribing status, pay and allowances, etc. and the directive powers of the Central

....

Govt. under Section 113 of the Factories Act, 1948 should be used and enforced.

3. The suggestion for appointment of Safety Officers should be accepted and made obligatory. In addition, Safety Supervisors of a lower rank than Safety Officers should be made obligatory on all factories employing about 250 workers and more, upto 1000 workers. Exceptions may be made in this regard exempting some factories with less hazards. Similarly, provision should also be made for compulsory appointment of Safety Supervisors in factories employing less than 250 workers upto about 100, where accidents and health hazards are abnormally high. In both the cases discretion should be left to the Chief Inspector of Factories.
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4. Award Schemes at State level should be operated. The present plea of financial stringency, as in case of Assam, should not be allowed to be a bar to it. Savings from collection of fees should be utilised fully and if necessary, collection should be made at a higher rate.

5. In view of the fact that Safety Committees, where exist, do appreciable work in accident prevention, their organisation should be encouraged in all factories employing 250 workers and more. But such Committees are very few, specially in Assam. If left to be voluntarily set-up, services of such Committees may not be utilised by many employers, except the progressive ones. It is better that they are made obligatory by law.

6. Safety training for supervisors and workers is so important for accident prevention that it is desirable to make it obligatory by law. Govt. should step in to organise and conduct courses, specially for smaller and weaker sections of the factories, rather than leaving it to the employers, except in well-established and progressive factories.

7. Experience shows that mere advice will not bring the desired results in most factories, particularly the smaller ones, in operating suggestion schemes and rewards. A system of grants from Govt. to be paid to factories towards cost may work as an incentive.

8. If free services are readily available, the factories carrying on hazardous operations will perhaps gladly agree to get industrial hygiene and safety surveys conducted. A list of competent organisations to do the work should be made available to them, and terms and conditions of their work should be defined. Progressive employers are expected to avail this service readily. But if there are unwilling ones, something should be imposed on them in this regards. Implementation of the recommendations may also be made compulsory.

9. In Assam one Medical Inspector of Factories has been appointed.

10. This depends on sanction from Govt. In Assam, the

proposal for starting the nucleus of an Industrial Hygiene Laboratory in the Factory Inspectorate has been kept pending by Govt. for a number of years. Strong recommendation from the centre with follow-up action may help.

The Director General may lay down a standard and prepare a model scheme for smaller states like Assam to set-up such a laboratory with building, equipments, staff, etc. and circulate to States not having such laboratories at present.

11. The need of a Chemical Inspector is felt even in Assam where the pace of industrial development is not as rapid as in other advanced States. But proposal for it has not yet been accepted by Govt.

A model set-up for a State Factory Inspectorate laying down requirements of Inspectors, Medical Inspectors, Chemical Inspectors, Certifying Surgeons, and other staff as well as equipments like Industrial Hygiene Laboratory, transport facilities, etc., may be evolved and strongly recommended to State Governments.

Sd/-

(J.C. Barua)
Chief Inspector of Factories, Assam.

OFFICE OF THE CHIEF INSPECTOR OF FACTORIES: ASSAM.
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No. Dt. Shillong, November 1967.

From

Shri J.C. Barua,
Chief Inspector of Factories, Assam.

To

The Joint Secretary,
Govt. of Assam,
Labour Department.

Sub:- National Commission on Labour.

Ref:- Your No. GLR.373/67/21, dt. 31.10.67.

Sir,

With reference to above, I have the honour to send herewith my views on the portion "II - Conditions of Works (questions 12 to 25)" of the questionnaire issued by the National Commission on Labour, as far as the Factories Act, 1948 is concerned.-

II Conditions of work.

Q.12. (a) No change is felt necessary in these provisions under the Factories Act, 1948.

Implementation of these provisions can be improved by more strict enforcement by more frequent inspections, prosecutions where necessary, education of managements and training of workers in safe working conditions.

Changes in the penal provisions of the Act are desirable, such as enhancing the prescribed penalty, laying down minimum punishment, empowering Chief Inspector of Factories to impose fines, etc.

(b) Other steps needed are;

Better organised inspection services with adequate number of trained and experienced Inspectors, suitable pay and prospects for Inspectors, transport facilities or allowances to meet present day cost of transport, safety organisations in factories, training in safety for workers, etc.

Q.13. Holidays other than statutory weekly holidays are not dealt with under the Factories Act.

Festival holidays may vary from region to

region depending on religion and custom of workers, but it should be possible to obtain a uniform limit of total number of festival holidays.

Q.14. For employments like those in house building, works of engineering construction, etc., no suitable arrangement seems to exist at present. They may conveniently be brought within the purview of the Factories Act as in U.K. by extending the definition of "manufacturing process" in the Act and including contract labour in the definition of "worker".

Q.15. In the factories of Assam, child labour is not employed on large scale. Very limited numbers of them are employed in some tea factories. The existing provisions of law and their implementation are satisfactory except that certification of age and fitness is difficult to obtain from Certifying Surgeons, and certificates from Doctors employed by factory owners have to be relied upon.

Q.16. In factories, contract labour and labour employed by contractors are not treated as factory workers, and they are deprived of the benefits of the Factories Act. No provision seems to exist for regulation of conditions of their work.

Improvement necessary is to include them in the definition of "worker" in the Factories Act, 1948 by an amendment.

Q.17. Statutory provisions of safety, health and welfare are some fields in which they play a useful role. Safety Committees and Welfare Committees, represented by both the parties may be effective at plant level.

It is better to have a standing arrangement.

Safety and Health:

Q.18. In Assam as a whole, the existing rate of accidents in factories is not very high by all-India standard, but it is high in some factories.

The main causes of factory accidents are ignorance, difference and negligence of workers as a result of which most of the accidents occur. A significant proportion of the accidents also occur due to failure of machinery, plants and equipment. Failure to provide safe working conditions, protective devices, etc. is another important cause, while inadequate or lack of supervision on the part of management is still another important cause. Inadequate number of inspections of factories also contribute to the high incidence of accidents.

Q.19. Training programmes with special emphasis on safety by industrial establishments should be made obligatory for the benefit of new entrants.

Refresher courses may not be necessary in general. But when workers are transferred to new job involving new hazards, or when new processes and machinery are introduced in the same job, old workers should also be trained like new entrants.

In big establishments, individual managements should organise their own courses. Smaller establishments may pool their new entrants for a common course of training at central locations. The State Factory Inspectorate should have statutory powers to inspect, supervise and direct such courses.

Alternatively, State Government may establish one or more Safety Training Institutes under the Factory Inspectorate where workers, factory supervisors and management staff may receive training in different courses.

Q.20. In Assam, no such bipartite agreement has been evolved in respect of factories.

Bipartite approach can be fruitful along with complete co-operation between agreeing parties. Otherwise, it may not be as effective as statutory obligations.

Q.21. Safety consciousness can be aroused amongst workers and employers, by propaganda, demonstration and training. Safety awards for good performance, safety suggestions and punishment for default will also help.

Q.22. No substantial amendment in the present safety provisions of the Factories Act, 1948 appears to be necessary. The existing provisions are more or less adequate to meet the needs of expanding industry and advancing technology. Any new hazard as and when introduced in the expanding industry can be covered by the rule making powers of the Govt. authorised to prescribe further safety provisions.

There is, however, need for strict enforcement and for that purpose suitable amendment of the penal provisions of the Factories Act, 1948 appears to be necessary. Fines prescribed twenty years below are low in present day context. It should be enhanced, and a minimum punishment should be laid down. In addition, there should be suitable provision authorising the Chief Inspector of Factories to impose fines for breach of safety provisions of the Act.

.....

Q.23. (a) No difficulty has been reported except shortage of construction materials for making machine guards and other safety devices, repair and remodelling of substandard factory buildings, etc.

(b) Generally, adequate supply is kept and workers' reluctance to use them is not common. Workers should be trained for use of personal protective devices.

Q.24. Qualified medical practitioner, experienced or trained in Industrial Health, equipped with nurses, attendants, dispensary or hospital, medicines, etc., should be provided at the cost of employers and subject to supervision of State Factory Inspectorates.

It should be introduced first in big establishments where industrial poisoning and diseases have occured. In the second phase, smaller establishments with health hazards may be covered either individually or in groups.

Q.25. Rates of compensation may be increased.

Yours faithfully,

Sd/-

Chief Inspector of Factories, Assam.

B I H A R

COMMENTS UPON THE NOTE OF SHRI N.S. MANKIKER, DIRECTOR GENERAL, Factory Advice Service and Labour Institutes on the Conditions of Work.

****

Introduction:

In his introductory remarks Shri Mankiker has made a reference of certain Commissions, Committees and Surveys, which have high-lighted the unsatisfactory working conditions in factories and which have been responsible for the development and strengthening of the State Factory Inspectorates. The reports of all these Commissions and Surveys reveal the unsatisfactory working conditions in factories and I would not hesitate in stating that inspite of the fact that the conditions have changed for the better in the recent years, the standard of conditions are yet very far below the minimum standard which is essential. The main reason for slow progress in bringing about substantial improvements in working conditions has always been the inadequacy of enforcement machinery and while attention of the authorities has been drawn to this serious draw-back on numerous occasions and even by such Bodies as the Conference of the Labour Ministers, the progress made in respect of strengthening of the enforcement machinery and of providing an adequate machinery of enforcement commensurate with the job it has to tackle, has been very little. It is not that the Inspecting Machinery have not been strengthened during this period, but the time lag between the increase in the work-volume and strengthening of the Inspectorate has already been so great that the relative position of the volume of work and the strength of the Inspectorate has always remained more or less unchanged. In the chapter on conditions of work of the Questionnaire issued by the National Commission on Labour, there is no direct reference of enforcing and administrative machinery, nor do I find a reference of this matter in any other chapter of the questionnaire. In my opinion, it is a very important issue and this should find an important place in the scheme of the study of the National Commission on Labour.

It is needless to mention that how-so-ever ideal a policy or a legislation may be, unless there is an adequate machinery for the enforcement, the policy and the legislation is likely to remain merely lying in the books of statute.

In addition to the strengthening of the Inspectorates, an issue which is agitating the minds of the various Factory Inspectorates, especially of the Chief Inspectors is the status of the Factory Inspectorate and the Chief Inspectors of Factories in the hierarchy of the Government. In the initial stages the Factory Inspectorates were small units, but by this time, the Inspectorates in every State have grown into fullfledged Department comparable with any other department of the Government. There is a strong under-current feeling, therefore, that the Factory Inspectorates should be given the status of an independent department and the Chief Inspectors of Factories that of Head of the Department.

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As it is, the maximum to which an Inspector of Factories can expect to rise is limited and this is an important reason why the Factory Inspectorate is not able to draw the best products of the Univeristy.

The third issue which has always been the cause of weakness of this Inspectorate is lack of prospects of promotion and absence of intermediate superior posts. This matter will be discussed later on but it is an important point to which the attention of the Government has got to be drawn.

As regards the status of the Chief Inspector of Factories certain observations made in the report of the Royal Commission on Labour on pages 69 and 453 respectively are relevant. At that time in most of the States, the Factory Inspectorates were under the Director of Industries and on page 69, the Royal Commission on Labour had recommended for the separation of the Factory Inspectorates from the Industries Department and by implication its being placed directly under the Government.

In the State of Bihar also, the Factory Inspectorate was always directly under the State Government though in recent years it has been made a part of the department of the Commissioner of Labour and the Chief Inspector has been placed as subordinate to the Commissioner of Labour.

Since the Factory Inspectorates as well as other wings of the Labour Department, which were in a nebulous stage, were very small, in order to justify the creation of a separate post of Labour Commissioner, the Royal Commission on Labour had recommended combination of the posts of Labour Commissioner and of the Chief Inspector of Factories in one person. The Royal Commission on Labour had nowhere in the report recommended the Chief Inspector be placed under the Commissioner of Labour.

In part 3 of recommendation No. 81 of the I.L.O. on Labour Inspection, there is a definite recommendation that the Labour Inspection shall be placed under the supervision and control of the Central authority which in the context of the administrative structure of this country means the State Government. Also, there is a definite recommendation of the I.L.O. that the function of the Labour Inspectors should not include that of acting as Conciliator or Arbitrator in proceedings concerning labour disputes. The placing of the Factory Inspectorate under the Labour Commissioner who is the Chief Conciliation Officer may, therefore, appear to be inconsistent with the acce-pted policies and principles.

The administrative set up of the Labour Department at the Centre as well as in the U.K. also goes to support the contention that the Factory Inspectorate should function as an independent authority subordinate only to the Government.

At the Centre the Chief Inspector of Mines and the Chief Labour Commissioner, respectively, are independent departmental heads under the Ministry of Labour.

In the U.K. the Factory Inspectorate is directly under the Ministry of Labour.

In India too, in West Bengal and Orissa, the Chief Inspectors are independent heads of departments.

These points may be kept in view while making recommendations on the administrative set up of the enforcem machinery for the implementation of the Factories Act, etc.

Accident trends:

In this paragraph, Shri Mankiker has given the actual figures of accidents reported in factories, which go to show that the trend of factory accidents has been on the rise for the last about fifteen years, that means, since the on-set of industrialisation of the country.

The total number of factory accidents in India had increased from/29.93 in 1951 to 46.4 in 1962 and 42.25 in 1963.

From the information that are available, it appears that the accidents are still on the rise though during the last three or four years, the accidents have started going down in the State of Bihar.

The number of accidents which had increased from abou 5,000 in the year 1951 to about 9;900 in the year 1962 has gone down to about 7,900 in the year 1966.

The number of accidents per thousand workers also had increased from about 26 in 1951 to 48 in the year 1962. This has gone down to 33.4 in the year 1966.

This achievement in the State of Bihar has been possible at a great deal of sacrifice and hard labour, but the fact remains that the accident figures are still very high as compared to the international standards. Also, the All India trend does not show any symptoms of abatement. This is entirely due to the lack of adequate enforcement machinery.

Occupational diseases:

The officially reported cases of occupational diseases is nearly negligible, but the various surveys conducted have revealed high incidence of occupational diseases in many industries.

In silica Brick factories in which thousands of workers are employed, 17.7. percent of the workers examined were found to be suffering from Nodular Silicosis and 7 percent from Pulmonary Tuberculosis associated with Silicosis.

In Fire Brick factories the corresponding figures were 23.1 and 7.1 respectively.

In Ceramic and Pottery industries 15.7% of workers examined had 'X'ray evidence of Silicosis.

In Mica Mines 37.1% of workers examined were found to be suffering from Silicosis.

Among Hand Drillers in Mica Mines 27.4% of the workers examined were found to be suffering from Silicosis.

/ 75,949 in 1951 to 1,84,498 in 1963.

// The number of accidents per thousand workers also had increased from

In Metal Grinding industries, the figures were 27.7 and 9 percent of Silicosis and Tuberculosis respectively.

In a Ferro-manganese Plant, out of 179 workers examined 7.3% had symptoms and signs of manganese poisoning and were completely disabled, 16.8% had symptoms and signs of manganese poisoning and partially disable and 10.6% had symptoms only.

These figures reveal that a very large number of workers (may be in thousands) are becoming victims of various fatal and disabling diseases connected with their occupations while cases are not being reported nor the poor workers are receiving any compensation.

The picture of occupational diseases, therefore, will appear to be several times gloomier than the picture of accidents. If the massive misery which is being inflicted upon the working class in the industries in the form of disablement and deaths due to occupational diseases has to be prevented, a very intensive work has got to be driven and an effective machinery has got to be created and this has got to be done soon and before the magnitude of the problem becomes too large.

Recommendations:

1. Shri Mankiker in this paragraph has made certain suggestions for bringing about improvements in the Conditions of Work in factories and for effective implementation of the provisions of the Act and the Rules.

They are sound suggestions and there can be no two opinions regarding these suggestions.

(1) Shri Mankiker has mentioned that in the year 1960 the Labour Ministers' Conference had recommended that in every State Factory Inspectorate the number of Inspectors should be provided on the basis of one Inspector for every 200 factories.

But in the copy of the recommendation which I have in my records the basis is one Inspector for every 150 factories.

It is not unlikely that the yard-stick had been revised in the year 1960 of which I have no information.

In any case the Bihar Government has adopted the following yard-stick:-

(a) One Inspector for every 150 factories registered under section 2(m) of the Factories Act, 1948.

(b) One Inspector for every 500 smaller factories declared under section 85.

Also, the Labour Ministers' Conference has recommended that there should be one Senior Inspector of the rank of Executive Engineers for every four Inspectors and Deputy Chiefs correspondingly.

The Pay Revision Committee of the Government of Bihar has recommended reorganisation of the Factory Inspectorate on the lines of the other Engineering Departments and has laid down the following norm for determining the number of officers of superior rank:-

80 : 20 : 4 : 1.

The point at issue is that whatever yard-stick or norm be adopted for calculating the number of Inspectors, the total inspecting staff provided in Bihar is far too inadequate and naturally the defective enforcement of the legal provisions.

The actual position obtaining in the Bihar Factory Inspectorate will be evident from the following table:-

(1) No. of factories registered:

Section 2(m)	---	3,000
Section 85	---	11,000
Total:		14,000

No. of Inspectors required on the basis of the yard-stick laid down by the Labour Ministers' Conference:

(a) If basis taken is 1 Inspector for every 150 factories.
No. of Inspectors required --- 93.

(b) If the basis is one Inspector for 200 factories. --- 70.

(c) Yard-stick adopted by the Bihar Government.

For 3,000 - 2(m) factories	- 20
For 11,000 -Sec. 85 "	- 22
Total:	42

If 10% leave reserve is added the actual requirement of Inspectors only for the enforcement of the Factories Act, on the basis of these norms is 102, 77 and 48 respectively.

Against this the number of Inspectors provided, excluding Medical Inspector and Chemical Inspector and Productivity Wing is 19.

(Four new posts are reported to have been created recently.)

It will appear, therefore, that even on the basis of the yard-stick of Government of Bihar, there is a shortage of 23 Inspectors.

This means that the Inspectorate at present is working with a strength of 44%.

And that too when additional work of regular nature like enforcement of Payment of Wages Act and of Employment of Children Act, especially in non-factory establishments are not taken into account.

If the entire work-load is taken into account, the present strength would work out to only about 25% of the strength required.

(2). No. of Senior Inspectors required:

On the basis of the present strength of Inspectors. 5

On the basis of the required strength: 8.5

No. of Senior Inspectors provided: Nil.

(3). No. of Deputy Chiefs required: 2

No. of Deputy Chief Provided : 1

These figures will go to show that the Bihar Factory Inspectorate is working with a very inadequate force and there is no wonder if the implementation of the Factories Act, and other allied Labour Legislation for the enforcement of which the Factory Inspectorate is responsible, is poor.

From the table (Appendix II) attached to the note of Shri Mankiker it will appear that the position is equally bad in Delhi, Kerala, Madhya Pradesh, Punjab and West Bengal and except in the case of Gujarat, Rajasthan and Orissa, the position in all the States is far from satisfactory, especially if the point is kept in view that in every State there are thousands of factories, which have not been registered and that in most of the States the majority of the smaller factories have yet not been brought under the purview of the Factories Act, 1948.

2. Some of the other suggestions made by Shri Mankiker are:-

(a) Appointment of Safety Officers:

In the State of Bihar, the number of factories classified on the basis of working strength was as follows in 1966:

No. of factories employing 100 or more workers but less than 500	117
500 or more but less than 1000	37
1000 or more but less than 5000	20
Above 5000	4

But only in 6 factories, there are Safety Departments and Safety Engineers.

The consensus of opinion is that the factories employing 500 or more workers should be required under the law to appoint at least one Safety Engineer.

(b) Safety Committees:

Safety Committees are actually functioning in not more than a dozen factories, Provided sufficient staff is available in the Inspectorate, this scheme will have to be pursued with vigour.

(c) Training in Safety to Supervisors and Workers:

This system has been introduced only in 4 factories. Intensive work by the Inspectorate will be needed to introduce this scheme in other factories.

(d) Suggestion Schemes:

This scheme is also operating only in 4 factories.

In this case also the Inspectorate will have to pursue the matter seriously and to put in great deal of time and labour.

Shri Mankiker has also suggested that the factories in which hazardous operations are carried on should be encouraged to get health and safety surveys conducted by competent organisations, and should be persuaded to implement the recommendations.

It is needless to say that except for bigger factories majority of the factories do not have enough resources to get such surveys conducted. Moreover, any person knowing the psychology of the employers can very well appreciate that no employer would of his own accord get such surveys conducted. This work, therefore, will have to be undertaken by the Factory Inspectorates and unless there is sufficient staff the work can not be done.

Implementation of the recommendations and legislative measures would, also fall upon the shoulders of the Inspectorate

Appointment of Medical Inspector and Chemical Inspector and Laboratory:

In Bihar there is a Medical Inspector and a Chemical Inspector.

But every State has to build up a Specialist and Research unit, assisted by a moderately equipped and staffed laboratory.

Also, if the suggestion regarding health and safety surveys is to be accepted and implemented, the Specialist Units must be strengthened.

The nucleus of the specialist unit has to be as follows:-

(a) Medical Inspector,
(b) Chemical Inspector,

(c) Engineering Inspector,
(d) Laboratory and Staff.

Also the number of these posts will have to be increased commensurate with the volume of work.

National Safety Awards Scheme and State Safety Awards Scheme:

The National Safety Awards Scheme has been functioning for the last two/three years and it has evoked quite a good deal of interest in safety in certain larger industrial units.

The State Safety Awards Scheme has yet not been introduced in the State of Bihar, and as far as I am aware, this scheme has not been introduced yet in most of the States.

The area of factories covered by the National Safety Awards Scheme is rather limited and I personally feel that to stimulate wider interest in Accident Prevention, it is essential to introduce the State Safety Awards Scheme in all the States.

It is likely to make valuable contribution to the overall accident prevention programme.

Conclusion:

From the notes of Shri Mankiker the following points emerge:

(a) The note and the suggestions of Shri Mankiker are oriented specifically to Safety and Health.

No doubt, Safety and Health are two of the major problems connected with and arising out of industrialisation, which is facing the nation. The rising trend of accidents, measured in terms of human misery, national waste of man-power and resources and larger national economy is a colossal problem, tackling of which should occupy a high position in the list of priorities.

But the problem of greater magnitude, which is yet invisible, is the problem of industrial health and occupational diseases.

An intensive campaign to deal with this problem is of top most priority.

It will further appear that the Factory Inspectorate will have to act as the pivot upon which the entire Industrial Safety and Health programme has to move.

It may be mentioned that National or State Awards, Safety Officers, Safety Committees, etc. can only complement and supplement the efforts of the Factory Inspectorate, and that there is no substitute for thorough and frequent inspections conducted by the independent State agency of the Factory Inspectorate.

The table- Appendix.III - attached to Shri Mankiker's note amply demonstrates that not to speak of frequent and thorough inspection, a large percentage of the factories are not inspected for years.

(b) In Shri Mankiker's note a reference has been made of the licence fees under the Factories Act, 1948 realised from the factories.

But a dangerous misconception appears to be arising that the State Government should spend over the Factory Inspectorate an amount limited by the revenue from the license fees.

This misconception has got to be removed, since in most of the States, within a few years only, the State expenditure would far exceed the revenue from license fee.

Ours is a Welfare State and the limit of revenue must not be allowed to stand in the way of the required expansion of the Factory Inspectorate . After all Factory Inspectorate is not a commercial enterprise.

(c) In Shri Mankiker's note no light has been thrown upon other responsibilities of the Factory Inspectorates.

'Conditions of Work' is not limited to Safety and Health.

The Factory Inspectorates have to devote a large portion of their time and energy to the implementation of other legal provisions relating to working hours, holidays, overtime, sanitary and Welfare facilities and amenities, wages, etc.

For a fair assessment of the work-load all these items have got to be taken into account.

As a matter of fact the workers on the whole are more interested at the present moment in their rights relating to working hours, holidays and leave, overtime and wages and complaints in thousands pour in every year relating to these matters needing prompt attention and action.

(d) The crux of the problem, therefore, is inadequacy of staff in the Inspectorate and unless the strength of the Inspectorate is equal to the task, the problem of poor implementation will continue to remain, how-so-ever good the legislation or policy may be.

Sd/- A.N.Singh,
Chief Inspector of Factories,
Bihar.

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REPLIES TO THE QUESTIONNAIRE ISSUED BY THE NATIONAL COMMISSION ON LABOUR, GOVT. OF INDIA

II. CONDITIONS OF WORK

Working Conditions:

This note relates only to factories and the Factories Act, 1948.

Also, a detailed analysis of the provisions of the Act would not be attempted in this note, since it is not a proposal for the amendment of the Act in detail.

The Commission, it is natural to presume, would not undertake detailed amendment of the Act, but would devote only to policy matters.

Proposals for detailed amendment of the Act have been submitted to Government of India on several occasions and year after year this question has been discussed at the annual conference of the Chief Inspectors of Factories. Many of the suggestions have been accepted by the Central Govt. (by the Ministry of Law and Labour, respectively) and many suggestions have not.

The process of such routine amendments as may become necessary as a result of experience will go on every year and for ever, aiming to make the Act perfect and free from defects, but in this note only such points would be touched which may be question of policy.

12(a). Changes considered to be necessary (in the opinion of the writer of this note) in the main provisions of the Act relating to Safety, Welfare, etc.

(i) Safety:

(1) Section 21(1)(iv):

This provision provides for safe-guarding of only such dangerous parts of machinery -

as are not in such a position
or
as are not of such construction, as to be as safe as they would be if they were securely fenced.

On principle these conditions may appear to be sound and reasonable, but in actual practice and for the enforcement of this provision, the conditions present serious difficulties. The difficulties assume greater magnitude when considered in the background of the standard of majority of the employers at the present moment, who display un-usual rigidness, tenacity and reluctance in undertaking anything which traditionally they consider to be unnecessary or which may cost even afew additional paise.

This clause of the Act covers the widest area of safety and machinery, and whenever an Inspector is compelled to institute a case, he has to be extremely careful and has every time to procure, adduce and produce conclusive evidences,

before the court of law, so as to convince the court, that the machine, for not safe-guarding of which the case had been instituted, was not in such a position or of such construction, as to be deemed to be safe.

This is such a difficult task that a clever lawyer can obtain acquittal for his client in most of the cases.

This difficulty is serious, since the policy in respect of accident prevention is "prevention" and not "prosecution after an accident".

I am prepared to concede that the basic policy behind the conditions specified in section 21(1)(iv) are incontrovertible but in the context of our conditions, the policy may need modification for some time to come.

My suggestion is that it should be binding to safe-guard every dangerous machine, unless any particular or class of machine is declared by the Inspector with the previous approval of the Chief Inspector to be safe by virtue of its position or construction, subject to conditions specified, by a general order or by a specific order.

(2) If this suggestion is accepted by chance, the Proviso attached to the said clause and section 22 may have to be modified correspondingly.

(3) <u>Sections 21(1)(iv)(c) and 21(2):</u>

The addition of clause (c) in this section in the Factories Act, 1948 was theoretically considered to be a great progress over its predecessor, since it was held that this claus shifted the entire responsibility of safe-guarding all dangerous machinery upon the shoulders of the owners and managers of factories, from the shoulders of the Inspectorate, who originally were expected to point out and direct as to which of the machines were dangerous, which of them had to be guarded and in what manner.

This claue was hailed to be the final panaces of all the evils and was supposed to relieve the Inspectorate of a great burden.

In actual fact this did not make any change whatsoever, in the conditions prevailing.

There is dearth of cheap and easily available and comprehensible literature on safety. The bigger industrial units have qualified engineers, but the medium and smaller units, which are majority on the basis of number, have no qualified engineers.

Also, even the qualified engineers even in the bigger units have little training and antiutde in and for safety engineering: the production and maintenance engineers do not consider safety and accident prevention to be a part of their functions and responsibilities. This psychological climate is not peculiar to this country only: It is the same even in the industrially advanced countries.

It is of the highest importance, therefore, to gradually build up a Code on Safety, to be included in the Rules in the form of a statute and for this purpose the powers of the State Government under section 21(2) should be wider.

...

It, at present, permits making of rules relating to "further measures", which means "measures other than safe-guarding".

(4) Sections 22(2) and 23:

Sections 22(2) prohibits employment of women and young persons on cleaning, lubricating and adjusting of machinery, while section 23 permits employment of young persons on operation, under certain conditions.

Adjustment is an entirely different matter and it can be done only by trained and skilled persons.

But cleaning and lubrication is an unskilled job.

Also, if the machines are properly safe-guarded, there can be no danger in carrying out external cleaning or lubrication, whether by a woman or a young person.

This anomaly needs consideration.

As regards women, it is essential to make a clear provision that no woman should be employed on any job within an area containing moving machinery unless she is wearing tight-fitting clothings and unless her luxurious hair, are protected by means of a netting, cap or a suitable protective wear.

As a matter of fact my personal opinion is that all examinations, and especially adjustments of machines (while in motion) should be very definitely prohibited, whether it is done by a trained man, whether he is an adult or a young person.

Many trained and skilled workmen are killed every year on such operations.

(5) Section 24(1):

In this section there is a reference of the system of fast and loose pulleys. Fast and loose pulleys are used where the machines are driven by a common line-shaft. There is no provision, however, that in such circumstances, where common line-shaftings are used fast and loose pulleys must be provided.

Lack of this system is a cause of many deaths every year.

Though, it may be considered to be a matter of detail and though it must be far too small a matter to be considered by the august body like National Commission, whose main function would be, I presume, to advise on matters of policy, a reference of this point has been made in this note, since it is a constant source of worry to the Inspectorate.

(6) Section 26(1):

Supply of machinery, like Wood-working machinery, Matal presses, etc. without built-in-guards, is a source of constant trouble for the Inspectorate.

It is a matter of consideration whether or not provisions relating to such machinery should be included in the Act itself.

(7) Sections 39and 40:

In-spite of what has been said regarding sub-clause (c) of clause (iv) of sub-section (1) of section 21, it has often beenheld by some of the courts that these sections have placed the burden of specifying measures for safe-guarding of machinery, upon the Inspectors.

Though it is not the intention of these sections, it may be desirable to make this point clear.

Also, whereas these sections empower the Inspector to direct appropriate measures when any danger of any accident is apprehended, there is no powers vested in the Inspector to direct appropriate measures to be taken if the physical conditions of work in any part of any factory is bad.

For instance, in many factories workers have to work in the open during rains, in sun and in cold winter nights. The Inspector has no powers to direct a shed to be constructed or for other measures to be taken for relieving the workers of the torture.

Similarly, in many factories the roofs are not repaired for ages. G.C.I. sheets of the roof become rusted and then worn out and then they become full of holes, allowing rain water to pour inside the sheds.

The Inspector has no clear power to direct appropriate measures to be taken to remedy these conditions.

It is a matter of policy if the Inspector should be empowered to direct appropriate measures to be taken in such circumstances.

Also, it is a matter for consideration if these powers should be vested under Chapter III (Health), Chapter IV(Safety) or Chapter VII(Welfare).

(8) Provisions have been made under this chapter for safe-guarding of machinery and certain other matters, but there is no provision in the Act, any where, prohibiting dangerous practices to be adopted and providing that no worker should be allowed to work in a manner or at a place, plant or machinery, liable to result in any injury to the health and safety of any worker.

Also, there is no provision in the Act that all Plants, machinery, buildings and structures, should be properly designed, of adequate strength and capacity, of suitable materials and free from defects patent or otherwise.

A general provision relating to house-keeping, maintenance of gang-ways and walk-ways, etc. also appears to be indicated.

An analysis of the accident statistics reveals that these give rise to the majority of the accidents.

These suggestions may need careful consideration.

Welfare

Section 45:

Sub-section (1): The words "ordinarily employed" are vague. It is suggested that whenever this term has been used, they should be substituted by a term carrying some definite meaning.

Use of this term presents serious defficulty in implementation.

This vague term can conveniently be substituted by the term either "average" or by "maximum number employed at any time on any day".

Sub-section (3): The training recognised should be clearly specified or it may be provided that the first-aiders should possess such training and/or qualification as may be prescribed.

Sub-section (4) - It is a matter for consideration whether or not the limit of 500 should be reduced to 250.

In the recent years there has been growth of machanisation with corresponding reduction man-power per unit of machine.

A typical example is a steel factory in which about 30,000 workers were employed when its capacity was only one million ton year. Its capacity has been increased to 2 million tons, when the number of workers has rather gone down.

This means that even with smaller man-power, exposure to mechanical and other hazards and chances of accidents have increased.

Also, the factories are giving greater out put with a smaller man-power.

Labour Legislations have to be progressive and it is high time that this limit of 500 should be reduced to 250.

It is naturally presumed that the smaller factories would be required to provide smaller Ambulance-rooms with lesser staff, as compared to larger factories.

This point can be taken care of and safe-guarded in the rules.

A clause for grant of exemption may be added, as in certain industries like Mica and Bidi factories, even with a large contingent of workers the hazards of accidents are relatively little.

Such industries need not provide any Ambulance Room.

Section 46.

The conditions obtaining in our factories are so divergent that it is not practicable to apply any uniform standard in such matters as Canteens.

In some of the Industries the level of Wages is so poor that a Canteen instead of being an amenity is likely

to become detrimental to the basic interests of the employees and their families.

On the other hand in certain industrial units a Canteen may be essential on account of its situation, even if the number of workers is less than 250.

The State Government may be empowered, therefore, to require certain specific factories to provide a Canteen, even if the number of workers is less than 250.

In this section the term "ordinarily employed" may be substituted by some definite term.

Section 47:

This section has been very badly drafted and serious complications are arising on account of Rest-Room and Shelter having been mixed up with Lunch-room.

There should be separate provisions for shelter and Lunch-room respectively and the lunch-room should not be confused with the dining-room of a canteen.

Section 49:

Conditions in our industries have very much changed since the Factories Act, 1948 was first enacted.

An important development has been the enactment of many Labour legislation. The personnel problems also have become extremely complicated.

Factories employing even less than 500 workers need the services of a Specialist in labour legislation and personnel problems.

As a matter of fact many factories employing 200 and 250 workers are now employing personnel Officers. But there are others who on account of inertia are not moving in the right direction. They need a legal propellant.

A time has arrived now when this limit should be reduced to 250 with powers to the State Government to direct any factory employing 150 workers or more to employ a Welfare or Personnel Officer.

(ii) Hours of work, etc.

Section 52:

(a) At many places there is a practice of some other day of the week (other than Sundays) to be declared as weekly holidays, due to local customs.

A proviso should, therefore, be added providing that if any day other than the Sunday, is the normal weekly holiday in any factory, the said day shall be deemed to be the first day of the week.

This suggestion may appear to be consistent with article 2(3) of the I.L.O. Convention No. 14, which provides as follows:-

"It shall, wherever possible, to fix so as to coincide with the days already established by traditions or customes of the country or the district".

(b) A point needing consideration is whether or not the weekly holiday should be made a paid holiday in case of daily rated workers.

It has already been done in respect of smaller establishments under other statutes like the Shops Act, Minimum Wages Act, etc. and there is no reason why the same privilege should not be extended to the factory workers.

Section 53(Compensatory holidays):

This section providing for a compensatory holiday within one month or two months, when any worker loses his weekly holiday under any exemption, appears to have been introduced, in order to give effect to one of the I.L.O. conventions. But, a close study of the relevant convention reveals that the Convention did not visualise or has not provided for a compensatory holiday in the form in which it has been done in section 53.

On the other hand it has introduced certain serious practical difficulties:-

(a) If a worker is allowed to work on a weekly holiday under an exemption, and if he is allowed a compensatory holiday within a month or two it sets a chain of the same, unless the implementation of this section is over-looked.

If the worker is given a compensatory holiday on a subsequent day after a fortnight or after a month, it would need some other worker being employed to work overtime on that day in his place.

(b) A large percentage of the workers in factories are daily rated and daily paid.

If the employer is forced to grant any compensatory holiday while the worker gets extra wages at over time rate for having worked on the weekly holiday, he loses one days' wages for the compensatory holiday.

There is a great resistance by the daily rated workers in the implementation of this section.

(c) The industries find it impracticable and difficult to give effect to this section, since if a worker is granted a compensatory holiday, he has to arrange for a substitute on that day, which often results in overtime, for which he has to obtain an order of exemption and for which often there is no provision in the Act.

(d) The provision of a weekly holiday has been made on the grounds of health. Consequently, if a worker doest not get a weekly holiday, it is irrelevant to his health, whether or not he gets an additional rest-day after one month or so.

The following points in this connection are relevant:-

(1) Article 5 of the I.L.O. Convention reads as follows:-

"Each member shall make, as far as possible, provision for compensatory periods of rest for suspension or eliminations made in virtue of article 4, except in cases where agreements or customs already provide for such periods."

The words "as far as possible" may be marked. It clearly indicates that it is not obligatory.

The I.L.O. Convention never intended this article to be obligatory. An obligatory provision in section 53 therefore is not in keeping with the intention of the Convention.

(2) The purpose of this article of the I.L.O. Convention has already been fulfilled by clause (a) of Sub-section (1) of section 52, which provides for a substituted holiday.

A separate section 53, therefore, is not necessary,

(3) If a worker works on a weekly holiday, he is compensated by extra wages for overtime at double the rate of normal wages.

This may be deemed to be an adequate compensation.

Grant of a compensatory holiday is therefore, a double compensation for the loss of a weekly holiday, which may not appear to be very reasonable.

This suggestion is not with a view to deprive the workers of an acquired right, but in view of the practical difficulties in the implementation of the same, and in view of the fact that it is a definite loss of earning to a very large section of the workers - the daily rated workers.

My suggestion is that the provisions of this section may be substituted by a new provision, providing that if a worker is allowed to work on a weekly holiday and is not granted a substitute holiday in lieu thereof as per section 52(1)(a) he shall be paid extra wages at the overtime rate whether or not 48 hours had been exceeded in that week. Also that all declared holidays, other than weekly holidays, shall be treated as working days and shall be counted as if the worker had worked for a whole day on that day, for the computation of the eligibility of the worker for overtime. Also that if a worker is allowed to work on a declared holiday, he shall be paid extra wages for two days in addition to the wages that otherwise would have been paid.

This suggestion has been made since there are numerous disputes on this account every year, and a time has arrived now when a definite provision should be included on this point in the Act.

Section 54:

A careful scrutiny may reveal that it is inconsistent with article 2 of the I.LO. Convention No.1.

It limits the daily hours of work to eight and weekly hours to 48.

. . .

Sub-clause (b) of this article allows a relaxation upto 9 hours where the daily hours of work on one or more days is less than eight, or where the law, custom, etc. so require, with the specific sanction of the competent public authority.

To bring this section in line with the I.L.O. Convention, therefore, its draft needs being altered in the following manner :

"No adult worker shall be allowed or required to work in a factory for more than 8 hours in any day:

Provided that where the system of work is such that the workers are required to work for less than 8 hours on one or more days of the week, the Chief Inspector may by a written order permit subject to such conditions as he may specify the workers to work for more than 8 hours on the other days in such a manner that the total hours of work on any day does not exceed nine and that the total hours of work in any week does not exceed 48.

Provided further that the system of work approved by the Chief Inspector under the first proviso shall not be changed without his prior approval."

(vi) Overtime:

Section 59:

Sub-section (1) - On account of the language of sub-section (1) of this section, many complications are daily arising.

In this sub-section the limits of "Fortyeight hours per week" and of "nine hours per day" respectively have been specified, apparently since the same limits have been fixed under sections 51 and 54 respectively.

The intention of this sub-section appears to be that when the weekly hours of work exceed 48 hours, where the daily hours of work is eight, or that when the daily hours of work exceed 9 hours, where the normal hours of work per day is nine, (which can happen only where there isasystem of 5 days a week or 5½ days a week), the hours in excess of 48 hours in a week or 9 hours in a day should be treated as overtime and should be paid for at double the ordinary rate of wages.

But existing provisions lend itself to several interpretations:

In most of the factories the normal working hours are 8 hours a day and 48 hours a week.

In these factories the workers often have to work for 9 hours, i.e. one hour overtime (under an exemption), but in that case, if he is absent on any one day, he is refused overtime pay on the ground that the limits of 9 hours a day or 48 hours a week had not been exceeded.

Or even if the total hours of work in a day exceed 9 hours, the worker is not paid anything for one hour and is paid overtime wages only for the hours exceeding 9 hours. This is apparently against the intention of the Act and is the cause of many disputes and controversies.

It may appear that if the suggestion regarding amendment of section 54 is accepted, section 59 also would need modification correspondingly.

But even/words "entitled to" also should be substituted by the word "paid".

Sub-section (1) of section 59 can be modified in the following manner:-

"In respect of overtime a worker shall be paid extra wages, in addition to his normal wages, at the rate of twice his ordinary rate of wages."

Explanation:- Overtime means all hours beyond the normal daily or weekly hours of work.

Sub-section(2): The following proviso may be added to thi sub-section:-

"Provided that where equivalant time rate has not been fixed in the manner specified in sub-section (2), the piece rate in respect of the work during the period of overtime shall be, for the purpose of calculation of overtime wages, be taken as twice the normal piece rate."

Sub-section(3):-

(a) The inclusion of cash value of concessions in the term "ordinary rate of wages" does not appear to be necessary or desirable.

There may be some logical justification behind this, but it is difficult to enforce and is impracticable. The system of concessional rate of food-grains too is not much in vogue now. This system was widely followed during the last war, when this clause was included in the Act.

Secondly, it involves extensive clerical work.

It is high time, this clause is excluded from the Act now.

If this suggestion is accepted, the subsequent portion of section 59 can be deleted.

(b) The term "bonus" should be clearly defined. The system of incentive wage is gradually coming into vogue more and more and in many cases the basic or time rate part of an incentive wage, is a relatively small part of the total wages. But since incentive wage is popularly called bonus, many employers in such circumstances, take only the basic or the time rate element of wages into account for calculating overtime wages.

This defect has to be removed.

Section 65:

Sub-section (2) and (3):

The restrictions applied in respect of sub-sec. (2) in sub-section (3) is very rigid and difficult to follow in practice.

/if section 54 is not modified, it is essential to modify section 59.

The ...

On account of this rigidity and lack of flexibility, the State Government have often to exercise the powers under section 5, to meet the urgent needs of the industries.

It is essential that there should be greater flexibility in sub-section (3), so that the urgent needs of the factories may be met.

The limit to be prescribed in this sub-section should be 4 hours of overtime (total working hours 12), subject to the condition that such exemption shall not be grant for more than 15 days at any one time.

The basis of this restriction appears to be clause (2) of article 6 of the I.L.O. Convention No.1.

The relevant Convention reads as follows:-

(1) Regulations made by public authority shall determine for industrial undertakings-

(a) the temporary exceptions that may be allowed, so that establishments may deal with exceptional pressure of work.

(2) These regulations.....exist. These regulations shall fix the maximum of additional hours in each instance .....

It will appear, therefore, that no limits have been laid donw in the I.L.O. Convention in respect of overtime to be permitted in case of exceptional pressure of work.

The limits have been left to be fixed by the public authority concerned, which means the Government in the case of this country.

And for fixing any limits the practical needs of the industry has to be taken into account.

(iii) Employment of young persons & women:

The provisions relating to employment of yound persons and women do not appear to be in need of any change.

(iv) Annual leave with wages:

The provisions in the Factories Act, 1948 relating to Annual leave with Wages appear to be in substance and on principle quite reasonable. The various provisions, however, suffer from the defect of drafting and those defects have on several occasions been pointed out to the Government. It is further presumed that certain amendments of these provisions are already under the consideration of the Central Government.

Some of the apparent defects are:-

(a) In sub-section (1) of section 74 the words "for a period of 240 days" should be substituted by the words "on 240 days".

A proviso may be added to this sub-section laying down that in respect of casual labour this condition would not be applicable and that they would be entitled to leave

p.t.o.

with wages irrespective of the number of days on which they were employed.

Alternatively in explanation I a clause may be included that the number of days on which a casual labour is not provided with work shall be counted as working days for the purpose of determining his eligibility for leave.

(b) Absence without any limit on account of accident or occupational disease, should be included in explanation I.

It may be mentioned that it would not result in any great financial burden upon the industries, since, inspite of such absence being counted as working days the actual days of leave earned would depend on the number of days on which the worker actually worked.

(c) The language of explanation 2 if modified can remove the misapprehensions that exist in this connection:

"If any holiday/ or leave to which a worker is entitled otherwise, occurs within the period of leave under this subsection, the said holiday shall be counted as part of the said holiday or leave and shall not be counted as a leave granted under this sub-section."

(d) In sub-section (11) the words "sub-section (3)" should be inserted.

(v) <u>Occupational Diseases:</u>

Firstly, the schedule of notifiable diseases under the Factories Act, 1948 and that of occupational diseases for which workers are entitled to compensation under the Workmen's Compensation Act should be made uniform and the matter should be carefully examined and all known diseases arising out of occupation should be included in these schedules.

Secondly, it has to be taken note of that the very concept of occupational diseases has by this time changed.

For instance, it is often being questioned as to why, if a worker becomes a victim of T.B., as a result of the working conditions, he should not be deemed to be entitled to compensation.

To make the point clear, the case of accidents can be cited in this context.

A person falls from a roof in his own house or elsewhere. Another person, a worker, also meets a similar accident in a factory, but he is not denied compensation on the ground that it is a general type of accident, not peculiar to the industry.

Similarly, a person may fall a victim of T.B. or any other disease, and it may be a general social problem. But if he falls a victim of T.B. as a result of the working conditions in the factory, there is no reason why compensation should be denied to him.

The contention and suggestion is that the concept of occupational disease, should be widened and a worker should

/ including weekly holiday

be entitled to compensation for any disease whatsoever, if the disease has arisen out of the work of the industry or due to the working conditions in the factory.

General suggestions regarding certain improvements in the Factories Act, 1948.

There are many minor points on which the Factories Act, 1948 in my opinion needs improvement. The National Commission, however, are not expected to exercise their minds on minor points, which is a routine matter in case of any statute.

There are a few points, however, which may need special attention.

(a) The definition of the term "worker" in the Factories Act, 1948 should be amended in such a manner as to include all persons working in a factory.

(b) In the penal sections a clause should be included empowering an Inspector to file a complaint for any violation against any other person (other than the occupier and the Manager), if the Inspector is satisfied that such other person was directly responsible for the violation.

In many cases, especially in case of an accident. even if the Inspector is satisfied that the occupier or the manager was not responsible for the offence, but he has perforce to prosecute only the said persons (Manager and occupier).

(c) The term 'Manager' should be clearly defined in the Act, so that the actual Manager of the factory may be the Manager for the purposes of the Factories Act, 1948 also, and there may be no loop-hole whereby the actual Manager may nominate some other insignificant person; as the Manager for the purposes of the Act.

The definition of the term 'Occupier' should also be made specific.

A tendency of nominating some in-significant person hired primarily with a view to bearing the brunt of legal penalties is growing, and unless these terms are made specific and unless the real persons who have the real authority and who matter, are pinned down, the implementation of the Labour Laws would suffer.

(d) In case of factories or establishments, which are not already registered, serious difficulties are frequently faced in finding and proving the actual occupier of the factory.

It should be defined, therefore, to be a punishable offence to work in or atleast manage any such factory, and it should be provided that where the name of the occupier or the manager has not been intimated to the Inspector, the Inspector may prosecute any person who may appear to an Inspector to be managing the factory.

(e) The penal provisions of the Factories Act, 1948 are relatively more lenient as compared to several other labour laws, which in my opinion are less important.

The penal provisions should, therefore, be made more rigorous.

12(b) What other steps are needed to ensure proper working conditions?

The following steps are considered to be necessary for ensuring proper working conditions in factories:-

(1) The most important step required to be taken is providing an adequate enforcing machinery. As far as this State (Bihar) is concerned, the strength of the Inspectorate is far from adequate and considering even from a very moderate standard, the present strength considering all the Acts which have been entrusted to this Inspectorate for enforcement are about 25 to 30 per cent of the actual strength required. If even only the Factories Act is taken into account, the strength is about 50 per cent of what is actually required.

A yard-stick for providing staff to the Factory Inspectorates has been laid down at one of the Conferences of the Labour Ministers and considering from that yard-stick, the present strength of the Inspectorate even for the enforcement of the Factories Act alone would be less than about 25 per cent of what is actually required.

A different yard-stick has been adopted by the Bihar Government and even on the basis of that yar-stick, the present strength is much less than the actual strength required.

Another lacuna is that there is lack of superior posts in the Inspectorate. A standard for this purpose has been laid down at the above mentioned conference of the Labour Ministers.

Similar standard has been recommended by the Pay Commission of the Bihar Government. But none of those standards has been adopted so far with the result that on account of lack of avenues for promotion, the Inspectorate does not attract good candidates.

The Factory Inspectorate, even though its size has gorwon in the recent years and it is nearly equal to any Head of Department of the Government, it has been assigned relatively an inferior position in the hierarchy of the Government and this also stands in the way of good candidates being attracted to this Inspectorate.

The most important step and without which no amount of improvement in legislations and other measures can improve the implementation of the Act or without which proper working conditions can not be ensured in factories, is the strengthening and re-organisation of the Facotry Inspectorates.

(2) Certain improvements in the Act making certain provisions thereof clear, specific and easy to implement also are essential for ensuring proper working conditions.

Certain suggestions in this respect have already been made in paragraph 12(a). But certain other suggestions are being made here:

Leaving aside safety, other important ingredients of a healthy working conditions are cleanliness, temperature, ventilation and removal of dusts and fumes and other impurities produced at work-places at different manufacturing processes.

As regards cleanliness, the provisions of the Act and the Rules appear to be quite adequate except that the implementation can be improved by making a provision in section 11 that without any prejudice to the general responsibility of the manager and the occupier, of the factory, in respect of cleanliness, an Inspector may direct such additional steps to be taken for maintaining a work-place in a clean and healthy condition as he may consider necessary.

Ventilation:- Though the Act is not very specific on this issue, certain definite rules have been made in the Bihar Factories Rules in respect of ventilation.

Temperature:- The provisions relating to temperature are still vague and it is essential that certain standards should be fixed. It is not necessary to amend the Act for the purpose, but a definite standard can be laid down under the Rules. This matter was already under the consideration of the conference of the Chief Inspectors, but a practicable and universal standard has yet not been evolved.

In this matter also my view is that the Inspectorate should be empowered to direct an employer to adopt such measures for reducing the temperature as he may consider reasonable and necessary.

Dust and Fumes:- Dusts and fumes are not only the sources of serious inconvenience and not only that they make working conditions sometimes very bad, but they are also sources of many occupational diseases. A number of Dangerous Operations Rules have already been framed in respect of a number of dangerous operations and industries, but the general provisions in respect of this matter under section 14 of the Act are still very vague. It is realised that it is very difficult to lay down any specific standard. But in this case also, the Inspector can be authorised to issue direction without any prejudice to the general responsibility of the employers.

Lighting:- Certain Rules have been made in section 17 prescribing certain standards of lighting, but they are still not adequate. It is essential that a comprehensive code should be evolved and incorporated in the rules. Aslo, as in the case of temperature, dust and fumes, etc., in respect of lighting also the Inspector should have powers to issue direction.

13. For the purpose of Festival holidays, the factories can be classified in two categories:

(a) Those which come under the purview of the Industrial Establishments (Standing Order) Act:

In these factories there is a degree of uniformity in the matter of festival holidays and though there are differences, the differences are rather little.

(b) Those which do not come within the purview of the said Act:-

There is no standard practice in these factories and the practices which have come into vogue by convention or tradition vary very widely.

There are even such factories in which there is no Festival holidays, while in others a few important holidays are allowed.

There is absolutely no logical justification for such differences, except tradition and lack of organised strength among the workers to bargain with the employers.

In my opinion it is not only possible to bring about uniformity, but it is essential, since this is often a cause of serious labour trouble.

My personal opinion is that the Industrial Establishment (Standing Order) Act, should be reorganised and its nomenclature should be changed to Industrial Establishments (Service Conditions & Standing Orders) Act.

This Act should be divided in two parts: The first should lay down certain minimum service conditions applicable to all establishments, and the second part should deal with Standing Orders.

As a matter of fact, since the standing orders are gradually becoming uniform for all establishments, it is a matter of serious consideration, whether or not the entire Standing Orders should not be made binding and obligatory and whether or not the entire standing orders should be applied to all industrial establishments, without any limit of 100 workers or any other limit.

Moreover, the concept of an enforcing authority should be introduced in the Industrial Establishments (Standing Orders) Act. At present there is no specified enforcement machinery for this Act.

14. As far as my knowledge goes the only employments other than in factories, mines and plantations for which certain arrangements for regulation of Working Conditions are available are :-

(a) Shops and Establishments :

The Shops and Establishments Act, as far as this State Bihar is concerned, has been applied to only specified areas, mainly Municipal areas.

There is no arrangement for regulation of working conditions in Shops in general.

My personal opinion is that this Act should be applied to all Shops and Establishments, irrespective of the location thereof.

(b) Motor Transport:
(c) Docks:
(d) Railways:

But there is a very large area of employment (employing a very large working force, may be even larger than factories or shops) which is not regulated by any legal instruments.

For instance, there is no legal instrument or machinery for regulating working conditions in construction industry.

In the U.K. this employment is regulated by the Factories Act itself. In India too the proposal to enact a law for regulating working conditions in construction industry (building and engineering), has been in active consideration of the Government for more than a decade.

A draft of the Bill was also, it appears, prepared, but the idea was dropped on the advice presumably of the Central Ministry of Works, Power and Mines.

This Ministry gave an assurance that they would evolve a code to be followed in all State undertakings, but an important point was missed that the Code would have no force in Private sector and that without any enforcing machinery, the Code could not be implemented.

The Code came out and was published after many years but, it is still only of academic value.

Not to speak of implementation, and not to speak of private sector, most of the State undertakings even are not aware of the Code.

It is a matter of great importance, therefore that the said law should be enacted.

There is a serious lacuna in the draft of the said Act, however, whereas it provides for safety and welfare, it does not provide for regulation of working hours, holidays, overtime, etc.

This matter needs consideration.

It may be mentioned here that in this State the scope of the Payment of Wages Act has been extended to certain specified construction industries. Minimum Wages Act also applies to some of them.

But none of them regulates working conditions.

Also, there is no uniformity in the Payment of Wages Act and the Minimum Wages Act.

It is high time, therefore, that an Act regulating working conditions in construction industry, should be passed, on the lines of the Factories Act, 1948.

There is a world-wide demand for a copy of these proceedings, from several continental countries, Australia, etc.

A copy of the Mannual evolved by the Central Government can be obtained from the Central Government itself.

Lastly, merely enacting a law would not be a solution of the problem.

Along with the law there should be an adequate and efficient machinery for enforcement.

In the U.K. the Factory Inspectorate is the authority for enforcing Works of Building and Engineering Construction Regulations.

In this country too the same arrangement can be made, but the Inspectorate will have to be strengthened and re-enforced correspondingly.

The other areas of employment for which there is no arrangement for regulation of working conditions are:-

(a) Small manufacturies like Bidi, Shellac, Mica, Spinning and Weaving, etc.

In short these are small manufactories.

These establishments employ very few workers individually and many of them work more or less on cottage industries basis.

An important point for consideration first, is whether any attempt to regulate working conditions in these establishments would be worth-while and desirable. And then the next point for consideration would be as to what statutes should be devised and as to what machinery should be constituted for enforcement.

At the present moment a very large number of such establishments, like, Mica, Bidi and Shellac are functioning in the villages and they are keeping their sizes limited with a view to escaping their statutory responsibilities and obligations.

The following points of policy and principle arise in connection with the regulation of working conditions in these establishments by means ofalaw :-

(a) The application of a law will have a tendency to drive these smaller establishments to the towns and merging into bigger establishments.

It will add to the slum conditions in the towns.

In the villages the workers generally work under relatively healthier working conditions.

(b) The total number of workers involved would not be great, though the number of establishments may be quite large.

The administrative cost involved in enforcing the law in these establishments would be relatively large and not commensurate with the results obtained.

Another point that arises in this connection is - why a special legislation for the Bidi Industry only, when there are other industries of similar nature, like Mica, Shellac, Textiles, etc.

Also, why a separate legislation for Bidi Industry, when there are legislations already in existence, through which the working and service conditions in these employments could be regulated.

They could be regulated by notifying these work-places to be factories, by exercising the powers under section 85 (F.A., 1948).

Even the Shops Act could be applied to them by a mere notification.

In conclusion, I may observe, that whereas regulation of working and service conditions in Construction Industry is in my opinion essential, we need not be very rigid or inflexible in respect of the very small manufactories.

Also, the working and service conditions in these small establishments could be regulated by the Factories Act, 1948 or even by the Shops Act.

As a matter of fact a very large number of smaller manufactories have already been brought under the Factories Act, 1948, by exercising the powers vested in the State Government by section 85 of the said Act. But for this purpose only such industries have been selected, as have problems of safety and health and in which many accidents fatal and non-fatal take place every year and in which there are dangers of specific occupational diseases.

Copies of notifications and declarations under section 85 are enclosed.

It may be mentioned here that the construction industry is highly dangerous from the point of view of safety and the number of accidents, mostly fatal taking place in construction industry, though not reported, is several times greater than the accidents in the Factories and the Mines.

Consequently, it would not be enough to regulate working conditions in this industry by Shops Act.

(contd...)

Either the Factories Act should be applied to this industry or a separate legislation on the lines of the Factories Act must be enacted. Also, it is essential to have a specialised, technical Inspectorate for this Industry.

(b) There does not appear to be any legal instrument at present for regulation of working conditions on In-land water transport establishments.

This employment can be brought under the Motor Transport Workers Act, by suitable modification therein and by changing the title of the Act.

15. Child Labour.

Factories.

From old records and from a study of the history of Industrial Development in this country, it appears that the incidence of employment of young persons and child labour in the industries in the early days was rather high. But during the last three or four decades the decline in the employment of child labour was very fast and except for a few industries child labour was hardly ever visible in any factory.

Except for the following industries, the employment of children has been negligible in the recent years:-

1) Glass.
2) Mica.
3) Bidi.
4) Shellac.

Glass:- Inspite of the practice of employment of child labour having nearly vanished in regular factories in general, the practice to a certain extent persisted in Glass factories. This was the position in Bihar. Presumably, most of the skilled workmen in Glass factories in Bihar have always been from the U.P. and these workmen are a floating group, changing places and factories, very often. Many of them move with their families and they themselves insist upon getting their children employed, so that they might pick up the skill.

There are local child labour also, employed on light jobs.

It is very much, traditional too.

Mica:- Mica has always been the industry, employing the largest number of young persons and child labour.

Mica workers of this country, especially the splitters, have by tradition, acquired a very high degree of skill. As a matter of fact India is supposed to have the monopoly of the skill of manual mica splitting, for which no mechanical device has been evolved yet.

It is argued that the workmen have acquired this skill by virtue of having worked on this job from the very childhood, whereby, they have acquired a sort of instinct or the sixth sense, and if the child labour is with-drawn from this industry, India would certainly lose its monopoly in this skill.

Employment of young persons in this industry has been more or less tolerated by an official policy on this matter adopted by the Central Labour Advisory Board.

It is subject to certain restrictions and control, like restriction on working hours, medical examination and fitness certification and educational facilities.

But while medical examination and fitness certification has been enforced to a certain extent, it is difficult to implement the policy of restrictions on working hours and of providing educational facilities.

But all said and done there was a definite trend visible of employment of child labour going down, though slowly and gradually.

Shellac:- In this industry too employment of child labour had a tendency of going down fast.

A few children were, however, always employed in shellac factories, on account of the system of work prevailing in this industry.

The child labour and young persons worked mainly as "pherwaiyas" on shellac melting.

This work was done on a piece rate or contract basis. The Melter, invariably took the help of his family members, wife and children in his work.

The team of melters comprised three persons:

1) Melter,
2) Belwaiya,
3) Pherwaiya.

The team very often consisted of members of the same family and often it included a young person.

A child of the family worked often as a reliever. He brought meals from house and while a regular worker took his meals, the child took his place.

If, therefore, any outsider visited a shellac factory at meal hours, he found a number of child workers working.

But even pherwaiya's work, needs a degree of physical strength and consequently, the incidence of child labour in this industry was going down fast.

Some years back, however., fortunately or unfortunately, the main shellac buyer, namely, U.S.A., stopped buying shellac and started buying seed-lack, and intermediate product. The work of melting, therefore, stopped in all the shellac factories, throwing several thousands of workers out of employment. A rough estimate of the number of workers becoming surplus in shellac industry was about 20,000.

And when melting stopped, child labour also stopped in shellac industry.

It can be safely said, therefore, that there is very little child labour in shellac industry now.

Bidi:- There is no special reason, except economic, for the continuance of child labour in Bidi industry.

But even in this industry, child labour has been on the decline.

It can be safely claimed, however, that employment of child labour in factories in general, except the above mentioned industries in rather rare now.

Non-factory establishments (workshops) to which Employment of Children Act is applicable:

The pattern and trend of employment of child labour in these establishments too is more or less the same as in factories, belonging to the same group and category of industries.

Due to the gradual growth of social consciousness, due to economic progress, though little, and due to the decades of efforts of the Inspectorate, the employment of children in these establishments too has been rapidly declining, though many child labour would be visible in these establishments still.

It would not be wrong to fore-cast that if these efforts are continued and economic progress does not start receding, as it has started doing recently, after a few years, employment of children even in these industries may more or less vanish.

Construction industry and Stone-breaking and crushing:

Young persons are found frequently working in the Construction industry, and the main cause is economic.

Recent Trends.

The picture given above is of that which obtained generally one or two years back.

Recently due to inflation and due to drought and famine conditions, the employment of children in some of the above mentioned specific industries, like Glass is showing the signs of increase.

The reason is not far to seek. The parents are not able to support their families and they are pressing the employers to engage their children on any job.

The employers generally do not like to employ child labour, because of their low out-put.

General observations:

The main cause of continuance of child labour is economic.

Unless the income of the parents is enough to support their family, unless the State is in a position to assure free education, food, clothings and the minimum necessities and amenities of life, it would neither be practicable nor desirable to attempt to erradicate child labour totally.

If a child is taken out or driven out of a factory and he is debarred from earning his livelihood or from supplementing the income of the family, in the prevailing circumstances, it can result only in forcing them to become vagabonds, loafers and anti-social elements.

Whatever, may therefore, be the provisions of the Constitution, the world opinion, or I.L.O. Convention, mere executive, legal or coercive methods, without any positive social programme, would not in my opinion be a remedy of this social evil, if at all it is a social evil. The basic and the worst social evil, from which many other social evils arise is economic backwardness and unless this basic cause is remedied, it would amount to trying to remedy the effect and not the cause.

I am not unaware that juvenile delinquency, which is a curse and a scourage in the affluent countries, like the U.S.A., is the gift of high standard of living and affluence, but this can not be quoted to rebut the general observations made above. And, it is yet not certain that the social evils manifest in the affluent societies is the outcome of affluence or the inherent contradictions in the economy of those societies.

Adequacy of Statutory provisions:

The existing statutory provisions for stopping the employment of child labour, is in my opinion, adequate.

The main lacuna is that while the Employment of children Act covers thousands of establishments, there is no executive machinery to implement the Act.

The Factory Inspectorate has from the very begining been entrusted with the responsibility of implementing the Employment of Children Act, but it has never been given a single extra hand for the same.

The natural psychological reaction is that even Government are not really serious on this issue.

Also, when the Factory Inspectorates, are highly under-staffed, even for the enforcement of the Factories Act, naturally, their entire attention is focussed on the factories and their entire efforts and energy are applied to the enforcement of the Factories Act, 1948, the implementation of the Employment of Children Act, finding a relatively very unimportant place in the programme of their work or list of priorities.

Firstly, therefore, I believe, that the social evil of child labour would automatically vanish with economic progress. And secondly, I hold that if Government are really serious about the matter, it must provide adequate machinery and facilities to put the programme into effect.

Statistics:

A statement giving the figures of child labour in factories and small establishments, in Bihar (non-factories) is attached below:

The statement will show that the number of young persons employed in factories is very low as compared to the total employment (in the factories).

Also, that the employment of young persons in non-factory establishments is relatively high.

Trend of employment of young persons (child labour) in registered factories and in small workshops (under the Employment of Children Act) in Bihar.

Year	Employment of Children Act. Small Workshops.		Factories Act. Registered Factories	
	Child Workers.	Total number of workers.	Child Workers.	Total number of workers.
1956	1,503	23,354	568	1,76,776
1957	1,443	26,054	571	1,80,202
1958	1,328	36,833	590	1,83,189
1959	1,277	41,179	501	1,87,259
1960	805	33,684	392	1,88,651
1961	1,344	37,382	407	1,91,498
1962	1,352	40,486	364	2,03,241
1963	1,475	40,681	365	2,14,878
1964	1,270	42,072	312	2,29,037
1965	1,360	42,800	306	2,39,283

16. Factories.

Contract labour and labour employed by Contractors, to my understanding, are entirely different.

Contract labour apparently means those labour who are employed by the Principal Employer (Managements in the case of factories, but the basis of payment of remunerations or wages, whatever the same may be called, is contract system. It includes piece rate system of payment of wages.

At the same time many types of work are done through contractors. The Contractor gets a job contract and he employs his own labour. This system is not only most common, but a special feature of construction industry. The system is wide-spread in coal mines and other mining industry and the main source of serious labour mal-practices. The system is prevalent, on account of its obvious advantages, to the Principal employers, in factories too.

And it may not be wrong to presume that when we speak of the evils of contract system, it is this system which is exercising the minds of the labour leaders, and the Government, which is committed to ensure justice and fair play to the working class, and that it is these contractors' labour which is upper-most in the minds of the Commission.

A survey of contract labour in Manufacturing Industries has recently been conducted by Shri Ram Centre of Industrial Relations. Their report has been published by Shri Ram Centre Press, Sri Ram Centre of Industrial Relations, Pusa Road, New Delhi-5.

There was a Government Committee too on Contract Labour and their report, even if not published maybe of interest.

There is another system of Contractors' labour: There are Labour Contractors, who supply labour to the Principal Employer. The labour so supplied is employed by the Principal Employer and payment to the labour, invariably, is made through the Contractor, who is supposed

to get a Commission (from the main employer), but who in actual fact, and invariably, pays much less to the labour than the wages paid by the main employer.

In factories, all the three categories were supposed, originally, to be regulated by the Factories Act, 1948, but the practice received a sudden and sever jolt by a decision of the Hon'ble Supreme Court, wherein it was held that the workers employed in factories on contract basis (which includes piece rate basis) or by contractors, were not "workers" within the meaning of the term as defined in the Factories Act, 1948 and hence their working hours and other conditions relating to such workmen, were not subject to regulation by the Factories Act, 1948.

Even though my personal views may not be agreeing with the decision of the Hon'ble Supreme Court, it is no place or occasion to make any comments thereon. The Supreme Court is the Supreme Court and its decisions carry finality with it, leaving the only course of amendment of the Act.

But as far as factories are concerned the proposed amendment of the term "worker" will bring the Contract Labour in factories, the number of which would not be inconsiderable, within the abmits of regulatory powers of the Factories Act, 1948.

The number of Contract labour, excluding piece-rated workers (in factories) varies widely from industry to industry-varying between 10% to 1% - the overall percentage estimated roughly to be about 5%.

In Steel industry in Bihar even over 10% would be a moderate guess. (Contract labour Survey by Labour Bureau reveals 14% contract labour in Irom and Steel Industry.

(The total daily average employment in the factories of Bihar in 1967 is estimated to be over 2,50,000.).

Mines & Construction Industry

The share of Contract labour in Construction Industry and in the Mines is more and the problems thereof correspondingly greater.

The table given on page 31 of Sri Ram Centre's Report gives the following figures in respect of Contract labour in various mines:-

Lime-stone Quarries ...	74.7%
Iron Ore Mines ...	73.3%
Manganese Ore Mines ...	63.8%

In Construction industry the quantum of Contract labour can safely be taken to be over 90%, in many cases even 100% excluding superivsory and managerial staff.

The Payment of Wages Act, has been extended to most of the Contract labour by now, but there is hardly any arrangement, statute or machinery to regulate Working Conditions of Contract Labour-Contract Labour in the specific sense as explained before. It is needless to point out that though the service and working conditions of Contract labour, especially in construction Industry and in the Mines have been far below than those obtaining in factories, and in other employment, till recently little attention was paid to this most exploited and sweated class of labour. The articles published in the Proceedings of the Seminar on Construction Industry, will reveal the public opinion on the issue. The proceedings of this seminar, as already stated, are very much in demand in far-off countries, but it is not gratifying to observe that it has caused little impact upon us.

There can be no question today that the regulation of working and service conditions of Contract labour is a matter of top priority before us.

Improvements suggested

One of the demands often heard is that the Contract system of work should be abolished.

In my opinion, it is far too premature to think on these lines in the present context. It would be an impracticable proposition and though there would be protests and obstructions from the private sector, the greatest amount of protests and obstructions would be forthcoming from the Government Departments and State undertakings. It is not only a question of vested interests, but in the present context it may be very difficult and not wise too to abolish Contract System, especially in Government Projects.

It may be recalled that the legislation for regulating working conditions in Construction industry was dropped at the instance of one of the Employer Ministries of the Central Government.

It delayed a very much wanted Act by more than a decade.

The only course left is to regulate Service and Working Conditions, including, health, sanitation and welfare of

Contract labour.

Some of the measures that can be adopted without much difficulty are:-

(a) The definition of the term "worker" in the Factories Act, should be amended as proposed.

It will solve the problem of factory contract labour.

(b) It may be examined, whether or not the same can be done in case of Mines.

(c) The proposed legislation on Construction Industry, for ensuring safety, health and welfare should be enacted without any delay.

In this very Act provisions for regulating working hours, etc. should be included on the lines of the Factories Act, 1948.

(d) As long as the proposed legislations for Construction Industry and for Contract Labour are not enacted, the Shops Act can be extended to cover all establishments where Contract labour is in vogue.

The legislation for Construction Industry in any case is essential, as prevention of accidents and health are highly specialised and technical subjects, requiring technical (Engineering and Medical) inspections and Inspectorate.

(e) The proposed legislation on Contract Labour should be carefully examined and reviewed and after excluding the areas which are already covered by other legislations, should be enacted most expeditiously.

The suggestion for examination and review of the draft of the Act, has been made with a view to avoiding superfluity and duplication.

As a matter of fact if the examination reveals that all the areas of Contract Labour had been covered by one Act or the other, the very idea of this Act should be dropped.

I am constrained to make this observation, since an entirely new and separate legislation for Beedi and Cigar Industry has recently been enacted, which in my opinion, is redundant. Beedi and Cigar Industry could be regulated merely by a minor amendment in the Factories Act, 1948 and by applying the Shops Act to these establishments.

Also, the draft on the proposed legislation on Contract Labour is unnecessary far too complicated, like the Apprentices Act.

It can be made very simple. For effective implementation of any legislation the most essential condition is to make the legislation simple, easy to understand and easy to implement.

(f) Above all, an adequate machinery should be provided for effective implementation of whatever legal instrument may be devised to regulate Contract Labour.

17. The Labour Unions in this country are still in Doldrums. Its approach to labour problems is rather political than purely Trade-unionistic. The Labour Unions are galore in the arena. Multiplicity of unions, their claims and counter-claims regarding their authority to represent the labour and their constant strike for gaining supermacy over other unions functioning is a regular feature of our industrial society.

Even where the Labour Union is stable, their entire attention is focussed on wages, bonus, etc. These are problems of no small significance for the labour, since the fundamental welfare of the workers lies in rise of wages, which is yet very much below the living wage. Even the level of subsistence wage, which may be termed as sub-poverty level, has not been touched generally.

It is but natural, therefore, that even the Labour unions whose efforts are on positive lines find themselves constantly busy with the problems of wage and with the fundamental necessities of life, like, food, housing, water, medical benefits, employment, education, etc. and their attention has not been focussed on more sophisticated amenities and welfare, like working conditions, accident prevention, occupational diseases, etc.

I personally feel, therefore, that the stage has yet not arrived when the Trade unions and Employers' Organisations can jointly play any effective role in the implementation of statutory benefits or provisions.

The fact is very well known that the Works Committees have yet not been made an effective institution and the Scheme of Workers Participation in Management (Joint Councils) have virtually failed in this country.

The report on the Workers Participation in Management, published by Government of India will reveal, however, that the failure of Workers Participation in Management is not the monopoly of this country. The report clearly shows that except for one Communist Country, Yugoslavia, in every other country, it is merely a fashion and not an effective institution. The same conclusions were revealed at the last Seminar on Workers Participation in Management organised by the I.L.O.

It may be a mere waste of time and energy, therefore, to make an effort to bring the Trade Unions and Employers' Organisations together for playing any effective role for the implementation of statutory benefits and provisions.

A sort of experiment was started in Cement Industry on these lines. The report is many years old, but it has made virtually no impact.

For some years to come, therefore, we shall have to depend upon State Enforcement Machinery for the implementation of the statutory provisions.

The experiment is already being tried on a limited basis in the shape of Safety Committees, Canteen Committees, Production Committees, and similar Committees with limited functions.

There is doubt if these committees even function effectively, on account of the perpetual conflict between unions regarding right of representation.

The history of Works Committee in Durgapur Steel Plant of the Hindustan Steel Ltd. is of significance, in appreciating the real position.

My personal opinion is that until the system of uni-unionism in industries is introduced by means of a law, any effort to introduce the system of joint-consultation for implementation of statutory provisions would be a waste.

Only when the climate of Employer-Employees relationship is normalised and when uni-unionism is introduced, we can think of widening the area of operation of joint-consultation.

In the present context Joint Consultation of Trade Unions and Employers can be tried in the following areas:-

(a) Accident Prevention:

Safety Committees.
Safety Appliance Committees.

(b) Canteen, Creche & Rest-room management.

(c) Occupational Health:
Periodical Medical Examination.

(d) Working Conditions and House-keeping.

To summarise:

(a) In the present circumstances it is not practicable to introduce any system or machinery, wherein the Trade Unions and the Employers' Organisations can jointly play any effective role in the implementation of statutory benefits and provisions, except within a limited area, and in individual units as suggested before.

For the purpose of Accident Prevention a National Safety Council for factories, I believe, has already been established. There is a similar Council for the Mines.

The proposal for constituting State Safety Councils (for factories) is also under the consideration of the different State Governments.

Also, a vigorous programme, of Seminars, Symposia, Lecture Meetings, etc. on accident prevention, occupational diseases, disposal of wastes, etc. has already been launched and these programmes have given very encouraging results in the field of accident prevention in particular. It has started giving good results in other fields, too but it is difficult to give any quantitative evaluation thereof.

As already stated a system of Joint effort was tried in Cement Industry and there is a Standing Committee too in each State, I believe.

In my assessment, the system has not proved a success.

(b) The Safety Councils are already a sort of Standing Committees. A reference has already been made of the Standing Committee on Cement. But as already stated there is no evidence to show that it has proved a success, even though the Standing Committees are in existence for several years.

(c) I am of the opinion, for effective implementation we have to depend upon the regular enforcing machinery, which should be strengthened commensurate with the size of the problem it has to deal with.

(d) In the U.K. there are Advisory Committees for safe-guarding of machinery, in respect of certain such industries and machines, as have highly technical and complex problems. These Committees comprise, Factory Inspectorate, Industries, Machine Manufacturers and Guard Manufacturers. These Committees do not include Trade Unions.

Also, it is a recommendatory body and implementation is not its function. Implementation is the function of the Inspectorate.

The Central Tripartite Committee (Technical) on Cement, of which a reference has been made before, I belive, was conceived on those lines, but it took a different shape, with the inevitable result.

(e) Effectiveness of a Joint Body of Employers and Trade Unions for implementation of statutory provision, would not only be doubtful but may be undesirable too.

It will introduce politics in the area of implementation of the law and it will cripple even the Enforcing Machinery.

SAFETY AND HEALTH

18. High Accident rates and low accident rates are relative terms. Unless there is a standard it may be difficult to state clearly whether any accident rate is high or low.

In one of the books of Charles Dickens, an English Gentleman asked his simpleton and uneducated maid-servant her opinion on the relative severity of the death rate of 9 and 90. The maid-servant to the disgust of the gentleman did not find any difference. She said that it was as hard for the 9 as for the 90 who died.

This is an extreme case.

As compared to U.S.A. the accident rate in India is rather too high. The reasons are different as compared to the reasons that one would ordinarily infer.

In the U.S.A. there is very little of manual handling of goods and materials. And handling of materials cause a very large number of accidents.

There automation and remote control are the order of the day, which is not the case in this country.

Automation and remote control eliminate direct contact of men with machines.

An important reason is the high rate of compensation. An enterprise with a high rate of accident will be ruined there and may have to go out of business.

Our position is not very bad as compared to the U.K.

One has to be very careful in comparing the accident rates of the U.K. and India.

In the U.K. besides deaths only such accidents are reportable as involve absence for 3 days with total loss of earning. In India, (besides deaths) all such accidents are reportable as may prevent the injured person from working for a period of fortyeight hours or more.

For the same number of accidents, therefore, the number of reportable accidents in India would be more than those in the U.K.

Allowing a discount for this, the accident rate in India would not be very much higher as compared to that of the U.K.

The most significant fact is that the accident rate in this country started rising very rapidly during the last one and half decades.

The following All India figures will give a picture of the fast worsening state of affairs:-

All India Figures (factories):

Year	No. of accidents.
1956	1,28,455
1957	1,31,495
1958	1,36,400
1959	1,42,016
1960	1,45,003
1961	1,59,696
1962	1,69,283
1963	1,84,509
1964	1,89,582

(Figures for the rest of the years can be had from the Labour Bureau or from the Director General, Factory Advice Service and Labour Institutes).

Bihar :

Year	Total number of accidents	No. of accidents per 1000 workers.
1950	5,679	31.5
1951	5,159	26.8
1952	5,545	32.1
1953	5,558	32.4
1954	6,041	35.4
1955	6,024	34.6
1956	6,585	37.2
1957	6,801	37.7
1958	7,738	42.2
1959	8,295	44.3
1960	8,456	44.8
1961	9,737	50.8
1962	9,952	48.0
1963	9,134	42.5
1964	9,016	39.3
1965	8,947	37.4
1966	7,288	30.0

The figures given above will reveal that the All India figure of accidents increased from 1,28,455 in 1956 to 1,89,582 in 1964.

In Bihar the accidents increased from 5,679 in 1950 to 6,024 in 1955. The accident rate per 1000 workers during the said period increased from 31.5 to 34.6. Thereafter the increase was rather rapid.

The number of accidents increased from 6,024 in 1955 to the all time record of 9,952 in 1962.

The accident rate per 1000 workers increased from 34.6 in 1955 to 50.8 in 1961.

Since the year 1961/1962 the accidents and the accident rates started declining in Bihar and the number of accidents went down to 7,288 in 1966 as compared to 9,952 in 1962 - (about 26.7% decrease).

The accident rate per 1000 workers has gone down to 30.0 in 1966 as compared to 50.8 in 1961 - (about 41%).

Causes of accidents :

An analysis of the accidents for the year 1965, based on causing agents will give a rough picture of the various causes leading to accidents :

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	Fatal	Non-fatal	Total
Prime Movers, etc. ...	1	11	12
Machinery moved by power ...	10	955	965
Transport ...	2	249	251
Electricity ...	2	82	84
Explosions ...	2	22	24
Fire ...	-	85	85
Gassing ...	4	41	45
Molter Metals ...	-	658	658
Lifting Machinery (not moved by power) ...	1	74	75
Hand tools ...	-	529	529
Falling bodies ...	1	1,110	1,111
Persons falling ...	2	657	659
Stepping or striking against objects ...	-	686	686
Handling goods ...	-	2,401	2,401
Others (unclassified) ...	1	1,361	1,362
Total :	26	8,921	8,947

The table shows that the largest number of accidents happen in material handling and various reasons of miscellaneous and unclassified nature. The corresponding figures of fatal accidents/are not of very severe nature.

The number of accidents due to Machinery, Transport, Electricity, Explosion, Gassing, etc. respectively are relatively less but the corresponding number of fatal accidents shows that these accidents are generally of a very severe nature, resulting in death, loss of a limb or other severe injuries.

These accidents lead also to the major portion of the man-hours lost.

Accidents due to persons falling from heights too are of severe nature, equivalent to machinery accidents.

Causes leading to the rise in the number of accidents :

(a) Partly due to better enforcement and better reporting of accidents.

(b) Mainly due to increased industrial activity:

(i) Expansion in existing factories, resulting in disorder and greater movement of Men and Materials.

(ii) Lack of corresponding safety measures and lack of safety consciousness.

/ would show however, that generally these accidents

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(iii) Intake of green, semi-trained and inexperienced workmen in large numbers without proper induction and training. Recruitment of labour from rural background.

(iv) Casualty of experienced workmen, due to old age, retirement, etc.

(v) Introduction of new industries and new processes.

19. Safety Training

(a) Industrial Safety should be included in the curriculum of all Engineering Colleges.

In any case, thorough training in industrial Safety must be included in the training programme of Industrial Training Institutes, since these institutes are feeding skilled workmen to the factories.

This decision has been taken at one of the Labour Ministers' Conferences.

(b) Induction of new workmen in factories in work in general and industrial safety in particular is a "must".

This system has been already introduced in several larger factories of this State with very gratifying results. The programme of induction of recruits is being implemented vigorously in these factories.

Efforts are being made to introduce this system in other larger factories too.

There is difficulty in introducing this programme in smaller factories, since to conduct this programme a whole-time Safety Officer at least, and preferably a Safety Department is essential, which is lacking in smaller units.

The smaller factories are not in a position to employ a whole-time Safety Officer. Many of them do not have, even a proper Engineer.

There are serious practical difficulties in driving this programme in all units.

Also, the Factory Inspectorate do not have the man-power or resources to conduct this programme in every unit.

For the time being, therefore, we shall have to be satisfied with introducing this programme in larger units and for smaller units we shall have to depend upon official inspection (for accident prevention).

It is essential, in my opinion, to amend the Factories Act, 1948 providing for a Safety Engineer, in every factory employing 200 workers or more, with a proviso of exemption in respect of these factories in which the hazards are little, like Mica, Bidi, Shellac, etc.

Even more important is to make it obligatory for certain categories of factories, like Rolling Mills, Engineering factories, etc. and employing more than 100 workers to have a qualified engineer.

(c) Refresher courses of old employees, is as important as induction and this programme has already been introduced in the larger factories of Bihar.

Side by side the Bihar Factory Inspectorate has been running a series of Courses in Safety Engineering for the Supervisory and Sub-managerial staff of the factories.

In this case too the practical difficulties relating to smaller units are the same as in the case of induction.

To summarise :

(a) Induction and Refresher Courses are essential.

(b) These have to be on the unit level.

(c) Appointment of Safety Engineers should be made obligatory for relatively larger units - for units employing 200 workers or more.

Factories having little accident hazards should be exempted.

(d) Appointment of qualified Engineers should be made obligatory for smaller factories too.

(e) For smaller units the Factory Inspectorate should conduct training programmes, until Safety Councils are formed.

The work should be taken over by the State Safety Councils.

(f) Emphasis in the beginning should be on larger factories.

For smaller factories, official inspection should continue to be the media for implementing accident prevention programme.

For this purpose the Factory Inspectorates should be strengthened.

20. As far as I can conceive, there can be no question of bi-partite agreement on Safety, Safety is not a subject of agreement; it is a "must"

There can be bi-partite Committees for implementing safety programmes, in the form of Safety Committees, etc.

There appears to be a great confusion on this issue in this country. Bi-partite agreements are being talked of in this country as a sort of general fashion. Also, it is a poor copy of the system prevailing in the U.K., which has already been discussed before.

In the Factories Act of the U.K. (which has been incorporated in the Indian Factories Act also now), there was and is a provision, that "every dangerous machine or part of machine should be adequately and securely fenced".

Controversy, therefore, started arising as to which of the machinery were dangerous and it was not desirable to wait for an accident, to take place, to prove that a machine was dangerous. Also, there were practical difficulties in deciding as to what were the acceptable methods of guarding a particular machine. It was entirely a technical problem.

A system was, therefore, evolved for constituting Joint Advisory Committees, comprising the Factory Inspectorate, users of machines, manufacturers of machines and manufacturers of guards, to evolve a generally acceptable standard of guarding of dangerous machines. Or these may be treated as evolving of standard Codes.

These are agreements in the sense that the Factory Inspectorate would not demand anything different or more than the standards accepted.

These are not agreements in the general sense.

In an effort to copy this system a Tripartite Committee (Technical) on Cement Industry was constituted in India and it tried to cover all the aspects of the Factories Act, 1948.

From the very beginning I have not been in favour of such Committees, since I firmly hold that there can not be any agreement on a matter on which there is a law.

I am still of the opinion that such bi-partite bodies are redundant.

And, as far as evolving a Code is concerned, we have already the codes of the other countries, which can serve as a guide for us. There is hardly any use repeating a work, which has already been done in the U.K. or the U.S.A.

It is only a question of obtaining their literature.

For arousing safety consciousness among the workers and employers, it is essential to drive an intensive programme of publicity by various means. The programmes which have already been started by the Bihar Factory Inspectorate with very gratifying results are described below in brief :

(a) Seminars and Symposia on Accident Prevention, various aspects of productivity and industrial management, disposal of wastes, etc. have been organised in different industrial centres of the State. These have evoked very wide interest not only in this State, but in other States also. Persons belonging to all the States of the country have participated in these Seminars.

(b) A series of Training Courses on Accident Prevention for Safety Engineers and Supervisory and Managerial Personnel have been organised and many persons are being trained every year.

These programmes are designed not only to disseminate information regarding techniques of industrial safety and Personnel Management, but also to create an attitude of mind conducive to acceptance of modern trends on these matters.

(c) A series of Orientation Programmes for personnel officers has been planned.

(d) "No Accident Compaigns" have been launched in various factories in different forms.

These are becoming a regular feature of the factories.

(e) Publicity by means of posters, films, dramas and lecture meetings is being carried on.

(f) Induction and Orientation Courses have been started in many factories.

These are some of the important programmes which have already been started in this State and my personal opinion is that the only thing needed is to intensify these programmes.

At the present moment, these programmes are being conducted by the Factory Inspectorate in collaboration with the various Local Productivity Councils and the Safety First Association of India or by itself, but it is visualised that when the State Safety Council is constituted, the State Council will take over all these programmes.

22. Suggestions with regard to various important amendments in the Factories Act have already been given in para 12.

23. (a) Though one or two firms have started manufacturing Safety equipments in the country, the quality and standard thereof in the case of many of the equipments is not upto mark. Also, all safety equipments needed in the industries are not available locally.

There is already a proposal that a factory for manufacturing safety equipments should be started immediately in the State sector on the lines of the Mines Safety Appliances Co. of the U.S.A. Until all the safety appliances are available locally, it is essential that Government should be generous in granting import lincnces in respect of these appliances.

(b) Supply of safety equipments to the workers for their personal use is not yet adequate. As a matter of fact, emphasis on supply of safety equipments has started being laid only in the recent years and inspite of a good deal of progress, a lot has yet to be done. It would need constant pursuing by the Inspectorate. The only difficulty being that the Inspectorate is yet far too inadequate and consequently it is not being found practicable to pay individual attention to individual items. Whereas some of the safety equipments in some of the factories are being used and utilised by the workers, there is certainly a general reluctance on the part of the workers to use such equipments.

There are various reasons thereof -

(i) The workers are not used to working with safety appliances and it will take and need the workers being constantly reminded and directed to use safety appliances until they get used to them.

This relates to certain safety appliances for which there is no substitute for ensuring safety and which are of the appropriate standard conducive to facility of working and comfort.

(ii) The make of some of the safety appliances are such that the workers can not use them even if they like. For instance, dust masks or aspirators with rubber linings give out offensive smell and the workers cannot be blamed if they do not use them.

Similarly, eye-glasses and goggles supplie are not of proper construction and standard with the result that they interfere in the working of the workers with convenience and ease.

In other countries also these difficulties have been experienced and in the U.S.A. better qualities of safety appliances are being produced. Also, whenever a worker needs

any eye-glass for the protection of his eyes, there is a system of the eyes of the workers being examined and thereafter they are being supplied with glasses of non-splintering quality ground to the power of the individual workers with the result that the same workers who were not using eye-glasses are using them now extensively.

Another difficulty is that it is a tropical country and during summers most of the safety appliances, even eye-glasses are extremely inconvenient.

The question of manufacturing appropriate types of safety appliances keeping in view the climatic conditions of the country has therefore to be given a serious consideration.

It may be mentioned here that certain so called safety appliances, like safety-belt or dust masks cannot be accepted as substitute for safe scaffoldings or dust-extraction plants. They are to be used only in emergencies.

Also, specific provisions should be made in the Act for ensuring supply of appropriate and approved Safety appliances.

24. The question of introducing the system of Industrial Health Service is a very controversial issue: Firstly, inspite of lengthy correspondence and discussions on the subject it has yet not emerged as to what actually is meant by the Industrial Health Service.

If by industrial health service is meant arrangements for providing first aid in the factories, the Factories Act already provides for Ambulance Rooms and in the Bihar Factories Rules, it has already been provided that every ambulance room must be under the charge of a whole-time Medical Officer in every shift.

On the other hand if it means general medical facilities, no decision should be taken without taking into account the other agencies which are working in this field.

With the introduction of the Employees' State Insurance Scheme, it has become very doubtful whether or not it was relevant now to talk of industrial health service. My definite opinion on this issue is that the responsibility of providing industrial health service should be taken over by the Employees State Insurance Authorities and the Insurance should be applied to all the factories without any further delay.

25. The Workmen's Compensation Act, in my opinion needs a thorough over-hauling in keeping with the circumstances which are prevailing today, It is difficult to submit a detailed commentary upon the said Act or to submit a detailed proposal for the amendment of the Act in this short note. But some of the important points which need consideration are stated below :-

(a) Inspite of the recent increase in the amount of compensation, the compensation payable in respect of death and accidents and industrial diseases is still very low.

My personal opinion is that the amount of compensation should be increased and increased to such an extent that it may be uneconomical for the employers to allow accidents and occupational diseases to take place in their establishments.

It may be mentioned in this context that the entire Accident Prevention Movement in the U.S.A. started on the basis of the Workmen's Compensation Act. It is said that in the U.S.A. an enterprise in which the number of accidents is large has to go out of business on account of high rate of compensation. There is a system in that country of the workers being compulsorily insured against accidents and diseases and the premium of the insurance is inter-linked with the accident and disease rates. Even small increase in the accident rate involves a heavy increase in the rate of premium and the employers find it more economical to invest in safety measures rather than to pay heavy premiums.

In this country, accidents have not much economic effect upon the industries since the compensation rates are rather small.

(b) The list of diseases for which the compensation is payable has to be reviewed and amended. I am of the view that a worker should be entitled to compensation for all the diseases arising out of employment whether or not the disease finds a place in the list of occupational diseases.

It has already been suggested before that the views of the experts will have to be obtained on this issue.

(c) There is no enforcing machinery for the enforcement of the Workmen's Compensation Act. I personally feel that a time has arrived now when an enforcing machinery for the enforcement of the Act should be constituted.

(d) The Act needs simplification, so that its enforcement may be easy and quick.

(e) An important short-coming is the lack of sufficient number of Labour Courts to deal with the labour law cases and especially cases under the Workmen's Compensation Act.

My suggestion is that the number of Labour Courts should be increases and there should be at least one Labour Court in each district.

As far as I am aware, hundreds and thousands of cases under Workmen's Compensation Act remain always pending and disposal of these cases are very much delayed. Quick disposal of such cases is essential and if this work is given

to some other authority who is already over-worked with his own work, the present condition would continue to remain. The only remedy is establishments of more Labour Courts.

(f) Our recent surveys have revealed that the incidence of certain occupational diseases is very high in certain industries.

The survey of Silicosis in Refractory Industry and in Potteries has revealed very high incidence of Silicosis.

Considerable incidence of Asbestosis has also been discovered in Asbestos factories.

An industrial hygiene study in a Ferro-manganese Plant conducted by the Chief Adviser Factories revealed staggering conditions.

The incidence of Silicosis in Mica Mines also is very high, as revealed by various surveys.

Surprisingly, however, there is hardly any case of claim for compensation for these diseases.

Unfortunately, for a worker to claim and get compensation for these diseases, it is necessary to go through a very lengthy procedure as provided under the Act and in the Rules framed thereunder.

The Labour Unions also are not taking any interest in the matter.

Unless the process of the law is simplified, unless the Labour Unions become vigilant and unless there is an enforcement machinery, it is apprehended that the conditions would continue to remain as bad.

Sd/-
(A.N. Singh)
Chief Inspector of Factories, Bihar.

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GUJARAT

Remarks on the report of the National Commission on Labour in India regarding the "Conditions of Work" and Comments on the suggestions by Director General, Factory Advice Service & Labour Institute:

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Working Conditions:

The Factories Act, 1948 which came into force from 1st April 1949 differed from the Factories Act, 1934, in that there was a marked change in the provisions regarding safety making it obligatory on the part of the managements to securely fence dangerous parts of machinery and the penal provisions were made more severe. Under the Factories Act, 1934, rules were framed under Sections 24 and 32 of that Act for fencing of certain machineries. If the Inspectors found that in a factory there were dangerous machines which were not included in the above rules and managements did not fence them inspite of his remarks, he had to serve an order on the managements.

After the Factories Act, 1948 came into force it was expected that the accident in factories would go down but statistics show that there has not been any improvement in this direction. Though legal actions are taken against persons for breaches of safety provisions when there are accidents involving the breaches or even in ordinary course when there are no accidents, analysis of the accidents would indicate that percentage of total accidents involving breaches of safety provisions is very small. This would indicate that mere amendment of the Factories Act by putting more obligations on the parts of managements to provide fencing does not serve the purpose in bringing down the rate of accidents and something much more than that has to be done. Training of workers in safety is essential if rate of accidents is to be brought down. The various recommendations suggested by the Director General, Factory Advice Service and Labour Institute have to be seriously considered in this direction.

Recommendations 1 and 2:-

Although the requirements of the Factories Act are absolute and in no way dependent upon the previous notice or warning from the Inspectors, the Inspectors should always be available for consultation to the managements and in any cases of doubt or difficulty he should not hesitate to offer them assistance and also guide the workers in safety methods of work in all type of factories. At the present stage of technological development, the managements employ qualified engineers and the technical personnel in their factories.

The Inspectors in the course of his visits to factories come across various types of machinery, some of

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which are complicated and may be dangerous and require fencing. The management on the other hand, at times, may feel that providing fencing would unnecessarily hamper production. There are always two sides of a thing. The Inspector under such circumstances has to convince the management and his technical staff as to how an exposed dangerous part is likely to cause accidents and how a guard can be provided over it so as to make it safe without its coming in the way of operation and how an operative would work with full confidence if the danger is eliminated by guarding it and this will even increase the production. All this can be achieved if the Inspector is a well qualified person with adequate technical knowledge and training and having due status. A good Inspector has to impress upon the management that it is in the interest of the worker, management and the nation that all machineries are made safe by providing proper fencing.

It is therefore necessary to appoint only competent persons as Inspectors of Factories. It may be difficult to get the competent persons at present, as remuneration offered to them are not attractive.

In this State, the accidents statistics for the year 1965 indicate that out of 54 fatal accidents during the year, there were only 11 accidents wherein breaches regarding fencing provisions were involved. This fact stresses the necessity of analysing various factors which are responsible for accidents and this can only be achieved when serious thought is given in this direction.

Recommendations 3 and 5 :-

It has been noticed that though safety committees have been set up in several big factories they do not function efficiently as top persons of the management do not take active interest in this direction. It has also been noticed that sometimes the meeting of such committees are not called even once during a year. Though the Inspectors of department have been taking up this matter with the managements of such factories, they do not find proper response from them. It is therefore very essential that to begin with it should be made obligatory on the management of big factories employing 1000 or more workers to appoint a Safety Officer and formulate a safety committee consisting of representatives of managements and labour. This limit may subsequently be brought down and appointment of Safety Officer may be made compulsory in factories employing 500 or more workers.

Recommendation 4 :-

The appointment of full time Safety Officer is likely to help in training of Supervisors and workers in safety methods of work which may subsequently result in bringing down the accidents. Very few factories are participating in National Safety Awards Schemes. The State wise National Safety Award Scheme has been kept in abeyance in this State. Such a scheme is likely to help in bringing down the rates of accidents in small factories.

Recommendation 6 :-

To begin with, the appointment of Safety Officer may be made obligatory as already suggested in recommendation Nos. 3 and 5. For training regarding safety to supervisors and workers, this may be brought into force as soon as it is made obligatory to appoint a Safety Officer.

Recommendation No. 7:-

No comments.

Recommendations Nos. 8 and 9 :-

To comply with these recommendations, the appointment of Medical Inspector of Factories is very essential to tackle problems in respect of factories which are engaged in hazardous operations. After survey of hazardous operation is carried out by competent organisation, the Medical Inspector of Factories should ensure that measures suggested by the competent organisation are fully complied with by the factories.

Recommendation No. 10 :-

No comments.

Recommendation No. 11 :-

In those states where persons possessing knowledge of chemical subjects have already been appointed as Inspector of Factories, no separate chemical Inspector of Factories may be appointed.

Remarks on the questions 12 to 25 regarding conditions of work:-

Question : 12

Comments have been offered above.

Question : 13

Under the Factories Act, there is no provision regarding grant of Festival holidays. However, in case of textile industry only agreement has been drawn to grant Festival holidays on 15th August and 26th January as paid holidays.

Question : 14

This department deals with only factories and as such no comments are offered.

Question : 15

The employment of child labour though gradually going down, is still persistent in Ginning and Pressing factories which are situated in moffusil area. There appears no need to change the existing provisions.

Question : 16

To overcome the problem of workers employed through a contractor, it is very essential to get the definition of Section 2(1) of FA amended, which is already under the consideration of Government of India. It is already proposed to Government of India to amend Section 2(1) as under so as to cover all type of persons working in the factories.

"Worker" means any person engaged for work directly or through any agency, or working with or without the permission of, or under agreement with the owner or occupier whether for any remuneration or not, in any kind of work what-so-ever but should not include military personnel i.e., Armed Forces personnel of the Army, Navy and Air Force.

"Provided that the Central Government may by notification in the official gazette, declare any category or categories of persons engaged for work in a factory as persons not covered in this clause."

Question : 17

No comments.

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Question : 18

The analysis of the accidents indicates that the percentage of accidents wherein breaches of safety provisions are involved compared to the total number of accidents is very small. One of the main causes of the accidents is that workers are not made aware of the danger existing on the machine on which they work and no knowledge regarding safety has been imparted to them. The managements of the majority of the factories take very little interest in prevention of accidents.

Question : 19

In organised industries like textiles, workers working on a set up machines should be made aware of various dangerous parts of the machine and they should be taught "Dos" and "donts" while at work. In several cases minor injuries caused to workers are not being looked into which is not correct. Keen observation by supervising staff with a view to prevent workers from doing unsafe thing would play an important role in reducing accidents. They should find out the various causes which are responsible for this and eradicate them. Training of new workers can be started in big factories employing 1000 or more workers when appointment of a Safety Officer has been made obligatory and then training may also be imparted to those workers who are already in employment. This could be done by a Safety Officer, departmental head and foreman who after being trained should impart, training to the workmen.

Question : 20

There are no bi-partite agreements in this State. A tripartite agreement has been made in Cement industry and is working satisfactorily. Such an agreement can be made in organised industry like textiles. All the workers in a factory wherein such an agreement has been made should be apprised of the terms and the performance reviewed every month to begin with.

Question : 21

In respect of new industries in some of which there are lots of hazards, training in safety should be imparted to the workers right from the very beginning. The experience gained in the advanced countries where such industries have been set up should be taken advantage of and the employers should keep safety in view right from the time of putting up factory buildings and laying out machinery.

Question : 22

Section 87 of the Factories Act empowers the State

Governments to frame rules for the protection of persons employed in factories where dangerous operations are carried out and where there is serious risk of injury, poisoning or disease. Several rules under this State have already been framed. Whenever any new hazards likely to injure the health of workers are noticed special rules to protect a worker are framed under this Section.

Question : 23

Sometimes the workers though provided with protection wear are not making use of them while at work e.g. Goggles, Hand gloves, footwears, mask, etc. If workers are apprised of the danger of the process in which they are engaged by the employers or supervisors and are convinced that it is in their own interest to use this protected wear and if managements insist on the workers using the protective wears, the reluctance on the part of the workers would, to a great extent be over come.

Question : 24

No comments.

Question : 25

If occupiers have to pay higher rate of compensation where an accident occurs involving breaches of safety regulations, they may probably start taking interest in minimising accidents.

HARYANA

Comments on the recommendations made by Dr. N.S. Mankiker, Director General, Factory Advice Service and Labour Institutes on working conditions in Factories.

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1. The recommendation that the State Factory Inspectorate should be further strengthened is endorsed. On the formation of Haryana, four Factory Inspectors were allocated to this State. This number was, however, considered to be inadequate and Government have sanctioned three additional posts. The ratio of Inspector: Factories will be 1 : 290 as compared to 1 : 665 in composite Punjab.

2. On the formation of Haryana as already mentioned there were four posts of Factory Inspectors. Two of these posts were in the scale of Rs. 200-15-500 and two in the gazetted scale of Rs. 250-25-550/25-750. It has now been decided that all these posts shall be in the higher scale of Rs. 250-25-550/25-750 and the following qualifications have also been prescribed:-

i) Degree of a recognised University in Mechanical Engineering.

ii) Preferably practical experience of at least 2 years in workshop or a manufacturing concern of good standing.

iii) Knowledge of Hindi of Matric Standard.

3. The suggestion that a Safety Officer should be appointed in all factories employing 1,000 workers or more is endorsed. In fact, we had made a recommendation to the National Commission on Labour that a Safety Officer should be appointed in factories employing 500 or more workers.

4. The suggestion regarding starting of Safety Awards Scheme for smaller factories has been noted and steps will be taken to formulate a detailed scheme in Haryana.

5. The suggestion that Safety Committees may be set up even in smaller factories employing 250 workers is endorsed.

6. The suggestion is endorsed. It will be useful, however, if the Director General makes arrangements at selected centres for imparting training on safety to Supervisors etc.

7. The suggestion that all factories should be advised to operate 'Suggestion Schemes' and rewards should be given to workers making important suggestions in regard to safety is sound and may be taken up for implementation in Haryana.

8. State Governments may be advised to appoint Certifying Surgeons who could also be made responsible for conducting industrial hygiene and safety surveys. In Haryana a scheme has been included in the Plan for 1968-69 for appointment of a Certifying Surgeon with mobile laboratory. The number of Certifying Surgeons will be increased in the subsequent years of the Plan.

/-

9. A post of Medical Inspector of Factories is provided in Haryana although at present it is lying vacant. It would be helpful if the Director General lays down certain norms regarding number of factories which should be with one Medical Inspector.

10. As already pointed out under item No. 8, a mobile laboratory is being provided next year in Haryana.

11. The suggestion regarding appointment of Chemical Inspectors in factories is endorsed.

Sd/-
Labour Commissioner,
and Chief Inspector of Factories,
Haryana.

II. CONDITIONS OF WORK

Working Conditions:

12. Adequate safeguards have been provided under the various Acts and there does not appear to be much need for further legislation. However, the following matters merit special consideration:-

(i) The Certifying Surgeons appointed uner Section 10 of the Factories Act, 1948, are required to conduct the medical examination and certification of young persons employed in factories. Under Rule 17(6) of the Punjab Factory Rules, 1952 "if the Certifying Surgeon finds as a result of his examination that any person employed in such process is no longer fit for medical reasons to work in that process he shall suspend such person from working in that process for such time as he may think fit and no person after suspension shall be employed in that process without the written sanction of the Certifying Surgeon in the Health Department." There is no provision either in the Act or the rules for grant of suspension allowance to the worker. Necessary provisions need to be made.

(ii) In order to reduce the number of accidents and to ensure proper and timely action it would be helpful if Safety Officers were to be appointed in factories employing 500 or more workers. These officers in order to be effective will have to be independent of the control of the management. They should, therefore, be appointed by Government and should be under the administrative control of the Labour Commissioner. Employers should, however, be made liable for their pay and allowances. It will, no doubt, mean an increase in the expenditure of the managements but will at the same time make for better working by reducing the number of accidents and decreasing the number of man-hours lost. The following provisions could be incorporated in the Factories Act after the Welfare Section:-

> "In every factory, wherein 500 or more workers are employed the occupier shall employ in the factory such number of Safety Officers as may be prescribed.
>
> (2) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under Sub-Section (1)."

(iii) It is also necessary to provide Industrial Health Officers in the bigger establishments. Section 45(4) of the Factories Act only provides for the maintenance of an ambulance room with prescribed equipment and some medical and nursing staff. Another provision could be inserted whereby-

> "in every factory, wherein 500 or more workers are ordinarily employed, the occupier shall employ in the factory such number of Industrial Health Officers employed under sub-section (1)."

These officers should also be appointed by Government and should be under the administrative control of Chief Inspector of Factories. The management should be, however, made liable for their pay and allowances. These posts could be interchangeable with those of Medical Inspectors of Factories.

(iv) Section 49 of the Factories Act provides for the appointment of Welfare Officers in factories employing 500 or more workers. These Welfare Officers should be appointed by Government and placed under the administrative control of the Labour Commissioner. The management should, however, continue to be responsible for their pay and allowances. The posts should also be interchangeable with those of Labour Inspectors.

(v) The provision relating to overtime, needs to be liberalised considering the present economic situation of the country. Under the existing provision only 50 hours overtime work can be taken from a worker during one quarter. It is desirable to increase this limit to 150.

(vi) Bigger establishments such as those employing 500 or more workers must make provision for housing facilities for atleast 20% of the total workers. The construction of houses could, however, be phased. Necessary provision should be made in the law.

The main difficulty experienced at present is not inadequate legislation but lack of proper supervision and implementation. A good number of employers do not properly observe the safety provisions with the result that proper fencing is not provided on the machines and grinding stones are not properly guarded. Proper attention is also not paid to drinking water and the maintenance of urinals and latrines. In a larger number of factories various important registers such as leave with wages register, leave with wages cards, adult workers' register and accident register, are not properly maintained. There is, therefore, considerable need for strengthening the inspectorate staff. In Haryana the total number of factories is nearly 2,000 whereas only four posts of Factory Inspectors have been provided. In practice only two are in position. It is physically impossible for them to do full justice to their job. The recommendations of the Labour Conferences that one Inspector should be provided for 150 factories is sound and all State Governments should be persuaded to accept the recommendations. Transport facilities in the form of Jeeps should also be provided to the Factory Inspectors. The position regarding Certifying Surgeons is also not satisfactory. At present the Civil Surgeons or the Chief Medical Officers are designated as Certifying Surgeons under the Factories Act but they have so much work of their own that they are unable to do any justice to this work. It would be desirable if separate whole-time Certifying Surgeons are appointed and are provided with supporting staff and mobile laboratories.

13. In matters of national and festival holidays, there is no difference from region to region in the State. They are regulated by the State Industrial Establishments (National and Festival Holidays and Casual and Sick Leave)

Act. There does not seem to be much need for central legislation on the subject. Regional considerations must be respected.

14. The following categories of workers are not covered under the Factories Act, Mines Act and Plantations Act:-

(i) Labour employed in shops.
(ii) Agricultural labour.
(iii) Domestic servants.

As regards the labour employed in shops, necessary legislation already exists and adequate safeguards have been provided. In respect of the other two categories, there does not seem to be need for legislation at present.

15. Employment of child labour is not widely prevalent in the State, except in the Cotton Ginning Factories and Chromium Plating Industry. The existing statutory provisions relating to the employment of child labour are quite satisfactory but it has not so far been possible to ensure implementation of these provisions in the said two industries. The penalty for offences under the Factories Act is provided under Section 92 of the Act, under which the occupier and the manager of the factory, guilty of an offence, can be punished with imprisonment for a term which may extend to three months or with a fine which may extend to Rs.500/- or with both and if the contravention is continued after the conviction, with a further fine which may extend to Rs.75/- for each day on which the contravention so continues. This penal provision has not been found to be helpful in reducing the number of offences, as the amount of fine invariably imposed by the trying courts varies from Rs.5/- to Rs.50/- for each offence which does not have any deterrent effect. It is suggested that section 92 should be amended as to make a provision of a minimum fine of Rs.500/- subject to a maximum of Rs.2000/- for each offence leaving other provisions unaltered.

16. The number of contractors has increased considerably with the rapid industrialisation of the country. In certain fields such as in building operations they cannot be eliminated and must, therefore, continue. In the industrial establishments, however, there is a tendency on the part of the employer to contract out a portion of his manufacturing process to a contractor so as to evade his liability under the labour laws because contract workers are not entitled to the same benefits as are conferred on regular workers under the various labour laws. This exploitation is becoming quite wide-spread. It is necessary, therefore, to abolish the contract system wherever it is possible and practicable. If the abolition is not possible the service conditions of contract labour should be laid down and basic welfare amenities should be provided such as drinking water, first-aid facility, rest-rooms, canteens etc. The Payment of Wages to such labour should also be adequately safeguarded. The Contract Labour (Regulations and Abolition) Bill is already before the Lok Sabha and if this is passed, it will bring about considerable improvement in the existing situation.

17. It has become a normal practice with some employers not to pay double wages to workers during overtime. The workers also in view of their economic position agree to work at lower wages. This exploitation can be ended if the Trade Unions educate the workers and make them conscious of their rights. Unfortunately the trade unions in this sphere are not doing much.

For ensuring better working conditions and for ensuring that the safety and health provisions are observed meticulously, Joint Committees can be formed at the Plant level to which complaints can be referred. These committees should meet regularly at least once a month. A representative of the employees should be the Secretary of the Committee.

18. The rate of accidents is not particularly high in Haryana. During the first 6 months of this year (January-June, 1966) only 3 fatal and 44 minor cases were reported. A good number of accidents occur due to electric shocks because of faulty wiring and other defects. Some accidents are due to the fact that fencing is not properly provided on the machines and grinding stones are not properly guarded.

19. Safety Committees should be formed in all factories which employ 300 or more workers. Further a provision for appointment of Safety Officers in factories employing 500 or more persons should be made under the Factories Act, 1948. In factories employing less than 300 persons, the Engineer Incharge should impart training/lectures in safety measures at regular intervals.

20. No bipartite agreements relating to safety standards exist in Haryana.

21. Besides suggestions made in reply to Question No.19 above, it would be desirable to arouse safety consciousness amongst the workers, by displaying safety posters, exhibiting safety films and by awarding prizes to units where the number of accidents is reported to be the lowest.

22. The existing safety provisions under the Factories Act are adequate and no amendment is considered necessary. However, a provision for the inspections of electrical equipment by the Factories Inspectors should be made as is done by the Electrical Inspectors.

23. (a) Most of the safety equipments are easily available and no difficulty is experienced in their procurement.

(b) The supply of safety equipment to workers is not adequate. The employers try to evade their responsibility and do not make proper and satisfactory arrangements. The workers also in certain cases do not show much enthusiasm for safety equipment and prefer to do without them. This is particularly true regarding the use of goggles and respirators. If proper medical examination of the workers is held at frequent intervals by an independent agency it would help in compelling the employers to provide the necessary equipment and also insist on its use.

24. Industrial Health Officers should be appointed in all establishments which employ 500 or more workers and in establishments where the number of workers engaged in hazardous operations is 100 or more. These officers should be appointed by Government but should be paid by the employers. They should also be declared as Certifying Surgeons under the Factories Act.

25. No amendments are required.

KERALA

NATIONAL COMMISSION ON LABOUR
REMARKS ON THE PAPER PREPARED BY SRI. MANKIKER, DIRECTOR GENERAL, FACTORY ADVICE SERVICE ON THE QUESTIONNAIRE.

Sri. Mankiker has rightly pointed out the various problems and its complex nature, the modern factories are presenting. The only machinery to deal with these problems effectively now available is the Factory Inspectorate. So he has suggested improvement of the Factory Inspectorate to cope up with these problems.

The set up of the Factory Inspectorate in this State is far from satisfactory. The status and position of the Chief Inspector of Factories is not commensurate with the responsibilities and the tasks he is called upon to discharge. The service conditions of the Inspectorate are not attractive to attract talents. Another serious difficulty I have felt in this State is the paucity of funds. Even in the matter of allotment of adequate travelling allowances great difficulties are experienced. Another disadvantage is the pratice of clubbing the Factory Inspectorate with Labour Department. Because of this Factory Inspectorate is always relegated to background by the Labour disputes strikes and Gheravos.

I offer the following remarks on the recommendations:-

Item: 1. The Labour Minister's recommendations have not been carried out in full in this State in spite of repeated proposals were sent.

The licence fee collected from the factories are more than enough to meet the expenditure arising out of the recommendations.

2. The status of the Inspectorate to be raised for the following reasons:- (i) to attract qualified and experienced persons to the Inspectorate, (ii) to gain the confidence of the industry that the factory Inspectorate is a competent and capable body for guidance in all matters connected with efficient running of factories. To achieve these two purposes, I suggest:-

(1) The posts of the Chief Inspector of Factories and Deputy Chief Inspector of Factories should be encadred in the Indian Engineering Services.

(2) Service conditions of Inspectors may be made more attractive than that of a corresponding post in an Engineering Department. Because the minimum qualification of an Inspector is basic degree in Engineering with comprehensive practical experience, This is necessary to attract best elements from the Engineering Graduates.

Item: 3. The suggestion for the appointment of Safety Officers in all factories employing more than 1000 workers is commendable. But as far as this State is concerned many of the factories where more than 1000 workers are employed are cashew factories. In these factories there are no power driven machinery. As such it is not advisable to insist on the appointment of a Safety Officer for all factories employing more than 1000 workers. Only factories where there are pronounced hazards due to manufacturing processes or the complexed nature of machinery used may be insisted to appoint a Safety Officer. However, it will be more advantageous to appoint a Safety Officer for the Factory Inspectorate so that the smaller units can also get guidance and help in the field of safety.

Item: 4. The National Safety Awards Scheme is generating competition and consciousness in safety in factories. Steps are being taken to introduce such schemes in this State also.

Item:5. Safety Committees are helpful in arresting the rising trend of accidents. So the suggestion to set up Safety Committees in smaller factories may be considered.

Item:6. The necessity of training in safety to Supervisors is accepted. It will be advisable the Factory Inspectorate is given the facilities to conduct such training in all important industries.

Item:7. The suggestion scheme are really helpful in creating interest and consciousness of the workers in safety. Therefore it is advisable to introduce a system.

Item:8. But the difficulty is most of the units are not willing to implement the recommendation of such committees. So measures are to be revised to make it obligatory.

Item:9. A Medical Inspector is highly necessary and useful to Factory Inspectorate. This State has already appointed a Medical Inspector and so the recommendation has already been carried out.

Item:10. It is highly essential to have an adequate and well equipped Laboratory to the Inspectorate. I may suggest facilities may also be provided to conduct research into the causes of accidents and designing guards for new type of machinery.

Item:11. The necessity of a Chemical Inspector is being felt in view of the chemical factories which are being set up in this State. So the recommendation may be accepted.

Sd/-

CHIEF INSPECTOR OF FACTORIES &
BOILERS.

NATIONAL COMMISSION ON LABOUR

SECTION ONE
QUESTIONNAIRE.

1. Name and address of the respondent: (Person/ undertaking/organisation/ state).	K. Alippy, Chief Inspector of Factories and Boilers, Kerala State, Trivandrum-10.
2. The name of the Central Organisation of employers/ workers to which you are affiliated.	Answer does not arise.
3. If union, please give the number of members. When was the union formed?	...

4. If an undertaking/establishment, please give:

(a) Commodity produced/nature of activity.

(b) Number of employees as on 1-1-'67.

(i) Workers

(ii) Others

(c) When was the undertaking established?

ANSWERS TO QUESTIONNAIRE ISSUED BY THE NATIONAL COMMISSION ON LABOUR.

II. CONDITIONS OF WORK

Working conditions.

Item 12. (a) Safety & Welfare: (1) Safety - Chapter IV of Factories Act provides for safety measures in a factory. But not specific provisions are made regarding maintenance of machinery and appliance in good working conditions. Under Section 40 the Inspectors are empowered to issue orders in cases of factory buildings or plants which are in dangerous conditions. But a case has arisen where a work room collapsed injuring the workers. But no order was issued by the Inspector. So no action was possible. Hence this section is to be suitably amended as to make the Occupiers of Managers responsible for keeping the work rooms and plants in safe condition.

.....

At present safety is mainly the task of Inspectors. The other aspects of safety, namely Engineering and Education are more or less ignored. Therefore E.S.I. may contribute towards safety promotion work.

Welfare: Welfare measures, as provided in chapter V of the Factories Act are not feasible in many factories. Many of the large plants with enough resources are complying with these measures. But in the smaller units, even in the matter of drinking water and latrine, facilities are far from satisfactory.

In this State there is a peculiar problem of cashew industries. Though a very large number of women workers (more than 1000 in a factory) are employed still the welfare measures provided are very poor, often far below the standard prescribed in the Factories Rules.

Changes necessary are:-

1. Providing common facilities whereever possible.
2. Entrusting the running of creche, canteen etc., to outside agencies, i.e. social organisation or Block Development Organisation.
3. Provisions for collecting fees for running these facilities from the Occupiers of the factories.

Hours of work and overtime payment:

The hours of work is limited in a factory to 48 hours work. This is based on the rationale that man's capacity to work is limited. But invariably workers work beyond the limit laid down for some extra wages.

(ii) The provision of exemption under Section 65 is very widely used.

So the question to be considered is whether any restriction to the working hours is necessary in the economic conditions of our country. If so, whether such a provision as exemption from these limits is advisable.

Weekly Holiday.

Recent tendency is to allow workers to work on a weekly holiday for contributing the wages towards some funds. This in principle is wrong and often exemptions are granted for this purpose under Section 5 (Public emergency).

Annual leave with wages.

Section 79 lays down the minimum number of days worked as qualifying period for eligibility to leave with wages. But

this has given rise to various difficulties. Therefore it is advisable to grant leave with wages on an ad-hoc basis of one day for every 20 days worked at least in respect of small factories and seasonal factories.

(b) Regarding the steps to be taken for ensuring proper working conditions, it is advisable to empower the Inspectorate with powers to withdraw the licences issued to the factories in cases of persistent defaulters.

Item 13: No comments as these matters are implemented by the Labour Commissioner.

Item 14: No comments.

Item 15: Child labour is widely prevalent in cashew, coir, motor workshop and handloom industries.

Item 16: Labour employed by contractors are now not governed by provisions of the Factories Act in view of the series of judgments of High Courts. Therefore it is necessary to amend definition of worker under section 2(1) to bring all such labour within the purview of the Act.

Item 17. Statutory provisions in which trade unions and employers' organisations can play useful part are:-

(i) health, safety, and welfare. It would be advisable to form Standing Committee consisting of representatives of Employers Organisations and Trade Unions and Factory Inspectorate for implementation of the provisions under the above chapters.

Item 18: Safety and health: The main causes of accidents in this State are given below:-

Most of the accidents that occured are due to "stepping on" or "striking against" objects. Other accidents are from "miscellaneous" causes and from "falling objects." Accidents caused by machinery are very few:

Year.	Total No. of accidents.	Fatal.	Serious.
1960	955	5	28
1961	1234	4	38
1962	1318	5	183
1963	1437	3	116
1964	2158	18	101
1965	2650	7	123
1966	2556	7	142

Item 19: Training programmes are useful for workers as well as Trade Union leaders. To organise such programmes, productivity Council and Factory Inspectorate may be utilised. Steps necessary for organising training

programmes are:-

(i) Standing Committee suggested under item 17 may be entrusted with the responsibility of conducting Training Courses.

(ii) Statutory provisions may be made in the Factories Act for making it compulsory to impart training in safety for all new entrants to a factory where complicated machines are used.

Item 20: Bipartite agreement on safety standards are highly useful. But difficulty is in its enforcement. So it is advisable to give legal sanction to such agreements by amending the Factories Act.

Item 21: To arise safety consciousness among employers and employees it is necessary to arrange safety promotion work, namely: education and training in safety. To achieve this the factory Inspectorate may be provided with necessary tools, equipments and staff. So steps to be taken in this respect are (i) appointment of Safety Inspector (ii) Propaganda materials and (iii) Publicity work.

Item 22 (1) Factories Act is to be amended suitably as suggested in item 12.

(2) Provision for constitution of Safety Committees in larger factories.

(3) Provision for setting up of safety council - industry-wise or State-wise.

(4) Provision for imparting training to all workers engaged in dangerous process and machines.

Item 23: The safety equipments are invariably not liked by the workers. So I suggest as far as possible to avoid the necessity of such equipments and wherever equipments are necessary propaganda on its advantages may be conducted.

Item 24: At present Employees' State Insurance is looking after the curative side of Health. So it is advisable to have an Industrial Health Service mainly for the preventive side of Health.

Item 25: Yes. To make accidents costly so that employers will be forced to adopt safety as the best, efficient cheaper method of production.

Sd/-

CHIEF INSPECTOR OF FACTORIES &
BOILERS.

MADHYA PRADESH.

Comments of Shri A.P. Verkhedkar, Chief Inspector of Factories, M.P. on Shri Mankikar's paper enclosed with Shri B.N. Datar's d.o. letter No.14(2)/Tech/NCL/67/II dated 6.9.1967.

" I am in entire agreement with the note submitted by Shri Mankikar. I have no other Comments to make on this note nor any thing further to add.

My answers to questions 12 to 25 of the Commission's questionnaire have already been submitted and I have no alteration to add thereto.

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Questionnaire - NATIONAL COMMISSION ON LABOUR
II - CONDITIONS OF WORK

Since the inauguration of the present Act - Factories Act, 1948, there has been a sudden spurt in industrial growth. Factories in the big, medium and cottage size, have rapidly swollen. While all ambitious attention was foundly given to this rapid growth, little or no attention was left to be claimed by the needs of the working conditions. This subject was never thought even worthwhile in any of the planning stages and just left off to be filled in during the course of production. The industries demanded the best of talent and afforded to pay for them. All this talent was devoted to problems of production and none to the subject of working conditions. Factory inspectorates in all states and Madhya Pradesh in particular was starved of this talent and no serious attempt was even made to staff the inspectorate with adequate talent which could impress effectively the industries in their planning and proper execution of the requirements in respect of working conditions. Even now in big public sector establishments the subject of working conditions is not a specific assignment to any top ranking officer and no where serious view is taken within the organisation of any lapses or neglects. The Factory Inspectors at best are not able to make any impact felt of their pleadings and persuations. In the light of the situation as it prevails the answer to questions are placed below:-

Q.12(a) Since the present standards of the Factories Act have not yet been adequately appreciated and complied with any further elaboration thereof at this stage will not be desirable. Implementation of the Act will not improve till the establishment in the public sector set up as high models for demonstration and advertisements before the industries in private sector. Public sector factories should as a strict rule refrain from seeking official and unofficial exemptions or relaxations from any of the provisions. Cases of neglect and lapses by responsible officers must be severely punished by heads of the organisations or the factory inspectors be allowed without interference to lead up prosecutions against the managers. For these prosecutions the managers shall not be afforded any defence expenditure from the public funds, he must defend at his own cost.

The Labour judiciary needs better education and appreciation in the import of the provisions under the Act. They should be able to weigh the offences with special understanding of the social justice and also the benefits which an employee can possibly derive by contravening the regulations. The sentences prescribed should be deterrent and also such as will off-set the potential profits. At the moment the sentences are deplorably low and constitute a negligible fraction of the benefits derived. All this has the effect of neglecting the regulations with much contempt.

The factory inspectorates need to be staffed with talent of high standard which will command due respect and appreciation by the employers. In case of conflict the inspector with his mental equipment must be able to stand his ground soundly - As the industrial

processes get complicated inspectors must be selected from the class of highly experienced technicians. The existing inspectorates are too weak and meak to make their existence felt, such inspectorates are no good to achieve elevation in standards of compliance in an atmosphere where a general apathy exists towards the whole subject of working conditions.

Q.12(b) Activities of the labour organisations, by and large, are occupied by subjects related with employment security and economic matters. Their interests in the subject of working conditions is almost nothing. It will remain difficult for an employer to effectively impress on his employees on proper use of amenities such as sanitary, fittings, washing facilities, first-aid equipment, protective appliances, canteen facility etc. and maintanance of a high standard of cleanliness, house keeping and neatness. Numerous instances of wanton destructon of such good things have been coming across and this has been causing considerable embarrasment and discouragement to the employer/his efforts. Unless labour organisations /in come forward to control and educate their members in the proper use and preservation of these amenities chances of improvement are not much hopeful. Some of the subjects such as lighting, ventilation, air motion, temperature control, control of dust, fumes and smoke are much technical and if the employees care to study these and apply their mind to proper maintenance much could be hoped for the improvement. Efforts of management alone will not be able to achieve much.

Periodic surveys by some highly specialised, bodies will have a forcecul impact on the public mind and these will be instrumental in mobilising all round efforts. Governments should arrange for such surveys and for due publicity to their reports and recommendations.

Employers in private sector should be invited to see the model high standards set for - demonstration by employers in Government and public sector establishments. Channels of normal publicity should take some interest in this subject and express due appreciation where good work has been done.

Q. 13. At the moment there are no statutory - regulations in respect of festival holidays, they vary from locality to locality as well as from one establishment to another in the same locality. Public sentiments widely differ based on social, religious and traditional habits and it will not be possible to regulate them by statutes. At present these are decided by mutual agreements. National days are non controversial and some statutory provision in their respect will be acceptable. Nature of industrial - processes is also a major decideratum in the structure of holidays and for this reason also the parties be left free to plan their own agreements.

Q. 14. Employment in shops and commercial establishments, employment in motor transport have already been regulated. Minimum Wages Act has also regulated to some extent working conditions in some establishments. This regulation has had its own educative and restraining impact on unregulated employments. Works on building constructions, road constructions, works of engineering construction, on rivers, canals, railways, tunnels, bridges etc. are in general trying to adopt these regulated standards. Perhaps for reasons of economy it may not be possible for Governments at this stage to regulate these employments and provide for enforcing machinery. The field covered by these employments is extensively wide and the enforcing machinery will be quite costly, not likely to be within the means of present day Governments.

Q. 15. There is no regular employment of children in any factories. Some casual, sneaky, employment is occasionally seen in small cottage type factories, such as book-binding, bidi making, confectionery packing. It is often found that such children come to factory along with their parents or guardians. Since the wage system in these trades is on piece rate basis the children who sneak entrance also apply themselves to the work along with their elders. With the increasing schooling facilities and the affording of free and compulsory education child employment has been reducing progressively. The existing regulations appear enough to control child employment. A few stray casual cases need not call for any serious view.

Q. 16. The Contractor and the contract labour has become a subject of much confusion recently on account of some court rulings. Under the present scheme of the Factories Act manager and occupier of the factory have been held liable for the implementation of the regulations. When it comes to deal with contract labour the manager and the occupier raise the question of the - relation of master and servant between themselves and the contract labour. Often they succeed in showing the absence of such a relation and thereby escape all liabilities in respect of such labour. The terms and conditions of employment of such labour are ingeniously manipulated for this purpose. Since contract labour cannot altogether vanish and the protection of their interests is in no way of lesser importance the definition of "Worker" under the Factories Act be so modified as to make it independent of the master and servant relation. Works such as erection and dismantling of special structures like fabricated chimneys, loading and unloading of railway wagons, casual works of lime washing and painting etc. will have to be permitted to be worked by contract labour.

Q.17. Following are a few instances where the trade Unions and the employers can jointly devise control.

(a) Overtime working: On account of higher wage incentive the workers urge or manipulate circumstances calling for detention on overtime work. Again, if the employers see a favourable market in view they too influence a call to overtime working.

(b) Leave with wages:- Interests in certain factories are likely to be affected if leave demand is made by a large group in concert. To mechanise rigidly any leave programme will not be in the interest of employees; as far as possible each one must have the freedom to avail leave as and when he needs it. Refusal of any such application will always create unrest. Only a joint consultation can resolve cases.

(c) Weekly holidays and their substitution for festival holidays, social and religious sentiments have a deep impact in these adjustments and no long term formula can be laid down. Exigency of each occasion often rules which can best be settled by joint consultation.

(d) Rotation of Shifts, where factories run day and night in multiple shifts rotation system becomes a controversy and it should better be settled with joint consultation.

(e) Running of the factory canteen.

(f) Some processes need artificially created conditions of temperature and humidity. Some processes expose to excessive stresses caused by high temperatures, excessive physical strains, exposure to obnoxious, smells, fumes, dusts, filths work under water, etc. such special trades will need special responses, and equipment facilities which can best be settled with joint consultation.

As has been experienced, left to themselves these bodies at the local level are apt to neglect or get otherwise influenced. Some central body with a credited representative can lay down better solution and also influence uniformity on some wider scale.

Q. 18. It has not been possible to make comparative study between units of same industry and hence it is much difficult to point out any particular unit with accident rate above the average.

TEXTILE:- The rate of accidents in this industry is high because of cases of broken bobbin shields scratching fingers, yarn cutting or yarn knotting knives scratching hands, shuttles flying off the looms or tension weights falling down on hands or feet. Though in all these cases the injuries are very minor, the number of accidents is very high.

ENGINEERING INDUSTRIES:

The number of accidents is largely due to cases of persons falling from height or slipping on level and weights falling on or striking the workers. The same phenomenon is also largely observed in following industries:- Straw board and paper, Cement, asbestos cement, fire bricks and stone ware.

Q. 19. Before any system of training programmes is thought of the basic importance of safety, its urge and seriousness has to be brought home. At present there is general apathy and lack of interest in the subject. Technicians all over do not have to depend for their promotion on their record on matters of safety; similarly no technician has ever suffered his progress in career for bad safety record. Except some rare instances of prosecutions made by the factory inspector the safety record does not pinch anybody anywhere. There are no instances of trade unions ever having made any study or contribution or even an agitation on the score of safety. Under the circumstances none are likely to volunteer to attend the training programmes in the subject of safety. A critical analysis would show that the safety seminars, safety weeks, safety classes have been ephemeral and shows of fashion and festivals. All efforts of training/classes will make only a superficial impact. Since most of the accidents occur outside the scope of statutory regulations the real control will have to come from within the organisation for which the employers and the trade unions should themselves draw the safety code, enforce it by themselves and deal/the delinquents /with with due penalties. Once a serious demand for know-how in safety is thus created the training programmes can then effectively sell their wares.

To begin with all the engineering colleges, the Poly technics and the Indstrial Training Institutes' etc. should add to their curicula elementary safety as a compulsory subject with definite standards of teaching and examination. In universities abroad there are whole time degree courses of much advanced standards in safety engineering but these will not benefit at home unless a demand is created for them and some reasonable career is assured to the students of this subject.

Q. 20. The bipartite agreements do not appear to have achieved any thing; both the parties have not shown any seriousness in their execution. Unless these agreements provide for adequate sanctions and devise their own machinery for enforcement such agreements would remain ineffective.

Q.21. As mentioned at the beginning, the factory inspectorates are deplorably deficient to deal with such industries as listed in this question. If industries require highly qualified technicians to run them, the inspectors who will be expected to exercise effective check on the working of these technicians must in no case be inferior in their training and experience. Such persons cannot be had under the existing system of recruitment and remuneration. At the moment there is no statutory control or system of licensing the talent which any industry can be compelled to employ. Due to a very wide variety to knowledge needed by different industries it may not be possible to regulate the employment. The only way thus remains is to exercise check and control through the

factory inspectorate or any organisation constituted on similar lines and staffed with commensurate talent.

Q.22:- As and when industries come up the officers in the inspectorate should be able to study the working technology of the process and the equipment installed. They should also be able to appreciate and locate the hazards in the system and also potentialities of hazards under certain eventualities. Regulations can then be made to deal with such hazards. This process of study, appreciation and understanding by the inspectorate is bound to take some time and the same will also depend on the calibre of the officers in the inspectorates. It may not be possible to frame regulations in advance of an expected industry.

Q.23:(a) In most of the machines and equipment safety features can best be built in at the designing and fabricating stages. Introduction of safety devices during the course of use becomes a very difficult job and the improvisation is often unsatisfactory and unreliable. Some joint body of the representatives of the makers and users should sit together to apply to this problem of built in safety features. Once a comprehensive code is drawn up all makers of the equipment can then incorporate them in their fabrications. As it happens today a new entrepreneur is not aware of the hazards and hence is not able to include any safety features in his specifications to the supplier. To supplier at his end is often unaware of the difficulties which a user has to face during the course of operation. Such a liaison does exist in countries abroad but there the mechanical talent, understanding and alertness of the operative is much different from that at home. Hence while placing orders abroad a code will be necessary for inclusion in the specifications. Even then, some hardships will have to be faced in respect of specialised equipment coming for the first time under the Schemes of "aids" and "agreements".

(b) Safety equipment of a personal nature has to be necessarily very few and of a very simple nature. In the claim of safety features the personal equipment has to occupy the last place. There thus does not appear much difficulty in obtaining such simple devices such as goggles, helmets, boots, aprons, gloves, face shields, life belts etc. Face masks are highly specialised things, not easily available but their need is also very rare. These safety devices always put the user to some personal inconvenience and discomforts and in general workers are reluctant to use them. A continuous chasing and pressing has to be done to induce its use. Trade Unions can influence the opinion and popularise the use of this equipment.

Q.24. To begin with the Governments should be in a position to appreciate that there is also a substantial problem of health hazards in the industries and that efforts are needed to tackle them. The inspectorates in most of the states and Madhya Pradesh in particular has no inspector with medical knowledge to attend to this aspect.

It is also doubtful if the medical profession in general would care to apply to this field of social services. General demand from the public is for a curative service and the entire lot of medical personnel takes to this curative profession. The "Industrial Health Service" is not a curative profession, it is much out of way from the normal flow of the profession. Here the medical student will have to study the entire technology of the manufacturing processes, the environmental conditions and the effects of all raw materials during all its stages in process. He has much to do in locating the health hazards and prescribe preventive measures and yet stand unconcerned in their treatment and care. It will be very difficult to find persons who would care to apply for such a work unless the remuneration is overwhelmingly attractive a condition not likely to be fulfilled easily.

Q.25. There do not appear any short-comings in the Workmen's Compensation Act which may call for amendments. The real difficulty is that all cases of occupational diseases go undetected. At the moment there is no facility to detect and as such claims are not able to come up before the courts. An ordinary professional in medicine has very meagre knowledge of industrial diseases and his diagonsis is therefore, not decisive.

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M A D R A S

Working Conditions.

(12) The various legislations which have a bearing on regulation of conditions of work in factories are as follows:

1. Factories Act and Rules.
2. Minimum Wages Act and Rules.
3. Maternity Benefit Act and Rules.
4. Payment of Wages Act and Rules.
5. Employment of Children Act and Rules etc.

The provisions of the Factories Act are intended to secure the health of workers against industrial diseases and poisons, industrial wastes and effluents, and ensure the welfare of workers and safeguard them from being victims of industrial accidents.

The State Government is concerned only with the implementation of the Factories Act and the other above mentioned Acts which are complementary in nature to the Factories Act. The implementation of the Factories Act is entrusted to the Chief Inspector of Factories who is assisted by the State Factory Inspectorate. The Chief Inspector of Factories is under the administrative control of Commissioner of Labour and except in purely technical matters relating to the enforcement of Factories Act, the Chief Inspector of Factories has no direct control over the formulation of policies, planning and developmental activities of the Inspectorate. Due to the bringing into force of the Factories Act of 1948 from 1949, the total number of factories increased and consequently the strength of the Factory Inspectorate was increased then. The present administrative set up is being continued with only occasional improvements in the strength of the Inspectorate since the very inception. Though conditions in the industrial field have changed enormously since 1940, there has been no change in the basic structure of the set up of the Factory Inspectorate.

As the provisions of the Factories Act and Rules are intended to secure the health and welfare and safety of workers in factories, industrially progressive countries cannot afford to be passive witness to the workers being maimed, disabled or killed. In the circumstances if all the persons who are likely to be employed in industries carrying on dangerous and offensive trades, are to be brought under the protective fold of the said Act, it is quite essential to effect expeditiously the amendments to the same which become necessary from time to time in the light of judicial pronouncements and developments in scientific, engineering and technological fields.

Changes that are necessary in the provisions of the Factories Act are:-

As the position stands now a person found working in the factory can be treated as a worker within the meaning of the

provisions of the Factories Act, 1948, only if there is relationship of master and servant, and when there is a contract of service and contract for service between the employer and the employees. On account of this position, there has been a tendency on the part of managements of factories, particularly handloom factories, rice mills, etc. to term the persons working in the said factories as independent contractors and thus try to get rid of their obligations under the Act. This pernicious tendency is increasing day by day. The Government of India took up for consideration the question of amending Section 2(1) of the Act over ten years ago so as to bring within the ambit of the act all persons found working within the premises of a factory. For some reason or other, this vital amendment is being delayed with the result that a large number of factories has to be kept outside the purview of the Act, thereby denying the benefits of Labour Enactments to a large industrial population. In matters like these, which are vital from the point of view of the interest of workers it is worthwhile even to promulgate an ordinance without following the usual procedure of carrying out necessary amendment through the legislative process which is bound to take time. It should not be difficult for the legal departments to amend the definition to clearly bring out the intention of the legislation for giving protection to the exploited wage earners.

While considering the question of amending the said Section 2(1) it is desirable that it is so amended to rope in all the persons who are the employees of the factory including those who, by the nature of their work, have to work outside the premises of the factory. According to the existing provisions of the Act these persons cannot be treated as workers and thus they are being denied the benefits of the Act.

Section 6 and Rule 3:-

At present there is no enabling provision in the Factories Act to frame rules to insist on approval of plans in respect of factories which are located in old and existing sub-standard buildings. Further, there may be establishments which do not come under the purview of the Act initially but subsequently when proof of employment of more than 10 or 20 persons, as the case may be,is available may have to be brought on the registers. Even in the case of such factories it should be possible to call for plans atleast for purposes of record, so that when the management either extend building or install additional machinery without prior approval then the plans could be called for to prove, in court, unauthorised construction or installation. When the Inspectorate find that if any factory is located in buildings of substandard conditions it is not possible to suggest structural alternation for improvements in working conditions in the interest of labour. Most of the small and medium factories are newly started in existing buildings to avoid the initial expenditure on lands and buildings. In view of the above handicap, the said factories have been allowed to function in buildings of substandard conditions to the detriment of the health and safety of the workers employed therein. It is, therefore, desirable that Section 6 of the Factories Act is suitably amended to facilitate approval of plans in respect of building whether existing or of new construction.

Section 40:-

In the Factories Act, 1948, there are specific provisions relating to safety which do not cover all types of hazards and circumstances. They do not cover particularly dangerous practices. The provisions of the Act and Rules framed thereunder (Chapter IV and Rule 87) apply to specific conditions and types of machinery and plants with the result that there are many processes and practices, which remain uncovered by any of the provisions of the Act. This point has come to forefront as a result of a number of accidents which have been enquired into in the past. In respect of such accidents, there was a great deal of agitation and even though the Inspectorate felt that the management were guilty of negligence, no action could be taken against the manager and the occupier of the factory. It has been felt, therefore, that some sort of general provision should be added in the Act which may make obligatory for the occupiers and the managers of the Factories not to allow any worker to work in dangerous circumstances or allow any dangerous practices to be followed.

Further, during inspections of factories it has been found necessary to issue orders to factories to resort to the use of personal protective devices such as gloves, leg hoses, aprons, head and face shields etc. As there is no adequate enabling provision, the nearest provision such as Section 40 of the Act had been resorted to up to now. But the managements have appealed against the recourse to Section 40 by the Inspectorate. The cheapest and the simplest way to protect a worker is by the use of such devices even though it is cumbersome to use them initially. On the other hand the country cannot afford to the use of elaborate automation or ventilation systems. It is opined that the object could be achieved by amending suitably section 41 of the Act. This section provides power for making rules requiring the provision in any factory or in any class or description of factories of such devices for securing the safety of persons employed in factory. After the word "devices" the word " and measures" may be added. This will facilitate making rules providing for the supply of protective equipments to workers.

Section 49:

It is suggested that in Section 49(1) of the Factories Act, 1948 the figure five hundred may be substituted by the figure 250.

This amendment is considered necessary as due to the increasing complexity of labour laws the necessity of having a personnel officer or welfare officer in factories employing 250 workers or more also is being felt. As a matter of fact many of the modern employers are now employing Welfare Officers even in such factories employing 250 workers or even less.

If this general amendment is not acceptable, a

proviso may be added to sub-section (1) of Section 49 empowering the State Government to require any factory or any class of factory employing less than 500 workers to employ a wholetime Welfare Officer. The draft of the proviso suggested is as follows:

> "Provided that the State Government by a notification in the Official Gazette may apply this sub-section to any factory or any class of factory employing less than 500 workers, in case the State Government consider it necessary in the interest of better enforcement of the welfare provisions of the Act or for the purpose of maintaining better industrial relationship".

Also, the Welfare Officers appointed in the various industries are given different status and different duties and responsibilities. As these Welfare Officers are appointed to look after welfare of workers, they should not be entrusted with duties like punishing the workers or appearing against them in courts at times of industrial disputes. This causes distrust in the minds of the workers and the welfare officers are, therefore, always looked upon with suspicion as stooges of management. If the Labour Officers are given only the duties to look after the welfare of the workers, then they will be able to devote a lot of time for good housekeeping etc. Thus they can considerably reduce the incidence of accidents. There is another point worthy of consideration. According to the existing provisions of the Welfare Officers Rules the appointment of welfare officers are merely being notified to the Chief Inspector of Factories and Inspectors of Factories. These provisions shall be amended to provide for prior approval of such appointments by the Factory Inspectorate to prevent unqualified persons being employed. Moreover, whenever there is difference of opinion between the management and the employees regarding the scales of pay, status, duties and responsibilities entrusted and when they are discharged from service then such matters should be referred to the Chief Inspector of Factories.

Section 55(1):-

Section 55(2) of the Factories Act, 1948 provides for granting exemption to a factory from the provisions of Section 55(1) (intervals for rest) of the said Act. The said Section 55(2) has been introduced by the Factories (Amendments) Act, 1954. The intention behind the provisions of this section is to enable workers to avail themselves of half-holidays in full on Saturdays wherever such holidays are allowed and also to enable newspaper to work their entire night shift of six hours at a stretch. But, in practice it is found that the management of factories, mostly textile mills running 3 shifts and large engineering foundries who work on casting days, apply for exemption from section 55(1) for other reasons also. In a few cases, they have been constrained to run a straight shift of six hours duration due to staggering of electricity supply with its restriction to work during peak load hours. Others have introduced similar shifts to provide employment for additional surplus labour. In all these cases the total hours worked in the entire shift itself has been six and not more. But in a factory engaged in tea manufac-

turing, the management decided to arrange the hours of work in the first period of a shift for 6 hours and the second period for 2 hours. They sought to introduce such a shift in addition to the normal shifts, in order to cope with seasonal work which is only an exceptional press of work due to heavy crop of tea leaves. I feel that granting exemption from Section 55(1) in respect of the cases enumerated above will be against the spirit of section 55(2) Perhaps if the words "on any one day" after the word "interval" in Section 55(2) is inserted then such factories cannot come up before the Chief Inspector of Factories for exemption.

Section 59:

At present according to the provisions of the Factories Act and Rules whenever any worker is allowed or required to work in any factory for more than the stipulated hours of work, workers are being paid overtime wages at double their normal rates of pay and allowances, whereas according to the provisions of the Minimum Wages Act, they are being paid only 1½ times the normal rates of wages. The discrepancy in the Minimum Wages Act should be amended to be in confermity with the provisions of Factories Act.

Section 66:-

According to the provisions of the Factories Act exemption can be granted only to certain categories of industries or description of industries and not to individual factories. Necessary amendments are necessary to Section 66 to empower the Chief Inspector of Factories to grant exemptions necessary in cases of individual factories also on an application by the management.

Section 79:-

Under the provisions of the Factories Act, all workers who have worked for a period of 240 days in a year should be granted annual leave with wages at the rate of one day for every 20 days of work performed by him, if he is an adult, and if a child at the rate of one day for every 15 days of work performed by him. These provisions will have to be revised taking into account the fact that workers are required to work only for 5 days of 45 hours a week in most factories and 5½ days or 45 hours in some factories. For calculation of eligibility for leave all leave with wages of previous years availed during the year, all leave all leave allowed under any other enactment like the Madras Industrial Establishments (National and Festival Holidays) Act and Rules or other Acts should be taken into account. Provisions should be included to grant wages in lieu of unavailed leave to dependents of deceased workers for the leave at the credit of the workers. Wages in lieu of leave not availed should also be paid to workers who resign or quit employment before availing the leave. As leave with wages under the Factories Act is intended for rest and recuperation, atleast one week out of this should be taken at the stretch each year while the rest of the leave may be taken piece-meal or carried over. Half of such leave carried over should be allowed

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to be banked or converted into cash but to be paid only on retirement or at death or when severing connection with the firm.

Section 92:

This section does not provide for a minimum of the penality to be imposed on deliquent management. As such the courts generally impose only lenient punishment which does not at all deter the above managements from committing such offences in future. It is, therefore considered necessary to provide in the said section for minimum penalty.

It is the experience of the Department that when cases regarding fencing of machinery are taken to the Courts very often they are not properly understood by the judges nor have the Inspectors been able to understand exactly the extent to which evidence may be led for the judges to understand the implications of inadequate fencing of machinery. Mere legal knowledge in respect of presentation of the case to the Court, it is submitted, is not considered sufficient to put up a convincing case before the courts. It would, therefore, be desirable if in cases under the Factories Act (particularly with reference to technical aspect or guarding of machinery, ventilation and lighting, building designs, spacing etc.) a competent assessor, a senior member of the Factory Inspection Service is allowed to help the Magistrate. A post of a Deputy Chief Inspector of Factories or of a Joint Chief Inspector of Factories should be created to be appointed as Assessor for such cases. The assessor would have knowledge and training that he receives as Inspector of Factories in connection with safety and health workers and would be in a better position to appreciate the evidence that is presented about such matters. One may be tempted to suggest that if proper evidence is recorded and if inadequate punishment of acquittal is ordered by trial courts, it is always open to the Department to go in appeal to the High Court. It has however, to be pointed out that to a large extent the fate of a case is decided in the trial court. It would not be expedient to go in appeal in the light of the record of trial court. Particularly when the case is tried summarily even the evidence may not be fully recorded and the High Court may have to decide mainly on the judgment of the Lower Court. Moreover, the representation in the High Court is also not satisfactory in view of other important business handed by Government Pleaders. It is not uncommon to get a telephone message from the Government Pleader requesting the departmental officer to be present in the Court to instruct the Government Pleader in a case coming up that very day. Cases are also known where a Government Pleader instructed the previous day suddenly is unable to appear the next day, and hands over the papers at the last minute to one of his other colleagues. It would, therefore, be desirable to obtain a favourable judgment in the trial court rather than depend on the High Court and the Supreme Court. The proposal regarding the Assessors is, therefore, strongly urged.

Certification by Competent Person:

Under the different provisions of the Act and Rules,

plant machinery and building are required to be examined and certified by competent persons so as to declare such plant as safe for operation. The number of persons with suitable qualifications who can undertake the work of certification so required is small to such an extent that the management of factories are often unable to obtain the proper type of person. The result is that certificates are signed by persons who are not at all qualified to do the work. Alternatively qualified personnel charge exhorbitant fees for certification in view of the small volume of work available to them otherwise. On the one hand it would be desirable to create an agency of the Government who could undertake the work of certification required under the various provisions of the law, placing thereby a responsibility to a great extent on the Government for the safety for such plant and equipment. On the other it wouldbe desirable to encourage insurance of plant and machinery against damage due to inadequacy of strength and other defects so that the insurance companies may appoint suitable personnel before accepting the risk in running the plant. Either of the two suggestions can be incorporated in the Factories Act. The Inspectors of Factories who are enforcing the provisions of the law would not be appropriate to deal with this matter of certification in the light of the role they have to play in ensuring compliance.

ELECTRICITY RULES:-

It is found that 25% of fatal accidents are due are due to Electric Shocks. No provision has been made in the Factories Act to safeguard the workers from conditions leading to fatal Electric shocks. The Government of Andhra have framed rules to protect workers from electrical accidents. This is absolutely necessary even though the Chief Electrical Inspectors of the States are asked to look into this aspect. They insist on high quality of installation of wires, connections etc. only at the time of the first installation. The electrical wires, connections, plugs, earthing etc. in course of time get worn out and cause electrical accidents, fires and explosions. It is necessary to equip the Factory Inspectors also with adequate legal and statutory power to issue necessary orders when they find any defect under these items.

Medical Examinations of workers:-

There must be provision in the Act for compulsory Medical Examination of the workers who are employed on hazardous, chemical and other processes by which workers' health is likely to be affected adversely before employment and during the period of employment, at regular periodic intervals. The report of all such examinations should be caused to be sent to the Chief Inspector of Factories also by the examining authority for further follow up action.

Creation of Medical Inspector and Industrial Hygiene Engineering Unit:-

The Employees' State Insurance Scheme which is in

etc. which have become crucial problems in the last two decades. Hence the Inspectorate should be kept separate from the conciliation and other limbs of the Labour Department in the State in order to perform its duties successfully. This will also be in line with article 904 of I.L.O. convention that the conciliation officer should not have executive powers. This principle has been accepted in a number of states in this country but still awaits implementation in this State. It will also be relevant to state here that the Factory legislation in this country is closely modelled on that of U.K. But unlike in U.K. the implementation is kept under the control of a non-technical Department. This aspect was also discussed in many sessions of the Conference of State Chief Inspectors of Factories and a resolution was also passed in the Conference held at Calcutta in 1964 that Chief Inspector of Factories should be the Head of Department and should not be placed under the Labour conciliation machinery.

Strengthening the Factory Inspectorate:

While norms have been laid by I.L.O. and accepted by Government of India and the State Governments on the maximum number of factories to be allotted to an Inspector, in actual practice, the strength of the Inspectorate is much below that required under the accepted norms. It has been the experience in the past and now, that schemes for strengthening the Inspectorate always come up against financial stringency etc. and are only partly conceded long after the need arose.

The ideal implementation of the Act can only be achieved by making available the staff necessary both in quantity and quality for this purpose as per the I.L.O. Standards and yardsticks. The work of the Inspectors which is of a highly technical nature requires specialisation in many fields. Although the Labour Ministers' Conference as early as 1960 has suggested suitable and a weighted scale of pay, in this State even the Senior Inspectors are not only being not paid on a par with their counterparts in many other States, like Madhya Pradesh, Gujarat, Bihar, Rajasthan and Maharashtra but also less than those on similar duties in the other engineering services of the State. The Chief Inspector of Factories, Madras may be given an opportunity to meet the Commission and represent further in person.

Conveyance:-

An efficient Inspectorate should be able to be independent of obligations from employers or other agencies in being able to move rapidly from place to place and factory to factory as and when required, in surprise, to check contraventions. In view of the meagre scale of pay of the officers and the galloping costs of motor vehicles their running and maintenance, many of the Inspectors are either unable to buy their own conveyance or are forced to sell their present vehicles in view of the static rate of travelling allowance rules, however much costs rise on all sides. The Inspection services have been pressing for supply of motor vehicles by Government for years and even the acceptance in the preliminary IV Plan Schemes to do so for the first time has since been negatived due to the continuing emergency and the re-current financial stringency. The best possible

law would suffer if the enforcement machinery is as severely and continuously handicapped as the Factory Inspection Service.

(13) In this State the workers in factories are granted the National and Festival Holidays prescribed under the Act and Rules and a uniform procedure is adopted.

(14) No remarks.

(15) The employment of child labour is still prevalent in this State only in the printing, match and sago industries. Periodical visits are made to these factories by the Inspectors of Factories. The Inspectors of Factories are not able to devote more time and concentrate on these factories as much as is necessary due to the excessive work-load obtaining and the difficulty of transport and higher cost of maintaining their own transports. The issuing of certificates must be "tightened" and done in a very rigid manner. Sometimes children who are tender are certified as adult workers and allowed to work. Some workers who are barely 15 years of age and not well-developed physically are permitted to work for longer hours as adult workers which is detrimental to the health of young children in their early years of adolescence and formation. Further, even when such offences are detected and prosecutions launched against the employers who are unscrupulous and exploiting, the Learned Magistrates who try the cases are perhaps very legalistic in their approach to this human problem which affects the health of the future generation itself. Deterrent punishment of these managements for such offence is necessary.

(16) The contract labour system prevalent in handling materials operation and that too mainly in cement industries is gradually being replaced by other methods and employment of regular labour.

(17) Safety Councils:- In this State at present Safety Committees are asked to be formed in all factories wherein more than 100 persons are employed or wherefrom more than 20 accidents have been reported in a year. These have been asked to be formed by the Factory Inspectorate by mere moral persuasion. The Safety Committees have been formed consisting of an equal number of representatives of the management and the workers. Some of the Committees have done commendable work in this regard. In no country in Asia, there is statutory provision for formation of Safety Committees or Councils. For the effective working of these Councils and Committees, education of the workers, managements and Trade Unions is essential. This cannot be achieved by mere statutory Enactment alone. This can come about only by education and a spirit of co-operation in this all important work of safety and health of the workers for which there cannot and should not be two opinions from all concerned. The Inspectors of Factories have not adequate time for this work as they are already over-worked.

(18) Safety and Health: The total number of accidents reported from the factories is on the increase slightly year after year. When the frequency rate and severity rate of one year

When the frequency rate and severity rate of one year are compared with those of the previous year, it is found that there is a slight downward trend. The main causes of accidents are on machines, due to persons falling, striking against objects, falling of objects, faulty material handling etc. Each year new factories, installing new machines with newer adaptations, contraptions and employing sophisticated, complex chemical techniques etc. are started. Although there is no marked increase in the incidence of accidents, in a welfare state, it is essential to strive for the reduction of accidents further. For this, State Level Committees industry-wise must be formed for discussing the trend and pattern of accidents in these industries in the State, country and abroad to formulate Schemes to effectively reduce the incidence of accidents and solve the problems on health and safety.

All accidents are classified and analysed. The main cause of the accidents is rapid industrialisation by employing workers from rural areas without adequate knowledge of process, machines etc. Most of the managements themselves are not aware of the techniques of accident prevention. Managements do not consider it their problem to look after the workers whom they employ as they are busy with the multifarious problems of purchase, stores, selling etc. and they do not have different organisation, with defined duties specially assigned for these workers. Most of the managements carry on all their duties with barely 1 or 2 Assistants. Even for higher supervisory category of personnel, people with adequate experience in production and safety etc., are not employed.

(19) At present from the top managements down to the lowest category of workers training in Safety habits and regarding safeguarding the workers from industrial diseases, poisnous fumes etc. is necessary. The programme for education of those personnel now in service and those who are likely to be employed in future, to be given in a systematic and organised manner.

The training of the workers before they are placed on jobs is absolutely essential. The Integral Coach Factory is the only exception in this State where the workers are trained theoretically and practically before they are absorbed as workers. Even here there is no programme of teaching the workers safety. In the first instance it would be good if the managements of large factories are required to have induction training programme before workers are taken on their regular rolls. The syllabus should include an intensive course of training in safety and health problems.

At present the Chief Inspector of Factories, conducts programmes periodically at various centres to educate the supervisory personnel in the habits of safety etc., so that they could go back to the various units and take such steps as are necessary and possible for prevention of accidents and propagating the ideas of safety etc. Due to the paucity of adequate staff at headquarters, it has not been possible to run adequate number of courses. Unless this is done, it will not be possible to train quite a large number of supervisors as a band of social workers to take interest in the aspect of prevention of accidents and safeguarding the health of the workers.

The workers' meetings must be organised periodically

to inculcate safety habits and educate them on health problems that are being posed in various industries. It has not been possible to undertake this work at all due to inadequate Inspectorate time and equipment necessary for this. A long-term policy in this matter will have to be chalked out clearly and followed vigorously adhering to the time schedules, in spite of change of climates and circumstances. The industrial training institutes-train annually 2000 workers in various trades. These form the future workers in factories and they should not only be addressed by the Chief Inspector of Factories on problems of safety and health but there should also be a syllabus in their curriculum on this. The polytechnics and Engineering Colleges also send out annually a large number of people who are employed in industries. In the curriculum for the final year students, there must be an adequate syllabus for teaching them those subjects and in their question papers there must be atleast one question on safety which must be required to be answered compulsorily. The Chief Inspector of Factories, should be able to address these persons at least once a year.

(20) Bipartite agreements safety standards if and when received are communicated to the Senior Inspectors for guiding the managements, These bipartite agreements are not often suitable for some Regions or States. It will be necessary that these bipartite agreements are discussed at State Level Committees which might be required to be formed industry-wise so that these agreements could be modified and amended to suit the needs of the industries in Regions and States. These suggestions could be more realistic and enforced effectively to the satisfaction of both the employer and the employees at all levels.

(21 and 22). In this State a large number of new industries dealing in chemicals, fertilizers, petro-chemical etc. are likely to be started. For running the programme effectively it is necessary that the staff of the Chief Inspector of Factories, are properly equipped with persons trained in the hazards in these industries. Besides the Chief Inspectorate should have adequate staff, fully equipped library and also an Industrial Hygiene Unit, with adequate equipment for testing, pollutions of air, and surface. It is also necessary for organising periodical discussions of disposal of trade wastes, effluents, air ground and water pollution and for setting up special boards as are constituted in foreign countries.

(23) (a). The type of safety equipment that will be needed for installation in any industrial establishments is not known to the managements and as to where and how this could be procured. Establishments manufacturing safety and protective devices and equipments must be encouraged. This is quite essential in the case of old existing factories where machines are installed without adequate builtin guards as in modern complex sophisticated machines and where the processes are outmoded and located in ill-ventilated places.

(23). (b). Several of the managements have taken to providing personal equipments for the safety and health. Some of these equipments are not suitable for the process or the job. Managements do not educate the workers properly on their usage.

There is a certain amount of reluctance on the part of the workers. Due to false sense of bravery and tiredness also do not use the equipments provided for personal safety. This can be overcome workers only slowly and gradually by educating the workers.

24. The Industrial Health Service must be started at an early date so that when new industries like chemicals, fertilizers, pesticides and petro-chemical complex industries are started, the management and the workers of these industries could be inducted easily on problems of safety and health even from the initial stages when their plans are approved so that safety and health can be built into the organisation easily. This should be done early and in these problems there should not be any phased programme or delay. No country which is progressing rapidly towards industrialisation for prosperity can afford to impair the health and kill the workers slowly and steadily while the industrial health services are being formed. Workers whose health is not good cannot be an asset either to the industry or country.

25. The provisions of the Workmen's Compensation Act should be amended suitably to make available compensation to the workers who due to the occupational hazards also are either maimed or disabled or killed in a slow and sure manner by prolonged and continued exposures to heat, X-ray and other harmful rays, poisonous gases, fumes, dust, etc.

Accidents

Details of the total number of accidents, the number of persons employed in the factories in this State and the total number of accidents that have taken place from the year 1945 to 1966 are furnished in the statement enclosed herewith. It can be seen that prior to 1949 the rate of accidents is almost steady. After 1949 the Factories Act was extended to all factories employing even 10 or more persons and hence there was a spurt in the total number of factories. Consequently there had also been some increase in the number of reported accidents. The Employees State Insurance Scheme was introduced in this State from the year 1955 and it cannot be blamed for the increase in accidents. The total number of accidents reported from the year 1959 to 1966 does not show any alarming increase. The rise is only due to the starting of new factories using a large complement of imported and complex machines. Due to the increase in number of factories, workers had to be drafted from rural areas whose occupation was predominantly agriculture. Owing to the large number of workers required for employment, these workers from the rural areas have been put on industrial operations as unskilled workers, and later recruited as unskilled and then as skilled workers. Introduction into industries of these workers without adequate induction programme has resulted in slight increase in the number of accidents. Of late, accidents have not shown an alarming rising trend on account of this Department running Safety Courses to educate managements and workers at all levels, formation of Safety Committees in all factories wherein more than either 100 persons are employed, or in those factories which have reported more than 20 accidents in a year,

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encouragement given to celebrate Safety Weeks wherein films are shown and lectures are conducted for educating the workers, giving talks on Safety to the students who are passing out through Indian Institute of Technology, Polytechnics and Engineering Colleges, investigation of all serious and fatal accidents and suggesting remedial measures there for and last but not least, tightening up inspection of factories.

Occupational Diseases.

When any new factory in the chemical industries is started the plans are scrutinised at great length with reference to the handling, treatment, usage and storing of all hazardous chemicals, gases, fumes etc. to suggest safe methods to ensure health of workers. It is then ensured that the safest working conditions will be afforded to the workers with a high degree of good illumination, ventilation and effective removal of heated up air, gases, fumes etc. This has prevented the ill effect of the chemical industries being revealed in any appreciable and alarming manner. In the report, a large number of chemical industries which are hazardous and the statistics of industrial diseases have been given. All these figures that have been given are the results of studies conducted over a decade ago and have no bearing on the present conditions existing in the factories in this State. One of the industries reported is regarding Dichromate Industry. After the study was conducted and the report given to Chief Inspector of Factories, Madras, the managements have been apprised of the report and the management have altered processes and machines. The alarming number of Nasal Perforations reported before the Study are not existing now. Even chrome ulcerations are only one or two and is only from among those workers who do not wear the protective equipment, creams and washing facilities provided near the departments. It is absolutely necessary that the hazards should be studied again by the Director General, Factory Advice Service and Labour Institutes in consultation with the Chief Inspectors of Factories.

Strengthening the Factory Inspectorate.

The International Labour Organisation has prescribed that the maximum number of factories that should be allotted to any Factory Inspector for proper and effective inspection is 150. The conference of Labour Ministers held in 1960 has endorsed this. In the past there was a shortage of engineers and technical personnel for appointment as Inspector of Factories. Inspite of the general grants given to the six Productivity Councils in this State and for employing industrial engineers and specialists there is a surplus of licence fees collected over the expenditure incurred. There is no shortage of engineers at present and it should therefore be possible to adhere to the yard stick prescribed by the International Labour Organisation.

Status of Inspectorate.

The Chief Inspectors of Factories should be given adequate

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emoluments commensurate with the work turned out by them and it should not in any case be less than the that is paid to the other heads of departments in the technical departments like Public Works Department, Highways etc., of the State and it should also be comparable to that paid to the other Chief Inspectors of Factories in the progressive and large states like Maharashtra, Gujarat, Uttar Pradesh and Bengal. They must also be given adequate status and invested with responsibilities. The recommendations regarding the status of inspection services also needs serious consideration of Governments if it is intended that the Factory Inspection Service should be effective. Being a technical department they should be independent of conciliation and non-technical enforcement wings.

Safety Officers.

Safety Officers have been appointed in some of the progressive concerns in the Private Sector and in the factories under the Government of India like the Cordite Factory, Arvankadu and Hindustan Photo Films, Octacamund. Necessary rules should be framed in the Factories Act and rules for appointment of Safety Officers. These safety officers should work directly under the Chief Administrative Officer at the top most level, and they should not be assigned any other duties than that for which they are appointed and they should be given adequate emoluments and powers to carry out any Safety programmes that are necessary to prevent accidents and injury to the health of the workers due to the processes that are being carried on.

Safety Awards.

A scheme of Safety Awards and rewards is in vogue in the State for the past 5 years. To induce a large number of managements to compete in the schemes, the schemes must be extended to even smaller factories. It is a matter for gratification that in the two National Awards and Rewards functions, a high percentage of the awards and rewards have been received by the Managements and the workers in this State.

Safety Committees:

Safety Committees have been asked to be formed in all factories employing more than 100 persons and in those where more than 20 accidents have been reported in any year. The Safety Committees consist of equal number of representatives of the managements and workers and they meet once in every month under the presidentship of top managerial personnel. These committees discuss prevention of accidents based on past experience and accidents and the methods that should be taken to prevent possible accidents in future. These have been working effectively. Due to the high work load on each one of the officers it has not been possible for them to devote as much attention as in necessary in this regard.

Safety Courses:

Courses on Safety are held for a week to managerial

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personnel at all levels, so that they could go back and take effective steps for reduction of accidents in their factories. People interested in Safety and those employed in factories where year after year a large number of accidents have taken place are invited to attend the course. It has not been found possible to run as many courses as would be necessary for effective propaganda of the ideas of Safety due to inadequate staff at all levels.

Suggestion Scheme:

The Suggestion Schemes providing for offering rewards by the managements to those who offer ideas on Safety aspects has been suggested to large factories. It has not been possible to take follow up action in this regard due to the inadequate staff at headquarters and due to the heavy work load on the Inspectors of Factories.

Industrial Hygiene Unit.

It has not been possible to get the sanction of the Government for the setting up of an industrial hygiene Unit to work under the Chief Inspector of Factories and for appointment of medical inspectors to carry on studies on the occupational diseases to which the workers fall an easy prey.

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NUMBER OF ACCIDENTS IN MADRAS STATE FROM 1945 to 1966.

Sl.No.	Year	Fatal	Non-fatal	Number of workers.
1.	1945	50	5476	279176
2.	1946	41	5440	262292
3.	1949	44	6088	323950
4.	1950	42	6381	391457
5.	1951	28	6622	417545
6.	1952	40	6816	400379
7.	1953	19	5609	293942
8.	1954	17	5997	334808
9.	1955	25	7370	332877
10.	1956	15	10515	302057
11.	1957	29	13391	319396
12.	1958	23	16548	321154
13.	1959	33	17783	317679
14.	1960	19	16661	359861
15.	1961	21	17807	365646
16.	1962	20	18204	335747
17.	1963	21	17214	352563
18.	1964	25	16964	366231
19.	1965	29	18186	378058
20.	1966	39	18788	392765

MAHARASHTRA

ACCIDENTS:

The statistics as presented by Shri Mankikar do not give a correct picture. The introduction of Employees' State Insurance Scheme in such centres as Bombay, Calcutta, Howrah, etc. in the year 1955(and other centres thereafter) has contributed largely to the increase in the reportable accidents in that year. To compare the accident figures of years previous to 1955 with the current state of affairs is therefore, not correct. Moreover, the rate of accidents quoted by Shri Mankikar both on 1 lakh man days worked (not man-hours) and on 1,000 workers employed are dependent on the employment figures as given by factories who have submitted Annual Returns. As 10 to 20% of factories do not submit such returns, an estimate of employment in these factories is given by the Inspectorate. Had Shri Mankikar worked out the accident rates by adding the estimated figures of workers in defaulting factories, the picture would / different. Considering 1955 as the base year, the frequency rate by both methods has /have been remained below 1955 figure as seen in the statement attached.

OCCUPATIONAL DISEASES:

Although Shri Mankikar refers to the surveys which were carried out by his organisation during the last 15 years, it is to be noted that the specific surveys mentioned by him were carried out as shown below:

	Name of the Survey.	Year.
1.	Storage Battery Survey.	1950-51.
2.	Dichromate Factory Survey.	1950-51.
3.	Pottery & Ceramic Survey.	1953-54.

Apart from the fact that these surveys do not necessarily bring out, with correct emphasis, the well-known dangers in the industries concerned, it may be noticed that the surveys were carried out almost 15 to 17 years back. Surely the Inspectorate have been taking action to deal with dangers in factories of this nature during these years.

A detailed study of some of the survey reports which were published in later years indicated that the survey reports do not bring out the obvious dangers. The Dy. Chief Adviser of Factories (Medical) had to admit that further studies were necessary before any Rules can be made in connection with the pottery industry. In respect of the cashew-nut industry, the Joint Chief Adviser of Factories reported "cleanliness and tidiness particularly in two (out of three) of the factories was of a good standard". "Workers did not complain of any ill effects." "Clean living habits based on elementary hygiene especially washing hands and arms have contributed to a great extent in prevention of dermatitis.." In their report on Viscose and Rayon factories a bogey was created by suggesting reduction in working hours to 5 hours a day on the basis of some "British Standard Factory

Department Memorandum, 1943" which the Director of Research (Medical) of Shri Mankikar's organisation now says is withdrawn and no more available. Further according to him "In view of good hygiene practice in the industry and to our knowledge this (limitation of work to 5 hours) is not practised in any industry anywhere."

Shri Mankikar's analysis on conditions of work in industry on the basis of accident trends and occupational diseases is therefore, not reliable.

However, referring to the recommendations made by him, particularly with reference to inadequacy of number of inspectors of factories, need a little more consideration.

INADEQUACY OF STAFF:

The administrative efficiency of the Inspectorate is dependent on the quality and the number of inspecting staff. Considering firstly the numbers alone the accompanying table will show that from 1952 to 1965, the number of factories inspected have increased from 27,000 to 53,000. The Inspectorate have not been able to complete even one inspection for as many as 22% of the factories in the year 1965 as compared to 17% of the factories in the year 1952. Apart from the percentage of the uninspected factories the number of factories which could not be inspected has gone up from 5,662 to 15,111 from 1952 to 1965. In general about 50% of the factories are inspected only once. Hardly any factories are inspected more than twice and the average number of inspections per factory range from 1.41 in 1952 to 1.11 in 1957.

This clearly shows that the number of officers available for the inspection work has not kept pace with the increasing industrialisation in the country. The necessity of very quickly increasing the inspectorate staff, if we are to keep in check and improve upon the conditions of work in factories, is obvious.

STANDARD OF NUMBER OF INSPECTORS:

Although the Labour Ministers' Conference suggests 150 (not 200 as mentioned by Shri Mankikar) factories per Inspector it would be desirable to review the position on the basis of not merely the number of factories but also the number of workers to each Inspector.

Referring to the statement of number of factories per Inspector in Appendix 2 of Shri Mankiker's paper it may be seen that Bihar has 513 factories per Inspector whereas Mysore, Maharashtra and Uttar Pradesh have 251, 235 and 233 factories per Inspector. If, however, the average employment of factories in these States is taken it will be noted that the number of workers per Inspector will be 9,000 in Bihar, 21,000 in Maharashtra, 22,400 in Mysore and 23,250 in Uttar Pradesh. Rajasthan with 217 factories per Inspector has only 9,600 workers per Inspector. It would, therefore, be desirable to lay down standards of number of Inspectors depending on the number of factories as well as the number of workers. It would further be necessary to specify

that the larger factories, the important factories and Defence establishments should be in charge of more experienced Officers as compared to the other factories. Standards of number of factories per Inspector of different categories and size of factories should also be laid down. Shri Mankikar's recommendation at No.1 needs modification in the light of the above.

STATUS OF INSPECTORATE:

Recommendation regarding the status of the Inspection services also needs serious consideration of the Government if it is intended that the Factory Inspection Services should be effective. Chief Inspector of Factories should be the Head of the Department independent of Commissioner of Labour. He should be given emoluments which are higher than that of the Superintending Engineer as recommended by the Labour Ministers' Conference of 1960. Other Officers should have improved status and emoluments.

SAFETY AWARDS:

The National Safety Award Schemes with a fairly large outlay from the Government of India by way of prizes and shields should be reviewed further. As for example it is possible that certain factories may employ workers on contract basis whereas in others a similar nature work may be done departmentally. Accidents to contract workers may not be taken into account creating a picture which is not quite correct. It is also possible that even with a disastrous fire killing several people, an organisation may receive an award for previous years but during the period when the factory is under a cloud.

The recommendation of Shri Mankikar may be considered in detail at the symposium.

STATEMENT SHOWING THE FREQUENCY RATE OF ACCIDENTS FOR THE YEARS 1951 TO 1963.

Year	Frequency Rate per 1,00,000 man days worked.				Rate per 1,000 workers employed.			
	Shri Mankikar's figures.	Index.	Corrected figures	Index.	Shri Mankikar's figures.	Index.	Corrected figures.	Index.
1951	11.35	75.5			29.93	70.5		
1952	11.70	78	11.15	76.5	33.51	79	32	77.5
1953	13.60	91	12.25	84	37.06	87.5	33.3	80.8
1954	13.14	87.5	12.6	86.5	36.31	85.5	34.7	83.5
1955	15.01	100	14.6	100	42.54	100	41.5	100
1956	15.66	104	14.7	100	44.56	104	41.8	100
1957	14.46	96.5	13.2	90.5	42.78	100	39.1	94
1958	13.90	92.7	12.65	87	44.00	103	40	96.8
1959	13.87	92.7	12.3	84.5	44.34	104	39.2	94.5
1960	14.39	96.0	12.8	88	43.05	101	38.3	93.5
1961	16.18	108	14.5	100	45.67	107	40.9	97.7
1962	16.27	108.5	14.4	99.5	46.40	108	41.1	99
1963	16.62	111			42.25	99.5		

STATEMENT SHOWING THE INSPECTION POSITION OF FACTORIES FOR THE YEARS 1952 TO 1965.

Year	Number of Factories inspected during the year.					Not Inspected.	Grand total.	Total No. of inspections.	No. of Inspections per factory.
	Once.	Twice.	Thrice.	More than three times	Total.				
1952.	14,021 42.9%	8,512 26.1%	3,018 9.2%	1,465 4.5%	27,016 82.7%	5,662 17.3	32,678 100%	45,959	1.41
1953	14,018 43,31%	9,042 27.93%	3,129 9.67	1,257 3.88%	27,446 84.79%	4,924 15.21%	32,370 100%	46,517	1.43
1954	12,939 38.7%	11,439 34.3%	2,855 8.5%	1,708 5.1%	28,941 86.6%	4,516 13.4%	33,457 100%	51,214	1.5
1957	20,737 49.7%	10,361 24.8%	1,855 4.4%	1,600 3.8%	34,553 82.7%	7,243 17.3%	41,796 100%	53,424	1.27
1958	23,196 51.3%	10,600 23.4%	1,793 4.0%	1,400 3.1%	36,989 81.8%	8,240 18.2%	45,229 100%	55.375	1.23
1959	25,991 52.0%	9,918 19.8%	2,004 4.0%	895 1.8%	38,808 77.6%	11,203 22.4%	50,011 100%	55,419	1.11
1965					53,229 78.0%	15,111 22.0%	68,340 100%		

REPLIES TO QUESTIONNAIRE.

II. CONDITIONS OF WORK.

WORKING CONDITIONS:

No. 12(a).

"Worker".

The provisions of Factories Act, 1948 have been made applicable to factories as defined under Section 2(m) of the Act. One of the main difficulties of making the Act applicable to any premises is the interpretation of the definition of the word "worker". This question has received considerable attention of the conference of Chief Inspectors of Factories and the Courts including the Supreme Court in India. Originally it must have been the intention of the framers of the legislation to consider every person, who is working in an establishment where some manufacturing process is carried on, to be a worker. However, the Courts have ruled that inspite of the words "employed, directly or through any agency, whether for wages or not" it is necessary that the worker and the occupier must be related to each other as employee and employer. If strictly interpreted which in fact has been done in respect of a number of industries, a number of persons who should have received the protection of the Factories Act have been denied such protection. Attempts have been made to frame such special legislation for workers employed in bidi industry and those under contractors. Possibly, as and when difficulties arise in other industries similar legislation will be considered as the answer. The best answer, however, would have been to amend the definition of the word "worker" so as to cover every person gainfully employed in manufacturing industries to avoid exploitation of such persons. It should not be difficult for the Legal Departments to amend the definition to clearly bring out the intention of the legislation in giving protection to the exploited wage earners.

Certification by competent person.

Under the different provisions of the Act and Rules, plant, machinery and building are required to be examined and certified by competent persons so as to declare such plant as safe for operation. The number of persons with suitable qualifications who can undertake the work of certification so required is small to such an extent that the management of factories are often unable to obtain the proper type of person. The result is that certificates are signed by persons who are not at all qualified to do the work; alternatively qualified personnel charge exhorbitant fees for certification in view of quantity of work available to them otherwise. On the one hand it would be desirable to create an agency of the Government who would undertake the work of certification

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required under the various provisions of the law, placing thereby a responsibility to a great extent on the Government for the safety for such plant and equipment. On the other it would be desirable to encourage insurance of plant and machinery against damage due to inadequacy of strength and other defects so that the insurance companies may appoint suitable personnel before accepting the risk in running the plant. Either of the two suggestions can be incorporated in the Factories Act. The Inspectors of Factories who are enforcing the provisions of the law would not be appropriate to deal with this matter of certification in the light of the role they have to play in ensuring compliance.

Trials in Magistrates' Courts.

It is the experience of the Department that when cases regarding fencing of machinery are taken to the Courts very often they are not properly understood by the judges nor have the Inspectors been able to understand exactly the extent to which evidence may be led for the judges to understand the implications of inadequate fencing of machinery. Mere legal knowledge in respect of presentation of the case to the Court, it is submitted, is not considered sufficients to put up a convincing case before the Court. It would, therefore, be desirable if in cases under the Factories Act (particularly with reference to technical aspect or guarding of machinery, ventilation and lighting, building designs, spacing, etc.) a competent assessor, a senior member of the Factory Inspection Services is allowed to help the Magistrate. A post of a Deputy Chief Inspector of Factories or of a Joint Chief Inspector of Factories should be created to be appointed as Assessor for such cases.

ssor for such cases. The Assessor would have knowledge and training that he receives as Inspector Factories in connection with safety and health of workers and would be in a better position to appreciate the evidence that is presented about such matters. One may be tempted to suggest that if proper evidence is recorded and if inadequate punishment or acquittal is ordered by trial courts, it is always open to the Department to go in appeal to the High Court. It has, however, to be pointed out that to a large extent the fate of a case is decided in the trial court. It would not be expedient to go in appeal in the light of the record that may obtain in the trial court. Particularly when the case is tried summarily even the evidence may not be fully recorded and the High Court may have to decide mainly on the judgment of the lower court. Moreover, the representation in the High Court is also not satisfactory in view of other

important business handled by Government Pleaders. It is not uncommon to get a telephone message from the Government Pleader requesting the departmental officer to be present in the court to instruct the Government Pleader in a case coming up that very day. Cases are also known where a Government Pleader instructed the previous day suddenly is unable to appear the next day, and hands over the papers at the last minute to one of his other colleagues. It would, therefore, be desirable to obtain a favourable judgment in the trial court rather than depend on the High Court and the Supreme Court. The proposal regarding the Assessors is, therefore, strongly urged.

Enquiries regarding accidents.

Under Section90 of the Factories Act, the State Government is competent to appoint a person to enquire into the causes of any accident occurring in a factory or into any case where a disease specified in the Schedule to the Act is suspected to occur. Such an Enquiry Officer may also be supported by an Assessor or a person possessing legal or special knowledge. The general tendency whenever such a question arises is to appoint a judicial person to be the Commission of Enquiry. The enquiry is either under Section 90 of the Factories Act or under the Commissions of Enquiry Act. In either case the result is that a legally sound enquiry is conducted but the purpose of the enquiry viz. to determine the cause of the accident or of the disease is not necessarily fulfilled. Such a Commission or Committee is more or less hidebound by the judicial procedures of obtaining evidence, rejecting hearsay evidence, examination and cross-examination and so on. Although principles of natural justice may be adhered to when enquiring into such accidents one can get completely lost in the procedure where by missing the main purpose of enquiry. It may, therefore, be desirable to appoint a group of persons who have knowledge of working of the factory where such an accident has occurred including persons from the factory management itself and the representatives of labour employed at the said factory. The Factory Inspectorate of the State concerned should represent Government in respect of such an enquiry. Experience shows that with the senior officer of the Factory Inspectorate on such a Committee an unanimous report as to the causes of the accident and remedies to prevent such accidents, can be prepared on a tripartite basis. It is, therefore, suggested that Section 90 be suitably amended to empower the State Government to direct appointment of a Committee on a Tripartite basis rather than an Enquiry Commission of the type envisaged in the Commission of Enquiry Act.

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No.12(b).

Progressive improvement of working conditions.

With the Factories Act, 1948 along with Rules framed thereunder the powers available to the Government (State), it should be possible to ensure proper working conditions in factories as far as the legal side is concerned. However, it must be clearly understood, by the owners of such factories and the Courts interpreting this legislation that proper working conditions cannot be defined in precise words but would have to be decided upon in given circumstances. The conditions of work such as good lighting, ventilation and so on would have to be continuously improved upon depending on the standards prevailing the world over. Ventilation of a factory which may be considered satisfactory in 1950 may not be so considered in 1960. Better methods are continuously being evolved and it should be possible for the owners of factories to keep on improving the conditions of work. An enforcing agency such as the Factory Inspectorate may not necessarily be able to define these conditions as the definition would have to be in terms of the minimum requirement. Minimum requirement, however, cannot be considered as satisfactory for all time.

No. 15.

Child Labour.

Employment of child labour has considerably gone down and can be expected to be almost nil in most of the organised industrial sector in Maharashtra. The child labour that now persists is only in such industries as brick making, bidi factories, hand looms, etc. where a worker works more or less on the basis of a family supplying the labour. The provisions of the law as they stand to-day are sufficient.

SAFETY AND HEALTH:

No. 18.

Accidents control by legislation

An analysis of accidents in accordance with the causes of such acccidents will show that the main reasons for such accidents are items connected with the personal behaviour of workers and others. Bad house keeping, inadequate training of workers in suitable methods of work (proper use of hand tools etc.) inadequate supervision of unenlightened chargemen can be considered as some of the main reasons for the accidents occurring in factories. Most of the accidents can be considered as not due to contravention of the existing provisions of law. Moreover, it is not possible to make laws which will cover all these accident causing situations. The accidents which have some element of the contravention of the provisions of the Act are probably of the order of 5%. Even in this respect it may not be always possible to obtain sufficient evidence to prove the charge to the

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hilt; e.g. even in respect of a machine which requires a guard as long as the guard is provided by the occupier of the factory it is quite possible for the occupier to obtain acquittal on the plea that it was not known to him as to who removed the guard and when. It may also not be possible for the Inspectorate to prove one way or the other as to the reasons for the absence of the guard at a given moment.

No. 19.

Safety training.

The general experience in respect of employment of new persons in industrial establishments has been that persons without any training and with hardly any instruction as to the requirements of a job are taken up. One is allowed to join an establishment at the lowest rung and depending on the intelligence and skill of the person so entering, is allowed to rise from job to job. During this period the worker picks up the know-how of a particular job by seeing others doing it and by snatching at every opportunity of doing the job himself when his senior artisan takes it a little easy. It goes without saying therefore that no training is given to new entrants even in respect of carrying out of the normal duties skilfully. It would therefore, be expecting too much to incorporate any safety training programmes for the new entrants. In the newer factories particularly with sophisticated machinery and equipment, training programmes have been established but little attention is given to training with emphasis on safety. It would go a long way if such emphasis is given during the training for job. Not only is it sufficient to train the new entrants such as the artisans and unskilled workers but it would be profitable to start training courses as part of academic curriculum in technical educational institution. In workers' education programmes also training for industrial safety should be given sufficient importance so that the workers who are already in the industry would realise the necessity of ensuring safe methods of work. Orientation courses such as those carried out by the Council on Industrial Safety and special training courses in the factories can also go a long way in ensuring good safety habits.

No. 20.

Safety Standards.

It is the general experience of the factory inspectorate that bipartite agreements in connection with safety of workers have been restricted to provision of such items as may be useful to the workers outside the factories. To quote an example, the workers would be satisfied if protective gum boots are given to them as long as they

are allowed to take the gum boots outside the factory and can be used outside. Working clothes are also required to be such as can be worn by them when off work. Goggles which may give protection when being used for grinding work are not good enough for workers if they cannot be used as glare goggles on the street. It may thus be seen that the workers are lukewarm in general as far as the safety standards are concerned. Only when there is any spectacular accident that the workers take interest in respect of safety standards. It would go a long way if the safety standards which are well-known standards throughout the world are scrupulously adhered to both by the management and the workers either by way of bipartite agreements or as a permanent arrangement for the employers and employees to follow. Safety standards have received such wide attention of the International Labour Office that it is hardly necessary to evolve any special standards for any given factory.

No. 21.

Safety Propaganda.

Unless safety consciousness is considered as part and parcel of the industrial growth of the country it is bound to lead to a difficult situation when the workers and employers are likely to blame each other. Inspite of the safety precautions including a set of rules which must be adhered to in handling plant and machinery set out by the employer, it is quite possible for the employees to set them at nought by short cuts if they do not realise the importance of such standards. The only way to ensure that the standards are strictly followed is to keep on insisting on the standard being followed by all levels of employees starting from the Manager downwards. Good example should be available in the behaviour of the top management, the supervisors and foremen before the safety consciousness amongst the workers can be expected. Continuous propaganda and focusing attention to safety standards would ensure that the standards are properly followed by all concerned.

No. 22.

Safty to advance with manufacturing technology.

If the newer industries are expanding with advancement of technology and faster tempo of production it must also be realised that the newer machines and the newer production methods have been designed from the point of view of safety standards. Instead of a slow moving machine e.g. a power press of the old type where worker was required to feed manually, the faster machine will have automatic feed eliminating the danger due to the speed. If poisonous material were handled in small quantities it might have been done in the past by using scoops. With more poisonous material and larger quantities the manual handling process has

been eliminated in various ways. A large number of such processes and machinery are being brought into this country with the collaboration of countries where these have been evolved. When ordering such equipment it should be a standard practice for the owners of factories to specify that all precautions which are required to be taken from the point of view of health and safety of workers are also incorporated in the equipment. To consider an example of guarding of machinery such as gears, hardly any attempt is made by the users of these machines to specify when ordering such machinery that the guards must confirm to the International Labour Office standards. The result is that after the machinery arrives in the country, a lot of time and energy is required to be wasted in providing such guards. It is not uncommon to hear from the manufacturers of these machines in other countries to suggest that as guards were not ordered they have not been provided. In some instance even though the poisonous nature of ingredients used in the manufacturing process is known to the user in this country, he has deliberately avoided to take any precaution in the hope that there would be no case of poisoning in his factory. While bringing in new techniques those responsible for setting up of such plants should also bring in the know-how regarding the safety standards.

No. 23(a).

Protective equipment.

Personal Protection Equipment may be difficult to obtain if it has to be imported from other countries. As the demand for such equipment is limited there are very few manufacturers of such equipment. Even those who do manufacture, as more or less they try to initate samples received from other countries, the manufacture of such equipment has not proved particularly successful. One of the main considerations which should have received the attention of those designing the safety equipment for personal protection is the difference in climatic conditions in this country and in Western countries. Whereas goggles and aprons may not be difficult to wear in cooler climates it would be desirable in this country to arrange matters in such a manner that the offending situation is not created at all so as to avoid the use of goggles and aprons. If workers have been reluctant to use any equipment which are creating discomfort as a result of the hot climate of the country they are not really to be blamed. As this aspect of discomfort is coverlooked continuous complaints are heard against the workers as being irresponsible.

A different approach is, therefore, necessary when dealing with personal protection equipment. It would be desirable to adopt the principle "Encase the nuisance-creating equipment rather than encasing the human being."

No. 24.

Industrial Health Service.

If the Industrial Health Service is intended to take care of the worker layed off work if affected by unhealthy conditions of work, the personnel required to man such Industrial Health Service will need considerable training to understand the causes of such ill health in a given factory. In general, however, wherever any medical service is made available by the employer, it has been intended to be used as an ordinary health service that would be available to a citizen in respect of his social ill health. The Industrial Health Service should therefore be introduced not with reference to the number of persons employed in a given industrial unit or a given industry but on the basis of the likely health-impairing conditions which may occur in a given undertaking. From this angle such industries as a chemical industry may need more attention irrespective of the size of an establishment, than say iron or textile industry. The problems of textile industry may mainly be those of ventilation of a plant whereas in a chemical industry the industrial physician will have to deal with poisonous substances etc. An estimate should be made to decide the possible industrial hazards to health in different types of factories and action should be taken to introduce the Industrial Health Service in these units. An attempt is already being made in this direction whereby a medical officer is required to be appointed by the owner to examine the workers who are likely to be affected by the substances used in different dangerous operations.

No. 25.

Workmen's Compensation.

If a principle is accepted that any damage to the earning capacity of a worker as a result of whatever may happen in a factory must be fully compensated by the society it should be necessary that the Workmen's Compensation Act is so enacted that the worker suffering from the effects of his work in the factory should continue to earn during such illness or disability at the same rate as if he was employed. Anything short of the above requirements will naturally create in the mind of the aggrieved worker a further grievance against the society.

VIII. LABOUR LEGISLATION.

No. 194.

Factories Act- Minimum standard.

Implementation of the Factories Act would be improved upon considerably if it is firmly realised by the owners of factories that the standards prescribed under the Act are the minimum standards. Not only do the private sector but also the public sector undertakings try to reach these minimum standards without any intention of going beyond. If for example the working hours of those defined as workers are required to be controlled an attempt is always afoot to find out if certain persons employed in the undertaking can be considered as not covered by this definition. If by any means a certain person can be excluded from such a definition, instead of fixing his working hours within the limits as laid down under the Factories Act, there is a constant tendency amongst the Managers and owners of such concerns to make such persons work far beyond the limits in principle agreed upon under the Factories Act. If a person is a contractor or employed through a contractor even the primary safety precautions are denied to such a person as the Factories Act would not be able to enforce such safety standards in respect of persons who are not defined to be workers. Such facilities as drinking water, sanitary facilities, lunch rooms and canteens, etc. are considered as subsidiary and to be tackled in priority far lower than the activities involving productive plant and equipment. Unless therefore there is a firm realisation that the requirements of such laws as Factories Act should be carried out not merely to the bare minimum standard given but far beyond such a standard, the general purpose and objectives for which the Act has been enacted will remain unfulfilled. Private as well as public sector undertakings, particularly the larger ones, should, therefore, make it a point to ensure that the provisions of law are fully complied with and more.

Q. 195.

No. 196.

Chief Inspectors of Factories' Conferences and Central Government's role.

The Factories Act has been enacted as a Central Legislation and an attempt is being made to frame uniform rules under the Act prescribed by different States. The Government of India is empowered to give directions to the State Government as to the carrying into execution of the provisions of the Act. To achieve this, Government of India through the Director General of Factory Advice Service tries to co-ordinate into uniformity the functioning of the State Factory

Inspectorates. It is however to be doubted if such a co-ordination has been possible. With the same set of rules the enforcement is different in different areas. The standards of enforcement are bound to vary in accordance with the demands by the workers in a given area and at a given time. It is, therefore, futile to expect that the administration of the Factories Act can be uniform in the whole of the country. Nevertheless the Government of India should ensure that the difficulties of the State Factory Inspectorate are properly solved by suitable advice and by arranging meeting ground for the State Inspectorates. Conferences of the Chief Inspectors of Factories are organised by the Government of India's officials viz. The Director General of Factory Advice Service. However, from 1946 to 1967 i.e. a period of 22 years there have been only 12 conferences. The last conference was in 1964. It may thus be seen that the co-ordinating efforts of the Govt. of India lack considerably in enthusiasm. The decisions of the Conferences of Chief Inspectors are also not fully implemented. For example amendments to the Factories Act suggested by the conference from year to year have yet to be given effect to. As stated earlier the main difficulty regarding the definition of the word "worker" has been deliberated upon by the Chief Inspectors from year to year since 1955. Govt. of India have not been able to make any amendment to the 1948 Act in respect of this definition. It would be desirable therefore to arrange matters in such a way that these conferences of Chief Inspectors are held regularly, annually and more. Machinery should be evolved to ensure that the decisions of the conference are immediately implemented. A body similar to the Boilers Board may be given sufficient powers to function effectively. The senior Chief Inspectors of Factories of the various States should be allowed to lead such conferences with secretarial help from the Govt. of India. The present arrangement of Govt. of India's officials having to take the initiative does not function satisfactorily because of lack of experience and responsibility on the part of Govt. of India's officials in enforcement of the legislation such as the Factories Act. The enforcement machinery of course will have to be under the State Governments as any slackness in the enforcement machinery is likely to be reflected off and on in the State Legislature. Suitable changes may, therefore, be made regarding the role to be played by the State Inspectorate and the Directorate General of Labour Advice Service.

No. 198. --

No. 199. --

No. 200. --

No. 201. --

No. 202. --

X. LABOUR RESEARCH AND INFORMATION.

No. 212.

Collection of Statistics.

It does not appear to be correct to tag on to such legislation as Factories Act, the rules and regulations for collection of statistics about labour employment. The authorities collecting statistics and those enforcing the Factories Act will find themselves at variance with each other in connection with the maintenance and collection of certain information. Whether the provisions of the Act are enforced on 200 workers and in a given industry or on 250 workers in another industry is immaterial from the point of view of working conditions, working hours, and so on. To the authorities collecting statistics, the classification of an industry and the number of workers is ever so important. The emphasis by the two authorities is therefore bound to be different in connection with the enforcement of the Act and Rules as they stand today. It would be desirable that the responsibility for collecting the information regarding employment, wages, holidays, etc. is separated from the Factory Inspectorate. A separate organisation for collection of such information would be desirable now that the industry has progressed during the last 20 years. Initially when the number of factories and the number of workers were limited it might have been considered appropriate to direct the Inspectorate of Factories to collect the statistics. Even the International Labour Office considers that the Labour Inspectors should not be responsible for such extraneous jobs as collection of statistics.

No. 213.

Enforcement and Conciliation.

The Labour Departments of the Government should be divided in two parts viz. (i) for enforcement and (ii) for conciliation and negotiation. Officials responsible for enforcement of laws such as Factories Act, Payment of Wages Act, Minimum Wages Act, Maternity Benefit Act, Motor Transport Workers Act, etc. should be under one Labour Inspection Directorate. The other wing of the Labour Department should deal with Industrial Relations, Conciliation and such other aspects of employer-employee relationship which require bipartite and tripartite negotiations. Such a division as suggested above will reduce the number of Inspectors visiting a given industrial undertaking and will ensure uniform standards regarding maintenance of registers and other formalities. It is quite conceivable that

for smaller concerns one person dealing in all the enforceable labour laws is able to finish the work more expeditiously and with less trouble to the management. The present arrangement where the same concern would be visited by Inspectors under the different Acts, officials under the different Act would require the maintenance of forms and direct enforcement of formalities differently, with consequent irritation to the management. If the functions are given to one person or persons directed from one and the same Directorate the matters would be easier. It will also meet the directions of the International Labour Office that the Labour Inspectors should not have any functions connected with conciliation between the employer and the employees or vice versa.

Government of Mysore
Inspectorate of Factories and Boilers
Department of Labour

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Office of the
Chief Inspector of Factories & Boilers in Mysore,
No. 18/19, Infantry Road, Bangalore-1.

No. LGL/2164/Con-16/1967 D/24-11-1967

—

To

The Commissioner of Labour in Mysore,
No. 5, Infantry Road, Bangalore-1.

Sir,

Sub:- Paper prepared by Sri N.S. Mankiker, Director, Factory Advice Service & Labour Institutes - comments regarding the same.

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Ref:- (1) Endorsement No. NCL/CH-165/3299/67-68 D/15-9-67 forwarding copy of letter No. D.O. 14(2)/Tech/NCL/67(ii) D/6-9-67 from Sri B.N. Datar, Member-Secretary, National Commission on Labour, New Delhi;

(2) D.O. letter No. NCL/CH-165/3299/67-68 D/13-11-67;

(3) Commissioner of Labour's letter No. CLN/NCL/CH-165/3299/67-68 D/20-11-67 addressed to Secretary to Government of Mysore, Food, Civil Supplies & Labour Department, Bangalore with a copy to the Chief Inspector of Factories.

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Sri N.S. Mankiker in his letter addressed to Sri B.N. Datar, Member-Secretary, National Commission on Labour, New Delhi has stressed the need to hold a Seminar to discuss the problems over which he has given brief background. He has discussed the Royal Commission Report regarding the working conditions in factories which showed rising trend in accidents while it may be attributed to better reporting the risks could not be ignored. Therefore, safety committees were recommended. The Commission also discussed the fact that many manufacturing processes were responsible for dissemination of large amounts of dusts that are dangerous. Therefore the Commission suggested improved working conditions for eliminating health hazards. It had also recommended for the appointment of Medical Inspectors. Sri Mankiker also discussed the report of the Labour Investigation Committee for accident-prevention and early diagnosis and treatment of occupational diseases in factories.

Sri Mankiker also discussed Dr. Thomas Bedford's report regarding organic solvents and radio active materials used in factories andalso his recommendation for substantial increase in the number of Factory Inspectors and imparting proper training to them, since the factories at present are all of diverse nature with complicated machinery. Regarding occupational diseases he has said that there is want of adequate knowledge on the part of the

concerned physicians to identify the occupational diseases. At the All-India Industrial Hygiene Survey conducted sometimes back lead poisoning were detected due to unsatisfactory working conditions in the factory concerned. In a similar survey of dichromite manufacturing industry safety measures were overlooked and there was high incidence of chrome ulceration. In pottery and ceramic industry cilicosis was found amongst the workers. In the survey conducted in Ferro-Manganese Plant indicated hazards due to manganese poisoning. Therefore these health hazards consequently call for better vigil to elimination of such hazards.

It has become necessary to examine whether the different rules framed under the Factories Act were enough to meet the exigencies. Systematic training for foremen and workers to avoid accidents and unsafe acts have become necessary. Publicity work for promotion of safety should be carried out. Mr. Mankiker also mentioned the necessity to use National Safety Awards for bringing about this effect.

Recommendations

(1) As per the Labour Ministers' Conference, 1960, 150 factories have to be allotted for each Inspector. But this was not possible in this State due to inadequacy of number of Inspectors.

(2) Proper status has to be given to the inspection staff as per the recommendations of the Labour Ministers' Conference,1960.

(3) The suggestion that a safety officer should be appointed in factories employing more than 1,000 workers needs consideration.

(4) To create safety consciousness among the workers and the management, safety awards schemes at State level are to be introduced.

(5) Smaller factories employing 250 workers or more should have safety committees.

(6) It must be part of the work of the Inspectorate to organise and impart training in safety to supervisory staff in factories.

(7) Suggestions-schemes should be introduced in factories for giving remuneration to improve suggestion for improvement of safety devices.

(8) There should be a research centre attached to the State Inspectorate under the charge of Medical Inspector to conduct industrial hygiene survey to find out occupational diseases and to recommend measures to remedy them. Sufficient equipment should be provided for such research Centres.

(9) The Medical Inspector of Factories has already been appointed in this State.

(10) Specialised Inspectors such as Chemical Inspectors should be appointedto deal with special problems in Chemical factories.

Therefore all the above matters may be discussed in detail to arrive at uniform procedure for implementing the

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above suggestions at the proposed conference.

I herewith enclose a copy of the replies to the questionnaire issued by the National Commission on Labour from the Chief Inspector of Factories & Boilers, Mysore State.

Yours faithfully,

Sd/-(A.P. Balakrishnan)
Chief Inspector of
Factories and Boilers.

Copy to Sri B.N. Datar, Member-Secretary, National Commission on Labour , D-27, South Extension, New Delhi-16, with reference to his letter No. DO 14(2)/Tech/NCL/67(II) dated 6-9-1967 to the Commissioner of Labour in Mysore, Bangalore.

Sd/-
Chief Inspector of
Factories & Boilers in
Mysore, Bangalore.

Government of Mysore
(Inspectorate of Factories and Boilers)
Department of Labour

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Office of the
Chief Inspector of Factories & Boilers in Mysore,
No. 18/19, Infantry Road, Bangalore-1.

....

REPLY TO THE QUESTIONNAIRE ISSUED BY NATIONAL COMMISSION ON LABOUR FROM THE CHIEF INSPECTOR OF FACTORIES AND BOILERS, MYSORE STATE.

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WORKING CONDITIONS: Item 12(a) — What changes are necessary in the Factories Act to ensure proper working condition?

SAFETY WELFARE:- The present provisions regarding safety being too general, special codes may have to be enforced in future. Therefore there should be enabling provisions as in the U.K. Factories Act 1961 to promulgate special safety codes for specified class of industries, in addition to the provisions of Chapter IV.

WASHING FACILITIES:- It is felt that as the technological advance is made and standard of living rises more and more washing and cloakroom facilities will be necessary.

Trade Unions have demanded special facilities in certain industries and in such cases there should be adequate power to issue a desirable code for welfare.

FIRST-AID ARRANGEMENTS & AMBULANCE ROOM:-

First aid training and training for rescue personnel working in ambulance rooms is not defined. There should be provision for a specified course of training to be conducted by the factory Inspection Department in collaboration with St. John's Ambulance and Red Cross Association. There should be provisions for such facilities. There should be legal provision for the management to pay such staff employed for this purpose.

CANTEEN:-

The present provision enables Government to consider notifying certain factories employing more than 250 workers until the premises is notified. Also certain small factories to provide canteen. Experience has shown that the employers put several pleas against such notifications. Workers then have no voice with a good paying capacity or due to agreements or awards are found providing canteens. What is provided in the small units should be according to a certain standard - Hence the standards provided in the Rules shall be made applicable to factories either notified or required to provide by agreement or award. The present section should be amended properly. Provision should be made to control operation of canteen required to be run by a contractor, specifying hygienic conditions, edibility of products, welfare standards and part of cost of food products to be borne by the management in the interest of workers.

CRECHE:

Qualification of a trained woman is not defined. Nursing qualification and full time employment is necessary.

WELFARE OFFICERS:-

Regarding Section 49, it can be said there will be great that need for a really liaison authority in each factory to enforce safety, health and welfare provisions by education. The Labour Welfare Officers have not been found useful to augment factory inspection services stationed in each factory. Therefore the title of the Section should be changed to "Safety Officers". Duties and functions should be redefined with this view. Present personnel officers and Labour Welfare Officers who were appointed under this Section are found to have developed enough useful management duties like recruitment, relations, etc. Therefore, there will be no fear of their loss of employment.

HOURS OF WORK:-

Restrictions on hours of work of adults and male workers are found to take a pattern suitable to each country, according to its manpower, or economic potentialities. Certain patterns are found to come out through, agreements and awards. This should be freely allowed. Payments will be controlled under other labour legislation in keeping with working hour conventions of the I.L.O. However, provision should be made under the Factories Act to restrict employment for unduly long hours when it is found endangering health and safety by issuing specific orders.

WOMEN & CHILDREN:

Adequate restrictions on the employment of women and children should continue.

INDUSTRIAL HEALTH & SAFETY INCLUSIVE OF OCCUPATIONAL HAZARDS:-

As the technological advance proceeds with the development of industry, more complex problems will be faced. Dependence on inspection services only will not suffice. Statutory provisions should therefore be made that every manager departmental heads and supervisors shall undergo a training in safety to be organised by a recognised institution or factory inspection Department. They should undergo refresher courses once in three years. This will really give some concrete meaning to the "absolute responsibility" of the management to comply with the technical provisions of the Act.

BOILER ACT:-

Now it is time for a consolidated code for the Steam Boilers, fired or unfired and gas pressure vessels and pressure vessels containing corrosive substances. Numerous cases of accidents from small boilers which are uncontrolled during manufacture and during operation have been reported. Hence provision should be made to cover all Boiler and pressure vessels with suitable exempting clauses, facilitating home and hospital appliances. The enforcing authorities may also be diversified by giving powers to State Inspectorate, I.S.I. Organisations, any recognised Insurance Organisations or any Central inspection body - Question of expenditure by the State Government can be minimised by the diversification suggested above.

FACTORIES ACT:-

12(a)(ii)

How should the implementation of these Acts be improved?

Implementation can be made by enabling the Inspectorate

to possess adequate testing equipment laboratory facilities and by providing senior grades for specialists inspectors who can determine conditions of comfort and safety in industry.

Safety engineering services and services of specialists architects on factory building designs have to be brought about. Non-availability of such services has been the bottle-neck in effective implementation.

Recommendations of the Labour Ministers' Conference, 1960 regarding quantum of work for inspectors, grades of pay, facilities for easy conveyance for quick movement under the I.L.O. Recommendations should be implemented without detriment to effective implementation. Experience has shown that no amount of legislation can bring about any marked changes in the life of the industrial workers unless an efficient, adequately paid and equipped Inspectorate exists.

INDIAN BOILERS ACT:-

For effective implementation of the stringent measures incorporated in the legislation on boilers and pressure vessels, etc., it is necessary to maintain an efficient, well trained, well paid and equipped Boiler Inspectorate. If the statute makes it compulsory to provide for a water treatment plant, implementation of the provisions of law regarding operation will be very much helped.

Item 12(b): What steps are necessary to ensure proper working conditions?

Training of the entrepreneurs and top managements in industrial safety, house keeping and comfort conditions should be given on enhanced scale by all the Regional Institutes of Labour and the Inspectorates of Factories. Steps should be taken as stated under 12(a)(ii). Steps have to be taken to bring home the philosophy that industrial efficiency is linked to safety and comfort conditions by all concerned. Inspectorates have to be brought up on the principles of Argonomics.

Item 15: Are you satisfied with the existing statutory provisions regarding child employment?

The Inspectorate has done its best to enforce. But it is found that child employment does continue. Social workers and even trade unions appear to be opposed to such bans on child employment as it does not lead to proper growth nor to education. Parents and trade unions are conniving at this legislation. Hence a suitable change in orientation of this legislation is now necessary. In one case a textile magnate in the State has an institution of child reformation-cum-education and training with snacks. Such approach appears to solve this sociological problem as long as the child is not employed in dangerous environments.

Item 16: How far the existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors worked? In what directions are improvements necessary?

In view of the decisions of the Court managements of most of the factories are trying to take advantages and defeat the purposes of the Factories Act with respect to protection of contract workers. Hence definition of worker must be amended so as to give protection irrespective of employer and employee relation.

SAFETY & HEALTH:-

Item 18: Is the existing rate of accidents high in establishments within your knowledge? What have been the main causes of such accidents?

The severity of rate of accident is 148.6 per 1 lakh mandays worked and frequency rate is 17.5 per 1 lakh mandays worked. These accident rates appear to be 30-40% higher than the national ratios. As the present industrial development in the country may come to a take off stage after which there will be very rapid growth of industries. It is doubtful whether the present services can cope up with such sudden rapid growth. There will have to be foreseen while planning future steps. The main causes of these accidents are due to (1) struck by falling bodies; (2) in handling of goods and (3) in hand tools, accounting for high frequency.

Item 19: What steps are necessary to train new entrants in industrial establishments? Are any refresher courses necessary for those who are already in employment? How should such courses be organised?

Training in industrial safety should be enforced at basic levels namely polytechnics, engineering colleges, artisan schools, etc. For others seeking employment, the Employment Exchanges should not sponsor them unless they have undergone a specific training course. The pattern of industry in Mysore State is mainly of small industrial establishments where a worker secures employment without any training. There is need for applying safety legislations to all establishments however small. This will help training. Specified training courses may be arranged by the Regional Institutes of Labour, or the Factory Inspectorates for safety engineers and supervisors.

Item 20: Safety standards in some industries have been evolved by bipartite agreements? How have these agreements worked in factories? How can these bipartite approach be extended to other industries? How should the agreed arrangements be made effective at the plant level?

There are no bipartite agreements in the State. However Tripartite Committees have been set up in some major industries both at the National and State level. Whereas the Inspectorate cover the enforcement with respect to the statutes these bipartite agreements should cover unsafe conditions of work due to method of work, house keeping, discipline, etc. These agreements can be helpful in getting phased implementation though they cannot override the statutory provisions. The implementation of the provisions of these agreements should be left to an effective safety cell in-charge of a safety engineer in each plant. This bipartite approach can be extended to groups of small industries also as the parties become more and more conscious of value of industrial safety.

Item 21: In view of the anticipated growth of new industries like machine building, chemicals, fertilizers, petro- chemicals, etc. requiring stricter safety standards what steps should be taken to arouse safety consciousness among workers and employers?

To develop safety consciousness there is need for good safety organisation in each plant whose duty will be to analyse

and consolidate data regarding unsafe conditions. Workers must give suggestions and supervisors must bring up management formulae. This will bring consciousness and also plant to plant, unit to unit National or State safety competitions should be set up. Audio Visual Education is very necessary with actual news bulletin or films. Safety Exhibitions and Seminars should be arranged.

Item 22: Against the background of expanding industry and advancing technology involving a faster tempo of production, how should provisions concerning industrial safety (Appendix I) in the Factories Act 1948, the Mines Act, 1952 etc., be amended?

Specific plant inspections and practical recommendations for implementation by the Inspector will be necessary rather than the observations showing infractions.

Item 23(a): What are the difficulties experienced in procuring safety equipment for installation in industrial establishments?

There is great difficulty in procuring correct type of goggles, masks, gloves, inter-locking guards for special machines and cranes, etc. which are actually in demand. However there is no good organisation for designing and constructing such appliances. Also no manufacturer is prepared to invest on these items as he does not know the prospects of his trade. These are difficult questions to be resolved by any Inspectorate or even by manufacturers Association. Hence Joint Industrial Health and Safety Societies aided by Government may give a lead in manufacture and supply. Subsequently such society should help safety industries to come up for good record of safety.

Item 23(b): Is the supply of safety equipment to workers for their personal use adequate? Is there any reluctance on the part of workers to use such equipment? If so, what measures would you suggest to overcome this reluctance?

The supply is not adequate due to managements not being willing to spend on personal protective equipments unless it is prescribed by the statute. Reluctance of the worker may be due to bad design or unsuited equipments. These could be remedied by a study by specialist in the field and by ordering correct equipment in controlling environments. Reluctance may also be due to change in habit and ignorance of workers. This can be overcome by enabling the workers to join in analysing the accidents and by apprising of unsafe situations. Workers suggestions schemes should be encouraged. This will overcome their reluctance.

Item 24: What should be the elements in industrial "Health Service" for introduction in India? How should the introduction of such a service be phased?

Compulsory health and environmental survey in all industries should be set up. A compulsory health register should be maintained for all workers. A team should be set up for sample survey of homes for industrial workers. Statistics should be developed to find out where occupational diseases exist so that industrial health service may be planned. This is the first phase.

Remedial measures should form the second phase coordinated with the first phase.

Item 25: As a corollary to replies to the above, do the provisions for workmen's compensation require to be amended? If so, in what manner?

As the pattern of industrial safety envisaged above is complicated, specialised medical boards should only investigate into disputed occupational diseases.

Amounts of compensation levied should be so heavy that the employers prefer to launch industrial accidents prevention programmes voluntarily.

Sd/- (A.P.Balakrishnan)
CHIEF INSPECTOR OF FACTORIES AND BOILERS,
MYSORE STATE.

PUNJAB

COMMENTS ON THE PAPER PREPARED BY SHRI N.S. MANKIKER, DIRECTOR GENERAL, FACTORY ADVICE SERVICE AND LABOUR INSTITUTE, GOVERNMENT OF INDIA.

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INTRODUCTION:

The Factories Act 1948 and rules framed there under are quite exhaustive to look after the welfare, safety and health of the workers. Therefore, what is needed at present is the enforcement of the various provisions of the Factories Act in letter and spirit by Factory Inspectorate with the active co-operation of the employers and employees. Of course amendments of the Act here and there and introduction of some new Rules under the Act are also necessary in order to meet the requirements of the present growth of various types of new Industries.

ACCIDENT TREND:

In Punjab Accident rate in factories has been less as compared with All India figures as is evident from the table given below:-

ACCIDENTS FROM 1956 to 1963:

Year	No. of accidents per thousand workers.	
	INDIA	PUNJAB
1956	44.56	38.3
1957	42.78	28.9
1958	44.00	30.9
1959	44.34	33.3
1960	43.05	28.6
1961	45.67	27.7
1962	46.40	30.1
1963	42.25	36.5

In Punjab rate of accidents has decreased after 1963, but All India figures for these years are not available. This rate has gone down to 33.5, 29.6, 21.8 during the years 1964,1965 and 1966 respectively.

However, it is felt that there is still great scope for decreasing the number of accidents in the factories, because the analysis of accident enquiries reveals that more than 80 percent of accidents are preventable.

HEALTH:

Although many of the occupational diseases are now notifiable under the Factories Act and many of them have been brought under the purview of the Workmen's Compensations Act,

and there is also provision in the Factory Rules for the periodical Medical Examination of the workers engaged in hazardous operations, but no attention to this aspect of the workers' health is being paid at present because the only post of Medical Inspector of Factories in Punjab is lying vacant since 1.11.1966, and there is no active Certifying Surgeon. There are also no arrangements for carrying out environmental studies in the factories in order to study health hazards.

FACTORY INSPECTORATE:

At present there are only two Factory Inspectors in the State to look after 4200 factories. Therefore it is next to impossible for them to enforce the provisions of the Factories Act in factories. According to the recommendation of 16th Labour Ministers' Conference held in 1960 there should be one Inspector for every 200 factories, and there should be one Senior Inspector after every four Inspectors and also Deputy Chief Inspector of Factories and Chief Inspector of Factories. Therefore, it is desirable that Factories Inspectorate in the State should be strengthened at this norm so that health and Safety of the workers of the factories are looked after properly especially when fee is charged from the factories for registration and renewal of licences every year for this purpose, but only a small percentage (20%) of the fee is actually being spent on Factory Inspectorate.

At the present stage of technological developments it is necessary from the view of administrative efficiency to accord proper status to the Inspection Service. Industry should be made conscious that in respect of safety, health and working conditions the Chief Inspector of Factories is the appropriate authority to look to for guidance and help.

It is very essential that the employers and employees should be made safety conscious by proper propaganda and training. The management have to be convinced that accident and health hazards are not only harmful to the workers but they are also a source of direct and indirect losses to them. They should pay proper attention to the safety and health of the workers. In order to give some legal force to this aspect provisions may be made in the Factories Act, that all factories employing 500 or more workers should have their own Safety Officers. This can be done by incorporating a provision in the Factories Act. This will go a long way in making the employers and employees safety conscious.

There is a provision in the Factories Act that in every factory where more than 500 workers work an Ambulance room has to be provided which is to be kept under the charge of a qualified doctor. This doctor may be made responsible to check the occupational diseases in the factory and also look after Industrial Hygiene in the factory.

On the lines of the National Safety Awards Scheme, in Punjab 'State Safety Awards Scheme' was started, but due to re-organisation of the State, the Scheme could not make further headway. This is a very good scheme for creating safety consciousness amongst the employers and should be adopted in right earnest.

The Safety Committee consisting of representatives of management and employees should be appointed in all factories employing more than 100 workers. The Committee is to investigate serious accidents to find out their causes and suggest preventive measures to the management. If the Safety-Committee works effectively then quite a large percentage of accidents can be prevented.

All factories employing more than 100 workers should have suggestion scheme under which cash rewards may be given to the workers for making important suggestions with regards to safety. These factories will in turn participate in the State Suggestion Scheme and Shram-Vir Scheme of Government of India.

In Punjab most of the factories are small ones employing less than 50 workers. Therefore, it is not possible for them to impart training in safety, to their Supervisors and workers themselves. Therefore, State Government may come to their rescue for this purpose and provide training facilities to them through Regional Labour Institute. The State Factory Inspectorate should have adequate number of Medical Inspectors, Certifying Surgeons and Chemical Inspectors with proper arrangement for carrying out medical examination of the workers in the factories, also there should be an Industrial Hygiene Laboratory for carrying out Hygiene studies in factories. At present for lack of these facilities workers' health is suffering.

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II. Conditions of Work

Working Conditions.

12. Please refer to Paper III on 'Conditions of Work

13. Previously the system of National and festival holidays differed from unit to unit . But the recent State legislation namely 'Punjab Industrial Establishments(National and Festival Holidays Casual and Sick Leave) Act, 1965 has standardised/

14. Please refer to paper III'Conditions of work.'

15. Please refer to page 3 in paper III 'Conditions of work'

16. The existing arrangements regarding regluation of conditions of work of contract labour are not satisfactory. Contract labour is not provided full benefits due to exploitation by their employers. The only remedy is to bring into operation the proposed legislation 'Abolition & Regulation of Contract Labour' already introduced in Lok Sabha for necessary passage.

17. Trade Unions and employers' organisations should jointly discuss important statutory provisions of various labour laws and evolve definite standards of compliance.

Safety & Health.

18 & 19Please refer to pages 6 & 7 in paper III 'Conditions of work!

20 No such agreements are in the knowledge of State Labour Department.

21 Please refer to suggestions for safety at pages 7 to 9 in paper III 'Conditions of work.'

22. The State industry is in the small sector. In the present circumstances there is no necessity to ammend the existing provisions in the Factories Act, 1948 concerning industrial safety.

23.a).No comments.
b) Supply of safety equipment to workers for their personal use is not generally adequate as per provisions of the Factories Act. But it has also been observed that workers are negligent in makinguse of safety equipment and are not so much safety conscious. Workers require proper enlightenment through various via media like awards for safety suggestions, safety incentives, safety committees, films on safety, literature, etc

24. No comments.

25. No comments.

/ these types of holidays.

PAPER III.

CONDITIONS OF WORK

Conditions of work of employees employed in the factories, motor transport undertakings and Shops and Commercial establishments in the State are regulated by the Factories Act, 1948, Motor Transport Workers/ Act, 1958. These Acts provide, inter-alia, for hours of work, weekly holiday, compensatory holidays, rest interval, payment of overtime, leave with wages and prohibit the employment of children and women at night etc. Assessment about the compliance of these provisions is given in the following paras:-

Hours of work:

The prescribed hours of work are generally being observed by the bigger and perennial factories except during the peak season. It has been observed that during the peak season, most of the small scale factories resort to overtime work. Due to non-availability of adequate trained staff and financial considerations the employers find it difficult to cope with the increased work by starting second shift. Therefore, they resort to taking overtime work from their workers beyond the normal working hours. The workers being low paid, willingly agree to work over time and more often on ordinary rate of wages as against double the rate of ordinary wages. Efforts made by the State Labour Department by prosecuting the defaulting employers for violating the said provision, have also not brought any tangible results. This will be clear from the figures given below for the last seven years:-

Year.	Total No. of Prosecutions.	No. of prosecutions launched for violation of provisions regarding hours of work.
1959	3280	494
1960	3469	542
1961	3834	595
1962	6691	1103
1963	6446	1373
1964	7412	1344
1965	3954	634

Observance of prescribed hours of work in seasonal factories such as cotton ginning and pressing factories, rice husking factories, Dal Mills etc. is not at all satisfactory. It has been observed that Cotton Ginning factories generally start at 6 A.M. and close at 6 P.M. with the same set of workers thus taking about 12 hours of work from the employees. Main reasons for violation of the provisions regarding hours of work have been (i) short season of processing (ii) shortage of trained labour (iii) long time taken by the courts in deciding cases and (iv) low amount of fines.

During the year 1953-54 the system of raiding the factories during early hours was started by the Department and a number of prosecutions were launched for the violation, but the impact of all these efforts were lost as cases were decided after a long spell of time and the amount of fines imposed was quite nominal.

/Act, 1961, and Punjab Shops and Commercial Establishments .c

Compliance of prescribed hours of work in commercial establishments is comparatively satisfactory. But the position in hotels/restaurants, Halwai shops, tea stalls etc. is far from satisfactory as the employees are made to work from dawn to dusk. This is mainly due to the fact that workers are not well organised, have no strong trade unions and are in a weak financial position due to general un-employment in the country.

Hours of work in the Transport undertakings other than goods transport undertakings are generally observed as prescribed under the Act.

WEEKLY HOLIDAYS/COMPENSATORY HOLIDAY, REST INTERVAL:

Compliance of these provisions is generally satisfactory in factories, transport undertakings and big shops and commercial establishments. But the small shopkeepers mostly violate these provisions.

EMPLOYMENT OF CHILDREN AND WOMEN AT NIGHT:

Observance of these statutory provisions is satisfactory in the bigger units. But there is a general tendency in the electroplating industry, Scientific instruments industry, hotels/restaurants, halwai shops etc. to employ children below the prescribed age as they are available on comparatively cheaper wages than adult ones.

HEALTH AND SANITATION:

Latrines and urinals are provided but their number is generally inadequate. Besides, the standard of construction is poor. This is specially so in factories situated in small towns where the latrines and urinals are of primitive type without doors, roofs etc. Arrangements for regular cleaning are rather poor.

Drinking water is being supplied to the workers almost in all factories/undertakings.

In old factories working conditions with regard to the spacing of machines and ventilation etc. are not very good, but in factories which have been constructed during the last 4/5 years, working conditions are satisfactory.

Working conditions in factories where polishing and grinding of metals is done, are not good because they do not make arrangements for disposal of the dust, though there is specific provision in the Factories Act and the Rules made thereunder for provision of suitable exhaust system for the removal of dust so as to prevent inhalation of dust by the workers.

HOLIDAYS AND LEAVE WITH WAGES:

Provisions of leave with wages are being observed in name not in practice. The usual method of giving leave with wages is that the workers are paid wages at the end of the year in lieu of leave earned by them during the year, although there is no such provision in Factories Act. This frustrates the object of the provisions of law which is to afford the workers a weekly holiday to enable them to recuperate their health.

The State Government has adopted a legislation on different types of leave, namely, the Punjab Industrial Establishments (National &Festi val Holidays, Casual and Sick leave) Act, 1965. This Act makes provisions for the grant of seven days National and Festival Holidays, seven days

casual and 14 days sick leave in a year. The leave allowed under this Act is in addition to the leave to which workers are entitled under the Factories Act and Transport Workers Act. It is rather early to make an accurate assessment of the working of the Act which has been in force for about two years only. Generally it can be said that both the employers and workmen have welcomed this legislation which aims at uniformity of practice in regard to grant of holidays to workers.

The Punjab Shops and Commercial Establishments Act, 1958, also makes provisions for the grant of three days National and three days Festival holidays, seven days casual leave and seven days sick leave to the employees in a year. Compliance of these provisions is on the whole, satisfactory except in certain categories of establishments such as Hotels/Restaurants, Halwai shops, Tea stalls etc.

SAFETY IN FACTORIES:

In the Factories Act, 1948 the provisions relating to the potection of workers have been based on the underlying principle that the onus for compliance must rest wholly with the occupier of the factory. The Act also recognises the fact that the workers too have certain responsibilities and obligations in the matter of compliance with the statutory provisions relating to their safety, health and welfare. When compliance with the provisions of the Act is regarded more as a matter of enforcement, the Inspectorates receive little support in their work either from employers or workers' organisations.

2. It is essential that the Inspectorate should have the fullest co-operation of both employers and workers otherwise the role of the Inspectors will often be little more than that of police officers looking out for breaches of the law. The Inspectorate should function as a technical service to advise employers on the best methods of complying with the statutory requirements.

3. Since the onus of compliance with the provisions of the Act is placed on the occupier, many problems are faced both by the employers and Inspectorates. In various sections of the Factories Act, 1948 frequent use has been made of the words "adequate" "reasonable" and "sufficient" and in such cases, it is essential to lay down definite standards in consultation with the managements and also the employees taking into consideration all relevant factors including the economic position of the factories.

4. At the time of partition of the country, there were only 600 factories in Punjab (the territory comprised in India). After 1947 there has been rapid growth of factories in the State. During the year 1956 the number of factories rose to 3053 and this number rose to 4735 in 1963. Most of the factories were started by the displaced persons from West Pakistan with meagre financial resources at their disposal, with the result that the factories were not well planned. The machinery installed in most of the factories which were of small size were indigenous and old type. Even the safeguards and fencing necessary for the protection of the workers were conspicuous by their absence, because the employers were mostly concerned with the running of factories and did not bother much about the safety of the workers.

5. In Punjab, most of the factories are Engineering and Power Loom, both in small scale sector. The machinery which cause accidents are transmission machinery such as Belt, Shaft and Pullies, Power Press and gears and Band saw. Even rolles of the Rubber machines, carding machines and cotton openers also cause serious accidents.

Inspite of above mentioned draw-backs, the frequency rate of accidents in factories in Punjab is less as compared with All India figures. During the years 1963, 1964 and 1965 the frequency rate of accidents per 1000 workers has been 36.5, 33.5 and 19.00 respectively as compared with 45.4 for the year 1963 in India as a whole. An idea about the extent of occurrence of accidents can be had from the following table:-

YEAR	Average No. of workers employed.	Accidents Fatal	Non-fatal	Total	No. of accidents per 100 workers.
1954	60946	20	2844	2864	4.70
1955	69881	17	3129	3146	4.50
1956	89660	13	3419	3432	3,83
1957	97642	22	2795	2817	2.89
1958	102719	29	3146	3175	3.09
1959	111036	17	3682	3699	3.33
1960	125043	28	3545	3573	2.86
1961	130022	33	3567	3600	2.77
1962	143706	24	4304	4328	3.01
1963	150492	22	5475	5497	3.65
1964	166097	43	5498	5541	3.34
1965	175110	22	5166	5188	2.96

It is clear from the above figures that there is a scope for accident prevention in factories in Punjab and the following measures can be helpful:-

(i) Appointment of adequate number of qualified Inspectors of Factories.

At present there are only 3 Factory Inspectors in position for the administration of 4000 and odd factories, whereas, according to the recommendations of 16th Conference of Labour Ministers, there should be one Inspector for 150 factories. Labour Commissioner, Punjab is ex-officio Chief Inspector of Factories and there is no Deputy Chief Inspector of Factories, Assistant Chief Inspector of Factories or any other technical officer in the head office to assist the Chief Inspector of Factories and undertake test and checking of the inspection work of the Inspectors of Factories. This could best be done by having a senior technical officer at the headquarters to assist the Chief Inspector of Factories (Labour Comm-issioner).

(ii) Educating Employers and Employees so that they may become safety conscious.

This can be done by the Inspectorate staff and by starting special training programmes for the supervisors of the Factories by the State Government in collaboration with the Regional Labour Institute of Government of India. The main cause of the accidents in the factories is that workers are not properly trained to do their jobs safely and employers are mostly concerned with their profits and do not pay proper attention to the safety of the workers. The most of the factories being in small scale sector, employers cannot have their own programmes for safety training. Hence it is the responsibility of the State Government to provide such training to the workers as well as supervisors of the factories.

6. Even in big factories employers are not safety conscious and hence there has been a move to have a provision in the Factories Act that managements should have a safety officer in the factories whose job should be to look after only safety of the workers. This provision can be made in respect of the factories employing 500 or more workers. There should also be a provision in the Factories Act for the appointment of Safety Committees in factories, say employing more than 100 workers, so that the management could give better attention to safety of workers also.

7. Besides the above, there should be Safety Award Scheme and a scheme for Reward for Safety suggestions both for the employers as well as the workers so as to create interest and consciousness in them for the prevention of accidents.

8. The Factories Act, 1948 which came into force with effect from 1.4.1949 contains comprehensive provisions for securely fencing dangerous parts of all machines, but in spite of the fact that this legislation has been in force for the last 18years, the machines in quite a large percentage of factories are still not securely fenced. The main reasons for non-compliance with the provisions of Factories Act is that neither the employers nor the workers are conscious of the safety provisions. The responsibility for securely fencing machinery is solely that of employe but the workers who suffer more from the accidents cannot neglect this aspect. However, it has been seen that even the guards, which are initially provided on the machines are removed by the workers for repair etc. and they are never replaced. Workers do not use even goggles etc. for the protection of their eyes, and sometime they lose their eyes as a result of accidents.

9. In Punjab the Inspectorate staff takes recourse to penal provisions of the Act against the defaulters but the amount of fines imposed by the Courts which vary from Rs. 5 to Rs. 50/- fails to serve as a deterrent and the employers continue to defy the statutory provisions. Therefore, it is suggested that a minimum fine say of Rs. 100/- or more may be provided for defaulters specially in case of second offence by suitable amendment of the Factories Act.

10. The following means are used to promote industrial safety: (1) Standardization (2) Regulations, (3) Inspection, (4) Technical research (5) Medical Research (6) Psychological Research (7) Statistical Research (8) Education (9) Training (10) Insurance (11) Safety measures within the factory.

From the above, it is clear that for accident prevention we require co-operation of many kinds of people i.e. Legislators Government Officers, Technologists, Physicians, Teachers and of course employers and employees themselves.

11. From experience it is felt that about 80% of the accidents can be prevented by properly designing and guarding the machinery and safe working by the workers. Of all these precuations, the most important is that the workers operating the machines should work carefully. Therefore, the workers have to be given proper and adequate training about his work including safety consciousness and safe pr-actices.

12. At present there is no specific provision in the Factories Act for good house keeping in factory and for providing of working clothes, safety shoes, etc. to the workers.

13. Sometimes accidents occur due to an unsafe act on the part of other workers, for example, while a person is repairing or oiling a machine, another worker starts that machine without warning. There should be some sort of provision in the Act to avoid such unsafe acts by the workers. The employers should so arrange that when a machinery is oiled or repaired no other worker should be able to start that machine.

14. It has also been experience of the Inspectorate staff that employers do not put costly guards on the machines due to their meagre financial resources. For example, power presses guarding is a highly complicated job, and in Punjab most of the power presses are not guarded and in many cases inter-locking guards are required to be fitted with the presses so as to make their working safe. In such cases, Government may come to the aid of the employers and get model guard prepared for them so that they may fit similar guards on thier machines. At present employers take the excuse that they are not able to design and fabricate such guards.

15. In Punjab there is only one factory and that too in the Public Sector which has got a safety scheme in their unit i.e. Fertilizer Corporation of India, Nangal. They have got a full fledged safety department comprising of one Safety Officer in the scale of Rs. 1100-1400, one Deputy Safety Officer in the scale of Rs. 700-1250, one Safety Foreman in the scale of Rs. 500-800, besides three safety supervisors and artist and supporting staff. They have got their own fire station which is fully provided with fire fighting equipment. This staff is not only to see that the provisio of the Factories Act are complied with in letter and spirit but they also impart proper training to all the new entrant in the factory to bring to their knowledge the hazards involved in their work and the precautions they should take. The different departments in the factory compete with each other for reducing the accidents and for good house keeping etc. Besides routine visits to the various departments by the safety staff and monthly rounds by the Committee, competitious in good house keeping are organised and winners are suitably awarded. This safety department also brings about a monthly news letter which contains very useful information on safety, and it is circulated to all the Officers who are connected with safety in one way of the other. They have got their own safety suggestion scheme and workers giving good suggestions are awarded cash prizes. Annual functions are also held in which prizes are awarded to various departments and individuals who give good performance in reducing accidents, and other safety matters.

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R A J A S T H A N

Comments on the note prepared by Shri N.S. Mankikar on the working conditions in factories.

(By Chief Inspector of Factories, Rajasthan.)

Introduction:

No comments.

Accident trends:

No comments.

Occupational diseases:

No comments.

Recommendations:

1 and 2. The Labour Ministers' Conference in 1961 has recommended that there should be one Inspector for every 150 factories and State Factories Inspectorate should be strengthened on this basis. The Inspectorate in this State has not yet been strengthened accordingly. Moreover, a number of posts out of the sanctioned strength have remained vacant for a number of years for want of suitable candidates. Therefore, it will not be sufficient only to sanction the required number of Inspectors but sanctioned strength should be filled up and any difficulty in this respect should be removed by making these posts more attractive. The licensing fee received is not being utilised fully in strengthening the Inspectorate. The status of the Inspectors should be such that it may create confidence among the employers that the advice given by the Inspectors is an expert advice on matters of safety. Unless such an environment is created, proper implementation of the provisions of the Act by only having legal authority would be difficult.

The inspections should be more frequent so that factory owners may not have a feeling that the Inspector would revisit their factory after a long time.

3. The provision for the appointment of safety officers in factories should not be based on the number of workers employed but it should be based on hazards of the industry. Some highly mechanised factories or chemical industries may be employing only 400 to 500 workers but the occupation in such factories may be very much more hazardous compared to a textile mill employing 1000 or more workers.

4. The safety award schemes should be started in all the States and interest of the workers should be created in these schemes and proper publicity should be made to create interest of the workers in these schemes.

5. The formation and proper functioning of safety committees can only be seen in a few progressive concerns. In the others they are only in the name sake. Such safety Committees should be formed in all concerns employing 250 or more workers and legislation should be framed for enforcement of this.

6. and 7. No comments.

8. In some of the industrially backward States it would not be possible for factories carrying on hazardous operations to find competent organisation to carry out Industrial Hygiene and Safety Service. It is, therefore, suggested that in such States there should be small branch in the Inspectorate to do this work.

9, 10 & 11. No comments.

Lastly it is suggested that the penalty for offence under the Factories Act should be enhanced laying down a minimum. It is observed that in many cases the courts do not realise the gravity of the offence and impose nominal fine of about Rs.5-10. There are even instances where the courts have let off the accused by only giving a warning where the offence has been proved regarding safety and which had resulted in a serious accident.

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Replies to Questionnaires
No. 12 to 25 of the National
Commission on Labour Prepared
by the Chief Inspector of
Factories and Boilers, Rajasthan,
Jaipur.

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II Conditions of Work

Working Conditions:-

Q.12(a) Conditions of work in factories, mines and plantations, etc. are presently regulated by the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952 etc. The main provisions of such acts inter-alia relate to (i) safety and welfare, (ii) hours of work, rest interval, weekly off, etc. (iii) employment of young persons and women, (iv) annual leave with wages, (v) occupational diseases and (vi) overtime payment. What changes are necessary in these provisions ? How should the implementation of these acts be improved ? (See also Q. 19).

Ans. The present provisions under the Factories Act require changes specially relating to Safety and Welfare. As a large number of machineries used in India are of indigenous manufacture but adequate safety devices are not provided by the manufacturers specially by small and medium scale manufacturers of these machineries. This may be due to the competition and reducing the cost of manufacture. Even some of the new machines of foreign make donot have adequate safety devices provided on them. Therefore, the provisions under the Factories Act relating to the safety devices on new machinery require adequate changes. During the last 15 years many new machines specially wood working machines have been installed but have not been provided with adequate safety requirements by the manufacturers. The small scale factory owners who have installed these machinery do not have the necessary technical resources to provide adequate safety devices to such machines.

Other amendments to the Factories Act as suggested from time to time by the Chief Inspectors of Factories Conferences should be implemented.

Occupational diseases and hazards need further research and placing of greater responsibilities on the employers to safeguard the workers against the industrial hazards to which the workmen are exposed during the course of their employment. For this the Industrial Health Service Units under the Factories Inspectorate in the States should be strengthened. In some of the States even Medical Inspectors of Factories have not yet been provided. In such States Medical Inspectors of Factories should be immediately appointed and they should be provided with a small laboratory and other necessary staff to take up the work of occupational diseases. The workers are also required to be continuously trained and educated against the hazards to which they are exposed.

The implementation of the provisions of hours of work, employment of young persons and women, annual leave with wages, overtime payment, etc. can be improved with the help of workers organisations. The workers and their organisations should be educated and further enlightened in this respect.

In order that the provisions of the Factories Act are effectively and efficiently administered it is necessary that the enforcement machinery should be strengthened and equipped on the basis of an approved yard stick. The Labour Ministers' Conference in 1961 adopted a yard stick of 150 factories per Inspector and recommended the State Govts. to strengthen their Factories Inspectorate on this basis. But in many States the Inspectorate has not been strengthened accordingly so far. There should be no false economy in the matter of adequate enforcement machinery. In many states this vital issue had been postponed on the plea of financial stringency. As a matter of fact financial difficulties should not be a hindrance in strengthening the Inspectorate as the licensing fee realised under the Factories Act was meant to adequately equip the enforcement machinery. In Rajasthan only 60% of the licensing fee received under the Factories Act is spent on the Inspectorate.

The status of the Inspectors should be so improved that it can attract talented and capable persons into the service and they may be regarded by the industry as experts for guidance and help on matters relating to safety, health and working conditions. This will bring about better implementation of the Factories Act than taking legal actions alone. The concept of the word "Inspector" has gone down in the eyes of public in general and therefore the Factory Inspectors also do not command the required respect in the eyes of the Industry. Therefore, it is suggested that the designations be suitably changed as it has already been done in the Mines Inspectorate.

In cases of non-implementation of the Factories Act the punishment provided under the Act should be made more deterrent.

Q.12(b) What other steps are needed to ensure proper working conditions ?

Ans.- For ensuring proper working conditions in the factories there should be Joint Committees of Management and Labour where matters regarding improvement on working conditions could be discussed and improvements suggested to be implemented by the management.

Q.13 In the matter of national and festival holidays, what is the extent of difference in the total number of holidays from region to region ? Is this difference justified ? If not, is it possible to bring about uniformity in the total number of holidays in different regions ?

Ans. In the absence of an All-India legislation in the matter of National and Festival holidays, the same is governed according to established conventions, agreements, court awards or by States legislations. There is a large difference in the total number of holidays from factory to factory where it has been decided by mutual agreements between workers and the employers.

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Therefore, there should be a uniformity in total number of these holidays. This should be done by an All-India legislation. The total number of such holidays may be fixed at 10.

Q.14 What changes are necessary in the existing arrangements for regulating conditions of work in employments other than in factories, mines and plantations ?

Ans. The conditions of work in employments other than in factories, mines and plantations are governed by Shops and Commercial Establishments Act, Minimum Wages Act. But the provisions in these legislations are not uniform. Therefore, there should be a comprehensive legislation to regulate the conditions of work in such employments. The labour employed in construction industry is also exposed to hazards. Therefore, such a legislation should also include safety provisions for the construction labour such as that employed on construction of large Dams,projects, etc.

Q.15. What, in your knowledge, is the extent of prevalence of employment of child labour ? In what industries/ activities is employment of child labour relatively high ? Are you satisfied with the existing statutory provisions about employment of child labour and their implementation?

Ans. The employment of child labour is relatively high in the following industries.

(a) Woollen Carpet Making.
(b) Cotton Ginning Factories.
(c) Match industry.
(d) Construction work.
(e) Bidi making.

The statutory provisions about employment of child labour appear to be adequate but there is difficulty in proper implementation. The main difficulty is regarding the certification of age of the children and the procedure prescribed for the purpose. The other difficulty is that children are employed with their parents with a view to to increase income ofthe family even when the employer may not be willing to employ them. Such children are not shown as employees and their wages are shown as added up in the wages of their parents.

Q.16. How havethe existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors worked ? In what directions are improvements necessary ?
(See also Q.209).

Ans. For regulating the conditions of work of contract labour a separate legislation is already under consideration of the Central Govt. This legislation seeks not only to regulate the labour employed through contractors but also the abolition of system of contract labour except in exceptional circumstances. The only way of improving the conditions of work of contract labour is to gradually abolish the system.

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Q.17. What are the statutory benefits/provisions, in the implementation of which trade unions and employers' organisations can jointly play a useful role.? How should such arrangements be made effective at the plant level ? Should there be any standing arrangements for this purpose?

Ans. In the implementation of the provisions of the Factories Act specially those relating to welfare; hours of work, rest intervals, weekly holidays etc; annual leave with wages and overtime payment, trade union and employers organisations can jointly play a very useful role. The conditions in the actual implementation of these provisions through agreed procedure can be laid down and the progress watched by Standing Committees formed at the plant level. Such Committees should consist of representatives of both employers and employees.

Safety and Health:

Q.18. Is the existing rate of accidents high in establishments within your knowledge ? What have been the main causes of such accidents.?

Ans. Yes. The existing rate of accidents in this State is high as compared with several other States. The rate of accidents in this State has been gradually rising during the last 10 years. The main reasons for this higher rate of accidents are.-

(a) Rapid industrialisation and inadequate training ofthe workers before they are employed on complicated and high speed machinery. Most of the labour have been drawn from rural areas who are not used to industrial environment. Most of the factories in this State have come up during the last 10-15 years.

(b) The other cause is due to lack of the enforcement of the provisions of the Act which may be attributed to the inadequate enforcement machinery.

(c) The workers have also been found unwilling in the use of safety equipments provided on the machinery and also to them.

(d) Non-availability of proper safety guards or equipments has also attributed to this increase.

Q.19 What steps should be taken to establish training programmes with special emphasis on safety for the benefit of new entrants to industrial establishments ? Are any refresher courses necessary for those who are already in employment? How should such courses be organised?

Ans. In the Inspectorate of Factories, a wing should be created to launch and organise safety training programmes in industrial establishments for the training in safety for the new entrants and also help in organisation of such programmes in the industry itself by the management. It should also be made compulsory for the industries to train their new entrants on safety before they are employed on job. In technical institutions such as engineering colleges, polytechnics, Industrial Training Institutes a course on industrial safety

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should be prescribed and all the candidates should be given proper training on safety before they leave the institutions.

Refreshers courses on safety are also necessary for supervisors and workers who are in employment. The above wing in the Inspectorate should co-ordinate and help in organising these refreshers course on safety training programmes to be arranged by the management at the plant level.

Q.20. Safety standards in some industries have been evolved by bipartite agreements. How have these agreements worked in practice ? How can this bipartite approach be extended to other industries ? How should the agreed arrangements be made effective at the plant level.?

Ans. Bipartite agreements on safety standards have not been evolved so far in this State. These types of agreements are desirable but the success of such agreements would depend on good industrial relations between employers and employees. These agreements may be made more effective by forming Bipartite Safety Committees at the plant level to see the implementation of the agreements and the Factory Inspectors should be associated with the working of these committees.

Q.21. In view of the anticipated growth of new industries like machine building, chemicals, fertilisers, petrochemicals, etc. requiring stricter safety standards, what steps should be taken to arouse safety consciousness among workersand employers ?

Ans. Safety consciousness amongst the workers can be aroused by organising seminars on industrial safety, safety training programmes and by the appointment of Safety Officers or Engineers in the industry who should be made responsible to see that the safety provisions are properly provided by the management and followed by the workers.

Q.22. Against the background of expanding industry and advancing technology involving a faster tempo of production, how should provisions concerning industrial safety (Appendix I) in the Factories Act, 1948, the Mines Act, 1952 etc. be amended?

Ans. Amendment to the Factories Act as recommended by the Conferences of State Chief Inspectors of Factories from time to time should be enacted without further delay.

Q.23(a) What are the difficulties experienced in procuring safety equipment for installation in industrial establishments ?

Ans. Modern electronic and other type of sophisticated safety equipment for installation on modern machines are not being manufactured in the country and whose import is also restricted. This import restriction should be relaxed for safety equipment not indigeniously manufactured. In India there are practically no concerns which have specialised in manufacture of machine guards and other safety equipments for installation on machines. In the absence of the same factory owners experience great

difficulties in procuring such guards even when they are willing and keen to provide them. It is, therefore, desirable that Director General Factory Advice Services should explore the possibility of manufacture of such safety equipment in the country. Manufacture of this may also be undertaken by some public sector industry as a part of their own manufacturing activities.

Q.23(b) Is the supply of safety equipment to workers for their personal use adequate ? Is there any reluctance on the part of workers to use such equipment ? If so, what measures would you suggest to overcome this reluctance?

Ans. The supply of safety equipment to workers for their personal use is not adequate in industries with hazardous occupations. The main difficulty in this respect is that the right type of safety equipment for a particular job is not easily available. The workers feel generally reluctant to make use of a safety equipment supplied to them which is for two reasons.-

(a) The equipment supplied is not suited to the climatic conditions of this country and therefore workers do not feel comfortable while working with such equipment.

(b) Workers are not fully trained to understand the hazards to which they are exposed and the harm that may result to them in not using such equipment.

To make workers use such safety equipment willingly it is necessary that they should be trained and educated in the hazards and the benefit that would accrue to them by the use of such equipment. Research is also required to be made to evolve suitable safety equipment for different jobs which would be suitable to the climatic conditions of the country. This work may be taken up by the Labour Institute of Director Gene ral of Factory Advice Services.

Q.24 What should be the elements of an 'Industrial Health Service' for introduction in India? How should the introduction of such a service be phased ?

Ans. 'Industrial Health Service' should be introduced in every State and it sh uld be a part of the factories Inspectorate as a successful Industrial Health Service requires full co-ordination of the various branches of Engineering and Medical Sciences. Such a service should also be created in factories where occupational health hazards exist. The workers employed on such occupations should be periodically examined and those who are affected by the occupational diseases should be placed on occupations which are not hazardous. Preventive measures to reduce the hazards should be suggested after the examination of the industrial environment by the personnel of such a service in the Inspectorate. The study and research on such subject should be done on All-India basis by the Labour Institutes.

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UTTAR PRADESH

The Paper prepared by Sri N.S.Mankikar, Director General, Factory Advice Service & Labour Institute.

The paper has been prepared under the following headings:

1. Introduction.
2. Accident Trends.
3. Occupational Diseases.
4. Discussion.
5. Recommendations.

The material given under the above headings and the position thereof is as under :-

1. Introduction: This contains the back-ground of the Royal Commission of India and its report on various aspects relating to working conditions in factories and in respect of the Health safety and Welfare of factories workers. The commission is reported to have stressed the need for setting up of "Safety Committee" taking all measures for inculcating safety consciousness in the workers, paying proper attention to the general cleanliness, and improving working conditions to eliminate health hazards. It has also made recommendation relating to first-aid, water supply, creches, canteens and other welfare amenities and also for strengthening of the Inspectorates and appointment of Inspector of Factories, (Medical).

The paper further reports about the Labour Investigation committee which stressed the necessity for providing suitable machinery to attend to accident prevention aspects and to the early diagnosis and treatment of occupational diseases in factories and mines. It further lays down about the Report of Dr. Thomas Bedford, on the Health of the Industrial Workers in India. He has emphasised the need not only for a substantial increase in the no. of factories Inspectors in all the states but also for the necessity of imparting proper training to them since factories inspection is a highly technical job requiring the knowledge of wide range of subjects.

From the above it is apparent that the present Factories Act, 1948 has been designed on these suggestions and recommendations. As regards strengthening of the Factories Inspectorate, no particular development has been achieved in this direction inspite of various and repeated requests to the State Government in this direction at regular intervals.

We now have the services of an Inspector of Factories, (Medical).

ACCIDENT TRENDS.

It contains the statement of accident rates from 1951 to 1963. The table shows the rising trend of the rate of accidents per 1000 workers which is said to be as a result of complicated machinery and rapid industrialisation in the country.

The position of this rate in this State for the year 1960 to 1966 is as under :

Year	Total no. of accidents		Incidence of accidents per 100 workers.
	Fatal	Non-fatal	
1960	77	10762	3.59
1961	76	10734	3.37
1962	75	10926	3.24
1963	57	11915	3.28
1964	69	11678	3.18
1965	65	11633	1.07
1966	66	11655	Not yet known.

Occupational diseases :

The list of notifiable diseases is given in the end of the Factories Act which are under section 89 of the Act. This Inspectorate does not enforce the Workmen's Compensation Act. As regards section 89 of the Factories Act, compliance is made by the factories in this State.

The material given in this caption further shows the surveys and investigations made by the Organisation of the Director General from time to time.

There is an organisation of the Industrial Health in the State and the Medical Officer Incharge of the Industrial Health Organisation, U.P., Kanpur has also made various studies and investigations into health hazards in different industries and the factories have been given proper advice in this behalf.

DISCUSSION.

In this heading it has been mentioned that the working conditions in many factories are not satisfactory and it has been emphasised that greater attention than at present, may be paid to the subject of safety and health in factories.

This Inspectorate is very vigilent in getting the compliance of the provisions of the Factories Act and special attention is paid for the provisions regarding Health safety and Welfare. Various steps taken by this Inspectorate in this behalf have been enumerated above.

X In short every possible effort is being made by the State Inspectorate of Factories even with inadequate strength of staff to make the work places as much risk free as possible and it goes to the credit of the Inspectorate to find that the incidence of accidents per 100 workers employed in factories has shown a downward trend during the last six or seven years.

RECOMMENDATIONS.

Para 1: It has been mentioned that the Labour Ministers Conference held in 1960 had recommended that the State Factories Inspectorate should be strengthened by having at least one

Inspector for every 200 factories. The figure is incorrect and should be "150" as per item 4 of the conclusions reached in that Conference. Appendix II shows the No. of Inspectors in this State as 16, no. of factories 3729 and no. of Factories per Inspector as 233. The no. of factories per inspector may be still more as the services of one Inspector are being utilized at the Headquarters and there has been further increase in the no. of factories since 1965.

Para 2: Portion X above may be the proper material for this para.

Para 3 : Necessary proposals to amend the Factories Act by adding a new section 49 A is under consideration of Government of India.

Para 4 : Necessary draft scheme on the subject have already been sent to Government vide Labour Commissioner's letter no. 1041 F/Gen/XXVI-(ii).f dated May 24, 1967. They have asked for the position of other major states. The same is being obtained.

Para 5 : This office has already taken action in this regard. Many factories have formed safety committees. Some factories are in the process of forming such committees. Detailed information has been given in attached replies the of the Questionnaire, on page 9.

Para 6 : This office has taken steps in this regard as mentioned against Q. 19 of the attached replies to the questionnaire which may kindly be seen for the purposes.

Para 7 : Material against para 4 above disposes of this para as well.

Para 8 : This is already done by the Medical Officer Incharge Industrial Health Organisation, U.P. as far as this State is concerned.

Para 9. We have already appointed an Inspector of Factories, (Medical) although two posts have been sanctioned by Government.

Para 10. There is already a small laboratory in this Inspectorate and the same will start functioning as soon as the appointment of Lab. Asst..and Lab. Attendant is finalized.

Para 11. We have already proposed for the post of Dy. Chief Inspector of Factories (Chemical) in the, second year of the 4th plan, to Government but the same has not been sanctioned so far and the matter is pursued.

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Replies to the Questionnaire

WORKING CONDITIONS.

Q.12. The provisions of the Factories Act, 1948 restrict daily and weekly working hours of adult workers, and child workers, daily spread overs of work, weekly rest, annual leave with wages, etc. The Act also lays down certain standards of cleanliness, disposal of effluents, ventilation & temperature to be maintained, suppression of dust and fumes, certain minimum norms of humidification, overcrowding, etc. It further lays down standards regarding provisions of drinking water and sanitary facilities. The Act also provides for certain steps to be taken in regard to safety of workers. There are provisions for washing facilities for storing & drying clothes in certain particular type of industries, arrangements for sitting, first-aid and ambulance arrangement, rest shelters and canteen for the use of the workers and appointment of welfare Officers to look after their welfare, etc. These provisions are applicable to the workers employed directly or through contractors and make no distinction between them. The Act is also applicable to Bidi workers provided they work in the premises covered by the definition of the 'Factory'.

General working conditions prevalent in the state are more or less satisfactory though it can not be said so categorically in regard to the workers employed in Glass, Steel and Rerolling mills because no standards have been laid down for the workers employed in this type of work, there being no details available as to the exact state of health of workers employed on such processes.

As regards workers engaged in the manufacture of Bidi, they are not covered by the Acts administered by this office. Government of India have however enacted a separate bill for the purposes and the same has been finalised.

Q.13. This question relates to the National and festival holidays and the same are not covered by the Acts administered by this Inspectorate.

Q.14. This question pertains to the changes that are necessary in the existing arrangements for regulating conditions of work in employment other than in factories, mines and plantations. This is also out of the purview of the Factories Act etc. enforced by this section.

Q.15. From the table appended below, it will be seen that there has been gradual decline in the employment of child labour. These figures generally relate to the Technical Institutes which are generally run by the state Government and which impart training in various trades. In a recent Government Order No. U/138(TD)/XXXVI-A- dated May 27, 1967, the question of registration of industrial training Institutes under the administrative control of Government are not to be treated as factories and the question of applicability of the Factories Act, 1948 to the workshops attached to the Engineering Colleges, Schools and Institution maintained for imparting training to the students are under consideration. The position is being examined by this department individually before taking them out of the provisions of the Act.

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STATEMENT SHOWING THE EMPLOYMENT OF CHILD LABOUR.

Year	Children	
	Boys	Girls.
1962	298	-
1963	332	-
1964	333	1
1965	191	-

Q.16. No discrimination is made between the labour employed direct by the employers or through the contractors. The provisions relating to the condition of work as provided for in the Factories Act, 1948, and rules made thereunder are equally applicable to all categories of labour employed in a factory, as long as they are covered by the definition of the term 'worker' as defined under section 2(1) of the Factories Act, 1948. This Office has not come across any difficulties on this issue. This Inspectorate is quite vigilent in this behalf but the strength of the Inspectors is not adequate to cope up with the work.

17. This question does not pertain to the Acts administered by this Inspectorate.

18. The figures of accidents have been high mostly in Textile, Sugar and Transport Industries as is evident from the following statement.

Statement of Accidents.

Name of Industry	1964		1965	
	Fatal	Non-fatal	Fatal	Non-fatal
20- Sugar	27	1388	30	1475
23- Textile	8	4240	5	4044
28- Transport	7	2323	8	4318

(a) Accidents are generally caused due to unsafe acts on the parts of the workers and due to unsafe conditions.

(b) The workers are generally not trained in the use of safety devices. Safety posters received from the Director General Factory Advice Services, Govt. of India are supplied free of cost to the factories for display inside the factory and advice on safety measures is given to the managements and workers from time to time.

(c) There had been a proposal in the Third Five Year Plan to organise seminars on safety, health and welfare and accordingly two seminars on Engineering and Glass Industry were organised by this Inspectorate at Kanpur and Agra respectively but this scheme was dropped at a later stage due to the economy in the expenditure.

Q.19. The employers in their own interest are getting more and more inclined to select and appoint trained personnel for the job in view and to make them more safety minded. The workers are made aware of the hazards which come before the Inspector of Factories at the time of their inspections. Besides the factories have also been requested through a circular to give at least 3 days training to the new entrants on a particular job. Efforts are also being made by this Inspectorate to make the employees more and more conscious of the safety provision of the Act.

Safety posters are issued by Govt. of India, Ministry of Labour and Employment to this office. They are distributed to the factories free of cost which help to educate the workers and the employers in industrial safety.

Q.20. Safety in industry is vitally and immensely important for every industrial organisation and it is the primary duty of the employers to see that they pay proper attention to this aspect of their problem in their day to day working of their industry by observing and complying with the provisions of law relating to safety from accidents occuring in their factories.

Chapter IV of the Factories Act lays down the provisions of safety under sections 21 to 37 relating to fencing of machinery, work on or near the machinery in motion and employment of young persons on dangerous machines, etc. The safety provision as laid down in the Factories Act are applicable to all the categories of industries. The Factory Inspectorate is vigilent in the matter of proper implementation of the provision of law by the factory management.

Health:

The subject matter deals with various aspects connected with the physical working condition of health of workers under various heads namely general consideration special consideration, lighting, noise, dust, cleanliness, etc. as laid down under the provisions of the Factories Act and Rules made thereunder. The same may be discussed as under:

1. There should be inter relation between working condition and efficiency of production except that it should be sufficient to give emphasis on the desirability of creating good working conditions of efficiency if production is needed.

2. In the design of new building and lay out of machinery and equipments with a view to achieving good working conditions, the provisions of section 6 of the Factories Act, 1948 read with rule 3 of the U.P. Factories Rules 1950 be kept in view so that no breach of the Factories Act is involved in the methods and the standards adopted for the conversion of the old buildings and the layout of machinery and equipment.

3. The application of technological advances to improvement of working conditions is extremely essential to improve working conditions on the lines of other countries where such knowledge has been made use of liberally to the betterment of the working conditions in industrial establishments.

4. The minimum standards of ventilation and temperature have been laid down under section 13 of the Act read with rule 19 of the U.P.Factories Rules 1950. Section 15 read with rule 26 contain the provisions relating to the humidity. Section 17 deals with the provisions for lighting section 14 with the provisions of dust and fumes and section 11 with cleanliness at the place of employment.

Section 12 read with rule 18 lays down the provision of effective arrangements to be made in every factory for the disposal of waste and effluent due to the manufacturing process carried out therein.

WELFARE :

Section 42 to 49 of the Factories Act provide for various facilities to the workers employed in the factories like washing facilities, facilities for storing and drying clothing, for sitting, first-aid, canteen, shelter, rest room, lunch room and creche..

Section 49 of the Factories Act provides for the appointment of Welfare Officers in every factory wherein 500 or more workers are ordinarily employed. It is worth mentioning here that as per the recommendations of the 16th Labour Ministers'Conference, Government Of India are considering to amend the Factories Act by incorporating therein a new section 41 A for the appointment of 'Safety Officers' in the factories therein.

(i) One thousand workers or more are ordinarily employed.

(ii) In the opinion of the State Govt. any manufacturing process or operation is carried on which exposes any persons employed in it, to a serious risk or bodily injury, poisoning or disease.

(iii) Legal provisions relating to safety prevention of accidents industrial injuries and occupational disease.

The occurrance of accidents are in many cases due to non-provisions of safety devices unfenced machinery and failure ofchains and other lifting appliances and they can be prevented by adopting safe working practices & creating safe conditions of work. Accidents also occur due to negligence on the part of the workers who indulge in unsafe acts.

As well all know, industrial accidents cause many injuries which end in loss of life, permanent disability, loss of earning capacity and the consequent hardships to a working member & those who are dependant on him. In our modern society it has become a moral obligation on industry to provide safe working environment for its employees in order to protect them from accidents and the hardship that follow.

Thus the majority of the accidents in the factories are due to lack of safety consciousness among the workers and due to ignorance of safety methods of working on their part. It is, therefore, necessary to train the workers to make them safety conscious of the physical risk involved. All the workers in factories should know the physical risk that may exist at their work places. In order to face the accidents and promote safety problems the Union or the State Government have introduced or are in the course of introducing various schemes at National or State levels e.g. National and State safety councils, establishment of Hygiene Units in the State Factory Inspectorate, etc.

The comparative figures of the accidents which occurred in U.P. during the years 1960 to 1965, accidents per thousand workers, the no. of factories & average no. of workers employed daily in the factories submitting return during the above period are given in the attached table.

There are special provisions under section 87 to 89 relating to dangerous operations, notice of certain accidents and notice of certain diseases.

Employment of women, adolescents and children is prohibited or restricted in certain operations declared to be dangerous e.g. manufacture of aerated water, electroplating manufacture and repairs of electric accumirolators, glass manufacture grinding or glazing of metals, manufacture and treatment of lead, generating petrol gases from petrol, sand-blasting, lime and tanning of raw hides and skins etc. (Section 87).

Various schedules have been framed on these dangerous operations as attended to rule 109 of the U.P. Factories Rules 1950.

Wherein in any factory an accident occurs which causes death by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accidents the manager of the factory sends notice thereof to the authorities concerned for necessary action in the matter (Section 88).

Section 89 of the Act lays down that where any worker, in a factory, contracts any of the diseases as mentioned in the list printed in the end of the Factories Act, the manager of the factory sends notice thereof to the Chief Inspector of Factories or Inspector of Factories of the region concerned.

Where necessary the survey is also carried out by the Medical Officer Incharge Industrial Health Organisation, U.P., Kanpur in the matter.

(iv) <u>Organisation for propagation of safety.</u>

(a) Safety Council.

(i) <u>Setting up of National and Safety Councils.</u>

It was concluded in item 2(ii) of the 19th session of the standing Labour Committee held in 1961 that safety Councils should be set up at the National and the State levels. Among other functions, these councils would organise compaigns arrived at promotion of greater safety. The activities of these councils

would cover all sectors of employments other than the mines. The scheme giving the details regarding the composition and functions of these councils has since been drawn up after taking into account the practice prevailing in other countries.

As required by Government, a detailed scheme of the State Council has already been sent to them some time back. This draft scheme comprises of.

1. Introduction
2. Compaign and function of Safety Councils.
3. Organisation.
4. Schemes organisation
5. Publications &
6. Comments.

The scheme is under the consideration of Government.

(ii) Occupational Health Services in place of Employment

The matter came up for the Ist time for discussion in the 12th Conference of the Chief Inspector of Factories held at Hyderabad in September 1958. The International Labour Organisation at its various sessions also discussed this subject. They placed the subject before the 42nd International Labour Conference in June, 1958.

(b) Education and Training in Safety.

(i) Seminars.

Special attention for the safety health and welfare of the workers working in the engineering and other factories has all along been paid by this Inspectorate who had also organised two seminars in 1961 and 1962 on safety, Health and welfare of workers inside and outside (i) Engg. Factories and (ii) the Glass Factories respectively and these seminars were well attended by the representatives of the workers and the management who participated in these seminars. Copies of the deliberations of these two seminars have been sent to Government to consider the desirability of implementing the recommendations as a result of these seminars. Further seminars could not be held due to emergency declared since 1962.

(ii) Safety Committees.

The factories have also been persuaded to form safety committees consisting of equal number of employees and employers to discuss their day to day safety difficulties. So far Safety Committees have been formed in the factories of this State. A compaign has also been started by Chief Inspector of Factories through the Dy. Chief Inspector of Factories, (Engg.) to see the proper functioning of these committees and to give them proper guidance by personal visits. To start with, the following classes of factories have been chosen for this purpose.

1. Cotton Mills.
2. Jute Textile and
3. Engg.Works.

....

Guards.

Sections 21 to 40 under chapter IV of the Factories Act, 1948 particularly deal with the safety of workers working on various dangerous machines, and there are, inter alia, provisions for proper fencing and guarding of these machines to save the workers from industrial hazards to which the workers are exposed in their day to day working. To ensure more protection of workers and to lessen accidents, certain guards are being introduced in the factories of this State by the Chief Inspector of Factories through the Dy. Chief Inspector of Factories (Engg.). They are as follows :

1. Hand operated locking device for Ram's Power Process.
2. Guards for circular saw.
3. Guards for Milling Machines cutter.
4. Automatic Inter Locking device for covers.
5. Batch Mixer for Glass factory.
6. Side Shear Machine Guard for Rolling Mill.
7. Platform for cleaning Chimneys.
8. Equipment for removing dust.

In short every possible effort is being made by the State Inspectorate of Factories even with inadequate strength of staff to make the work-places as much risk free as possible and it goes to the credit of the Inspectorate to find that the incident of accidents per 100 workers employed in factories has shown down-ward trend during the last five or six years or so.

No Labour Institute has been set up by this Inspectorate Government of India have set up four such Institutes in India under the Control of Director General,Factory Advice Services & Labour Institute, Bombay. One of these Institutes is situated at Kanpur.

The matter relating to the Industrial Housing & paper IV is out of the scope of this Inspectorate & hence no comments.

Q.21. In order to arouse safety consciousness among the workers and employers, safety committees have been formed in the factories employing more than twenty workers. Action is being taken by this Inspectorate to persuade the management to form the same when they do not exist.

The members of safety committees are from amongst the management and the workers & meetings are held at regular intervals and necessary points regarding safety consciousness are discussed. Through the medium of safety committees the workers are made safety minded.

Q.22 Adequate provisions regarding safety, already exist in the Factories Act and rules made thereunder. At present it is not felt necessary to amend them as no special difficulty has been experienced in this regard.

Q.23(a) The difficulties, if any, experienced by the management in procuring safety equipment have not come to the knowledge of this Inspectorate.

(b) Supply of safety equipments to workers is found generally adequate and where it is not adequate the managements are being suitably advised. It is sometimes found that the workers are reluctant to use safety equipments and the measures to over come this reluctance is to train the workers through the medium of safety committees and to explain to them the hazards and the consequences.

Q.24 No comments. However, material supplied in the foregoing question No. 20 may be seen for this question as well.

Q.25 The subject matter does not relate to this office and hence no comments.

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TABLE

Year	Total no. of factories.	No. of working factories.	No. of factories submitting returns.	Average no. of workers employed daily.	Total no. of accidents.		Incidence of accidents per 100 workers	Remarks.
					Fatal	Non-fatal		
1	2	3	4	5	6	7	8	9
1960	2672	2523	2353	273017	77	10762	3.59	
1961	2947	2767	2559	287772	76	10754	3.37	
1962	3059	2994	2610	295383	75	10926	3.24	
1963	3276	3113	2896	307502	57	11915	3.28	
1964	3509	3333	2893	313475	69	11678	3.18	

N.B. The above column nos. 3,4,5, & 8 do not include the statistics of Defence factories

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WEST BENGAL

Observations regarding Shri N.S. Mankiker's Paper:

It is true that industrial accidents show a rising trend in this State. The increase in accidents is attributed by factory management to liberal certification of leave by doctors functioning under the Employees' State Insurance Scheme. Although this may be one of the factors, the crux of the problem lies, in my opinion, in the failure of industry to assume its moral responsibility. This failure has led to the lack of voluntary safety activities. There is no organised accident prevention programme in most of the factories. Safety responsibilities are not assigned to foremen or for that matter to anyone else. No safety training is conducted. Proper record of accidents is not maintained either.

In comparison with industrially advanced countries (U.K., U.S.A.) where use of machinery is much more widespread than it is here, the percentage of machinery accidents is on the high side. It is a fact that in this sphere there is definite scope for better enforcement of the statutory provisions regarding safety. It should be noted however, that the problem cannot be solved merely by providing safeguards, because safety devices are rendered inoperative, guards are removed and not put/ /back again, maintenance is neglected, etc.

Analysis of accident figures also shows that a large percentage of the total number of accidents reported occur due to causes for the prevention of which little or no legislative provision is possible. Organised preventive action on a voluntary basis is essential on the part of factory management, but there are very few factories where such action is taken.

Observations regarding the recommendations made in the note prepared by Shri N.S.Mankiker are stated below:-

(1) The present sanctioned strength of Inspectors of Factories in this State is 24 (5 posts have been sanctioned this year). There are 6 posts of Deputy Chief Inspectors. The total number of factories on the register at the end of the year 1966 was 6053 i.e. approximately 250 factories per Inspector.

(2) The status of the Officers of the Inspectorate in this State is not lower than that of technical officers in other departments of the State Government. The Chief Inspector of Factories, Deputy Chief Inspectors and Inspectors are on the same scale of pay as Superintending Engineer, Executive Engineer and Assistant Engineer, respectively, in the Public Works Department and the Irrigation & Waterways Department of the State Government. The Medical Inspectors are on the basic grade of the Health Department.

(3) Appointment of safety officers in all factories where 1000 workers or more are employed would certainly be a step in the right direction. No real success is however, likely to be achieved unless top management in factories take genuine interest in accident prevention.

(4) I am of the opinion that so far in this State the operation of National Safety Award Schemes has had little or no effect on those factories which take little or no interest in industrial safety. The operation of the Schemes has been of benefit to only those few progressive factories who had undertaken voluntary safety activities even before the schemes came into operation.

Operation of such schemes is under the consideration of the State Government.

(5) I am of the opinion that safety committees can function only in those factories where some interest in the voluntary aspects of industrial accident prevention has been generated. Unfortunately such interest is lacking in most cases. Certain fundamental activities, viz. assumption of responsibility by top management, safety minded supervision, elimination or control of hazardous conditions, control of unsafe acts, and maintenance of proper accident records should be the basis of any good safety programme. Safety committees can play a useful role as a supplement to the aforesaid fundamental activities and must not be expected to replace such activities.

(6) Safety training of supervisory staff and workers is one of the most important elements of a good safety programme. In most of the factories in this State practically nothing is done regarding safety training of workers. There is not much interest in the safety training of supervisory staff either.

An industrial safety training course for supervisory staff is conducted by the Factories Inspectorate in this State.

(7) Operation of safety suggestion schemes is not likely to have an appreicable effect in most factories due to lack of interest.

(8) Factories are encouraged in this respect.

(9) There is one post of Certifying Surgeon and 3 posts of Medical Inspectors in this State.

(10) The nucleus of an industrial hygiene laboratory has been established as part of the Factories Inspectorate in this State. It has, however, not been possible to puchase the equipment necessary for carrying out environmental survey as the question of foreign exchange expenditure is involved.

(11) There is no post of Chemical Inspector in this State. A post of Industrial Chemist has been sanctioned for the industrial hygiene laboratory.

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Copy of a reply sent to the Govt. of West Bengal

Replies to questions 12 to 25 in Part II of the Questionnaire with which this Directorate is mainly concerned are given below:-

12-(a): Certain amendments to the Factories Act, 1948 have been suggested by the Labour Department of the Government of West Bengal in the Factories Act (West Bengal Amendment) Bill. A large number of amendments is already under consideration of the Government of India.

Implementation of the Factories Act may improve if the Inspectorate is sufficiently staffed. To give proper and continuous attention to the findings and suggestions of the Inspectorate, large factories should employ whole-time Safety Engineers.

(b): Over and above efforts to ensure full compliance with the law, much has to be done in industry on a voluntary basis to achieve good working conditions. Organisation of employers and of workers can make a useful contribution in the promotion of industrial safety and health. Each organisation should accept this responsibility, establish the necessary set-up and take positive action in this field.

13: There is some difference in the total number of festival holidays from region to region. This is justified by local customs.

14: Enactment of separate legislation to regulate conditions of work in the construction industry may be considered.

15: So far as registered factories are concerned, the number of child labour employed is insignificant. The existing statutory provisions are adequate.

16. By virtue of Supreme Court Judgments labour employed by contractors are not considered as workers within the definition of ' worker' in section 2(1) of the Factories Act. S ch labourers are, therefore, deprived of the benefits provided under the said Act. Although a Bill to regulate the employment of such labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith was introduced in the Lok Sabha, it does not provide for regulation of working hours, restriction of employment of young persons, grant of leave with wages, etc. It is for consideration whether the aforesaid definition should be so amended as to include labour employed by contractors and whether such labourers employed in factories as defined in the Act should be exluded from the scope of the aforesa d Bill.

17: No comments.

18: The overall accident rate (number of accidents reported per thousand workers employed in the registered factories) is high. The accident rates in three industries namely, manufacture of iron and steel, railway workshops, and ship building and repairing are very high.

It is a fact that there is scope for better enforcement and observance of the statutory provisions regarding safety. Scrupulous compliance with the safety provisions of the law is certainly the foundation of all efforts to reduce accidents, but it is not the whole answer.

Analysis of accident figures shows that struck by falling bodies, stepping on or striking against objects, handling goods, persons falling and use of hand tools accounted for a large percentage of the total number of accidents reported. These causations are in some ways the most difficult of all to attack and very little or no legislative provision is possible against these causes. Organised preventive action on a

voluntary basis is essential on the part of factory management, but there are very few factories where such action is taken.

Generally speaking, the reasons for poor safety performance are (a) top management do not regard accident prevention as a matter for positive action and personal attention, (b) the consequent lack of interest in the subject on the part of line management- (as a matter of fact, accident prevention is not regarded as an essential part of the responsibilities of all levels of line management)/(c) lack of safety/and training of employees.

19. Safety training must be an intrinsic part of the general training arrangement in a factory. This is a function of management and has to be carefully planned. For new entrants the training should consist of both introductory training and job training. Introductory training can do much to assist new entrants to adjust themselves as quickly as possible to their new surroundings and working conditions and thereby to reduce the adjustment period during which persons are most liable to have accidents.

Job training is based on analysis of jobs concerned and constitutes of actual instruction in the performance of a specific job, pointing out hazards and methods of work.

Re-training is necessary where men change jobs or when an alteration in equipment or method involves a change in a man's habits.

Conduct of refresher courses assumes that the participants had previously attended a course. There are very few instances in industry of process workers and supervisory personnel having been given job safety training. It may not be possible to train the great mass of men already engaged in production, but we can try to ensure that line management gets them to adopt safe methods. Continual prodding through line management is the most effective way of promoting safety.

In charging the supervisory staff with the responsibility for the safety of their employees, top management must recognise the importance of providing them with the tools with which to meet this responsibility. The matter of safety know-how provided through a training programme is of prime importance to the effectiveness of the supervisory staff in matters of employees safety. Inspectorates in certain States conduct safety training courses for supervisory personnel. Such courses may also be conducted by the Safety Councils when they are set up at the State level.

There is truth in the statement that it is not only the supervisory personnel, but also their masters who need education. Very short orientation courses for top management on the principles and practices of accident prevention is also necessary.

Lastly, an important factor in accident prevention is to promote the right attitude of mind. Technical institutions can make a direct contribution in this respect. The students are mainly potential craftsmen, technicians and managers. Being of an impressionable age, they are likely to be influenced by the standards of safety maintained in the workshops and laboratories and by the emphasis given to safe principles and practices in the teaching. Teachers in these institutions should also be concerned to inculcate safe methods of working which will remain with the student in his ordinary employment. The importance of this early training has been recognised both in U.K. and U.S.A. Every attempt should be made to extend the teaching of safety measures in as many institutions as possible at an early date.

20. The bipartite approach to safety will be successful if there is genuine interest on both sides, but this is usually lacking. The word agreement does not appear to be appropriate in the field of industrial safety.

21. Please see reply to question No. 19. Either Government or employers organisations may undertake the publication of appropriate safety literature. The organisations may organise special courses for senior management.

Accident prevention propaganda can take a variety of forms. Films, posters, safety campaigns, etc. can be used effectively in favourable circumstances. Where accident prevention is given adequate status, steady and more or less unobtrusive propaganda is likely to have a greater cumulative effect than spasmodic campaigns or periodic bursts of publicity.

22. The safety provisions of the Factories Act and the rules framed thereunder should be kept under constant review, modified and extended, as necessary, to keep abreast of developments in industry and industrial methods, to deal with new hazards in industry, and to cover those fields which have not yet been covered by statutory rules. Comprehensive rules can be framed under section 87 of the Factories Act, 1948. This section, however, requires to be amended on the line of section 76 of the Factories Act, 1961 (British Act).

23. (a) There is lack of local manufacturers of safety equipment. Expenditure involving foreign exchange constitutes the other hurdle.

(b) Supply of personnel protective equipment is not always adequate. There is reluctance on the part of workers to use such equipment.

How to over-come this reluctance - this is a difficult problem. Because of the climatic conditions in and around Calcutta during greater part of the year it is difficult for workers to wear certain personal protective equipment, particularly respirators, for long periods. Therefore, comfort of the wearer assumes special importance. The workers must be given clear explanation as to why the equipment must be worn. Disciplinary action should of course be the last resort.

Wherever possible, attempt should be made to adopt measures of protection which eliminate wearing of personal or protective equipment.

24. The functions of an industrial health service includes advice on working conditions as they affect workers' health, pre-employment and periodic medical examinations, first-aid treatment, health education, etc.

Some of the large factories have such services of their own, but the number is very few. Due to economic conditions and limited resources most factories are not in a position to provide such a service. The group industrial health service offers an alternative to the setting up of a number of individual services. Due to various factors it is doubtful if it will be possible to provide even group service in this State in the very near future.

In accordance with the provision of section 45(4) of the Factories Act, 1948 an ambulance room in charge of a qualified medical practitioner has to be provided in every factory wherein more than 500 workers are employed. It has been found that with the introduction of the Employees' State Insurance Scheme there is a tendency on the part of certain factory authorities to reduce the services provided in the ambulance room. Although, legally only first-aid is to be rendered in the ambulance room, it should be allowed to function in such a manner as the workers may get at least some of the benefits of an industrial health service.

For the purpose of giving advice regarding protection of workers against any health hazards which may arise out of their work, the help of an adequately staffed and equipped industrial hygiene laboratory is essential.

It appears, therefore, that for a number of years to come either the Regional Labour Institute or the Medical Section of the Factories Inspectorate will have to give the necessary advice in this connection. In view of the fact that routine investigations cannot be undertaken by the Regional Labour Institute, the Medical Section of the Factories Inspectorate should have an industrial hygiene laboratory. Although the nucleus of such a laboratory has been established in this State, it has not been possible to purchase the equipment necessary for carrying out environmental survey, as the question of foreign exchange expenditure is involved. Wherever necessary, the required foreign exchange should be released. Medical examinations of workers employed in certain dangerous operations are carried out by the medical officers of the Inspectorate.

25. Higher rates of compensation will force the employers in areas where the E.S.I. Scheme has not been extended, to spend more on preventive measures and thus save on compensation by reducing accident.

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D.O.No.F.2(7)/ALC(I)/LC/67/19067

R.D. Upreti.
Dy. Labour Commissioner

DELHI ADMINISTRATION
Rajpur Road, Delhi

Dated the 8th Nov.,67.
9th.

Dear Shri Datar,

Kindly refer to your D.O.No.14(2)/Tech/NCL/67(II) dated 6-9-1967 enclosing therewith a paper prepared by Shri N.S. Mankiker, Director General, Factory Advice Service and Labour Institutes. As desired, our Chief Inspector of Factories, Shri S.P. Tyagi is nominated for participating in the proposed seminar. Details about the date and timings of the seminar may be intimated to us in due course.

2. As desired, I enclose herewith replies to questions 12 to 25. We have no special comments to offer on Shri Mankikar's paper.

Yours sincerely,

Sd/-
(R.D. UPRETI)

Shri B.N. Datar,
Member-Secretary,
Govt. of India, National Commission on Labour,
D-27, South Extension, Part II, New Delhi.

DELHI

II-CONDITIONS OF WORK.

WORKING CONDITIONS:

12(a) and (b) There are no plantations in the Delhi Union Territory. As such the question of implementation does not arise. There are not many mines either so far as the factories are concerned, the following suggestions are made for improvement in implementation.

1) In order to minimise occurrence of accidents in Factories, it would be helpful to appoint Safety Officers in factories employing 250 or more workers. To ensure effective control, the appointment of the safety officers may be regulated by State Government and those officers should be placed under administrative control of State Labour Commissioner. The following provision may be incorporated in the Welfare Section of the Factories Act, 1948:-

"In every factory wherein 250 or more workers are employed the occupier shall employ such number of Safety Officers as may be prescribed.

"The State Government may prescribe the duties, qualifications and conditions of the service of the Officers employed under Sub-section(i)."

2) The appointment of Welfare Officers in factories employing 500 or more workers is regulated by the management. The Welfare Officer so appointed are unable to do full justice with their work. To achieve better control the Welfare Officers may also be appointed by appropriate Government and placed under the Administrative Control of the Labour Commissioner. The management should continue to bear expenses on their pay and allowances etc.

3) Working conditions in factories need to be improved from the health point of view of the workers. Majority of the establishments engaged in the manufacturing processes are located in congested areas. Such Establishments, in their initial stages, employ less number of workers to avoid coverage under the provisions of Factories Act. From day to day experience it has been observed that such factories lack in providing facilities provided in the Health Section of Factories Act. This is mainly because they are not having sufficient working place. After these establishments have got standing, they try to come under the provisions of Factories Act. The difficulties experienced are at the stage of registration of the establishment as a factory, because the provisions for ventilation, disposal of waste and effluents, overcrowding, drinking water facilities, urinal and latrines and cleanliness, are not complied with satisfactorily by the management. If the factories are to be refused coverage of Factories Act, the workers working in such establishments would be deprived of the beneficial provisions of the Factories Act. And if such establishments are registered under the Factories Act, the Factory Inspectorate finds it difficult to get

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compliance from the management regarding the above said provisions. So to improve the working conditions in the factories the location of the factory needs special consideration with a view to ban starting of the establishment engaged in manufacturing processes in the non-conforming and congested areas. In Delhi, a few industrial belts have been developed recently and some of the factories have been allowed alternative sites for shifting them. But still most of the factories are existing in the congested areas and they need early shifting. This situation has arisen mainly because under Section 416 of the Delhi Municipal Corporation Act, 1957, the Delhi Municipal Corporation gives licence to the occupier soon after the latter intends to undertake production, and he applies for registration only when the establishment becomes registrable under Factories Act etc. Provisions like these should be deleted.

4) Another important point which needs consideration is lack of proper supervision and regular inspection. This is because of the shortage of the Inspecting Staff. The factories inspectorate needs to be adequately strengthened. In Delhi, the number of registered factories is nearly 1470, whereas, only posts of 1 Inspector of Factories (Medical) and 3 Inspectors of Factories have been sanctioned (excluding one Part time Chief Inspector of Factories and one part time Chief Inspector of Boilers who is also an Inspector of Factories). In practice, therefore, it has become difficult now for the Factory Inspectors to do full justice to their job. The Factories Inspectorate may, therefore, be strengthened in such a way that one Factory Inspector may have to inspect not more than 200 factories in a year.

5) It would be helpful for ensuring proper working conditions to hold frequent meetings between the representatives of the management, factories inspectorate and the trade unions.

13) In Delhi there is no distinction in the matter of grant of National and Festival holidays. National holidays are given by occupiers on a request from Government and festival holiday according to agreement or wage.

14. The Employment of workers constitutes a major portion in the Shops and Commercial Establishments, other than in Factories. The interests of workers in the Shops & Commercial Establishments are safe-guarded by the Delhi Shops & Establishments Act.

15. The employment of child labour is not widely prevalent in Delhi, except in small scattered establishments and light industries, e.g. nickle and chromium. The existing statutory provisions governing the employment of child labour are quite satisfactory. But there is lack of implementation of statutory provisions mainly due to shortage of the field staff.

16. The present trend adopted by some of the managements is to contract out some portion of manufacturing processes to one or more contractors. Labour Employed by the contractors does not avail of the benefits accruing from Factory Legislation in full as are enjoyed by workers employed directly by occupiers of factories. This tendency of contracting out on the part of the managements, is to evade the liabilities under the Factories Act and the other labour laws. Although the abolition of the contract system does not seem to be possible, contract labour working in the Industrial Establishments needs coverage under the definition of the term 'worker' as defined in Section (2). Proposals for suitable amendment in the existing provisions of the Factories Act are under consideration and if they are approved, there will be considerable improvement in the existing situation.

17. Setting up of a Committee at the plant level with representatives of employers and employees would help to a great extent by convening fortnightly or monthly meetings. In such meetings they can hear and decide the complaints of the workers regarding working conditions. They can also spread consciousness amongst the workers about the provisions relating to health and safety.

Trade Unions set up at the plant level can also do justice to labour by educating them about their rights e.g. payment of double the wages for over-time work performed by the workers, demanding safety equipments such as goggles, screens etc., while working on such processes evolving dust and fumes and light injurious to the eye. If the trade unions can educate workers about the safety provisions, very healthy working conditions can be ensured.

18. SAFETY AND HEALTH

The rate of accidents in Union Territory of Delhi is not particularly high. The following table would show the number of fatal and non-fatal accidents as well as frequency severity rate of accidents since 1958. It will be evident that the rate more or less approximates to all India-rate of Accidents:

Year	Fatal	Non-Fatal	Frequency of Accidents.*	Severity rate of Accidents**	All India rate.
1958	9	4,095	26.3	2.43	
1959	10	4,204	24.3	2.04	
1960	9	3,240	18.91	2.004	
1961	13	3,556	20.56	2.35	
1962	9	2,961	17.48	2.17	16.41
1963	6	3,586	19.30	2.39	20.07
1964	10	2,380	16.30	1.59	N.A.
1965	7	4,519	24.50	2.46	N.A.
1966	-	4,831	23.73	2.05	N.A.

*No. of accidents per 100,000 man-days worked.
**Man-days lost per 1,000 man-days worked.

Non-provision of the safety guards in power presses has created some problems as such guards in practice hamper production and the employers find it more convenient to dispense with the guards. It is considered that special investigation should be made for devising ways and means for providing better guarding in power presses. This can be undertaken when there is adequate strength of Factory Inspectors and technically qualified persons to undertake the safety measures. Most of the accidents occur due to negligence of the workers as they are not fully skilled to operate the machines on which they have to work upon. This needs training the new entrants about operation of the special types of machines, before they are actually asked to work on the machines on regular basis.

19. Safety consciousness amongst the workers would be the greatest factor in minimising the rates of accidents. To arouse safety consciousness the new entrants must be trained. This can be done by appointing safety committees in factor ies where the employment strength exceeds 250. The safety committees can very well train the new entrants of their respective factories. In factories which are employing less than 250 workers, the Engineer Incharge may train the new workers as and when they are selected by the management concerned. The safety training should be made essential so that the man-days lost due to minor accidents could be reduced and the productivity in turn may be increased.

The old workers of the factories also need special training by periodical safety programme, through projection of the safety films, and lectures arranged by the Safety Committees. The Safety Posters are also helpful to a great extent in arising the safety consciousness among all the workers.

20. No bipartite agreements relating to safety standards exists in Union Territory of Delhi.

21. Besides the suggestions made in reply to question No.19, it would be desirable to arouse the safety consciousness amongst the workers of the machines building, chemicals, fertilisers, petro-chemicals etc., requiring stricter safety standards, by appointing Safety Officers specialised in respective branches. The Safety Officer so appointed will make sure to train the workers in working in all these special machines used for the said process.

22. The Accidents Safety Provisions in the Factories Act, 1948 are quite satisfactory and need no amendment. However, it has been noticed that the small industries prefer to install sub-standard machines without having appropriate Safety Guards. Although the provision to regulate the fencing and safe guarding the machines exists in the Factories Act and Rules framed thereunder, the same needs special implementation and this can be achieved only when the Inspectorate Staff is adequately strengthened. Besides this there should be some sort of statutory provision to certify the machines, from the safety point of view, before they are commissioned. The certification would help to avoid the possibility of installation of the sub-standard machines which would cause danger to human life. The

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following provision may be inserted after the safety chapter in the Factory Act, 1948:-

"No machine will be installed in the factory, till safety fitness certificate is obtained from the appropriate authority:

The State Government may appoint the appropriate authority as mentioned in Sub-Section(i)."

23. a) The Safety equipment is easily available but due to lack of regulation of the quality procured by the management, the safety guards are not fully effective as they should be.

b) The employers try to evade their responsibility and do not make proper and satisfactory arrangement for providing safety equipments to workers for their personal use. In some cases the workers are ignorant about their justified rights for demanding the safety equipments such as Goggles, Screen respirators and hand gloves etc. This difficulty can be over-come by arousing safety consciousness amongst the workers by safety officers, projection of the safety films, supply of safety posters, and the safety committees. The Trade Unions can also help in this matter by arranging periodical meetings to make aware all the workers, about the safety equipment and they should also insist upon the workers to use the safety equipments provided by the management.

24. In all establishments which are engaged in the manufacturing process which involve hazarduous process appointments of the Industrial Health Officers should be made. The Industrial Health Officers should be appointed by the Government but their pay and allowances should be borne by the employers. The appointment of Industrial Health Officer may be made statutory in the above said factory, which employ 100 of more workers.

25. The provisions need no amendment.

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GOA, DAMAN AND DIU

Comments on Mr. N.S. Mankiker's paper

The total number of factories that are brought under the Factories Act, 1948 in this Territory is 91. The total number of persons employed in these factories is 3300. It may be stated that a large number of factories are small in size and the machineries installed therein are not that much sophisticated as it is found in large manufacturing units elsewhere. The manufacturing processes in these units are not of hazardous nature comparing with the conditions obtaining in machine factories, cement factories, etc. in the rest of the country.

2. After going through the report submitted by Mr. Mankiker very carefully I am of the view that the recommendations made by him should be accepted and acted upon. The Administration of this Territory has already appointed one Inspector of Factories and the necessity for appointing a medical inspector or a chemical inspector is not felt. The Administration however will not object to implement any uniform policy that may be laid down for inspection of the factories, prevention of accidents, provision of welfare amenities, etc. in the factories.

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Material on questions 12 to 25 of the Questionnaire issued by the National Commission on Labour.

12 (a) & (b)

The Administration of Goa, Daman & Diu is only responsible for the implementation of the Factories Act, 1948 and there are no plantations which are covered by the Plantations Labour Act, 1951. The Mines Act, 1952 is being implemented by the authorities of the Central Government. The existing provisions regarding safety and welfare, hours of work, rest interval, weekly off, etc., employment of young persons and women, annual leave with wages, occupational diseases, overtime payment, contained in the Factories Act, 1948 are satisfactory. It may be added in this connection that the Factory Inspectorate should be strengthened and there should be at least one factory inspector for every 150 to 200 factories so that each factory may be inspected at least once in a year. It is further desired that the factory inspectors should have reasonable status. The factory inspectors should be gazetted officers with the minimum pay scales of Rs.350 to Rs.900 and each inspector should be given clerical assistance consisting of one U.D.C. and one L.D.C. The Chief Inspector's Office should have necessary clerical assistance and a statistical section should also be attached to the office. The Inspector of factories should have facilities of transport to visit factories which are located in not easily accessible points.

13.

The Administration has been issuing notifications in the official gazette from time to time requesting the employers in the industrial and commercial establishments to grant 6 holidays in a year of which 4 are national holidays namely, Repulblic Day, Independence Day, Gandhi Jayanti, Goa Liberation Day and two other festival holidays for Christmas and Ganesh Chaturti or for such other festivals as the employers may fix in consultation with their workmen. It is felt that 6 holidays in a year as mentioned above may be provided for the workmen employed in the factories and the same should be incorporated in the Factories Act with powers vested in the State Govt. to increase the number of holidays as and when required as is being done under the Motor Transport Workers Act, 1961 and the State Rules thereunder.

14.

The Motor Transport Workers Act, 1961 has been brought into force in this Territory and this Administration has framed rules thereunder. The Shops and Establishments Act covering the commercial establishments in the municipal areas etc. is not yet framed and therefore a large section of workmen in these establishments are not having facilities of the fixed hours of work, rest interval, weekly off, leave and holidays, welfare facilities etc. It is necessary that the Shops and Establishments Act should be made applicable to all the commercial establishments employing one or more persons in municipal areas or towns having population of more than 5000.

15.

In this Territory child labour is employed in a limited

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scale in cashew factories. A few young persons are employed in the factory premises and many more are engaged in their own houses on piece rate system. The existing provisions under the Factories Act to regulate the employment of young persons are found to be satisfactory.

16.

Contract labour is being employed on a large scale in almost all the iron ore mines in this Territory. The control and aboli-tion of the contract labour in these mines have not provided any substantial results. It is often noticed that the contract labour employed in these mines through so called contractors whose economic stability does not permit them to provide reasonable facilities and working conditions to their workmen are often deprived of reasonable rates of wages, leave with wages, bonus, benefit of provident fund, etc. It is therefore suggested that the contract labour should be abolished by legislating necessary enactment in this regard.

17.

No comments.

18.

As already stated above most of the factories engaged in manufacturing processes are small in size and the employment in these factories are of less hazardous nature. During the calendar year 1966 no fatal accident has been reported from any of these factories.

19.

The Government of India have already set up a National Safety Council. One of its functions being to conduct safety training course at various levels. Formation of State Safety Councils is also under active consideration of the various State Govts. Before enrolling in employment exchange or joining industrial undertaking, compulsion can be made to every applicant to obtain a certificate showing that he had undergone necessary safety training at appropriate level. Persons who are also in employment can also be imparted necessary training at plant level, either by safety officers appointed by the undertaking itself or by external agencies. External agencies may include national or state safety council, state factory inspectorate, small industries service institute or workers' education centre.

20.

Safety standards have not been evolved in any of the industries in this Territory by bipartite agreement. The model bipartite agreements if found satisfactory can be extended to the units in this area by persuading the employers and the workmen.

21.

There is no immediate prospect of the growth of new industries referred to in the questionnaire in this Territory. However, suitable action by way of film shows, display of posters, slides, etc. may be taken to arouse safety consciousness among workers and employers.

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22.

No comments to offer.

23. (a)

A very few types of safety appliances are manufactured in India. In these circumstances the prices of imported appliances are comparatively high and factory owners are always found to be reluctant to purchase these items. Even while importing the machineries from outside they try to get it without safety attachments and guards in order to save foreign exchange involved. Whenever machinery is imported steps should be taken to see that necessary safety equipments are also procured along with the machinery.

(b)

Supply of safety appliances to workers made at present is far from adequate. This is because of the following reasons among others.

1. Non-availability of safety appliances locally.
2. Reluctance on the part of workers to use them.
3. Cost involved.

Section 22 under the Factories Act requires every worker working near the machinery in motion to use tight fitting clothing. Responsibility for the supply of such clothing lies on employers. Further after its supply, employer has to enter the details of such supplies in a prescribed register including receiver's signature. If similarly provision is made under the Factories Act with regard to the supply of safety equipments, then employers can be made liable to supply the prescribed equipments to the eligible workers. Reluctance offered by workmen can be overcome if employers exercise effective supervision in this respect and the failure on the part of employees to wear personal protective equipments while in employment is treated as misconduct in the certified standing orders.

24.

No comments to offer.

25.

No comments to offer.

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HIMACHAL PRADESH

CHAPTER II

CONDITIONS OF WORK

INTRODUCTION:

In Himachal Pradesh we have only Small Scale Industrial units which are generally employing 10 to 50 workers excepting a few which have an employment of more than 300 workers. On the whole, there has been satisfactory enforcement of all the labour laws. The number of accidents is also negligible. In the year 1965-66, 120 minor accidents took place in this Pradesh.

WORKING CONDITIONS:

12. Adequate safeguards have been provided under the various Acts and there does not appear to be much need for further legislation. However, the implementation Machinery needs to be strengthened so as to ensure effective enforcement of the provisions of these laws.

13. The Himachal Pradesh does not have any such legislation of its own. However, in respect of the areas now merged with this Pradesh, the National and Festival Holidays are regulated by the Punjab State Industrial Establishments (National Holidays and Casual and Sick Leave) Act. There does not seem any need for Central legislation. Regional considerations must be respected.

14. The following categories of workers are not covered under the Factories Act; Mines Act; and the Plantations Labour Act;

1. Labour employed in shops.
2. Agricultural labour.
3. Domestic servants.

As regards the labour employed in Shops and Commercial establishments, necessary legislation already exists and adequate safe-guards have been provided. In respect of other categories, it is suggested that the Minimum Wages Act, 1948 should be extended to them and certain minimum amenities should be available under this Act instead of making any other legislation.

15. Employment of child labour is not widely prevalent in this Pradesh except the tea plantations of Kangra district, hotels and other un-organised industries. The existing statutory provisions relating to the employment of child labour are quite satisfactory. However, the implementation machinery needs be strengthened, wherever necessary.

16. The number of contractors has increased considerably with the rapid industrialization of the country. In certain fields such as in building operations and road construction, they cannot be eliminated and must, therefore, continue. In industrial establishments there is a tendency on the part of the employer to contract out a certain portion of his manufacturing process to a contractor so as to evade his liability under the labour laws because the contract labour is not entitled to the same benefits as are conferred on regular workers under the various labour laws. This exploitation is wide-spread. As such, the labour employed through contractors must be statutorily made eligible for all the benefits which a regular employee under the Principal Employer is getting.

17. The working of Works Committees should be made more effective wherever practicable and desirable. However, the employers should consult the workers representatives in formulating schemes of labour welfare.

18. The rate of accidents is negligible in this Pradesh so no comments.

19. Every new entrant to an industrial establishment who has to operate machines under environments foreign to him should be given instructions on the dangers and hazards in working on the machines in his new environments, and they should be trained in the use of safety devices and observance of safety rules should be insisted upon. The workers should be imparted safety lectures at regular intervals.

20. No bipartite agreements relating to safety standards exist in this Pradesh.

21. Safety consciousness should be aroused amongst the workers by displaying safety posters, exhibiting safety films and by awarding prizes to the units where the number of accidents is reported to be the lowest in a year.

22. The existing provisions are adequate.

23. a) Most of the safety equipment is easily available and no difficulty is experienced in its procurement.

b) Proper education should be imparted to all the workers so as to make them safety conscious.

24. The basic principles behind the industrial Health Services must be of preventive nature. They should aim at providing hygienic conditions.

25. No amendments are required.

No.6344/67-Lab.,
Government of Pondicherry,
Labour Department.
...

Pondicherry, dated the 2nd Dec, 1967.

To

The Member Secretary,
(Shri B.N.Datar),
National Commission on Labour,
D-27, South Extension-Part.II,
N E W D E L H I.

SUB: Paper prepared by Shri N.S. Mankiker Regarding.

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Sir,

With reference to your D.O.No.14(2)/Tech./NCL/67 (II) dated 6th September, 1967 on the subject mentioned above, I am to send herewith the replies of this Administration to questions 12 to 25 of the questionnaire issued by the National Commission on Labour and offer my comments as Chief Inspector of Factories in this Territory on Sri Mankiker's paper, briefly as follows:-

The Factories Act, 1948 has been extended to the Union Territory of Pondicherry from 1st October, 1963. This Administration framed rules and brought this Act into force fully in this Territory only from the end of the year 1965. We are, therefore, in the infant stage of enforcing the provisions of the Factories Act in this Territory. Prior to the extension of this Act, there was no statutory law in force in this Territory relating to safety, hygiene and welfare measure etc. in industries.

There are only less than 100 factories in total in the whole of this Territory and one Inspector of Factories has been appointed to enforce the provisions of the Factories Act in these establishments. It is being ensured that no factory goes uninspected in a year.

According to the provisions of the Factories Act, it is a statutory obligation on the part of the factories employing more than 500 workers to employ welfare officers. Such officers are generally non-technical persons and they are unable to evince keen interest in accident prevention due to lack of technical knowledge. The proposal for appointment of Safety Officers for this purpose is, therefore, quite welcome. But unless it is made a statutory obligation under the Law on the part of the factories employing 1000 or more to appoint Safety Officers, it may be difficult to achieve this object mainly through persuasion.

This Administration also agrees with the proposal of setting up of safety committees in establishments employing 250 or more and to impart training in safety to supervisors and all workers in the establishment. The Factories in this Territory have already been

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advised to operate suggestion schemes. Apart from the appointment of Deputy Director of Medical Services as an Inspector under the Factories Act for purposes of empowering him to obtain any statistical data from the factories in connection with the implementation of the Employees State Insurance Scheme, this Administration has not so far appointed any Medical Inspectors under the Factories Act. No Chemical Inspectors also have been appointed so far.

The scheme of National Safety Awards has still not been brought into force in this Territory.

Yours faithfully,

Sd/-
(R.KAMICHETTY)
Commissioner of Labour & Director of Employment
and Chief Inspector of Factories.

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II. CONDITIONS OF WORK

WORKING CONDITIONS:

12. There are no plantations or mines in this Territory. The existing provisions in the Factories Act, regulating the conditions of work in the factories appear to be quite adequate to protect and safeguard the interests of labour in factories. The implementation of these Acts should be made by more frequent visits to the factories by the inspecting authorities.

13. The total number of National and festival holidays is 8 for this Territory as prescribed by the Pondicherry Industrial Establishments (National and Festival) Holidays Act, 1964. 4 National holidays have been specified in this Act viz. January 26th; August 15th; August 16th and October 2nd. August 16th has been included as a special holiday for this Territory as it happens to be the 'De Jure' Transfer Day.

14. Employments other than Factories, Mines and Plantations are mainly shops and commercial establishments, catering establishments and motor transport undertakings. The conditions of work in the above categories of establishments are governed by the provisions of the Pondicherry Shops and Establishments Act, 1964, Pondicherry Catering Establishments Act, 1964; and Motor Transport Workers Act, 1964. No changes appear to be necessary in these enactments.

15. All labour laws such as the Factories Act, Pondicherry Shops and Establishments Act, Pondicherry Catering Establishments Act; Employment of Children Act etc. prohibit employment of children. Still some unscrupulous employers attempt stealthily to employ children in establishments like Match and Fire works; Printing, Catering, Beedi & Cigar Industry etc. Enforcement machinery is always watchful to bring such employers to book. Still in certain cases where children are employed by contractors on day to day basis the enforcement machinery finds it difficult to stop them. This is prevalent mainly in Beedi and Cigar industry where there is actually no employer-employee relationship.

16. No comments.

17. Statutory benefits/provisions relating to welfare, safety etc. provided under the Laws are normally implemented by the employers either by themselves or through proceedings by the enforcement machinery. It is always helpful, if there is co-operation and co-ordination at the plant level between the representatives of the management as well as the Trade Unions to solve industrial disputes, and also various day to day problems through direct negotiations. The works Committees may play this role to some extent. There are certain benefits which are not covered by statutes such as Consumer Co-operative Stores, Workers Education scheme etc. The achievement of these benefits necessarily requires the co-operation of the employers and employees Unions.

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18. The existing rate of accidents is high in the establishments in the Union Territory of Pondicherry compared to the accidents rate in other States. The main causes are as follows --

(1) The establishments have not been controlled by any statutory provision with regard to safety and health till the Factories Act was extended to this Territory.

(2) The managements do not give due consideration to the importance on the safety and health of their workers;

(3) Lack of safety consciousness in workers;
(4) The other direct cause for most of the accidents are--

i) Inadequate guarding of machinery;
ii) Defective condition of house;
iii) Making safety devices inoperative;
iv) Failure to use safe attire or personal protective devices;

19. Apart from the suggestions and arrangements made by the Factory Inspectorates to educate the workers on safety, there should be some institution to organise training programme for the benefit of workers in factories. The Regional Labour Institutes constituted by the Central Government, is having centres in important States. Personnel attached to this Institute by a phased programme must write to all factories and conduct safety classes, seminars etc., to develop safety consciousness. This would help the ordinary workers engaged in trades other than those designated by the Government of India under the Apprentices Act. In respect of workers in the designated trades, the employers should be asked to enroll new entrants who have undergone apprenticeship training. This is because, the subject of safety is being dealt with in detail in the apprenticeship training scheme. Hence, these workers apart from being safety conscious themselves would also induce and educate others on safety aspects. Further, if a statutory provision is made in the Factory Act to appoint safety officers in factories employing more than 100 workers, it would help to organise training programmes.

20. This Administration is not aware of any of the industries in which safety standards have been evolved by bi-partite agreements. Hence, no comments.

21. Safety consciousness among workers and employers could be aroused as follows --

1. By conducting periodically lectures on safety aspects;

2. By the exhibition of films on safety in industry;

3. By the display of safety posters, slogans inside the work places;

4. By adopting colour schemes to indicate boldly the accident prone parts in the machinery;

5. By conducting competitions and awarding prized to those industries which have the lowest accidents rate.

22. With the advancement in the technological field and the urge for automation, the provisions relating to safety has to be amended to suit the nature, type and hazardous conditions of the advanced machinery and processes.

23.a. Firms dealing with safety equipments are few in India. Further, safety equipments for different dangerous and hazardous machines and processes are not available. Even those available are costly and not upto the standards. Especially, there are no firms which could take up orders from factories for providing complicated and efficient safety devices to the machines. The managements therefore find it difficult to comply with the orders and suggestions given by the Inspectors in providing guards to the machines.

b. At present supply of personal safety equipments for workers is not adequate. However, the managements have been ordered to provide them wherever necessary. Even when some equipments are provided, workers are reluctant to use them for the mere fact that the use of equipments hampers their efficiency. Though the factory Act provides for punishment to those who wilfully discard the use of safety equipments, yet no action has so far been taken by the management on such occasions. It is, therefore, suggested that the workers could be made to use the equipments if the management exercise their powers in one or two cases.

24. Some of the elements of 'Industrial Health Service' should be as follows --

1. To conduct visits to factories and carry out medical check ups of workers employed on various processes;

2. To point out the harmful effects of certain substances involved in the manufacturing processes and to suggest means to overcome them.

3. To carry out tests by plant inspections to determine the hazardous points and materials in the factory. Such a service should have centres at all regions and the staff should be able to cover all the industries in the region by periodical visits.

25. The provisions of Workmen's Compensation Act need not be amended as the benefits extended to the workers under this Act are quite adequate.

TRIPURA

COMMENTS ON SHRI MANKIKER'S PAPER
BY SHRI S.M. KANWAR, DISTRICT MAGISTRATE
AND COLLECTOR : TRIPURA.

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1. I agree with the suggestions of Shri Mankiker and the recommendations of the Ministers' Conference held in 1960. There should definitely be an Inspector for every 200 factories. If greater number of factories are placed incharge of one Inspector, he would not be able to do justice by inspecting the factories and in ensuring the implementation of the provisions of the Factories Act and the various related Acts. This scale may even be further reduced where the area of operation is too large. For instance, in Tripura total number of factories is less than 200, but the area of operation is more than 4000 sq. miles. Distance from one factory to another is as far as 200 miles. In such cases even less than 200 factories may be placed incharge of one Inspector.

2. It is definitely necessary from the point of view of administrative efficiency to accord proper status to the Inspecting Services. Industry of course, should be made conscious to look up the Chief Inspector of Factories for improvement in their working and related conditions and to implement this, the State Government should take the help of other welfare departments to educate the factories in this regard.

3. Compulsory appointment of a Safety Officer for all the factories employing 100 workers or more would be very desirable. At the same time, even the smaller factories may entrust one of their ordinary employees to look after the safety of the employees in addition to his own duties. This will not entail any extra expenditure and will have some beneficial advantage to the small factory workers.

4. I agree that the State Government should frame Award Scheme on the basis of National Safety Awards for smaller factories. However, these Schemes may be over-looked in small Territories like Tripura where the safety-risk involved is not much and the factories are rather small.

5. The formation of Sub-Committee consisting of representative of Management and Labour in smaller Factories will be definitely a great help towards reducing accident risk. This Sub-Committee may, however, be inter-linked with the Safety Officer as envisaged in paragraph 3. As recommended above, even the small factories may designate one of their employees as Safety Officer and this employee will work as Secretary to the Sub-Committee and the Committee may be formed even for factories employing less than 250 workers. The main advantage of the Sub-Committee would be that it will make the workers and the management safety conscious.

6. I agree with the recommendations of Shri Mankiker in paragraphs 6, 7 and 8.

The recommendations of Shri Mankiker in paragraphs

9, 10, and 11 should be implemented in all the States. However, for the Union Territories the same may be re-examined as it would amount to over-staffing if the total factories and the Inspectorate of Factories is very small. However, in such case the help of the neighbouring State staff should be taken by the Inspectorate.

Sd/-

(S.M. Kanwar)
District Magistrate & Collector
(Chief Inspector of
Factories: Tripura.)

QUESTIONNAIRE

No.12.(a) No major changes are suggested in the present Acts regulating the work in Factories, Mines and Plantation, etc. The previous Acts are sufficiently wide enough and if they are properly implemented, our purpose would be served. For proper implementation, the Supervisory staff should be strengthened wherever necessary. No Inspector should be given more than 200 Factories as stated in comments on Mr. Mankiker's paper.

With regard to occupational diseases, the present position may be improved by way of prevention, detection, curative, compensation and rehabilitation. For this, an adequate Industrial Health Service may be established, to begin with in selected Industries.

In regard to safety of the workers, there may be a continuous and telling propaganda to make them more safety conscious.

As regards welfare, there should be a statutory provision for housing of labour for all sorts of workers on the lines of the plantation workers. The plantation workers in Tripura are provided with necessary accommodation as per provision of the Plantations Labour Act, 1951.

Proper working conditions are an indispensable prerequisite if productivity of labour has to go up. The broad general features indicating proper working conditions may include:

(1) Temperature in the working room;
(2) Humidity in the work room;
(3) Extent of lighting;
(4) Working hours;
(5) The shift system;
(6) Rest pauses and intervals;
(7) Safety appliances;
(8) Speed of the machine;
(9) Standardised raw materials, etc.

(b) It may be considered whether a Committee including the Inspector of Factories, Collector of the District, Civil Surgeon and some influential non-officials may be formed to ensure the functioning of the Factories, etc. in accordance with the Acts and to make occasional checks.

No.13. In Tripura, no difference has come to light in the number of Holidays from region to region. However, it is presumed that a difference from one State and another would exist. This difference, in my opinion, is fairly justified as every State has their own important festival, etc. which the other State may not have. Even in Government service under various State Governments, there is a difference in the number of Holidays. In my opinion, there is no need for bringing any uniformity in different regions. However, uniformity in each State must be maintained.

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No. 14. Certain changes are considered necessary in the existing arrangement for regulating conditions of work in employment other than Mines and Plantation. These are considered necessary only in employment in those undertakings where large number of people are being employed. Recently, a trend of increase in accidents is noticed in the road transport. As road transport has assumed very large proportion in the country, it is suggested that this may be brought under the ambit of a statute based on the Factories Act. Similarly, Hotels and Restaurants, etc. are also coming up rather fast in the country and certain central rules on the basis of the Factories Act should be framed for these business. In Tripura, this is being regulated by the Bengal Shops & Establishment Act, 1940.

No. 15. Employment of child labour is prevalent in small scale and other unorganised industries such as hotels, restaurants and bidi making. Minimum age restriction as per provisions of these Acts seems to be quite reasonable. The implementation machinery and the certifying authorities should be tightened in this respect.

No. 16. At present there is no statute regulating the conditions of work of contract labour. Government of India have passed a bill named the Contract Labour (Regulation and Abolition) Bill 1966 in order to regulate the employment of contract labour in certain Establishments and to provide for its abolition in certain circumstances and for matter connected therewith which seem adequate for improving the conditions of the contract labour.

No.17. Trade Unions and employers organisation can jointly play a useful role provided the necessary climate is made available.

No. 18. Generally there has been a trend of increasing accidents. This is more in building and road construction Industry. Most of the incidence of accident was generally due to negligence or indifference on the part of the workmen to follow up the safety rules.

No.19. Every new entrant to an industrial establishment who has to operate on machine and tools under evironment foreign to him, should be given instruction on the dangers and hazards in working on the machines and tools in his new environments and they should be trained in the use of safety devices and observance of safety rules should be insisted upon. Refresher courses for safety may be sponsored by the Union and managements jointly or separately.

No. 20. This Government have no knowledge about such bipartite agreement regarding safety standards.

No. 21. There is no Industry like machine building chemicals, fertilizers, Petro Chemicals, Mining, Docks, etc. except one and two soap Factories in Tripura. So we may not have any comments to offer in this respect.

No. 22. It appears that the existing provisions in the Factories Act, are adequate. The inspection services may be strengthened and punishment, if necessary, should be given wherever employers are found to be negligent or indifferent faithfully the obligations cast on them by the Legislation.

No. 23. No difficulty so far experienced in this regard. Directorate General of Factory Advice, Bombay, may supply the such safety equipments whenever required by the managements. It is related to employers. However, the inspecting official may try to pursue the workers, if necessary to convince them of the dangers involved in refusing to use the safety equipments.

No. 24. The basic principles behind the Industrial Health Services should be of a preventive nature. They should aim at providing hygienic working conditions, etc. They should also identify the occupational diseases and prescribed the necessary preventing steps.

No. 25. The provisions of the Workmen's Compensation Act appears to be more or less adequate. However, the said Act may be amended in such a way that the employer is legally required to employ persons who are victims of accidents, but who can still work on some lighter jobs.

Sd/-

(S.M. Kanwar)
District Magistrate & Collector
(Chief Inspector of Factories)
Tripura.

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ANNEXURE.

SECTION OF THE COMMISSION'S QUESTIONNAIRE RELATING TO CONDITIONS OF WORK

Working Conditions:

12(a): Conditions of work in factories, mines and plantations, etc., are presently regulated by the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952 etc. The main provisions of such acts inter alia relate to (i) safety and welfare, (ii) hours of work, rest interval, weekly off, etc. (iii) employment of young persons and women, (iv) annual leave with wages, (v) occupational diseases and (vi) overtime payment. What changes are necessary in these provisions? How should the implementation of these acts be improved?

(b) What other steps are needed to ensure proper working conditions?

13. In the matter of national and festival holidays, what is the extent of difference in the total number of holidays from region to region? Is this difference justified? If not, is it possible to bring about uniformity in the total number of holidays in different regions?

14. What changes are necessary in the existing arrangements for regulating conditions of work in employments other than in factories, mines and plantations?

15. What, in your knowledge, is the extent of prevalence of employment of child labour? In what industries/activities is employment of child labour relatively high? Are you satisfied with the existing statutory provisions about employment of child labour and their implementation?

16. How have the existing arrangements regarding regulation of conditions of work of contract labour and labour employed by contractors worked? In what directions are improvements necessary?

17. What are the statutory benefits/provisions, in the implementation of which trade unions and employers' organisations can jointly play a useful role? How should such arrangements be made effective at the plant level? Should there be any standing arrangements for this purpose?

Safety and Health:

18. Is the existing rate of accidents high in establishments within your knowledge ? What have been the main causes of such accidents?

19. What steps should be taken to establish training programmes with special emphasis on safety for the benefit of new entrants to industrial establishments? Are any refresher courses necessary for those who are already in employment? How should such courses be organised?

20. Safety standards in some industries have been evolved by bipartite agreements. How have these agreements worked in practice? How can this bipartite approach be extended to other industries? How should the agreed arrangements be made effective at the plant level?

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21. In view of the anticipated growth of new industries like machine building, chemicals, fertilisers, petro-chemicals, etc. requiring stricter safety standards, what steps should be taken to arouse safety consciousness among workers and employers?

22. Against the background of expanding industry and advancing technol involving a faster tempo of production, how should provisions concerning industrial safety in the Factories Act, 1948, the Mines Act, 1952 etc., be amended?

23.(a): What are the difficulties experienced in procuring safety equipment for installation in industrial establishments?

(b) Is the supply of safety equipment to workers for their personal use adequate? Is there any reluctance on the part of workers to use suc equipment? If so, what measures would you suggest to overcome this reluctance?

24. What should be the elements of an 'Industrial Health Service' for introduction in India? How should the introduction of such a servic be phased?

25. As a corollary to replies to the above, do the provisions for workmens' compensation require to be amended? If so, in what manner?

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