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MADRAS LABOUR GAZETTE

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BY

THE COMMISSIONER OF LABOUR

DIRECTOR OF EMPLOYMENT

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MADRAS LABOUR GAZETTE

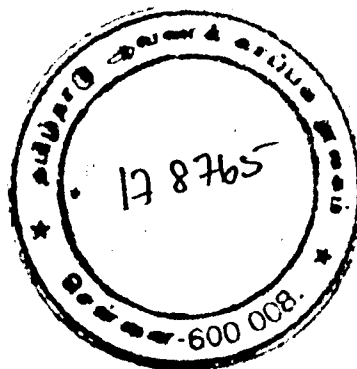
The Madras Labour Gazette, which is intended to replace the Madras Labour Bulletin, containing factual details about the number and nature of disputes in the State including strikes and lock-outs, the number of disputes settled by conciliation and adjudication and the achievement of the department in the enforcement of the various labour enactments, formerly circulated only to the departmental officers and a few other persons, is being brought out in deference to the wishes of the employers as well as Labour, to serve as a ready and easy manual of reference. To make it more interesting it is also proposed to include therein specialised articles from eminent persons. As an official publication, it has the added advantage of being more authentic.

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Sri Bisnuram Medhi

I am happy to know that the "*Madras Labour Gazette*" will be published every month. This journal is intended to publicize the activities of the Labour Department in the field of industrial relations and Labour welfare, so that the employers and the employed as well as the members of the general public will be kept fully informed. The review of the working of the various labour laws which, I understand, will also be published periodically in the journal, will, I am sure, be of special interest.

In the present set-up of our country, it is quite essential that there should be complete co-operation between the employers and the employees in all fields of public activity and many of the problems facing them will be solved if a dispassionate approach is made. I wish the "*Madras Labour Gazette*" all success and popularity among the public.



Sri V. V. Giri

I am indeed very glad that the Madras Government has decided to publish the "*Madras Labour Gazette*". At one time when I was Minister in 1937-39 I wanted this Gazette to be published on the lines of the Bombay Gazette. I am, therefore, happy that it has been decided to do so now. It is quite fitting that you should review the working of the various Labour Laws and invite special articles connected with industrial labour.

I am absolutely confident that such a Gazette will be useful to the employers, workers and the general public. I wish the Gazette every success.



Sri G. L. Nanda

I am glad that Madras has decided to bring out a monthly Labour Gazette.

Labour is a subject of growing concern to all of us. Our aim to-day is to evolve a socialist order of society. Some feel that we should start by giving labour a much better life even now while there are others who think that labour must put in more efforts to bring the new order into being. Whichever way we choose to express our concern, our views should be formulated on a careful appraisal of facts. The new journal will keep the public regularly informed of facts and developments in the labour field and help them in coming to a correct appreciation of the situation.

I wish the "*Madras Labour Gazette*" a bright and useful career.



Sri K. Kamaraj

I am glad that the Government propose to publish the "*Madras Labour Gazette*" to cater to the needs of labour, managements and Government officers regarding information on labour matters.

Industrial relations mean something more than participation in production and sharing its results. The role of labour and management in the development and progress of our country is very important. In this, I hope the "*Madras Labour Gazette*" will help, by supplying useful information and familiarising them with each other and with the activities of the Labour Department.

I wish the journal all success.



Dr. U. Krishna Rau

I am happy to learn that the Madras Government have, in deference to the wishes of the large number of employers, labour and others concerned, have decided to publish a monthly journal entitled the "*Madras Labour Gazette*". This is a move in the right direction, for at the present moment much information is not available with regard to the activities of the Labour Department in the field of industrial relations and labour welfare. A Gazette of this type will serve a useful purpose since it will include a review of the working of the various labour laws that are now in existence. I do hope that a publication of this type will go a long way to bring harmony and friendly relations between the employer and the employee. Please accept my good wishes for the success of this venture.



Sri C. Subramaniam

I am glad to know that Labour Department has decided to bring out the "*Madras Labour Gazette*" that will record the activities and achievements of Government in the field of industrial relations and labour welfare. Government's work in this sphere needs very much to be publicised. The proposed inclusion of reviews of the working of Labour Laws and special articles on industrial labour in the journal is bound to make it useful both for reference purposes and for academic study. I heartily welcome the "*Madras Labour Gazette*" and wish it long and continued service to the community.



Sri M. Bhaktavatsalam

I offer to the Commissioner of Labour my warmest felicitations on his bringing out the long-expected "*Madras Labour Gazette*". I have no doubt that the Gazette will play no small part in educating Labour about their rights and responsibilities and the means of improving their living conditions.



Sri R. Venkataraman

We are firmly committed to a policy of industrialisation, as a means of bringing prosperity to our people in this modern world. This will mean a great many other things besides material prosperity. It will mean a large increase in our labour force—both by transfer from agriculture and by new additions. It will mean that labour will have an increasing share in the increasing national production and income. Industrial centres will grow in numbers, size and location. There will be a changing pattern in the lives of workers. Labour laws and regulations are bound to become complex, as they already are to some extent. The organisation of workers, the role of trade unions and labour-management relations will acquire increasing significance to society. Indeed, it has been said that industrialisation calls forth a new type of society. Inevitably, changes in the economic and social structure of society of such a far-reaching character

will engender stresses and strains, difficulties and hardship. Our problem then is how to bring about these changes and effect adjustments, with the minimum of inconvenience to all concerned. We must also remember that those concerned are not only labour and management, but also the public at large—the Government being equally their custodian.

The programme of education of workers and management, outlined in the Second Five Year Plan, is an approach to this problem of smooth transition to an industrial era. The process of education is, naturally, a continuing one. The publication of the “*Madras Labour Gazette*” by the Madras Government is to be looked upon as a part of this programme of education.

The “*Madras Labour Gazette*” will supply a long-felt need among employers, labour and Government officers. It will include factual information and news on labour matters; reviews of the working of the various labour laws; reports of settlements, awards, and judgments; and statistical supplements. I have always believed that an objective presentation of facts in their historical context simplifies problems, clarifies understanding, and facilitates ready acceptance of adjustments and compromises that may be called for. The success of the “*Madras Labour Gazette*” lies largely in the hands of those who will use it. I hope they will extend their full support, co-operation and encouragement to the journal.

I wish the “*Madras Labour Gazette*” a long life of usefulness.



Sri Abid Ali

I welcome this new arrival in the family of Labour journals.

With the increased accent on rapid economic development more and more people are getting interested in the problems of workmen who are the basic source of strength to all our plans. It is, therefore, necessary that the public should have full and authentic information on all that is happening in the labour field. In fact, successful administration of a complex subject like labour depends very much on the support of enlightened public opinion.

Through its regular issues the "*Madras Labour Gazette*" will seek to add to the knowledge of facts about the labour situation and assist in the formation of informed opinion which alone can sustain a sound labour policy.

I wish the journal a successful career.

ARTICLES

THE MADRAS LABOUR GAZETTE

Vol. I]

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[No. 1

LABOUR POLICY OF A WELFARE STATE.*

By

V. BALASUNDRAM, I.A.S.

The welfare of labour is fundamental to national progress. The success of planning largely depends upon a contented labour which should be assured of certain basic rights. In fact, the directive principles of State policy laid down in the Indian Constitution include a living wage, the protection of the welfare of workers, the recognition of their right to work, the provision of public assistance in the case of unemployment, old age, sickness and disablement and full enjoyment of leisure, and social and cultural opportunities. India is thus pledged to the establishment of a welfare State.

The labour policy for the First Five Year Plan aimed to secure effective administration of the labour laws, improvement in the real wages of the workers and implementation of the social security schemes. The Second Five Year Plan lays greater emphasis on the strengthening of the trade union movement, mutual negotiation and voluntary arbitration for the settlement of disputes, increased association of labour with management, encouragement of the system of payment by results, constitution of appropriate wage boards for settling the wage disputes, and the widening of the scope of the Employment Exchanges with a view to providing increased employment opportunities.

No scheme of labour welfare can succeed which does not assure to a worker a minimum wage—a wage which would enable him to have the means not only for bare sustenance of life but also for the preservation of his efficiency as a worker. This is the floor level of wages, which every worker must get irrespective of the capacity of the industry to pay. The workers employed in all the employments coming under the scope of the Minimum Wages Act, except the employment in lac manufactory, tobacco (including beedi-making industry) and agriculture, where the wages paid are low and the bargaining capacity of the workers is weak, are now assured of a minimum wage statutorily under the Minimum Wages Act. The question of extending similar protection to the workers in certain other employments is also under the consideration of the Government.

While the workers are thus assured of the floor level of wages by legislative protection, their demands for fair wages depending on the capacity of the

* Published with the courtesy of the Editor : Commerce and Industry, Madras Supplement, December, 1958.

Industry to pay, the efficiency of the worker, etc., are generally met by the employers through voluntary negotiation at the level of the undertaking, or collective bargaining at the level of the industry. Necessary assistance is also given to the parties by the Government, in this regard, through the conciliation machinery provided under the Industrial Disputes Act. The principle of settlement through voluntary arbitration is encouraged. It is only when all these channels of settlement fail to bring the parties together that the State steps in, to give protection to the workmen by compulsory adjudication.

Wage Boards.—In pursuance of the policy laid down in the Second Five Year Plan regarding the constitution of wage boards, consisting of equal number of representatives of employers and employees with an independent Chairman, to settle wage disputes, Wage Boards have been set up for the textile, cement and sugar industries. The constitution of similar wage boards for the engineering and the plantation industries is also under the consideration of Government.

Adequate legislative safeguards have also been provided to the workers to enable them to recover any moneys due to them under any agreement or award, without any unauthorised deductions, through the Labour Courts and the Courts of Commissioners for Workmen's Compensation.

During recent years, the introduction of the system of payment by results, in as many industries as possible, has been encouraged in accordance with the declared objective of the labour policy of the Second Five Year plan. The experience gained so far in this field shows that wherever this has been introduced it has proved to be beneficial not only to the employers in the shape of increased production, but also to the workers in the form of increased earnings. Whatever difficulties there might be in the initial stages for the extension of the scheme to all industries, due mainly to the apathy and illiteracy of the workers, it is hoped that they will in the long run realise the advantages inherent in the scheme.

Housing for industrial workers.—Housing, which comes next only to food and clothing, contributes in no small measure to the welfare of labour. Though some managements have, to a limited extent, provided living quarters voluntarily for their workers, the problem of housing in many industrial areas has not been solved satisfactorily. To encourage the employers to provide houses to as many of their industrial workers as possible, they are offered financial assistance by the Government, in the shape of 25 per cent. of the approved ceiling cost as subsidy and 37½ per cent. of such cost as loan, while the Co-operative Societies of industrial workers are offered 25 per cent. as subsidy and 50 per cent. as loan. The response from the employers as well as the Co-operative Societies has not, however, been encouraging in this regard. Only about 10 employers have taken advantage of this assistance during the last 7 years. They have provided 552 houses at a cost of Rs. 9,21,722. The Madras Government have constructed, during the First Five Year Plan period, 936 tenements in Sembium and Erukkanchery, since named as Thiru. Vi. Ka. Nagar and Sarma Nagar respectively, at a sanctioned cost of Rs. 24.92 lakhs, for the benefit of industrial workers in and around the City of Madras. The maintenance of both these colonies has been entrusted to the Labour Department, and efforts are made to provide all amenities to the workers in the respective colonies.

Ten additional schemes for the construction of 1,108 houses at an approximate cost of Rs. 36,14,070, at various places in Madras City, Tiruchirappalli, Ramanathapuram, Coimbatore and Chingleput districts have also been recently sanctioned. The construction of all these houses is likely to be completed before the end of the current financial year. Proposals for the construction of

500 additional houses in important industrial areas like Madras, Coimbatore, Madurai and Tiruchirappalli are also under consideration.

In view of the acute scarcity of dwelling houses, particularly in important industrial areas, where there is a large concentration of labour and consequent overcrowding, and in view of the lack of enthusiasm on the part of the employers to provide houses for their workers, an appeal was made to the employers at a recent conference held in Madras to provide houses for at least 4 per cent. of their workers every year commencing from September 1, 1958. It is hoped that the employers will provide houses to as many of their workers as possible during the next few months.

The provision of housing facilities to the workers in plantations is even more urgent. The Plantation Labour Act, 1951, makes it obligatory on the part of the planters to provide housing facilities to 8 per cent. of their workers every year, according to a phased programme. To encourage the small planters to accelerate the house-building programme and to assist them in the discharge of their obligations, the planters are offered loans under the Plantation Labour Housing Scheme in appropriate cases. A sum of Rs. 45,360 has been disbursed upto March 31, 1958, as the first instalment of loan to 6 planters for the construction of 107 houses.

Betterment of working conditions.—The workers are also assured of better conditions of work at the places of their employment in factories, shops, or establishments, as the case may be. The improved sanitary conditions, better lighting and ventilation, good washing facilities, regular cleaning of the various parts of the factory building including ceiling and expert devices for dust extraction, are some of the important achievements made in the direction of labour welfare. Among the other important measures introduced statutorily for the welfare of labour are restricted hours of work, light work for women and children, payment of maternity benefits, sickness allowance, etc., to the women workers, supply of refreshments, tea and coffee at cheap prices and in adequate quantities in the canteens provided by the factories, the provision of rest-sheds, lunch rooms and creches of prescribed standards, as well as recreation clubs, reading rooms, sports clubs, etc.

The Plantation Labour Act regulates the conditions of work of workers working on plantations. It contains provision for restricting the weekly hours of work, grant of leave with wages, grant of rest intervals, weekly holidays, wages for over-time work, etc.

The conditions of work in shops, commercial establishments, restaurants, theatres and cinemas are similarly regulated by the Madras Shops and Establishments Act, which provides for 8 hours work per day with a rest interval, for adequate number of holidays with wages every year and for the payment of extra wages for over-time work. Necessary protection has been given in this Act also to ensure health and safety of these workmen. Similar benefits are given to the employees of catering establishments under the Madras Catering Establishments Act, which has recently been passed. A separate legislation to regulate the conditions of workmen in beedi industrial premises is also before the Legislature and is expected to be passed during the next session.

Social security measures.—Apart from the primary needs of the workers referred to above, the Government have also been undertaking social security schemes for improving the conditions of labour. The injured workmen and, in the case of fatal accidents, their dependents, are entitled to compensation from the employers in respect of accidents arising out of and in the course of employment under the Workmen's Compensation Act of 1923. The Planta-

tion Labour Act assures the plantation workers medical facilities at the expense of the employers.

An integrated scheme of insurance against sickness, employment injury and maternity has been provided under the Employees' State Insurance Act, 1948, which now applies to workers in power factories employing 20 or more persons. This Act provides for medical benefits by way of in-patient, out-patient and domiciliary treatment and supply of medicines and the grant of cash benefits in the case of sickness, disablement and maternity benefits. The scheme is now in force in the Madras City, Coimbatore, Madurai, Ambasamudram and Tuticorin, covering about 1,34,000 workers. The extension of the scheme to other areas in the State and of the medical benefits to the families of the workers is also under consideration.

The guarantee of old age benefit is as important to a worker as favourable conditions of work. Under the Employees' Provident Fund Act, 1952, which applies to all factories with 50 or more persons, the employees as well as the employers are required to contribute 6½ per cent. of their wages. About 2,40,114 persons are at present covered by the scheme in this State.

The provision for an appeal against the discharge of workmen by the employers, to the Commissioner for Workmen's Compensation under the Madras Shops and Establishments Act and Madras Catering Establishments Act, and the provision in the Industrial Disputes Act to raise them as industrial disputes, the payment of compensation to retrenched workers with over one year of service, and the payment of gratuity to retired and discharged working journalists are among the other important measures of social security.

Welfare Schemes :—Apart from the statutory provisions, the State Government have been taking up other welfare schemes. A demonstration cum-training centre in basket-making, and a similar centre in tailoring have been started in the Nilgiris District, with the financial assistance from the Tea Board for giving training to the dependents of plantation workers. The Coffee Board also has allotted a sum of Rs. 28,000 for the benefit of the workers in coffee estates. The grant of financial assistance to the children of plantation workers for training in nursing, and scholarships to them for higher studies, etc., are under consideration.

All important matters affecting labour are referred for necessary advice to the State Labour Advisory Board, which is the most representative consultative body for labour in the Madras State.

It will, thus, be seen that the State Government which have their due share of responsibility towards achieving the objective of establishing a Welfare State, have been steadily striving since Independence to promote the well-being of the workers on the basis of a planned programme of legislative and administrative action.

WORKING TOGETHER FOR MUTUAL WELFARE*

Government Industrial Bodies and Trade Unionists.

By

JOHN WALTON, *Britain's Trades Union Congress.*

The importance of the role the worker has to fill in the conduct of his country's affairs was never more fully appreciated than it is to-day. Britain accords a large portion of the credit for winning this recognition to her trade unions, which have created two machines—one political, taking part in the Government of the country, and the other a non-political body working amicably together with the Government of the day towards the solution of social and economic problems.

The relationship of Britain's Trades Union Congress to the Government of the day was never more aptly put than in October, 1951.

A General Election in Britain had just returned a Conservative Government. Many were asking what would be the attitude of the T.U.C. (Trades Union Congress) to the Conservatives after six years of working with a sympathetic Labour administration.

The T.U.C.'s reply was plain. In a carefully considered statement it declared : "It is our long-standing practice to seek to work amicably with whatever Government is in power and through consultation jointly with Ministers and with the other side of industry to find practical solutions to the social and economic problems facing the country".

EMPHASIS ON CONSULTATION.

This view, it was made clear, did not rob the T.U.C. of any of its right to make its own policy and to oppose either the Government or the employers. But the T.U.C. statement did emphasise that trade unions have an industrial job to do day-by-day and this must necessarily involve regular negotiation and consultation with Governments and employers.

As the national centre of British trade unionism the T.U.C. spends much of its time representing trade union points of view to the Government and to comparable bodies of employers. The nearest it comes to political activity in the partisan sense is in its membership of the National Council of Labour.

This body, which meets every three months, brings together representatives of the T.U.C., the Labour Party and the Co-operative Union to discuss each other's activities. The Council does not make policy, nor can it bind its three constituent bodies to follow any course of action they may individually not wish to take. It exists almost entirely as liaison machinery for the broad British Labour movement and as such does not compromise the T.U.C.'s independence of party political activity.

The relations between the T.U.C. and the Government of the day are best summed up by the one word consultation. And in the last 15 years or so the machinery that has developed to give it form has become far-reaching and complex.

The real start of regular consultation between the T.U.C. and the Government came in 1939 when the movement, pledging itself to back the war effort insisted on its right to talk over jointly all matters likely to affect workpeople.

* With the courtesy of British Information Services, Madras-1.

DESIRE TO CONTRIBUTE EXPERIENCE.

This call for consultation was then, as it is to-day, based on a desire not only to represent the interests of workpeople but to contribute their experience wherever possible. So successful was its practice during World War II that when peace came the complex structure of councils, boards and committees which dealt with manpower, materials, production, national savings, and many other problems were not allowed to disappear, though some changed their names and modified their terms of reference.

To them has been added a number of other advisory committees set up when the national insurance, industrial injuries and national health schemes were introduced.

Among the most important top-level consultative committees with which the T.U.C. is associated are the National Joint Advisory Council to the Minister of Labour, which deals with a wide range of problems affecting employment and industrial relations, and the National Production Advisory Council on industry, which concentrates on output matters under the chairmanship of the Chancellor of the Exchequer. Both bodies include, besides representatives of the T.U.C. equal numbers of employers' representatives.

CO-OPERATION AT ALL LEVELS.

In all, the T.U.C. to-day makes appointments to about a hundred official and semi-official outside bodies. Among the official bodies are the Economic Planning Board, a top level Government body which advises on the best use of the national resources, and the Department of Scientific and Industrial Research which aims to ensure the efficient application to industry of the fruits of scientific research.

Other nationally significant bodies which include T.U.C. nominees are the National Savings Committee, the British Travel and Holidays Association and the National Playing Fields Association.

The machinery of consultation between the unions and Government authorities is not confined to national level. For example, on production matters there is joint consultation between unions, employers and Government department through Regional Boards for Industry which work in their areas on a similar pattern to the National Production Advisory Council on industry.

Local trade union organisations working under the T.U.C. appoint representatives to employment committees all over Britain, to local advisory committees dealing with National Insurance and industrial injuries, and to regional hospital boards and hospital management committees.

MANY INFORMAL CONTACTS.

This formal arrangement for consultation does not include many informal contacts at local and national level between representatives of the Trade Union Movement and the Government. But Ministers and departmental officials are usually ready to discuss particular issues of policy with trade unionists at all times.

In its own little handbook on "Trade Unions and Government Authorities", the T.U.C. has said:

"Sympathetic administration and flexible planning require proper consultation between Government and voluntary associations. Such consultation does not, of course, withdraw responsibility for taking decisions from those who in Parliament or in local authorities have been elected to govern; nor does it absolve trade unionists from working out their own policy in their own independent councils and conferences".

MEDICAL CARE IN INDUSTRY

By

S. PARAMANAYAKAM.

Medical care in industry consists not merely in ensuring medical cure for illness and injury of the workers but embraces a much wider field of service as well. The concept of medical care in industry has widened its scope with the changing conditions and needs of the times. The underlying principle of all medical care is the preservation of the health of the workers engaged in the industry. That raises a crucial question: What is health? By for the best definition known of 'Health' is that furnished by World Health Organisation. According to it, health is not merely absence of disease but a state of complete physical, mental and social well-being. Medical care in industry therefore is not complete with providing efficient arrangements for speedy cure from illness and injury but should aim at a positive programme of assuring workers a state of complete physical, mental and social well-being.

Any study of the health of workers in industry should take into consideration three vital factors in industry: (1) The Worker; (2) The Work and (3) The Working Environment.

It becomes necessary to examine all workers on entry into service with particular reference to his family history, personal history and occupational history, to examine the workers periodically to study the effect of industrial hazards of the work on the worker, and to eliminate the workers who are physically unfit for the particular jobs. The importance of medical examination before selection of personnel for the job, has not perhaps been yet fully realised by industry in our country. Quite often workers coming from family having a heredity of epilepsy, diabetes, haemophilia, etc., are entertained. Cases of persons having chronic bronchitis, being selected for occupations which involve working in environment of dust and fumes are not uncommon. A person with a weak heart or hernia, cannot be employed on work where physical effort has to be put forth. A short-sighted person cannot undertake delicate manipulative work. Persons who suffer from enlarged tonsils or adenoids may have an associated physical development. Obviously they are unsuited for work in damp and hot atmospheres and are often liable to catarrhal infections. Conditions such as pyorrhoea, rheumatic, arthritis sore throat, etc., arise from septic condition of the mouth and teeth and often lower the state of health of the worker. The condition of skin should be a matter of close examination in all applicants for occupations which incur liability to dermatitis. Different industrial occupations require different degrees of strength and in order that muscular strength may be used economically or that fatigue and other sequelae may be avoided by a worker being placed on a task beyond his muscular strength, various methods are now used to test the relative strength required for these operations. Tests should be performed on prospective candidate seeking occupation in industry, with a view to finding his physical efficiency, his efficiency of movement, his respiratory efficiency, the efficiency of his vision, his intelligence and mental efficiency, the efficiency of his nose, throat and teeth and the efficiency of the skin. Then only and not till then, can one determine the candidates physical fitness for the work, his general mental adaptability to the work, his special ability for carrying out the work and his temperamental qualities. Special attention with detailed emphasis on the above conditions should be paid while examining the fitness of young persons for work in industry. The fundamental principle is always to match work to worker.

A well-equipped and well-organised ambulance and medical service is a valuable adjunct of welfare work affecting both the employer and the worker. Prompt and efficient treatment is obtained thereby. The service should aim at preventing minor injuries due to accidents from becoming serious injuries or neglected injuries leading to loss of limb or life. Time is also saved by helping the worker to return to his employment as soon as possible with less loss of production. When accidents occur in factories, first aid must be available and it is found to be advantageous to have a doctor on the spot in large works to attend to all classes of cases. His work is mainly curative but the preventive aspect by periodical examination must also bulk largely and is becoming increasingly important. The Medical Officer must have a fully trained nursing staff and a subordinate first-aid staff. The medical aid provided in factories may be divided into first aid posts, ambulance-rooms and a complete whole-time medical service.

The second factor that has to be investigated in industrial health is the work of the worker. Very often the work is itself a source of causation of various occupational diseases in the worker. Industrial dust, Industrial poisons, certain fumes evolved in the process of manufacture often affect the state of health of the worker to an extent far beyond the imagination of the common folk. There are various types of dust which can produce changes and certain types of dust are responsible for disease processes. Such a dust is Silica responsible for Silicosis. Another is asbestos producing asbestosis. The cotton dust evolved during the stripping and grinding operations in the cards in the textile mills, often results in causing byssinosis. Pneumoconiosis, a term used to describe changes on the lungs consequent on the inhalation of dust, covers the genus of dust diseases. Industrial dust is invisible to the naked eye under ordinary light conditions and workers inhale quite a large quantity of dust without anyone knowing about it, because even the natural scavenging system namely the microscopic hairs called cilia provided to the cells lining the respiratory tract which carry on a continual sweeping motion towards the outside, cannot arrest the passage of particles of dust of size 5 microns and less. The accumulation of dust at times for two years and more, does not show itself off by any tangible sign of ill health on the worker. Only a clinical examination of the worker at frequent intervals, will reveal the condition of the lung. No greater emphasis therefore can be made on the need for periodical medical examination of workers engaged in an atmosphere of dust cloud. In a like manner, inhalation of chemical fumes often leaves the worker with no immediate perceptible symptom of any disease but an X-ray film will bring out facts unexpected. It is not possible to list all the items of manufacturing processes which are sources of industrial diseases; because it is a progressive science and every day brings home new facts not so far known. For example, makers and handlers of dye-stuffs have long been known to suffer unduly from bladder tumours, but the extent of the risk and causes of it were not understood until the industry was studied in detail by Dr. Case and his colleagues. Dr. J. N. Morris's investigation of coronary occlusion in various occupations have shown that bus drivers, telephonists and clerks who do sedentary work are about twice as likely to die from this disease as bus conductors and postmen who are active in their work. This research indicates that the recent increase in coronary heart disease may be related to the increase in the amount of sedentary work as a result of mechanisation and automation. There are excellent opportunities for studying and learning more about diseases for the doctor in industry. Periodical medical examination in hazardous occupations are of prime importance with a view to detecting early signs of poison absorption, for example of lead, before such conditions advance to definite poisoning. Such signs, not certainly observable by an uninstructed person, may be obvious enough to the doctor. A

typical method is to have the first examination of the worker engaged in hazardous operation within 7 days of the employment and afterwards monthly.

Various radiations emanating from processes in industry cause hazard to the eye. Handling of chemicals gives recourse to various skin affections. Industrial dermatitis is the most prevalent and familiar of industrial melodies. Normally it takes the form of an eczema of hands, wrists and forearms. Principal injurious materials include alkalis, such as sodium compounds, oils and suds, sugar, glues and resins. In all cases of affection, treatment should be at the hands of a doctor. If not attended early, the broken surface of the skin may become infected with positive disease bacilli when the trouble becomes more widely spread and deep seated. Then it is difficult to cure and liable to recur even if cured. Inhalation of fumes through mouth leads to dental decay. Much can be done to lessen, if not eradicate, the evil effects of these hazards by recourse to preventive medicine.

Last but not the least, working environment of the worker serves as a source of hazard to the health of worker. Radiant heat due to building materials used in factories combined with the heat emanating from the process, increases the discomfort to the worker and positively causes heat exhaustion, heat cramps, etc. High temperature, humidity, bad ventilation are vital factors affecting the health of the worker; where the conditions cannot be bettered by engineering methods, the workers' exposure to these phenomena, has to be handled by the doctor. Rise of blood pressure of workers is more prominent when associated with heavy manual labour in certain industries. In weaving trade where work is carried on in damp and heated atmosphere, it is found that blood pressure of workers is lower. Environmental conditions tell upon the health of the workers; where the conditions cannot be improved, medical care should step in to arrest the effects of hazards caused by conditions of environment.

The role of medical care in arresting the extent of absenteeism in industry cannot be over-emphasised. According to data collected by Prof. B. P. Adarkar in his report on Health Insurance for Industrial Workers in India, the maximum rate of sickness is 14.6 days per year per worker. If calculations based on the rate of 10 days due to illness are considered instead of the maximum of 14.6 worked out by Prof. Adarkar regulated factories lose every year about three crores of rupees as gross income due to absenteeism of operatives through illness. If an Industrial Health programme can however lower the average absenteeism by one day only the saving to industry would amount to 30 lakhs of rupees. Some persons and families are constitutionally weak on the chest and their colds always go down to their chests. In such cases the infective element appears to play a far greater part than the physical or chemical environments. In such cases, the industrial medical officer should endeavour to obtain for the patient, conditions with the least dust or fume and with physical activity well within his patient's capacity. If the patients are not assured of proper pre-medical care, absenteeism is bound to run high. Most of the loss of working time in industry is due to general diseases not specifically associated with occupational hazards. Any hope for its control must come from a better understanding of those features of the environment which favour the onset of disease; and to this understanding medical officers in industry can contribute much.

Modern life both in industry and outside has become one full of struggle and tension and psychiatrists can make a positive contribution to keep down the figures of the cases of neuroses and other mental diseases by a judicious study of the patients.

An attempt has been made to emphasise the place of medical care in its new all-embracing concept. Suffice it to say that there is a great demand for medical and health service in each industry because there are special features which warrant a special consideration and special approach and the existing arrangement offers only an inadequate approach compared to the volume of task ahead.

LABOUR DEPARTMENT—ORGANISATION AND SET UP.

The Labour Department consists of 3 sections, viz., (1) Labour section, (2) Factories section and (3) Employment section. The Commissioner of Labour as the administrative head of the department, is assisted by the Assistant Commissioner of Labour and the Personal Assistant to the Commissioner of Labour at the headquarters, 10 Labour Officers and 1 Labour Officer for Plantation Labour Welfare, in matters relating to the industrial relations in the State. There are also 3 Labour Courts with Headquarters at Madras, Madurai and Coimbatore and an Industrial Tribunal for the whole State with Headquarters at Madras, constituted under the Industrial Disputes Act for the adjudication of industrial disputes referred to them by the Government under the Act. They are, however, under the administrative control of the High Court.

In the administration and enforcement of the Labour laws, the Commissioner is assisted by a Chief Inspector of Factories and his Personal Assistant at the headquarters and 12 Inspectors of Factories, 1 Inspectress of Factories, 5 Inspectors of Plantations and 126 Assistant Inspectors of Labour in the Districts.

As Director of Employment, he is assisted by a Deputy Director and an Assistant Director at the Headquarters, and 13 District Employment Officers in the Districts. The District Employment Officers are *ex-officio* Secretaries of the District Soliders, Sailors and Airmen's Boards. The Deputy Director, National Employment Organisation is the *ex-officio* Secretary of the Madras State Soliders, Sailors and Airmen's Board, Madras.

FUNCTIONS OF THE HEADQUARTERS AND SUBORDINATE OFFICES.

(a) *Labour section*.—The Office of the Commissioner of Labour is the controlling Office for all the offices of the Labour Officers and Labour Officer for Plantations Labour Welfare. Matters pertaining to the administration and organisation of those offices, periodical inspection, control and supervision over the subordinate offices are attended to by this Office.

The Commissioner of Labour, the Assistant Commissioner of Labour and the Personal Assistant to the Commissioner of Labour are conciliation officers with State-wide jurisdiction under the Industrial Disputes Act. They intervene in the case of important disputes and disputes which affect the jurisdiction of more than one Labour Officer for the purpose of bringing about an amicable settlement. The conciliation reports of the Labour Officers are scrutinised by this Office before being forwarded to Government.

The Commissioner of Labour is also the Registrar of Trade Unions under the Indian Trade Unions Act which provides for the registration of trade unions and defines the law relating to registered trade unions. In addition to the registration of trade unions, the annual returns of the registered trade unions are examined in this office.

The Commissioner of Labour is also the Certifying Officer under the Industrial Employment (Standing Orders) Act, 1946, which requires the employers of industrial establishments to frame standing orders prescribing conditions of service and submit them to the Certifying Officer for certification.

The Commissioner of Labour is the final authority to decide whether the provisions of the Madras Shops and Establishments Act apply to any establishment or to any person employed therein and whether the employees are entitled to privileges more favourable than those provided under the Act.

The Commissioner is also the Commissioner for Workmen's Compensation for the whole State. The Assistant Commissioner and the Personal Assistant to the Commissioner of Labour have also been appointed as Commissioners for Workmen's Compensation. The Assistant Commissioner hears and decides claims preferred under the Workmen's Compensation Act. The Personal Assistant is entrusted with the work of administering the personal deposit accounts and the dependants accounts under the Act.

The Assistant Commissioner and the Personal Assistant to the Commissioner of Labour are also notified as authorities under the Payment of Wages Act to hear and decide claims arising out of non-payment of wages, or deductions from the wages and appellate authorities to hear and decide appeals preferred under section 41 of the Madras Shops and Establishments Act. The Personal Assistant hears cases which arise in the City of Madras and the Assistant Commissioner in the other areas of the State.

The Commissioner of Labour is also in charge of the work relating to Subsidised Industrial Housing Scheme. In this work, he is assisted by an Assistant Engineer. The allotment of houses through managing Committees constituted for the purpose and the maintenance of the housing colonies are also entrusted to him.

The Commissioner is the Chairman of the Minimum Wages State Advisory Board and the Secretary of the State Labour Advisory Board.

Labour Officers.—The Labour Officers have been appointed as conciliation Officers under the Industrial Disputes Act, charged with the duty of mediating in and bringing about amicable settlements of industrial disputes which arise in their jurisdiction. These Officers also look into the complaints of individual workers and secure to them the desired relief to the extent possible by using their good offices.

Labour Officer for Plantation Labour Welfare.—One Labour Officer at Coonoor has also been appointed to work out and promote welfare schemes for the benefit of workers employed in plantations in the Nilagiri District, to study the conditions of labour in each plantation estate in detail with a view to find out ways and means for improving them. One demonstration-cum-Training-Centre in basket-making was started in Kullakumby area with the financial assistance granted by the Central Tea Board. This Centre was wound up as the response from the workers was not encouraging. A Demonstration-cum-Training-Centre in Tailoring Centre has been started. The first batch of trainees have already completed their training and the second batch of 19 trainees are undergoing training at present. Other welfare schemes for grant of stipends and scholarships for the children of Coffee Estate Workers, for training the children and dependants in midwifery, etc., are under consideration.

Industrial Tribunals and Labour Courts.—The Industrial Tribunals and Labour Courts adjudicate on the industrial disputes which are referred to them by the Government under the Industrial Disputes Act.

(b) Factories Section : The Chief Inspector of Factories who is officially subordinate to the Commissioner of Labour is the Administrative head of the Factories section and statutory authority for the sanction of prosecutions, exemptions upto certain limits, issue of licences, approval of plans of Factory

buildings, etc. He is the Appellate Authority to hear appeals against the Inspection Orders issued by the Inspectors of Factories under the Factories Act. The Chief Inspector of Factories is also the Chief Inspector of Plantations and is in charge of the administration of the Plantations Labour Act.

The Inspector of Factories and the Inspectress of Factories are the enforcement authorities in respect of the various Labour enactments, viz., the Factories Act, 1948, the Madras Shops and Establishments Act, the Minimum Wages Act, the Payment of Wages Act, the Madras Maternity Benefit Act and the Employment of Children Act, etc. The Inspectress of Factories is mainly concerned with the enforcement of various labour enactments and rules relating to employment of women and children in the factories.

The Inspectors of Plantations enforce the provision of the Plantations Labour Act and rules made thereunder.

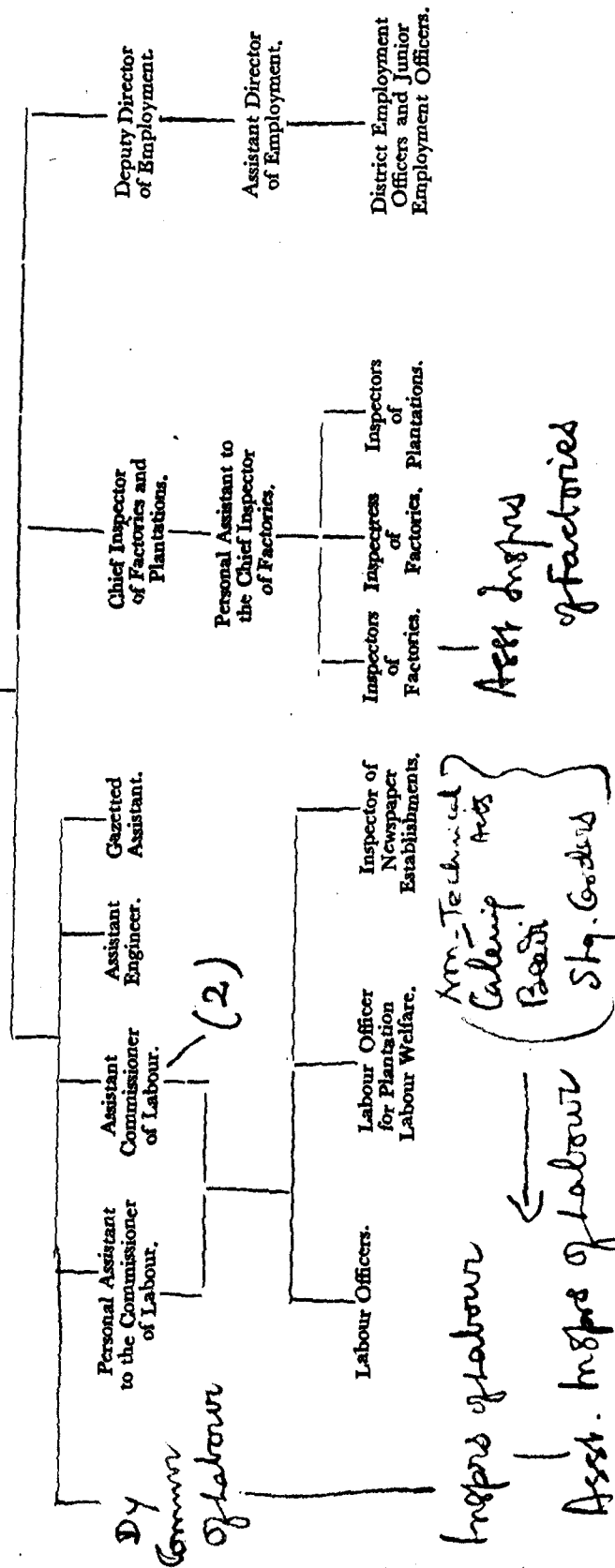
The Assistant Inspectors of Labour enforce the provisions of the Madras Shops and Establishments Act. They have also been notified as Additional Inspectors under the Factories Act, and Inspectors under the Minimum Wages Act, Payment of Wages Act and Madras Maternity Benefit Act.

(c) Employment Section.—The State Headquarters Office (Office of the Director of Employment) is the controlling Office for all the District Employment Offices. All matters pertaining to the administration and organisation of the District Employment Offices, periodical inspection, control and supervision of the District Employment Offices, giving directions on matters of policy and procedure, etc., are attended to by the State Headquarters Office. The Deputy Director at the Headquarters Office is also the Secretary of the Madras State Soldiers, Sailors and Airmen's Board, looking after the welfare of the Ex-Services Personnel and the District Employment Officers are the *ex-officio* Secretaries of the "District Soldiers, Sailors" and "Airmen's" Boards in their districts.

The District Employment Offices primarily cater to the needs of employment seekers and employers in their respective districts. The main function of the Employment Offices is to help as speedily as possible employment seekers to find suitable employment and employers to secure suitable workers for vacancies under them. This service is free and voluntary. The District Employment Officers also collect and collate vital statistics relating to employment and maintain continuous liaison with the employers in their districts.

LABOUR DEPARTMENT—ORGANISATION AND SET UP.

Commissioner of Labour and Director of Employment.



LABOUR NEWS

INDUSTRIAL RELATIONS.

The labour situation in the State during the month of January, 1959, was generally satisfactory except for 7 strikes and 1 lock-out in the Textiles, 3 strikes in Plantations and 5 strikes and 1 lock-out in other industries, affecting 1,802, 374 and 1,427 workers respectively. The number of man-days lost as result of the above stoppages was 7,472, 3,146 and 11,179, respectively.

Textiles.—The dismissal of 144 workers of the United Bleachers (Private) Limited, Mettupalayam, was referred to the Labour Court, Coimbatore, which has since upheld the dismissals. The Union is reported to have filed a writ petition in the High Court against the award of the Labour Court, Coimbatore. Meanwhile, discussions were held by the Minister for Home and Minister for Industries and Labour with the parties concerned with a view to bringing about a settlement of the dispute. The management were, however, not willing to take back all the dismissed workers, even on their tendering an apology.

Ten workers of the Rajalakshmi Mills Limited (A Mill) Singanallur, Coimbatore, struck work on the 4th January, 1959, demanding their promotion to the cleaning gang in the 'B' Mills. Eight hundred and forty other workers were affected by the strike indirectly. The strike was called off by the workers voluntarily on the 6th January, 1959.

Two hundred workers of the Kasthuri Mills Limited, Singanallur, Coimbatore, struck work on the 6th January, 1959, as a protest against the action of the management in determining the surplus workers due to change over from 40's counts to 60's counts. 282 workers were indirectly affected. On the advice of the Commissioner of Labour the workers resumed work on the 9th January, 1959.

Fifty workers of the Jayalakshmi Mills Limited, Singanallur, Coimbatore, struck work on 23rd January, 1959, as a protest against the transfer of badli workers from one shift to another. On the intervention of the Labour Officer, Coimbatore, the workers resumed work on the 27th January, 1959.

One hundred and thirty three workers of Rajaratna Mills Company, Palni, struck work on 23rd January, 1959, at 5 P.M. as a protest against the suspension of one worker. The Labour Officer, Madurai, intervened and the workers resumed work at 8.30 P.M. the next day.

Plantations.—The workers of the Woodbrier Estate, Devershola Post, numbering 241 and of the Sussex Estate, Nellacottah, numbering 78, struck work on the 12th January, 1959, demanding the reinstatement of two workers, confirmation of all the workers who had worked for 180 days in the year, etc. The dispute was referred for adjudication and the strike was prohibited under section 10 (3) of the Industrial Disputes Act. The workers resumed work on the 22nd January, 1959.

Fifty-five workers of the Vaikundam Estate, Kulasekaram Post, Kanyakumari District, struck work on the 27th January, 1959, as a protest against the non-payment of wages for the Republic Day holiday and non-issue of wage slips to the workers. The strike continued at the end of the month.

Other Industries.—The Dalmia Cement Workers' Union, Dalmiapuram, issued a strike notice on the 2nd January, 1959, containing a charter of demands relating to bonus, increase in wages, etc. In pursuance of this strike notice, the workers of the Dalmia Cement (Bharath) Limited, Dalmiapuram, numbering 1,251 struck work on the 23rd January, 1959. The workers resumed

work on the 31st January, 1959, on the intervention of the Minister for Industries and Labour, Madras.

Statistical details of the strikes are given in the statistical supplement.

Central sphere.—Ninety-nine workers of Messrs. Hopkin & Williams (T) Limited, Manavalakurichi, went on a strike from the 12th November, 1958, demanding enhancement of bonus for 1957, and abolition of the contract system in certain sections. The management declared a lock-out with effect from the 19th November, 1958. 251 workers were affected indirectly by the strike. The workers resumed work on 5th January, 1959, as a result of a mutual settlement arrived at between the management and the Mineral Workers' Union on the 23rd December, 1958.

Ninety-nine workers of the quarries of the Dalmia Cement (Bharath) Limited, Dalmiapuram, struck work on the 23rd January, 1959, along with the factory workers demanding payment of three months wages as bonus for the year 1958, reinstatement of workers suspended and dismissed from number IV Quarry, provision of work to the surplus workers due to mechanisation, etc. The quarry workers resumed work on the 31st January, 1959, along with the factory workers on the intervention of the Minister for Industries and Labour, Madras.

Banks.—The employees of the Bank of Baroda Limited, Madras-1, numbering 53 went on a token strike from 10.15 A.M. to 12 Noon on 24th January, 1959, demanding the payment of 4 months wages as bonus. Five employees of the Bank of Baroda Limited, Mylapore Branch, Madras, struck work for an hour from 3-30 P.M. on the 24th January, 1959, demanding the payment of 4 months wages as bonus. The employees of this branch again staged a strike for 2 hours on the 27th January for the same reason.

CONCILIATION UNDER THE INDUSTRIAL DISPUTES ACT, 1947.

The Conciliation Officers enquired into and settled 884 disputes during the month of January, 1959. 52 of these were industrial disputes in which settlements were recorded under section 12 (3) of the Industrial Disputes Act. Details of the disputes settled by conciliation are given in the statistical supplement.

Apart from settlements under section 12 (3) of the Industrial Disputes Act mentioned above, there were 17 settlements arrived at between the management and the workers themselves as set out in the statistical supplement of this Gazette. Of these settlements mention may be made of the following :—

(1) The workers employed in Sri Meenakshi Mills Limited, Madurai (Paravai Branch) a new textile mill, were demanding a revision in the wage structure for the different categories of workers in the Mills. The management were insisting upon standardisation of the workload in each department. As a result of direct negotiations the parties arrived at a settlement on the 17th January, 1959, fixing wages and workloads for different categories of workers in the mills.

(2) An agreement was entered into between Messrs. Matheson, Bosanquet & Company (Private) Limited and the staff of the company represented by the Estates Staff Union of South India and the Cochin Commercial Employees' Association, in respect of scales of pay, increments to staff, dearness allowance, provident fund, gratuity, etc., to staff members on the 21st January, 1959.

(3) The management of Madura Mills Company Limited, Madurai, and the maistries and jobbers employed therein entered into a settlement on the 23rd January, 1959, regarding wages and workloads.

(4) The managements of Thyagarajar Mills Limited, Kapalur, Madurai, and Rukmani Mills Limited, Silaiman, and their workers represented by the Thyagarajar Mills Workers' Union and Rukmani Mills Workers' Union, entered into an agreement on the 31st January, 1959, on the question of wages and workloads for the various categories of workers.

ADJUDICATION UNDER THE INDUSTRIAL DISPUTES ACT, 1947.

The State Government referred nine industrial disputes, where settlements could not be brought about by conciliation, to the Labour Courts at Madras, Coimbatore and Madurai for adjudication. The details of disputes referred for adjudication are published in the Gazette under the statistical portion.

Twenty-eight awards given by the Industrial Tribunal and the Labour Courts, Madras, Coimbatore and Madurai on industrial disputes referred to them were published during the month of January, 1959.

WELFARE.

(1) *National Employment Service in the Madras State—January, 1959.*—During January, 1959, the Employment Offices in the State registered 15,387 applicants, including 1,522 women, 2,426 scheduled caste/scheduled tribe applicants and 594 ex-services personnel. The total number of applicants placed by the various Employment Offices was 2,140 which included 265 women, 288 scheduled caste/scheduled tribe applicants and 94 ex-services personnel. 868 employers made use of the Employment Offices. 2,514 vacancies were booked by the Employment Offices against which, 12,303 applicants were submitted. 1,12,674 applicants were awaiting employment on the registers of the various Employment Offices in the State.

During the month, 13 applicants seeking administrative, supervisory, managerial and technical jobs were placed in employment by the Employment Offices in the State.

Recently, instructions have been issued that recruitment to Class IV posts in the Railways will be done through the Employment Offices. As a result of this revised procedure, there has been a rush of applicants calling at the Employment Offices for registration. The District Employment Officer, Tiruchirappalli, has reported having placed 53 registrants as gangmen and khalasis under the Divisional Superintendent, Southern Railway.

Shortages were reported by the various Employment Offices in the following trades :—

- Draughtsmen (Civil and Mechanical).
- Engineering Instructors.
- Overseers.
- Electricians (Grade 1)
- Town Planning and Building Inspectors, Supervisors and Surveyors.
- Instrument Mechanics.
- Radio Mechanics.
- Turners.
- Welders.
- Craft Instructors.
- Compounders.
- Maternity and Health Assistant and Qualified Stenographers.

There were surpluses in the trades of clerks, attenders, peons, watchmen and mazdoors.

The employment market information scheme.—The Collection of Employment Market Information commenced in this State in March, 1958. The Programme which covers the private and public sectors in the Coimbatore District and the Public Sector in all other districts envisages collection of employment market data of the non-agricultural sector covering changes in employment, nature and volume of current employment openings, difficulties experienced in filling them and occupations in which shortage is experienced. In addition, data will be collected at biannual intervals on the occupational pattern of the employees as well as the anticipated demand during the subsequent quarters for different categories of personnel. Under this Scheme, the draft report on the Coimbatore Employment Market for the quarter ended 30-6-1958 was finalised. The employment enquiry for the quarter ended December, 1958, has been phased and 1904 employers in the public sector and 1540 employers in the private sector have been addressed to furnish employment data.

The Scheme for Occupational Research and Analysis attempts to study and standardise, with the co-operation of experts and industrialists, the different job contents and occupations prevailing in the country. The end product will be a comprehensive dictionary of occupations besides the publication of occupational specifications and interview aids, occupations field reviews, career pamphlets and a hand-book on inplant and institutional training facilities. Detailed draft definitions in respect of 19 occupations under the group chemists, physicists, geologists and other physical scientists were prepared and forwarded to the Government of India.

The Youth Employment Service and Employment Counselling Unit attached to the District Employment Office, Madras, aims at economic and equitable utilisation of the available manpower through scientific and systematic group and individual guidance. This Unit commenced its activities in March, 1958 and has given group guidance to 816 applicants and individual guidance to 12 applicants. The Unit continues to collect information on the facilities for training and apprenticeship and various other courses of studies and apprenticeship facilities for the benefit of the applicants who approach this Unit for guidance.

The Employment Offices continued to give publicity to the utility and sale of Career Pamphlets and Hand-Books on training facilities which are published by the Government of India. Under the orders of the Government, the National Employment Service has recently taken up the work on the revision of the "Handbooks on Training Facilities" with a view to bringing them up-to-date with information on the various training institutions, and training facilities, both in the Public and Private sectors available in the State. These revised editions, when brought out, will be of immense value to the public and Planning bodies.

HOUSING.

One of the directive principles of the State Policy as laid down in the Constitution is to provide facilities to labour for the full enjoyment of leisure. The primary step to achieve this objective will be to provide sanitary, well-planned houses of proper design with adequate living space. This problem of providing suitable houses to the industrial workers has been engaging the attention of the Government of India and the Government of Madras for a long time. With a view to encouraging the construction of houses for workers the Government of India have been granting under the Subsidised Industrial

Housing Scheme, financial assistance to private employers, statutory housing boards and Co-operative Societies of industrial workers.

As many as 10 establishments in this State have so far taken assistance under the Scheme for the construction of 552 tenements, involving loans aggregating to Rs. 5,43,971 and subsidy amounting to Rs. 3,77,751. Managing Committees have been formed with the Labour Officer having jurisdiction in the area, as the Chairman of the Committee for the allotment of houses.

The State Government also took advantage of these facilities and got approved a scheme at Sembium and Erukkencherry (Thiru Vi. Ka. Nagar and Sharma Nagar) for the construction of 936 houses at an estimated cost of Rs. 24.92 lakhs. The actual cost of the scheme exceeded the sanctioned cost by about 10 lakhs.

The Government of India have made a provision of Rs. 55.10 lakhs under the Subsidised Industrial Housing Scheme for the construction of houses for private industrial workers during the Second Five-Year Plan period. The State Government have decided to utilise the entire provision by undertaking schemes departmentally. The Government have so far sanctioned 14 schemes for the construction of 1,248 tenements at an estimated cost of Rs. 41.19 lakhs, out of which eight schemes are under the Administrative control of the Labour Department and the other six schemes under the direct control of the Director of Industries and Commerce. Construction of 456 houses have been completed, i.e., 356 by the Labour Department and 100 by the Director of Industries and Commerce. In Vellanur 176 houses are nearing completion. Preliminary arrangements are under way for the construction of the remaining 586 houses.

In August, 1958, the Government convened a conference of representatives of employers who employ 1000 workers and more as well as the trade unions to discuss the question of housing industrial workers in this State. It was decided, among other things, that each employer in the State having 1000 or more employees will provide every year houses for 4 per cent. of his employees excluding those already housed by them, within a period of twelve months from 1st September, 1958, that housing for 50 per cent. of his employees will be the maximum that any employer will be expected to provide and that the Government will defer the question of legislation for one year and will not resort to it unless the response is not satisfactory.

Plantation Labour Housing.—Section 15 of the Plantation Labour Act, 1951, makes it obligatory for every employer in plantations to provide and maintain for every worker and his family necessary housing accommodation. To encourage the planters to construct good houses early and to comply with the provisions of the Act, the Government of India have formulated the Plantation Labour Housing Scheme, providing for the grant of loans through State Governments to small planters for the construction of houses for their resident workers.

The Government of India have provided a sum of Rs. 3.46 lakhs for the construction of houses by the planters in this State. Loan assistance of 80 per cent of the actual cost of construction of houses is granted by the Government of India. The loan is recoverable in 30 annual equated instalments. So far 9 managements have come forward to construct 155 houses at a cost of Rs. 2,97,600 and the Government have already sanctioned a loan of Rs. 2,73,600. Construction of 59 houses have been completed and 48 houses are nearing completion. Construction of other houses are in progress.

OTHER WELFARE MEASURES.

For the benefit of Plantation workers the Government have started a demonstration-cum-training Centre in Tailoring at Coonoor with a grant of Rs. 5,000 from the Tea Board. The Centre gives training in tailoring to the dependants of the Tea Plantation workers in Madras State. The Centre was started on 16th January, 1957. The training course is of 12 months duration and the trainees are paid a stipend of Rs. 15 per month. The first batch of candidates have already been trained and the second batch of 19 is undergoing training at present.

The Coffee Board has allotted a sum of Rs. 28,000 for granting scholarships and stipends to the children of Coffee Plantation workers for higher studies and technical education. The scholarships and stipends are likely to be disbursed from the academic year 1959-60.

The Tea Board is also formulating a scheme with a view to giving Mid-wifery training to the dependants to Tea Plantation workers in the State. This scheme is under consideration.

LABOUR LAWS AND ADMINISTRATION

The effective administration of labour laws is one of the main functions of the Labour Department. The following Acts are administered by the Labour Department of the Government of Madras, at present :—

The Industrial Disputes Act, 1947.—Provides for the investigation and settlement of industrial disputes through the medium of Works Committees at the level of the industry, through conciliation by conciliation officers (Labour Officers) and through a three-tier adjudication machinery, viz., Labour Courts, Industrial Tribunals and National Tribunals. This Act also requires the employers to give the workmen proposed to be retrenched a month's notice or a month's wages in lieu of notice together with compensation calculated at the rate of 15 days wages for every year of service at the time of retrenchment besides giving them preference for re-enrolment whenever fresh hands are required. Provision has also been made in the Act for the payment of compensation to workers employed in factories where 50 or more workers are employed for periods of lay off.

The definition of the term "Workmen" under the Act has also been widened to include 'supervisory staff.'

The Industrial Employment (Standing Orders) Act, 1946.—Requires the employers in industrial establishments to define with sufficient precision the condition of service under them and to make the said conditions known to the workman employed by them. Under this Act, every industrial establishment employing 100 or more workmen should frame standing orders for its employees and submit them to the Commissioner of Labour, who is also the Certifying Officer under the Industrial Employment (Standing Orders) Act, 1946. The provisions of this Act have recently been extended to all factories which come under the purview of section 2 (m) of the Factories Act of 1948. It also applies to all newspaper establishments wherein 20 or more workers are employed. The Industrial Disputes (Amendment and Miscellaneous Provisions) Act of 1956, has, for the first time, empowered the Certifying Officer to go into the reasonableness, of the Standing Orders submitted by the employers. It also enables the parties to apply to the Certifying Officer for the amendment of the Standing Orders already certified.

The Workmen's Compensation Act, 1923.—The first measure of social security introduced in this country, entitles the injured workmen and in the case of fatal accidents their dependants to compensation from the employers in respect of accidents arising out of and in the course of their employment. The Act also provides for the payment of compensation in the case of occupational diseases. The amount of compensation payable to the injured workmen depends upon their average monthly wages.

The Indian Trade Unions Act, 1926.—Provides for the registration of trade unions and defines the law relating to registered trade unions. It grants immunity to the officers and members of registered trade unions against criminal proceedings in respect of agreements entered into for purposes of furthering any legal objects of the Union.

The Factories Act, 1948.—Regulates labour in factories with particular reference to their safety, health and welfare. The construction of factories according to approved plans, licensing of factories, registration of even smaller factories under the Act with a view to extending the amenities and securing safe working conditions to a large labour force and the introduction of new safety provisions based on modern industrial practice for the prevention of accidents in factories are some of the salient features of the Act of 1948. This Act also requires the

employers to provide first-aid facilities, ambulance rooms, canteens, rest sheds, creches, etc. The appointment of Labour Officers in factories employing more than 500 workers has been made compulsory. The prevention of overlapping shifts, prohibition of employment of children below 14, payment of over-time wages at double the rates, safety precautions in respect of persons employed in hazardous and dangerous occupations are some of the other essential features of this Act.

The Payment of Wages Act, 1936.—Regulates the payment of wages to persons employed in industrial establishments to whom the provisions of the Act are extended to, provides for the fixation of wage periods and for payment of wages within the prescribed periods. Claims relating to the non-payment of wages or illegal deductions from wages are heard and decided by Additional Commissioners for Workmen's Compensation, personal assistant to the Commissioner of Labour and the Assistant Commissioner of Labour, under section 15 of the Payment of Wages Act.

The Minimum Wages Act, 1948.—Provides for the fixation of the minimum rates of wages in respect of certain employment specified in the schedule to the Minimum Wages Act. The Labour Courts constituted under the Industrial Disputes Act have been appointed as the authorities under section 20 of the Minimum Wages Act to decide the claims arising out of the Payment of Wages at rates less than those fixed under the Act.

The Madras Maternity Benefit Act.—Provides for the grant of benefits to women workers for 3 weeks before confinement and 4 weeks after confinement. During such periods the employment of women workers is prohibited. It also provides for payment of a cash benefit to enable them to meet their expenditure during this period. This Act has been amended recently by the Madras Maternity Benefit (Amendment) Act, 1958. The amendment Act provides for maternity benefit of 75 nP. a day instead of the prevailing rate of 50 nP. and also extends the period for which the benefit is available from 7 weeks to 12 weeks.

The Employment of Children Act, 1938.—Prohibits the employment of children in certain industrial occupations such as carpet-weaving, cement-manufacture, etc.

The Cotton Ginning and Pressing Factories Act.—Provides for the better regulation of cotton ginning and cotton pressing factories.

The Madras Shops and Establishments Act, 1947.—This regulates the conditions of work in shops, commercial establishments, restaurants, theatres and other establishments. It also regulates the hours of work, payment of wages to the workers and the grant of holiday with wages. This Act is enforced in various municipalities and Grade I Panchayats in the State. The Commissioner of Labour is the authority to decide the questions relating to the applicability of the Act to any particular establishments or class of establishments and to any person or class of persons. The Act also provides that no employee in any shop or establishment can be discharged without a reasonable cause and without payment of one month's salary in lieu of notice or dismissed for misconduct except after an enquiry held for the purpose. The employees who are discharged or dismissed have a right of appeal to the Appellate Authority appointed under this Act.

The Plantations Labour Act of 1951.—Provides for the welfare of labour and regulates the conditions of work in plantations. It regulates the working hours, leave with wages and medical benefits. It also provides for canteens, creches, recreation and educational facilities, sickness and maternity benefits,

etc. The responsibility for providing houses for the plantation workers has also been cast on the employers for the first time under the Plantation Labour Act. The Chief Inspector of Factories is also the Chief Inspector of Plantations for the enforcement of the provisions of the Act.

The Industrial Establishments (National and Festival Holidays) Act, 1958.—This Act seeks to fix statutorily minimum number of festival holidays that should be allowed in each industrial establishments and thereby eliminate the frequent disputes that were arising on this account. The number of festival holidays to be granted in industrial establishments in a year is fixed as 7 including 2 National holidays, viz., the Republic Day and the Independence Day. This Act will come into force from 1st April, 1959.

Where the existing legislation is inadequate to safeguard the interests of workers in certain industries, new legislations are introduced. The Madras Catering Establishments Act and the Madras Beedi Industrial Premises Act, are instances of such special legislation. With a view to giving adequate legislative protection to the workers employed in hotels, restaurants and eating houses and in Beedi factories and to ensure better conditions of work, the Madras Catering Establishments Act, the full text of which is published below, and the Madras Beedi Industrial Premises Act (Regulation of Conditions of Work) were passed in 1958. These Acts will be enforced as soon as these rules are finalised.

MADRAS CATERING ESTABLISHMENTS ACT (XIII OF 1958).

An Act to provide for the regulation of conditions of work in catering establishments and for certain other purposes in the State of Madras.

WHEREAS it is expedient to provide for the regulation of conditions of work in catering establishments and for certain other purposes in the State of Madras ;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Catering Establishments Act, 1958.

(2) It extends to the whole of the State of Madras.

(3) (a) It shall come into force on such date as the State Government may, by notification, appoint—

(i) in the City of Madras ;

(ii) in all the municipalities constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and under the Travancore District Municipalities Act, 1116 (Travancore Act XXIII of 1116) ; and

(iii) in all areas within the jurisdiction of—

(a) panchayats classified as Class I Panchayats under clause (a) of sub-section (1) of section 5 of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) ; and

(b) panchayats constituted under the Travancore Cochin Panchayats Act, 1950 (Travancore Cochin Act II of 1950).

(b) The State Government may, by notification, direct that this Act shall come into force in any other area on such date as may be specified in such notification,

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) “catering establishment” means a restaurant or residential hotel;

(2) “child” means a person who has not completed fourteen years of age;

(3) “day” means the period of twenty-four hours beginning at midnight:

Provided that in the case of an employee whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(4) “employee” means a person employed in, and in connexion with, any catering establishment, but does not include a member of the employer’s family;

(5) “employer” means a person owning or having charge of the business of a catering establishment and includes the manager, agent or other person acting in the general management or control of a catering establishment:

(6) “family” in relation to an employer means the husband or wife, son, daughter, father, mother, brother or sister of such employer who lives with him and is dependent on him;

(7) “Inspector” means an Inspector appointed under section 20 for the area;

(8) “leave” means leave provided for in section 12;

(9) “period of work” means the time during which an employee is at the disposal of the employer;

(10) “registration certificate” means a certificate showing the registration of a catering establishment;

(11) “residential hotel” means any premises in which the business of providing dwelling accommodation and supply of meals to any member of the public or a class of the public is carried on;

(12) “restaurant” means any premises in which is carried on the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises;

(13) “spread-over” means the period between the commencement and the termination of the work of an employee on any day;

(14) “week” means the period of seven days beginning at midnight on Saturday or on such other day as may be specified for a particular area or for a particular class of catering establishments by the prescribed authority;

(15) “young person” means a person who has completed fourteen years of age but has not completed eighteen years of age.

3. *Exemptions.*—(1) The provisions of this Act except section 21 and section 22 shall not apply to any catering establishment in which only members of the employer’s family are employed.

(2) The provisions of sections 7 to 11 shall not apply to the persons occupying positions of management in catering establishments.

(3) The State Government may, by notification, exempt either permanently or for any specified period, any catering establishment or class of

catering establishments or any person or class of persons to which or to whom this Act applies, from all or any of its provisions, subject to such conditions as the State Government deem fit.

4. *Registration of catering establishments.*—(1) Within the period specified in sub-section (3), every employer shall send to the Inspector a statement in such form together with such fees, as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the catering establishment in such manner as may be prescribed in the register of catering establishment maintained for the purpose and shall issue in the prescribed form, a registration certificate to the employer. The registration certificate shall be prominently displayed at the catering establishment.

(3) The statement under sub-section (1) shall be sent within thirty days from the date on which this Act comes into force in the case of catering establishment existing on such date, and within thirty days from the date of commencement of work in the case of any new catering establishment.

(4) A registration certificate shall be valid for a financial year and shall be renewed from financial year to financial year on payment of such fees as may be prescribed.

5. *Change to be communicated to Inspector.* It shall be the duty of an employer to notify to the Inspector, in the prescribed form, any change in respect of any information contained in his statement under section 4 within seven days after the change has taken place. The Inspector shall on receiving such notice and on being satisfied about its correctness, make the change in the register of catering establishments in accordance with such notice and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

6. *Removal of catering establishments from the register.*—An employer closing a catering establishment shall, within ten days of his doing so, notify to the Inspector in writing of such closure. The Inspector shall, on receiving such notice and on being satisfied about its correctness, remove such catering establishment from the register of catering establishment and cancel the registration certificate.

7. *Daily and weekly hours of work in catering establishments.*—(1) No young person shall be required or allowed to work in any catering establishment for more than five hours in any day.

(2) No other employee shall be required or allowed to work in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week:

Provided that, subject to the payment of overtime wages, the total number of hours of work including overtime shall not exceed ten hours in any day and the total number of hours of overtime work shall not exceed fifty hours in any quarter.

8. *Extra wages for overtime work.*—Where an employee works in any catering establishment for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to wages at twice the ordinary rate of wages.

Explanation.—For the purposes of this section, the expression ordinary rate of wages means the basic wages plus such allowances including the cash equivalent of the advantage accruing through concessional sale to employees

of foodgrains and other articles, as the employee is for the the time being entitled to, but does not include a bonus.

9. *Interval for rest.*—The period of work of an employee each day shall be so fixed that he shall not have to work continuously for more than five hours before he has had an interval for rest of at least half an hour.

10. *Spreadover.*—The periods of work of an employee shall be so arranged that along with his intervals for rest they shall not spread over more than fourteen hours in any day :

Provided that the number of intervals for rest for an employee in any day shall not exceed two.

11. *Holidays.*—(1) Every employee shall be allowed in each week a holiday of one whole day.

(2) Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January, and the 15th August and five holidays each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any catering establishment.

(3) (a) Notwithstanding any contract to the contrary, no deduction shall be made from the wages of any employee on account of any holiday allowed to him under sub-section (1) or sub-section (2).

(b) Every employee shall be paid wages at the ordinary rates of wages as defined in the *Explanation* to section 8 for each of the holidays allowed to him under sub-section (2).

(4) Where an employee works on any holiday allowed under sub-section (2), he shall, at his option, be entitled—

(a) to wages at twice the ordinary rate of wages as defined in the *Explanation* to section 8 for such day, or

(b) to wages at the ordinary rate of wages defined as aforesaid for such day and to avail himself of a substituted holiday with wages on any other day.

12. *Leave with wages.*—(1) Every employee who has worked for a period of not less than 240 days in a catering establishment during a calendar year shall be allowed in the subsequent calendar year, leave with wages for a number of days calculated—

(i) in the case of an adult, at the rate of one day for every 20 days of work performed by him during the previous calendar year ;

(ii) in the case of a young person, at the rate of one day for every 15 days of work performed by him during the previous calendar year.

Explanation 1.—The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at the beginning or at the end of the period of leave.

Explanation 2.—For the purpose of this sub-section—

(a) any days of lay off, by agreement or contract or as permitted under the Standing Orders of the catering establishment concerned ;

(b) in the case of a female employee authorised absence for maternity purposes for any number of days not exceeding twelve weeks ; and

(c) the leave earned in the year prior to that in which the leave is enjoyed ;

shall be deemed to be days on which the employee has worked for the purpose of computation of the period of 240 days but not for earning leave.

(2) An employee whose service commences otherwise than on the first day of January shall be entitled to leave calculated in accordance with sub-section (1), if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

(3) If an employee is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1) even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earn leave.

(4) In calculating leave under this section, any fraction of leave of half a day or more shall be treated as one full day's leave and any fraction of less than half a day shall be omitted.

(5) If an employee does not in any calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year :

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a young person.

(6) An application by an employee for the whole or any portion of the leave allowed under sub-section (1) or sub-section (2), shall be in writing and ordinarily be made reasonably in advance of the date on which he wishes his leave to begin.

(7) If the employment of an employee who is entitled to leave under sub-section (1) or sub-section (2), as the case may be, is terminated by the employer before he has taken the entire leave to which he is entitled or if having applied for leave he has not been granted such leave, or if the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under section 13 in respect of the leave not taken and such payment shall be made, where the employment of the employee is terminated by the employer, before the expiry of the second working day after such termination and where the employee quits his employment, on or before the next pay day.

(8) The leave not availed of by an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

13. *Wages during leave period.*—For the leave allowed to him under section 12 an employee shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime wages and bonus but inclusive of dearness allowance and the cash equivalent of the meals and tiffin supplied to the employee free of charge.

14. *Payment in advance in certain cases.*—An employee who has been granted leave for a period exceeding four days shall, before his leave begins, be paid the wages due for the period of the leave allowed.

15. *Mode of recovery of unpaid wages.*—Any wages required to be paid by an employer but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

16. *Application of the Payment of Wages Act, 1936, to catering establishments.*—

(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act IV of 1936) (hereinafter in this section referred to as the said Act) the State Government may, by notification, direct that, subject to the provisions of sub-section (2), the said Act or any of the provisions thereof or the rules made thereunder shall apply to all or any class of employees in catering establishments to which this Act applies.

(2) On the application of the provisions of the said Act to any catering establishment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

(3) The State Government may, by like notification, cancel or vary any notification issued under sub-section (1).

17. *Prohibition of employment of children.*—No child shall be required or allowed to work in any catering establishment.

18. *Prohibition of employment of women or young persons during night.*—No woman or young person shall be required or allowed to work whether as an employee or otherwise in any catering establishment between the hours of 9 P.M. and 5 A.M.

19. *Notice of discharge or dismissal.*—(1) No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

(2) (a) Any employee discharged, dismissed or retrenched may appeal to such authority and within such time and in such manner as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer or on the ground that the employer did not retrench him in good faith.

(b) The appellate authority, may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final and binding on both the parties, not be liable to be questioned in any Court of Law and be given effect to within such time as may be specified in the order of the appellate authority.

20. *Appointment of Inspectors.*—(1) The State Government may by notification, appoint such persons or such class of persons as they think fit to be Inspectors for the purposes of this Act within such local limits as the State Government may specify.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

21. *Powers and duties of Inspectors.*—Subject to any rules made by the State Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority as he thinks fit to take with him, any place which is, or which he has reason to believe is a catering establishment;

(b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or elsewhere the evidence of such person as he may deem necessary, for carrying out the purposes of this Act; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

22. *Employer to produce registers, records, etc., for inspection.*—Every employer shall, on demand, produce for inspection of an Inspector, all registers, records and notices required to be kept under and for the purposes of this Act.

23. *Penalties.*—(1) Any employer who contravenes any of the provisions of sections 4, 5, 6, 7, 9, 10, 11 and 12 or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 19 shall, on conviction, be punishable with fine which, for a first offence, may extend to one hundred rupees and, for a second or any subsequent offence shall not be less than one hundred rupees or more than two hundred and fifty rupees.

(2) (a) Any employer who fails to reinstate an employee in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 19 shall on conviction, be punishable with fine which may extend to one hundred rupees.

(b) Any employer, who after having been convicted under clause (a) continues to fail to reinstate an employee in accordance with the order mentioned in that clause shall, on conviction, be punishable for each day after previous date of conviction, during which he continues so to offend, with fine which may extend to twenty rupees.

(c) Any Court trying an offence punishable under this sub-section may direct that the whole or any part of the fine realised from the accused shall be paid by way of compensation to the person who, in its opinion has been injured by such failure.

(3) Whoever contravenes any other provision of this Act or any of the rules made under this Act shall, on conviction, be punishable with fine which may extend to fifty rupees.

(4) Any compensation required to be paid by an employer under clause (b) of sub-section (2) of section 19 but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

24. *Procedure.*—(1) No court shall take cognizance of any offence under this Act or any rule made thereunder except on a complaint made by, or with the previous sanction in writing of, an Inspector.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the Second Class shall try any offence punishable under this Act or any rule made thereunder.

25. *Limitation of prosecution.*—No court shall take cognizance of an offence punishable under this Act or any rule made thereunder unless the complaint

is made within six months from the date on which the offence is alleged to have been committed or within six months from the date of its coming to the knowledge of the Inspector, whichever is later.

26. *Onus as to age.*—(1) When any question arises under this Act whether any person is under a certain age or not, be the burden [shall be on the employer concerned to prove that such person is not under such age.

(2) A declaration by a Government medical officer not below the rank of a Civil Assistant Surgeon that he has personally examined a person employed and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that person.

27. *Saving of certain rights and privileges.*—(1) Nothing contained in this Act shall affect any rights or privileges which an employee in any catering establishment is entitled to on the date this Act comes into force, under any other law, contract, custom or usage applicable to such catering establishment or any award, settlement or agreement binding on the employer and the employee in such catering establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act

(2) If any question arises whether the rights or privileges aforesaid are more favourable to an employee than those to which he would be entitled under this Act or whether all or any of the provisions of this Act apply to a catering establishment or to a person employed therein, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and not be liable to be questioned in any Court of Law.

28. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

29. *Power to make rules.*—(1) The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the registers and records to be maintained in a catering establishment for the purposes of examination by inspectors and of securing compliance with the provisions of this Act ;

(c) the form of notices to be exhibited in the premises of the catering establishment by the employer and the manner of exhibiting such notices ;

(d) the manner in which the cash equivalent of the meals and tiffin supplied to employees free of charge is to be computed ;

(e) matters relating to the health of employees in, and the sanitation of, a catering establishment.

(3) The power to make rules conferred by this Act is subject to the conditions of the rules being made after previous publication.

(4) All rules, notification and orders made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which it actually sits either in the same session or in more than one session.

30. *Certain enactments not to apply to catering establishments.*—On and from the date of the commencement of this Act, the Weekly Holidays Act, 1942 (Central Act XVIII of 1942), the Factories Act, 1948 (Central Act LXIII of 1948), and the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947), shall not apply to catering establishments :

Provided that anything done under the said enactments which could have been done under this Act if it had been in force at the relevant time shall be deemed to have been done under this Act.

A BRIEF REVIEW OF THE WORKING OF THE EMPLOYEES, STATE INSURANCE SCHEME IN THE MADRAS STATE.

Scope.—The Employees' State Insurance Act, passed in the year 1948, envisages Health Insurance Scheme to industrial workers in the country. The Act covers all factories (other than seasonal) using 'power' in the manufacturing process and employing twenty or more persons and employees whose monthly remuneration does not exceed Rs. 400. The Act also envisages to cover, in due course, employees of other classes of establishments including commercial and agricultural and to extend the medical benefits to the families of insured persons.

The Scheme provides to insured persons free medical treatment during sickness, employment injury and maternity, by way of in-patient, out-patient and domiciliary treatment and supply of all necessary drugs and dressings. The Scheme also makes available to insured persons specialist advice and treatment whenever necessary and provides artificial limbs to insured persons who lose their limbs due to employment injury. In addition to the medical benefits, the insured persons are paid cash benefits in case of sickness, maternity, temporary disablement, permanent disablement and pension to the dependents in case of insured person's death due to employment injury.

The Scheme.—In Madras State the Scheme was first introduced on 23rd January, 1955, at Coimbatore. The Scheme has so far been implemented in Coimbatore, Madras City and suburbs, Madurai, Ambasamudram, Tuticorin, Salem, Mettur, Udumalpet and Tiruppur covering about 1,71,000 workers (including about 18,500 women workers) employed in about 620 factories in the State.

Medical Care.—Medical care under the Scheme is being administered by the State Government through service and panel systems. Under the panel system, medical attendance is given through appointed private agencies and under the service system, through full-fledged dispensaries set up by the Government and manned by full-time Medical Officers. Mobile dispensaries are also functioning to cater to insured persons residing in out-lying areas and wherever considered necessary the medical facilities provided by the employers are also utilised under the Scheme.

In Madras City, Madurai, Ambasamudram, Tuticorin, Salem, Mettur, Udumalpet and Tiruppur the service system is in force, while in Coimbatore both the panel and the service systems are functioning.

In-patient treatment to insured persons is being provided in hospitals wherein beds have been reserved exclusively for the use of insured persons under the Scheme. Such beds, (both general and maternity) have been reserved in hospitals in all the places where the Scheme is in force at present. In Madras, a separate hospital exclusively for the use of insured persons with a bed strength of about 70 is functioning. It has also been decided to construct in Madras City at the Corporation's cost, a separate hospital exclusively for the

insured persons with a bed strength of 100 to replace the one functioning in the rented building at present.

For the use of insured persons suffering from T.B. beds have been reserved in the T.B. Sanatorium at Tambaram, Perundurai and Austinpatti in Madurai. In Madras City additional facilities for treatment of insured persons suffering from T.B. have been provided under the T. B. Chemotherapy Centre functioning under the auspices of the Indian Council of Medical Research.

With a view to provide specialist advice to insured persons, the Government have appointed Specialists under the various branches of medicine and surgery, in all centres where the Scheme is in force.

Artificial limbs are also provided at the Artificial Limb Centre at Poonā, at the Corporation's cost.

Cash Benefits.—Cash benefits under the Scheme are paid through cash offices set up by the Employees' State Insurance Corporation solely for this purpose. At present in Madras City and suburbs, 5 cash offices are functioning, in Coimbatore 4, in Madurai 2, in Ambasamudram, Tuticorin, Salem, Mettur, Tiruppur and Udumalpet one in each.

The insured persons can receive payment, in person, at the cash office or may choose to have it by money order at Corporation's cost, irrespective of the amount. The introduction of the M.O. system for payment of benefits is a considerable improvement in so far as the insured person can get the money even without any visit to the Pay Offices.

Subsequent to the introduction of the Scheme in Madras State, insured persons suffering from tuberculosis have been made eligible (subject however, to certain service and contributory conditions) to an extended sickness cash benefit for 18 weeks at half the full sickness benefit rate. This cash benefit is in addition to the usual sickness cash benefit of 56 days in a continuous period of 365 days. The insured persons suffering from T.B. are also entitled for extended medical benefit.

It has also been decided to commute the periodical payments made as permanent disablement benefit into lump-sum and those who receive a benefit of annas two and less on this account are eligible for this concession.

Improvements have been effected on the side of maternity cash benefit also. With effect from 2nd June, 1958, the rate of maternity cash benefit has been raised to double the Sickness Benefit rate or 0.75 nP. whichever is higher.

Another important improvement effected recently is the setting up of rate cells in the various centres. Formerly the rate of benefits used to be calculated only at the Regional Office at Madras. Keeping in view the advantages and benefits to the insured persons, separate units to calculate and intimate the rates of benefits on the spot, have been set up at Coimbatore, Madurai, Vikramasingapuram (Ambasamudram) and Tuticorin.

Administrative set up.—The responsibility of administering the Employees' State Insurance Act is vested in a statutory body known as the Employees' State Insurance Corporation which is composed of representatives from the Central and State Governments, the Lok Sabha, the medical profession, employers and employees.

In the regional level, the Regional Board and the Local Committees constituted by the Corporation, function as advisory bodies to suggest ways and means of effecting improvements to the Scheme.

The Regional Board set up for the Madras Region previously, i.e., when the Scheme was first introduced in Madras State, included the States of

(Hyderabad, Mysore and Kerala as well. Consequent on the re-organisation of States, a separate Regional Board for Madras State has now been constituted, with the Hon'ble Minister for Industries and Labour, Government of Madras, as Chairman.

Local Committees have been set up at Coimbatore, Madras, Madurai, Ambasamudram and Tuticorin.

Employees' Insurance Courts.—For deciding cases of dispute under the Employees' State Insurance Act, Employees' Insurance Courts have been established in Coimbatore, Madras City, Madurai, Tirunelveli and Salem.

Medical Boards.—When insured persons become permanently disabled due to employment injury, the loss of earning capacity of such insured persons has to be assessed for deciding the rate of cash benefit to be paid. For the assessment of the loss of earning capacity, Medical Boards have been set up at Madras, Coimbatore, Madurai, Tirunelveli and Salem who examine the insured persons for this purpose.

Further extension of the Scheme.—The Government of Madras have decided to implement the Scheme in the following ten centres in the State shortly :

1. Ranipet.
2. Rest of Peelamedu.
3. Perianaickenpalayam.
4. Tiruchirapalli.
5. Cauverynagar.
6. Dalmianagar.
7. Usilampatti.
8. Kovilpatti.
9. Sivakasi.
10. Rajapalayam.

When the Scheme is extended to the above ten places it will bring in its fold roughly, another 20,000 workers employed in about 100 factories and the Scheme will then cover almost all the industrial centres in the State. The Government propose to extend the medical benefits under the Scheme to the families of insured persons after extending the Scheme to the remaining ten selected places. This should make the factory worker's dream of Social security for himself and his family, an immediate reality.

EMPLOYEES' PROVIDENT FUNDS ACT, 1952, AND THE SCHEME FRAMED THEREUNDER.

The Employees' Provident Funds Act, an important measure of social security conferring on industrial workers in scheduled industries retirement and death benefits in the nature of Contributory Provident Fund is at present applicable to 38 scheduled industries. In Madras State 676 factories/establishments employing about 2,78,769 workers are covered. Out of the 676 factories/establishments 45 are allowed to administer their own provident fund schemes and necessary exemption granted. The other 631 factories/establishments are under the direct control of the Employees' Provident Fund Organisation. The total number of subscribers at the end of the financial year 1957-58 was 2,33,942 as against 1,44,690 at the beginning of the year.

The rate of contribution to the Employees' Provident Fund is at 6½ per cent. of total emoluments, that is, basic wages and dearness allowance including cash value of food concessions. As a result of agreements brought about by the Labour Department, the employers' contribution at 8½ per cent. in respect of

workers in plantation estates and employers' as well as employees' contribution at $8\frac{1}{2}$ per cent. in respect of the staff in plantations are now accepted. The scheme has also been recently amended to enable the employees to contribute upto $8\frac{1}{2}$ per cent. of basic wages and dearness allowance including the cash value of food concessions. The rate of interest credited to individual accounts in the Employees' Provident Fund for the year 1957-58 has been increased to $3\frac{1}{2}$ per cent. as against the $3\frac{1}{4}$ per cent. in the previous year.

The total amount of Provident Fund contributions remitted during the year was Rs. 1,71,50,437. A sum of Rs. 3,29,334 was sanctioned for payment of insurance premia and a sum of Rs. 8,950 was advanced as loans to members, for serious illness of the members or their families. For the final settlement of accounts 4,453 applications were received and settled, involving a payment of Rs. 11,29,352.

A regional committee has been constituted in which representation is given to employers and employees. The Committee met twice during the year and discussed various matters relating to the working of the Act.

Started at first as a collier's panacea the Employees' Provident Funds Act has now brought in its fold the labourers and white collar employees of a number of scheduled industries, including Government undertakings and it now satisfies a felt need of lakhs of industrial workers for social security.

SALIENT FEATURES OF THE REPORT ON THE WORKING OF THE FACTORIES ACT, 1948, FOR THE YEAR, 1957.

Factories and their inspection.—There were 4,926 factories at the beginning of the year, 1957. The number of factories at the end of the year was 5,149 of which 4,941 factories were in commission. Out of the factories in commission 3,211 were using power, 1,004 were not using power and 726 were notified as factories under section 85 (1). The number of workers employed in these factories was 3,19,396 as against 4,765 factories employing 3,01,108 workers during 1956. The public sector consisted of 125 factories employing 40,197 workers as against 115 factories employing 37,354 workers during 1956. Small and medium sized factories employing less than 100 workers appear to be important in the economy of the State.

The total number of visits made by Inspectors during the year was 7,294. Out of 5,149 factories, 1,191 factories were inspected once, 3,592 factories twice, 161 factories thrice and 158 factories were inspected more than three times. 47 factories were not inspected during the year, for the reason that the factories were found closed during the visits on more than one occasion or that there was no time to inspect the factories.

Industrial position.—The rice mills dominate in the State, but they employ only 13,462 workers while 470 cotton mills including ginning factories employ the largest number of workers, viz., 1,81,729. Largest number of factories are concentrated in Coimbatore. Madras, Salem, North Arcot and Madurai districts have concentration of factories in that order. The factories in Coimbatore employ the largest number of workers and the districts Madras, Madurai, Tiruchirappalli and Tirunelveli employ large number of workers in that order.

Coimbatore district is the highly industrialised district in the State. Cotton mills and engineering works predominate in that district. Transport industry, cotton mills, printing presses and engineering works are in large numbers in Madras. Cotton mills, rice milling and handlooms predominate in Madurai district, Railway workshops, cotton mills and handloom factories in Tiruchirappalli district, and cotton mills and match industry in Tirunelveli district.

Plans.—1,201 plans relating to factory premises were scrutinised with reference to the stability, ventilation, light, etc., by the Chief Inspector of Factories during the year as against 1,813 during 1956.

Health.—During the year special attention was paid by the Factory Inspectors towards protection of workers against industrial diseases and maintenance of general health. The health of the workers was generally good except for the mass influenza epidemic which affected the industrial population also.

Casual workers.—Employers had not yet made any concerted attempt to decasualise employment. The percentage of temporary labour has, however, been progressively reduced.

Safety Measures.—Safety posters issued by the Chief Adviser, Factories, New Delhi, were distributed to Factories free of cost for display in conspicuous places.

Accidents.—There were 13,420 accidents during the year as against 10,530 during 1956. Of these accidents 29 were fatal. The number of accidents had been on the increase. Transport, textiles, and engineering works contributed to a large number of accidents. "Struck by falling bodies", "handling of goods", "power driven machinery" and "stepping on or striking against objects" were the main causations for the large number of accidents. The main cause for such a large incidence of accidents appears to be the accelerated tempo of industrial production under the Second Five Year Plan and sudden impact of production technique unfamiliar to the managements and workers. The increase in the number of accidents is also due to the fact that the labour force is still largely fugitive and is not yet settled and stabilised.

Under the Workmen's Compensation Act, 1923, a worker is not entitled to any benefit for the first 7 days following the accident, while the new provision in the Employees' State Insurance Scheme provides for compensation for a worker who is disabled for 7 days or more due to injuries caused in a factory. This may account to some extent for the large number of accidents reported.

Prosecutions.—The occupiers and managers of 340 factories were prosecuted during the year as against 264 factories during 1956.

Maternity Benefit Act.—The average daily number of women employed in 2,208 factories was 47,089. 2,315 claims for the grant of maternity benefit were made during the year as against 2,400 in 1956. 1,429 claims were paid and the total amount of maternity benefit paid was Rs. 1,20,908 as against Rs. 94,468 during 1956. No women was employed in any factory during the four weeks immediately following the day of confinement.

SALIENT FEATURES OF THE ANNUAL REPORT OF THE WORKING OF THE WORKMEN'S COMPENSATION ACT, 1923, FOR THE YEAR 1957.

The Commissioner of Labour is the Commissioner for Workmen's Compensation appointed as statutory authority under the Workmen's Compensation Act, 1923, and the Assistant Commissioner of Labour, and the Personal Assistant to the Commissioner of Labour continued to be Additional Commissioners for Workmen's Compensation.

During the year the Commissioner for Workmen's Compensation awarded or disbursed compensation in 177 cases of workers involved in fatal accidents, 91 cases of workers who had sustained permanent disablement and 4 cases of workers who sustained temporary disablement. The corresponding figures for 1956 were 2,312 and 1 respectively. Compensation was disbursed by the

employers to 262 workmen permanently disabled and 19 workers temporarily disabled.

During the year 223 claims for compensation were filed and 163 claims were disposed of. The total amount of compensation deposited with the Commissioner for Workmen's Compensation during the year was Rs. 2,78,057. The compensation allotted to women and persons under legal disability was invested on their behalf in the Post Office Savings Bank for payment to them in instalments. 161 Post Office Savings Bank Accounts were opened during the year.

The total amount of compensation paid during the year was Rs. 3,69,352, out of which Rs. 97,485 was for death, Rs. 1,60,751 for permanent disablement and Rs. 1,11,116 for temporary disablement. The corresponding amounts for 1956 were Rs. 61,328, Rs. 94,499 and Rs. 1,09,760.

SALIENT FEATURES OF THE ANNUAL REPORT OF THE PAYMENT OF WAGES ACT, 1936, FOR THE YEAR 1957.

The Payment of Wages Act, 1936 (Central Act IV of 1936) applies or has been extended to the Payment of Wages to persons employed in all factories covered by the Factories Act, 1948, all industrial establishments notified by Government under section 85 (1) of the Factories Act, 1948, and persons employed in plantations and motor omnibus services in the State. The provisions of the Act were enforced by the Commissioner of Labour assisted by the Chief Inspector of Factories, 13 Inspectors of Factories, 5 Inspectors of Plantations and 126 Assistant Inspectors of Labour.

Out of the 8,808 factories, industrial establishments, plantations and omnibus services in the State covered by the Act only 4,747 or 54 per cent. submitted the prescribed annual returns in time. The default among plantations was particularly widespread, since only 207 or 5 per cent. of the total of 3,678 plantations submitted the returns. The average number of persons employed during the year in the establishments from which satisfactory returns were received is 3,62,087. The gross wages paid to them come to Rs. 29.32 crores, showing an increase of about 18 per cent. The increase in the wage bills in the textile and motor transport industries was particularly noticeable. Of the gross wages paid in 1957, Rs. 1.90 crores was paid as bonus and Rs. 2.12 crores represented money value of various concessions, the above payments forming about 16 per cent. of the gross wages. The average annual wage of a worker increased from Rs. 852 in 1956 to Rs. 868 in 1957. There has been a steady increase in the average wage of worker during the last 10 years, the increase over the average wage of Rs. 515 in 1948 being 69 per cent.

During the year, a sum of Rs. 16,878 as fine, Rs. 4,729 for damage or loss and Rs. 8,268 for breach of contract were deducted by the employers from the wages of workers. The corresponding figures for the previous year 1956 were Rs. 13,359, Rs. 3,304 and Rs. 33,960 respectively.

332 cases of claims out of 597 pending cases, arising out of deductions from wages or delayed payment of wages, were disposed of during the year, involving payment of Rs. 6,648 to workers (Rs. 6,552) towards wages Rs. 75 for compensation and Rs. 21 by way of costs. The corresponding figure of payment during 1956 are Rs. 21,370, Rs. 458 and Rs. 43.

11 employers were prosecuted for failure to maintain certain registers, display notices and submit annual returns prescribed and a sum of Rs. 162 was realised as fine.

CURRENT TOPICS

The Commissioner of Labour, Madras, attended the ninth meeting of the State housing board held at the Madras Secretariat on the 3rd January, 1959. The meeting reviewed the progress of various housing schemes in the State.

The 17th Session of the Standing Labour Committee held at Bombay in October, 1958, decided among other things that a sub-committee should be constituted to go into the various amendments to the Industrial Disputes Act, suggested by the representatives of employers, employees and Governments. In pursuance of the above decision the sub-committee meeting of the Standing Labour Committee was held at Bombay on the 17th January, 1959. The Union Deputy Minister for Labour, Sri Abid Ali presided over the meeting. The Commissioner of Labour, Madras, attended the meeting. The meeting discussed the various amendments to the Industrial Disputes Act, 1957. The recommendations of the Union Government in the matter are awaited.

The 8th Session of the State Labour Advisory Board of the Madras State was held at Madras on the 12th and 13th December, 1958, with Sri M. Bhakthavatsalam, B.A.B.L., Minister for Home (then in charge of Labour) in the Chair. The session commenced with the Chairman's address:

"It gives me great pleasure to welcome you to this meeting of the 8th Session of the State Labour Advisory Board, which is to commence to-day. It happens to be the first meeting after the reconstitution of the Board in August, 1958.

The labour policy of the Second Five-Year Plan has laid great emphasis on the constitution of the Standing consultative bodies at the State as well as at All-India level. The State Labour Advisory Board is the most important consultative and representative body at the State level. With a view to making it more representative, the Government decided to increase the number of members on the Board and reconstituted the Board recently. The Regional Labour Commissioner (Central) has also been nominated as a member of the reconstituted Board with a view to have close liaison between the Central and the State Governments in the matter of administration of labour laws in the State.

Many important subjects were discussed at the last meeting of the Board held on 24th October, 1957, and 25th October, 1957, and the conclusions arrived at the meeting have been considered and given effect to, as far as practicable. A copy of the proceedings of the last meeting together with a note on the action taken on the conclusions reached, have already been circulated to the members. The progress of labour activities and the administration of labour laws since the last meeting of the Board have been reviewed in a note which has also been communicated to the members and I, therefore, do not propose to take much of your time by dealing with those points in detail.

I hope I am voicing the unanimous opinion of the members present here when I say that we can look back with satisfaction and pride at the progress achieved in the direction of Labour welfare in this State not only by the effective administration of existing labour laws but also by the introduction of new legislation.

Since the last meeting of the Board, the Madras Government have undertaken legislation.

(i) to regulate the conditions of labour in (1) Catering Establishments, and (2) Beedi Factories in the State;

(ii) to regulate the number of paid festival holidays in all industrial and commercial undertakings and plantations ;

(iii) to increase the quantum of maternity benefit to women workers in factories to 12 annas a day and the period for which the benefit should be available to 12 weeks ;

(iv) to permit the deduction of house rent from wages of the workers where the housing is provided by agency other than the employer.

Proposals for the reissuing of the Madras Industrial Disputes Rules in the light of the experience gained in the working of the Industrial Disputes Act and the Rules, were under the consideration of the Government. The draft Madras Industrial Disputes Rules have since been published. The objections and suggestions sent by the employers as well as the labour representatives are now being examined by the Government and the rules will be finalised shortly.

I may refer, at this stage, to some of the important subjects discussed at the 15th Session of the Labour Ministers' Conference and the 16th Session of the Indian Labour Conference held at Nainital in May, 1958 and at the 17th Session of the Standing Labour Committee held at Bombay in October, 1958, which are of particular interest to labour and employers. It is gratifying to note that there was an unanimous agreement between the representatives of employers as well as labour about the need to have a Code of Discipline, to be observed by both the parties. Copies of the Code of Discipline as finally adopted at the above conferences have already been sent to the important organisations of employees and employers requesting them to adhere to the provisions of the Code. Instructions have also been issued to the officers of the Labour Department to see that the provisions of the Code are duly observed by the parties concerned. I am sure, that the members of this Board to whom copies of the Code have been sent, will agree with me that it is a measure of far-reaching importance in achieving industrial harmony. The success of this Scheme largely depends on the co-operation of the employers and workers. I do sincerely hope that this will not be found wanting.

Another important welfare measure introduced for the benefit of the workers is the introduction of a scheme of workers' education which is a pre-requisite for industrial progress. The Government of India have already trained a number of teacher-administrators at Bombay under this Scheme. These teacher-administrators will in turn train a number of worker-teachers in about 10 regional centres spread all over India, of which Madras is one. The appointment of an Administrative Officer to man the proposed regional office at Madras is already under the consideration of the Government. The Administrator appointed by the Government of India, for this purpose, explained the steps to be taken in this regard at a meeting of the representatives of the employers and employees on 14th November, 1958. An *ad hoc* Workers' Education Committee will also be appointed in the Madras Region consisting of representatives from the Central trade union organisations, the Employers' Federation of Southern India, and the Madras University. This Committee will lay down policy, administer the programme, undertake inspection, arrange for the provision of educational materials, establish standards for teachers and programmes and take all other measures to stimulate and promote workers' education in this region. It is my earnest desire that a large number of workers will come forward to avail themselves of the opportunities afforded to them under this Scheme and disseminate the knowledge and experience gained by them to other workers in their turn, so that ultimately all the workers will get the benefit of this Education.

The Government of India have also laid great emphasis on measures calculated to secure increased productivity. They have established the National Productivity Council for generating productivity consciousness in the country and stimulating the establishment of Local Productivity Councils in industrial centres. Equal representation is given on the Governing Body to the Government, employers and the employees. Local Productivity Councils have been constituted one at Coimbatore and the other at Madras, both of which provide equal representation to representatives of the Government, employers and employees and other interests including educational, research and other institutions. One of the Inspectors of Factories who has undergone the necessary training in productivity has been associated with the work of these Councils. I am sure that with their help adequate progress would be made in improving productivity in the coming months.

In the matter of securing fair and proper remuneration to workers, the Government of India have taken necessary steps in pursuance of the policy laid down in the Second Five-Year Plan to constitute Wage Boards for the Textile, Cement and Sugar industries. The constitution of similar Wage Boards in respect of plantations and engineering industries is also under consideration. The decisions of the Wage Board constituted for fixing the scales of pay to the working journalists under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1956, as you all know, have been declared to be illegal by the Supreme Court. The Government of India have since constituted an official committee to fix the rates of wages in respect of the Working Journalists under the Working Journalists (Fixation of Rates) Act, 1958, and I hope that the report of the Committee will help to satisfy the working journalists.

Proposals for the addition of 16 employments to the schedule of the Minimum Wages Act were recently considered by the Minimum Wages State Advisory Board at its meeting held on 16th October, 1958. The Board has recommended the inclusion of these employments in the schedule. The recommendations of the Board are under the consideration of the Government.

Our achievement in the sphere of industrial relations has been particularly satisfactory. This is reflected in the settlements reached in a number of disputes either as a result of direct negotiation between the parties or on the intervention of the Conciliation Officers of the Government or at Ministerial level. It is gratifying to note that as many as 595 industrial disputes were settled on the intervention of the Conciliation Officers during the last 10 months of this year. Besides the above settlements, as many as 8,885 individual complaints regarding demands for reinstatement of discharged workers, increase in the rates of wages, bonus, hours of work, retrenchment compensation, leave facilities, etc., were also investigated by the Labour Officers. During this period there were 224 strikes and lock-outs. In 40 cases strikes were resolved by mutual negotiation and in 112 cases through the intervention of the Conciliation Officers.

I may, refer, in this connection, to a few of the important settlements brought about during this period. There were 4 important settlements in respect of the disputes in plantations in this State, *viz.*, the settlement dated 28th October, 1957, between the Staff and the management of the plantations regarding salary, dearness allowance, gratuity and provident fund, etc., the settlement dated 7th January, 1958, in respect of the bonus dispute for 1952-1956, the settlement dated 28th May, 1958, relating to wages, gratuity, bonus and festival holidays in respect of the plantation workers in the Kanyakumari district and the Settlement dated 4th November, 1958, relating to the dispute regarding the absorption of maistries and kole-maistries. Similarly there was

a settlement in respect of the dispute relating to the claim for additional bonus for the years 1954 to 1957 of the workers of the Buckingham and Carnatic Mills, Limited, Madras. Another important settlement reached during this period is the one relating to the dispute between the workers and the managements of the three oil companies, viz., Burmah-shell, Standard Vacuum Oil Company and Caltex (India) Limited, Madras, relating to bonus for the year 1957, wages and other service conditions. The dispute between the employees and the management of the Express Newspapers (Private) Limited, Madras, was also amicably settled. Similarly the dispute in Madurai Mills, Madurai, which arose on the management's proposals to introduce economies by reduction of dearness allowance and working hours was tentatively settled by the parties agreeing to have the question of economies being investigated by a Special Officer. In accordance with the agreement, a Special Officer has since been appointed and on receipt of his report, which is expected shortly, further discussions will be held with the representatives of the management and the Unions, with a view to exploring the possibilities of a settlement.

Another important dispute which may be mentioned in this connection is the one relating to the electricity workers in the State. A Negotiating Committee consisting of representatives of the Electricity Board and the workers' Unions, with a District Judge, as Chairman was appointed in March last to consider the demands of the electricity workers. The Negotiating Committee recommended an interim relief of Rs. 4 per worker per month pending consideration of the demands which was sanctioned by the Electricity Board. The Committee has since submitted its final recommendations to Government and they are now under consideration.

The adjudication of industrial disputes referred to the Industrial Tribunal, Madras, and the labour Courts at Madras, Madurai and Coimbatore, has also resulted in the speedy settlement of disputes in several cases where the parties could not come to a settlement through negotiations or conciliation. During the last ten months, 288 industrial disputes were referred for adjudication to the Industrial Tribunal, Madras, and the three Labour Courts. Awards have been published in respect of 287 cases besides 67 awards in respect of applications under section 33-A.

The Government have also been taking necessary action with a view to securing proper implementation of settlements and awards. In pursuance of the recent decisions of the Government of India, the Constitution of a Tripartite Committee at the State level consisting of representatives of employers, employees and the Government to examine the cases of non-implementation of awards is also under the consideration of the Government. Although instances of non-implementation of awards and settlements are not many in this State I hope both the employers' representatives and the workers' representatives on this Committee, will extend necessary co-operation to secure proper implementation of the awards.

Although the need for a strong trade union movement has been recognised as essential for the achievement of industrial democracy, still it is disappointing to note that there is rivalry among trade unions. Proposals for mitigating this evil and for provision of compulsory recognition of trade unions by legislation have been under the consideration of the Government. In fact a draft Bill was discussed at the last meeting and due to want of agreement among trade unions, no final decision could be reached. The subject is now again placed before this meeting of the Board and I hope, with your co-operation, it will be possible to find a solution to this difficult problem.

The progress achieved in the field of social security and welfare is reassuring. The Employees' State Insurance Scheme providing for an integrated

scheme of medical insurance against sickness, employment injury, maternity, etc., which was formulated in 1948, has been generally introduced in this State in many important industrial centres. The scheme was in force in Coimbatore, Madras City, Madurai, Ambasamudram and Tuticorin. It has recently been extended to Salem, Mettur, Tiruppur, and Udumalpet. The scheme now applies to about 1,90,000 workers. The extension of the scheme to other places in the State and of the medical benefits to the families of workers is also under consideration.

Considerable progress has been achieved in the matter of provision of housing for the benefit of the industrial workers under the Subsidised Industrial Housing Scheme of the Government of India. The 936 houses which have been constructed by the Government at Thiru-vi-ka Nagar and Sarma Nagar in the Madras City have been mostly occupied by workers. The Government of India have also provided for an expenditure of Rs. 55.10 lakhs for the construction of houses during the Second Five Year Plan period. They have sanctioned so far, 10 additional schemes for the construction of 1,108 tenements at an approximate cost of Rs. 36.41 lakhs at Vellalur in Trichirappalli District, Sivakasi and Virudhunagar in Ramanathapuram District, Singanallur, in Coimbatore District and Guindy and Sembiam in Madras. It is expected that the schemes at Vellalur and 3 out of the 4 schemes at Sivakasi will be completed during the current year. An appeal has also been made to the employers for providing houses for at least 4 per cent. of the workers within a period of twelve months from 1st September, 1958. The progress made in this direction will be watched before considering the need for any legislation in this regard. As regards the Plantation Labour Housing Scheme formulated by the Government of India, a sum of Rs. 45,360 was distributed as loans to planters during 1957-1958 to enable them to build houses to workers and a provision of one lakh has been made for this purpose for the year 1958-1959. The provision of housing to the plantation workers has been made obligatory on the part of employers and it is hoped that all the plantation workers would be housed suitably in the near future.

Among other welfare measures undertaken by the Government of India, mention may be made about the opening of the Tailoring Centre at Coonoor with the financial assistance sanctioned by the Tea Board for the benefit of the Tea Plantation Workers. The question of formulating other welfare schemes for the tea plantation workers is also under consideration. The Coffee Board has allotted a sum of Rs. 28,000 for provision of welfare amenities to the coffee plantation workers in this State. The amount will be utilised for the grant of scholarships to coffee plantation workers to enable them to acquire higher specialised and vocational education.

The Chief Inspector of Factories, Inspectors of Factories, and Plantations are in charge of the enforcement of the Factories Act, Madras Shops and Establishments Act, etc. Detailed figures of the number of inspections made by these officers, the number of prosecutions undertaken by them, etc., have already been given in the note circulated to the members and I do not propose to mention them here. I may also state for your information that necessary instructions have been given to these officers to concentrate on reducing the number of accidents particularly fatal accidents in factories and ensure the general welfare of workers in factories, plantations, etc.

The Government have since appointed an Inspector of Newspaper Establishments with Headquarters at Madras to enforce the provisions of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

The provision of Employment Service has been recognised as an essential part of the functions of the Labour Department. The Employment Exchanges in this State which are under the control of the State Labour Department registered 3,17,440 during the period from 1st January, 1957 to 31st October, 1958 and placed 46,247 in employment during this period. The Second Five Year Plan has laid emphasis on widening the scope of the Employment Exchanges with a view to increasing the employment opportunities. The Government have also sanctioned under the Second Five Year Plan schemes for the expansion of Employment Service, Collection of Employment Market Information, Youth Employment Service, Employment Counseling and Occupational Research and Analysis. The Officers of the Employment Section have been specially trained in the above branches of work and with their assistance it is hoped to cater to the needs of those who are unemployed in this State.

Before I conclude, I thank you all for the co-operation extended to me during the short period when I have held charge of the labour portfolio. I look forward to your continued co-operation and goodwill for the solution of the problems that confront us.

As the agenda before you is heavy, I do not propose to take more of your time. I earnestly hope that a spirit of goodwill will prevail throughout the discussions and that your efforts to find solutions to pressing problems will be attended with success.

The more important labour activities in the State since the last meeting of the State Labour Advisory Board in December, 1957 and the administration of labour laws were reviewed. All the members of the board and a large number of special invitees took part in the general discussions that followed. After a general discussion on important subjects such as Industrial relations in Industries, working of the Employees' State Insurance Scheme, amendments to the Industrial Disputes Act etc., evaluation and implementation of awards, code of discipline, recognition of trade unions, etc., the following resolutions were passed unanimously :—

“(1) This meeting of the State Labour Advisory Board recognised that the Code of Discipline unanimously adopted at the 16th Session of the Indian Labour Conference at Nainital in May, 1958, is a land-mark in the history of industrial relations in our country and if sincerely implemented by all the parties concerned, will ensure peace in industry and cordial relationship between management and workers. The meeting further recognises that unless the managements, trade unions and the Government discharged their respective individual and joint obligations, the efforts to build a new edifice in industrial relations will be frustrated.

The representatives of employers and trade unions as well as the State Government attending the Conference will make every efforts to implement the Code. This meeting desired to note the underlying fact that the Code has been voluntarily agreed to by the representatives of all-India organisations of employers and trade unions and of Governments of the States and the Union. Such voluntary agreements although they have not got the sanction of law, are of great importance because obligations have been willingly undertaken.

As a step in the direction of implementing the Code, this meeting of the State Labour Advisory Board calls upon the employers including the employing authorities in Government departments and quasi-Government institutions and unions in this State to come to a mutual understanding to implement the Code.

The meeting realises that in order to see that the Code is implemented by all the parties, it is necessary to create an atmosphere wherein it will become impossible for any one to ignore the weight of public opinion.

As a first step in this direction this meeting recommends to the State Government to convene a Conference, on a wide basis, of representatives of employers including the representatives of employing departments of Government and quasi-Government institutions, trade unions and the State Labour Officers. The only agenda of the Conference will be the Code of Discipline in Industry and measures for its implementation.”

“(2) This meeting of the State Labour Advisory Board realises that it is necessary to have a machinery which would promptly investigate complaints of breach of the Code of Discipline. The meeting is of the opinion that the Labour Department of the Government with its preoccupation with the increasing day to day work will not be able to undertake this task. On the other hand a Tripartite Machinery will have the advantage of enhancing the chances of its findings being accepted by employers and workers and of mistakes being rectified.

This meeting therefore recommends to the Government to set up a Tripartite organisation. This Committee shall be authorised to constitute committees from time to time for the quick investigation of complaints. In this connection the question of utilising the proposed evaluation committee for investigating implementation of awards and settlements may be considered.”

“(3) This meeting takes note of the fact that the rules for some State and Central enactments affecting labour and management are still pending finalisation and suggests that this may be expedited.”

“(4) One of the important decisions reached at the 16th Indian Labour Conference which also forms part of the Code of Discipline in Industry is that both managements and the unions must avoid litigation. Frequent appeals against decisions of Industrial Courts and Tribunals result in unconscionable delay in reaching finality in industrial disputes and undermines confidence in the machinery specially designed to resolve industrial dispute. It was therefore decided that the Labour Department should collect data regarding the pending appeals and write before the High Court and Supreme Court, and prepare a note on them to be placed at the next meeting of the Board.”

“(5) This meeting of the State Labour Advisory Board has considered the draft Trade Union Recognition Bill prepared by the Government of Madras. It takes note of the fact that subsequent to the last meeting of the State Labour Advisory Board when the same draft was discussed, the 16th Session of the Indian Labour Conference had unanimously adopted a Code of Discipline in Industry which provides for recognition of Trade Unions as one of the obligations undertaken for the successful implementation of the Code. The meeting is of opinion that if the Code is sincerely implemented it would obviate the necessity of legislation providing for compulsory recognition of trade unions. The meeting is also of the opinion that voluntary recognition of trade unions will be conducive to greater cordiality than compulsory recognition. In view of the fact that a unanimous decision in this regard has been reached at the Nainital Conference the meeting recommends to the Government that an opportunity might be given to all the parties in the State to sincerely endeavour to implement the same before undertaking legislation for achieving that purpose.”

The meeting ended with a vote of thanks by the Commissioner of Labour.

The Code for Discipline in industry and the criteria for recognition of Trade Unions which focussed much attention in the State Labour Advisory Board meeting are published below.

CODE FOR DISCIPLINE IN INDUSTRY.

I. To maintain discipline in industry (both in public and private sectors.) There has to be (i) a just recognition by employers and workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) a proper and willing discharge by either party of its obligations consequent on such recognition.

The Central and State Governments, on their part, will arrange to examine and set right any shortcomings in the machinery of discipline in industry. they constitute for the administration of labour laws.

(i) That no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level :

(ii) That the existing machinery for settlement of disputes should be utilized with the utmost expediency ;

(iii) that there should be no strike or lockout without notice ;

(iv) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration ;

(v) that neither party will have recourse to (a) coercion, (b) intimidation, (c) victimisation or (d) go-slow ;

(vi) that they will avoid (a) litigation, (b) sit-down and stay-in strikes and (c) lockouts ;

(vii) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into ;

(viii) that they will establish, upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement ;

(ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure; and

(x) that they will educate the management personnel and workers regarding their obligations to each other.

II. Management (i) Not to increase workloads unless agreed upon or settled otherwise;

(ii) not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enrol or continue as union members, (b) discrimination, restraint or coercion against any employee because of recognised activity of trade unions and (c) victimisation of any employee and abuse of authority in any form ;

(iii) to take prompt action for (a) settlement of grievances, and (b) implementation of settlements, awards, decisions and orders ;

(iv) to display in conspicuous places in the undertaking the provisions of this Code in the local language(s) ;

(v) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such

disciplinary action should be subject to an appeal through normal grievance procedure;

(vi) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline ; and

(vii) to recognise the union in accordance with the criteria (Annexure) evolved at the 16th Session of the Indian Labour Conference held in May, 1958.

IV. Unions agree

(i) Not to engage in any form of physical duress ;

(ii) not to permit demonstrations which are not peaceful and not to permit rowdiness in demonstration ;

(iii) that their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law, agreement or practice ;

(iv) to discourage unfair labour practices such as (a) negligence of duty, (b) careless operation, (c) damage to property, (d) interference with or disturbance to normal work, and (e) insubordination ;

(v) to take prompt action to implement awards, agreements, settlements and decisions ;

(vi) to display in conspicuous places in the union offices, the provisions of this Code in the local language(s) ; and

(vii) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

CRITERIA FOR RECOGNITION OF UNIONS.

1. Where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration.

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

2. The membership of the union should cover at least 15 per cent. of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.

3. A union may claim to be recognised as a representative union for an industry in a local area if it has a membership of at least 25 per cent. of the workers of that industry in that area.

4. When a union has been recognised, there should be no change in its position for a period of two years.

5. Where there are several unions in an industry or establishment, the one with the largest membership should be recognised.

6. A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry. But if a union of workers in a particular establishment has a membership of 10 per cent. or more of the workers of that establishment it should have the right to deal with matters of purely local interest such as, for instance, the handling of grievance pertaining to its own members. All other workers who are not members of that union might either operate through the representative Union for the Industry or seek redress directly.

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

8. Only unions which observed the Code for Discipline would be entitled to recognition.

CURRENT NOTES

In a Conference attended by the officers representing public sector undertakings, the Union Minister for Labour Sri G. L. Nanda reiterated his decision that there was to be no distinction between the industrial workers in public sector undertakings and those in the private sector undertakings in respect of service conditions, wages, etc.

* * *

The Union Labour Ministry is evolving a 'Code of Efficiency and Welfare' which will go a long way in stepping up productivity and production. From a negative code of discipline in industry, which was mainly a number of "Don'ts" to the employers and trade unions the code of efficiency and welfare will be a positive code calling for a number of "Do's" from the managements as well as labour. The details of the Code of Efficiency and Welfare are likely to be finalised in a Seminar or Conference to be convened for the purpose.

* * *

The Government of Madras have since sanctioned three more posts of Labour Officers for the State with a view to facilitate speedier settlement of industrial disputes. The jurisdiction of the Labour Officers are likely to be revised suitably.

* * *

The Government attach great importance to measures calculated to secure increased productivity. Two productivity councils for promoting productivity consciousness, one at Coimbatore and the other at Madras have been constituted in this State. The Government have also sanctioned the post of an Inspector of Factories (Productivity) and Sri M. A. Natarajan, B.E., Inspector of Factories, has joined as Inspector of Factories (Productivity). He is now assisting Mr. J. B. Sharer, Leader of the International Labour Organisation Mission to India, in his work in the State Transport, Madras.

* * *

Sri T. S. Ramakrishnama Raja, B.Sc., Labour Officer, Coimbatore, has been deputed for training in Labour Administration in the United Kingdom under the Colombo Plan.

* * *

Minimum rates of wages for the employment in Tobacco (including Beedi manufactory) in this State have been fixed by the Government of Madras and the rates will come into force with effect from 1st April, 1959.

* * *

Dismissing the appeal of the Tamil Nad Non-Gazetted Government Officer's Union, against the order of the Registrar of Trade Unions, Madras, refusing to register the said Union as a Trade Union under the Indian Trade Unions Act, his Lordship Mr. Justice S. Ramachandra Aiyar held that the ministerial employees and administrative officers of the Government of Madras, who formed the Union, could not be regarded as workmen employed in a trade or industry within the meaning of section 2 (h) of the Trade Unions Act.

AWARDS AND AGREEMENTS

KARUR MILLS, KARUR.

(Reference :—*Fort St. George Gazette*, Supplement, Part I, dated 21st January, 1959).

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

PRESENT :—K. RAMASWAMI GOUNDAR, B.A., M.L.,

Between

The Secretary, Trichy District Textile Workers' Union, Karur

and

The management of Karur Mills, Limited, Karur.

(In terms of an agreement awarded wages for the intervening festival holiday even in cases where workers have availed themselves of authorised leave on the days immediately preceding and succeeding the said holiday).

AWARD.—The question involved in this reference is simple, namely, whether the demand for the grant of wages for festival holidays for the workmen who are on leave on the day following and preceding the festival holiday is justified. There was an agreement entered into between the parties on the 9th October, 1957, whereby the management agreed to grant seven festival holidays with effect from 1st January, 1958, for each calendar year. The present dispute is, whether if any worker takes leave on the day preceding and succeeding to the festival holiday, he should be deprived of wages for the festival holiday. On the terms of that agreement, which impose no condition whatever, the answer to the question propounded in the reference would admit of no doubt, namely, that the management would not be justified in cutting down the wages for festival holidays merely because the worker takes leave on days preceding and succeeding the festival holiday. Sri Ramanathan for the management contends that the object of the management in enforcing that rule is not to save money but to see that absenteeism on the part of the workers is put down and reduced to a minimum. Of course, unnecessary absenteeism must be put down, but even so, it can be put down only by lawful or justifiable methods. If the management should feel that the worker is applying for leave on the preceding and succeeding days, without proper grounds, it would certainly be in their discretion to grant or refuse such leave; but where reasonable grounds exist, and the leave granted for those days, there would be no reason why the worker should lose his wages for the festival holiday. Under the terms of the agreement every worker is entitled to wages on the festival holiday, and it would be surprising that he should be deprived of such wages by the management itself granting leave on the preceding and succeeding days. It follows that this reference must be answered in favour of the workers.

There will be an award in the above terms.

TUTTAPULLAM AND GLENMORGAN ESTATES, THE NILGIRIS.

(Reference :—Fort St. George Gazette, Supplement, Part I, dated 21st January, 1959).

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

PRESENT :—K. RAMASWAMI GOUNDAR, B.A., M.L.

Between

The Secretary, the Nilgiri District Estate Workers' Union, Coonoor
and

The management of Tuttipullam Estate, Tuttipullam P.O., the Nilgiris District, the management of Glenmorgan Estate, Glenmorgan P.O., the Nilgiris District.

(Holding that the present management and their vendors having taken over the business as a going concern would be liable for the gratuity in respect of all the past services of the workers, awarded gratuity for the services rendered by the workers with previous managements.)

AWARD.—The question that arises for adjudication in this reference is simple, and on the facts of this case the answer to it must be in the affirmative. Of the two estates involved in this reference, there is now no controversy in regard to the Glenmorgan Estate, as none appeared for it in this enquiry, and the representative of the union reported that that estate has agreed to their demand (issue 2). The only issue that remains for consideration is whether the present management of Tuttipullam Estate is liable to pay gratuity to the workers for their services prior to 22nd December, 1947 (issue 1).

This estate is a plantation, growing tea and coffee, and passed into the ownership of the present management in August, 1958. The prior owners were the Tuttipullam Tea and Coffee Plantations, Limited, and they were themselves purchasers of this estate in May, 1948, but got possession of it on 22nd December, 1947. By an arrangement between them and their vendee, the present management, the latter has agreed to meet the liabilities of the workers attached to the estate, such as gratuity, etc., from that date, namely, 22nd December, 1947. In other words, the present management has taken over the liabilities of their vendors in regard to the workers. But the question is, who is liable for the gratuity payable to the workers for the services for the period prior to 22nd December, 1947, when the estate belonged to the Bhavani Tea and Produce Company, Limited. As on that date, there were a little over 400 workers and since then several of them have ceased to be in service, so that at present there are only 125, of those workers in service. It is only these 125 workers that are affected by the present dispute.

The present management, as stated above, is prepared to undertake the liability of their vendors as from the date of the latter's taking over the estate as purchasers but not for the earlier period. The liability for the earlier period will depend upon the question whether they purchased the estate as a going concern or business or purchased merely the assets pertaining to the business. In (1953) L.L.J. 14, a single Judge of the Bombay High Court held—

“An employer cannot deprive his employees of the benefits that have accrued to them by reason of past services merely by transferring his business, to another person or to another limited company. The work done by the employees primarily benefit the concern, although of course, the owner also receives benefit therefrom. In any case, therefore, where there is continuity of service, a new employer is bound to take into account the services rendered

by the workers to his predecessors-in-title, and it was open to the respondent to award that for the purpose of calculating gratuity, service rendered to the former employers should also be taken into account.”

In the present case, it will be seen from the lists, Exhibits M-4 series filed by the management that the prior owners (vendors) took over the estate with the entire complement of over 400 workers. The workers continued under the new employer without any break, and the transfer of ownership made no change whatever in their conditions of service. It was not as if the services of these workers were terminated as on 22nd December, 1947 and re-employed by the purchasers as on that date. It is true that so far as the clerical or office staff was concerned, there was such re-employment as shown by the agreements signed by them, Exhibits M-5 series. But these workers were not parties to any such agreement, and they were not even informed by notice that they would be regarded as re-employed as on 22nd December, 1947. It is clear that despite the transfer of the estate on that date the workers continued as before, unaffected by the transfer, and without any break in the continuity of their service.

In (1954) 1 L.L.J. 635, a single Judge of our High Court has occasion to observe :—

“The present management must be deemed to have taken over the business with all its liabilities and obligations towards its employees and therefore, if an employee had a right which he could assert as against the old management, that management cannot by merely transferring their assets get rid of the claims and rights of the workmen”.

In (1954) 2 L.L.J. 424, the question related to bonus for years prior to the taking over by the company from an earlier partnership, and the same learned Judge expressed the view that if the concern had been closed and the employer-employee relationship had been determined, other relevant factors would have been introduced, which might lead to different results; but so long as the management continues, and there is an identity so far as the business itself is concerned, the mere change of management does not affect the rights of the workers. In the present case, even after 22nd December, 1947, the same business continued, the business consisting in the production of tea and coffee; and the same workers also continued as before. Except for the mere change in the management, nothing else happened so as to affect the rights of these workers.

But Sri Govindan Nair for the management contended that in this case there was no transfer of the business as such, and there was only a transfer of the assets of the business. He cited another decision of the same learned Judge, reported in (1957) 2 L.L.J. 682. In that case, the transfer was of some buses with route permits, of a motor transport company. The learned Judge held that it was a transfer of an asset used in the business. No doubt, along with the bus, the permit to enable that bus to run was also transferred. The learned Judge nevertheless held that these do not constitute the entirety of the business, nor can the transferee of the bus and the permit be treated as a successor-in-interest of the previous operator. In the present case, Sri Nair pointed out that the original owners owned several estates and the transfer of this estate is analogous to the transfer of a bus out of the several buses belonging to the Transport Company. But every bus may not be a separate unit of business, with a separate contingent of workers to operate it. All the buses with all the workers taken together constitute one business, so that if one bus is sold, it would be a sale of an asset and not of the business itself. But in the present case, it is not the case of the management that all the estates formed one unit of business, with a common army of workers. On the other hand, every estate is a unit

by itself with its own production staff, and workers. Except a common owner, there was no other nexus to connect or amalgamate all the estates into one business. The present estate by itself must be considered to be a separate business and it was that business that was the subject-matter of the transfer. Sri Nair contended that even so, what was transferred was only the assets of the business and not the business itself. It is difficult to accept that contention. Since the purchase, the business of production of tea and coffee, the only business of this estate was being carried on by the purchasers. That business was never stopped, and its identity continued. And what is more, the old workers were taken over and allowed to work as before. The fact that all the workers of the estate were taken over is a clear indication that the business itself was taken over. If only the assets of the business had been purchased, it would be difficult to understand why the entire body of workers should have been taken over and allowed to work as before without any break or interruption.

There is nothing in the terms of the deed of transfer, Exhibit M-1, to warrant the contention that what was conveyed was only the assets of the business and not the business itself. It was pointed out that there is no reference in the document to the goodwill of the business, as was the case in 27 Company Cases 500; but this is not a commercial business, but a plantation, and there is no evidence that it had acquired a goodwill of any worth. On the other hand, what was sold included not only the estate, but also factories, stock, tea made and in the process of manufacture, machinery, plant apparatus, equipment, implements, tools, etc., and what is more the proportionate tea-quota rights of the unexpired portion of the licence of the Tea Licensing Committee. This clearly indicates that what was conveyed was the entire business as a going concern and not merely some assets belonging to the business.

Exhibits M-6 and M-6 (a), embodying the opinion of the vendors that the purchasers took no liability for the workers and that they themselves settled all the claims is no evidence without the examination of the vendors as witnesses. Nor does the fact that some vendors have accepted the gratuity paid by the present management and passed the receipts, Exhibits M-7 series prove very much as those workers might have been misled or mistaken into thinking that the present management would not be liable for the gratuity for services rendered to the prior owners. That conduct cannot be an index of the true legal position. It is also clear from those receipts whether the gratuity amount calculated therein took no account of such past services.

In regard to this claim for gratuity, there was an award of 1956 (Exhibit W-2) which provided that all the past continuous service of the workmen with the estate concerned shall be taken into account in computing the period of service. But there was a special appeal to the Supreme Court, who stayed the award. Then there was a settlement effected in April, 1957, Exhibit M-2, which *inter alia* contains a provision for gratuity but without deciding the question whether the services under the prior management should be taken into account or not.

In these circumstances, it seems to me that the proper view to take is that the present management and their vendors, having taken over the business as such, would be liable for the gratuity in respect of all the past services of the workers; and the issue is accordingly answered in favour of the workers.

SARADA MILLS, LIMITED, COIMBATORE.

(Reference :—*Fort St. George Gazette*, Supplement, Part I, dated 21st January, 1959.)

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

PRESENT :—K. RAMASWAMI GOUNDAR, B.A., M.L.

Between

(1) The Secretary, Coimbatore District Textile Workers' Union, Singanallur, Coimbatore.

(2) The Coimbatore District Mill Workers' Union, Kattoor, Coimbatore, and

(3) The National Textile Workers' Union, Ramanathapuram, Coimbatore

and

The management of Sri Sarada Mills, Limited, Loganathapuram, Coimbatore.

(Held that the retrenchment of 343 workmen was justified and that the workers were not entitled to any relief except retrenchment compensation under the Act.)

AWARD.—The only question involved in this reference is whether the retrenchment of 343 workmen with effect from 1st August, 1958 is justified and to what relief they are entitled. The management concerned is Sri Sarada Mills, Limited, Coimbatore, which is a composite mills with 26 thousand spindles and 200 looms, and employing a little over a thousand workers, including badlis and temporary workers. The workmen involved in this reference are the badlis and temporary workers. They were retrenched with effect from 1st August, 1958.

Since the beginning of 1958, this mills had to face some crisis on account of financial difficulties and in fact on 20th February, 1958, it had to close down its weaving section. That put out of employment of 276 workers and on the unions taking up the cause of those workers, an agreement was reached between the parties through the good offices of the Labour Officer, Coimbatore, Exhibit M-2, dated 20th February, 1958, by which all those workers were absorbed into the Spinning section. Clause 9 of that agreement made provision for temporary workers and badlis, to the effect that out of the 260 temporary workers and badlis, 130 temporary workers working in the Spinning section in six hours' shift daily shall work only in alternate weeks and the 130 badlis who had been working as substitutes in the Spinning section in two 8 hours' shifts, should work in the 6 hours' shift in alternate fortnights. Clause 13 of the agreement provided that the settlement shall be in force for a period of five months so that normally it would expire on 26th July, 1958.

There was no improvement in the fortunes of the mills, and on 9th May, 1958, the management addressed the letter, Exhibit M-7 to all the labour unions of Coimbatore stating that the mills has been incurring heavy loss for the last 16 months and it is very difficult to run the mills; that by the settlement of February, 1958, it was expected that the loss could be averted but it did not produce the desired result; that even now the mills is incurring loss of Rs. 25,000 per month in the Spinning department on account of the surplus labour of about 260 workers, resulting in the payment of lay off compensation to the extent of about Rs. 13,000 per month. It was also pointed out to the unions that the mills was already mortgaged with third parties for Rs. 8 lakhs and the raw materials and manufactured goods for about Rs. 9 lakhs. In these circum-

stances, the management put forward certain solutions for the consideration of the labour unions, and indicated that if those suggestions were not accepted the management would be compelled to adopt the drastic step of complete lay off or closure of the mills. Nothing came out of this move on the part of the management, with the result that on the 16th May, 1958, the management gave a notice, Exhibit M-6, to all the workers and staff members reiterating that the mills has been working on a heavy loss continuously for a long period and the management have been finding it very difficult to raise sufficient finance to keep the mills functioning, and that in addition to the trading losses the mills was carrying huge stock of cloth and yarn without any indication of improvement in the market conditions. The management, therefore, informed all the employees that they had no other alternative but to issue this notice of closure of the mills with effect from 17th June, 1958. The Labour Officer intervened, and though his attempted conciliation failed, the mills was not closed. His report however shows the contention put forward by the management as to why they were compelled to issue notice of closure and also the conditions which they put forward to be accepted by the workers for running the mills. It also shows that the workers' representatives refused to consider any of those proposals.

Then, on 23rd June, 1958, the management served notices of retrenchment, Exhibit M-3, on all those workers involved in this reference, giving one month's notice of retrenchment under section 25-F of the Industrial Disputes Act, and stating that retrenchment will take effect from 1st August, 1958, and that all amounts due to them by way of compensation or otherwise will be paid to them according to law. The reasons set out in that notice are that the mills have been continuously running on a heavy loss and the management find it very difficult to secure finance to keep the mills running and that there is no indication of any improvement in the conditions of market and that the management therefore has no other solution to keep the mills running but to retrench some of the workers. It will also be seen from the balance-sheets, Exhibits M-5 series, that there were profits to the extent of Rs. 3.56 lakhs during the year 1956; but during the year 1957 there was a net loss of Rs. 5.19 lakhs; and during the year 1958, upto September, the position had not improved and the loss persisted.

On the evidence, therefore, there can be no doubt that the affairs of this mills are in very sad predicament, and unless it gets some relief it will have no chance of survival. In February, 1958, it had to close down the Weaving section. Nevertheless, the management did not then effect any retrenchment but absorbed all the workers of the Weaving section into the Spinning section. It also agreed to provide work for all the 260 badlis and temporary workers. But conditions did not improve and in May, 1958, it had to give notice to all the employees of its intention to close the mills with effect from 17th June, 1958. The management did not, however, close down the mills, but dragged on its existence for some more time till it effected retrenchment of these badlis and temporary workers with effect from 1st August, 1958. In these circumstances, it must be held that the management could not carry on the business without resorting to retrenchment and effecting economy in the administration. It is obvious that if this step had not been taken, the result would have been more disastrous, namely the closure of the entire mills and throwing out of employment over a thousand workers. Though the representatives of the unions stated that they did not admit the circumstances justifying the retrenchment, they were not prepared to raise any serious controversy in regard to the financial compulsion which brought about this retrenchment.

Mr. Dolia, the learned counsel for one of the unions, as well as the representatives of the other unions were content to challenge the legality of the retrenchment on the basis of two agreements: (1) the Coimbatore agreement, Exhibit M-1, dated 25th September, 1956, to which this mills also was a party; and (2) the agreement, Exhibit M-2, dated 26th February, 1958, already referred to. Under the Coimbatore agreement, clause 8 provides that in the case of badlis and temporary workers rendered surplus as a result of introduction of workloads prescribed therein, they shall be assured work during any month for at least one-third of the total number of hours actually worked by such workers during a period of three months prior to 1st October, 1956; and the latter part of that clause provides for their wages when they are employed in the normal occupation of the mills and when they are kept in the mills without such occupation. It is the contention for the unions that this clause guarantees to these workers certain amount of work and wages, and any retrenchment effected would run counter to the terms of that agreement. But it will be seen that that clause would apply only to badlis and temporary workers rendered surplus as a result of the introduction of workloads prescribed therein and does not contemplate the case of badlis and temporary workers, who may be liable to be retrenched on account of financial difficulties of the mills as in the present case. It would not be proper to interpret that clause as taking away the rights of the management to effect retrenchment of its employees, whether permanent, or badlis or temporary, if circumstances compelled it to do so. However that agreement will stand modified or superseded by the agreement in clause 9 of the second agreement, Exhibit M-2, dated 26th February, 1958, providing work for the badlis and temporary workers. It is true that the present retrenchment would be contrary to the terms of that agreement. It will also be seen that that agreement was entered into in the midst of the crisis which had overtaken the mills, and so it cannot be stated that the financial difficulties supervened subsequent to that agreement. It may not, therefore, be open to the management to plead the financial difficulties as a ground for effecting retrenchment contrary to the terms of that agreement. It is also admitted by Sri Ramanathan, appearing for the management, that it has not chosen to give any notice expressly terminating that agreement as required by section 19, clause (2) of the Act.

That section provides that such settlement shall be binding for such period as is agreed upon by the parties so that this agreement of February, 1958, will be binding upon the parties at least for a period of five months; and if no such period is agreed upon, the settlement will be binding for a period of six months. The section proceeds to state that the settlement shall continue to be binding on the parties after expiry of the period aforesaid, until the expiry of two months from the date on which notice in writing of the intention to terminate the settlement is given by one of the parties to the other party. As already stated, no such notice was expressly given by the management. But the section does not prescribe any form of notice, nor does it require that the notice should mention any date from which the party giving the notice intends to terminate it. What all is required by the section is that the intention to terminate the settlement should be communicated in writing to the opposite party. If that is done the agreement will stand terminated on the expiry of two months from the date on which the notice is given. The section does not also prescribe as to when the notice should be given, so that it can be given either before or after the expiry of the period fixed in the settlement. If the notice is given before the expiry of the period so fixed, the settlement would terminate either on the expiry of the period fixed or on the expiry of two months from the date on which the notice is given, whichever is later; and if the notice is given after the expiry of the period fixed in the settlement then, of course, the settle-

ment will terminate on the expiry of two months from the date on which such notice is given. In the present case, the period fixed under the agreement, Exhibit M-2, expired on 26th July, 1958 and it was only after that date, that is on 1st August, 1958, that the present retrenchment was effected. But, in the absence of notice as required by section 19, clause (2), the agreement continued to be binding on the parties even after the expiry of the said period.

Sri Ramanathan for the management contended that the continued effect of the settlement under that section related only to cases where no period was fixed and not to a case like the present where the period is agreed upon by the parties. There can really be no difference between the two cases, for in the one case the period is fixed by the parties and in the other the omission is filled by statute prescribing a period of six months, so that the continued effect of the settlement after the expiry of such period must apply to both the cases. That was the view taken by the Calcutta High Court in (1958) 1 M.L.J. 472.

But Sri Ramanathan further contended that the section does not specify any particular form of notice, and what is required is a written communication of an intention to terminate the settlement and referred to the two letters, Exhibits M-6 and M-7, as conveying an intention to terminate the settlement of February, 1958. Exhibit M-7 only put forward certain suggestions with the request to the unions to consider these proposals. There is nothing in that letter to indicate any intention on the part of the management to terminate the settlement. The other letter Exhibit M-6, is the notice given to all the employees to the effect that after a careful consideration, the management had no other alternative but to issue the notice of closure of the mills with effect from 17th June, 1958. The closure, in substance and effect, would amount to an abrogation of all the agreements relating to the running of the mills and providing work for the workers. But Mr. Dolia contended that the threatened closure was never given effect to and therefore the implied intention to terminate the settlement must be deemed to have been withdrawn. I am unable to infer, from the fact that the closure did not take place, that the intention which was communicated was withdrawn by the management. When once the intention is communicated certain results follow under section 19 (2). This notice was given on 16th May, 1958, so that the settlement would terminate on 16th July, 1958. But as the period fixed in the settlement would expire on a later date, namely, 26th July, 1958, such later date would be the date of termination of the settlement, and the retrenchment was effected only subsequent to that date.

Then we have got the notice of retrenchment itself Exhibit M-3, served upon all these badlis and temporary workers by which one month's notice under section 25-F of the Act was given, stating that the retrenchment will take effect from 1st August, 1958. This is a clear abrogation or termination of the agreement embodied in clause 9 of the settlement of February, 1958. The retrenchment destroyed whatever concession was shown to the badlis and temporary workers in that clause. But Mr. Dolia contended that this notice will terminate the settlement only with effect from 23rd August, 1958, as this notice is dated 23rd June, 1958, and that the retrenchment effected on 1st August, 1958, would not be justified before the expiry of the settlement. But if the retrenchment was justified on the merits it would be valid at least from 23rd August, 1958, if not from 1st August, 1958.

It follows that the retrenchment of these badlis and temporary workers was justified in the circumstances of this mills. The agreements, Exhibits M-1 and M-2 are no impediments to the exercise by the management of their right to effect retrenchment. It seems to me that the retrenchment was the

only alternative of averting a greater disaster, namely, the closure of the mills and the consequent unemployment for over a thousand workers. It would be most improper to foist these unfortunate workers on the management at the time when it cannot clearly bear this burden, and retrenchment appears to be the only reasonable solution.

The answer to the reference must be that the retrenchment is justified, and the workers will not be entitled to any relief except retrenchment compensation under the Act, and there will be an award accordingly.

VENKATA CAFE, MADRAS-12.

(Reference :—*Fort St. George Gazette*, Supplement, Part I, dated 28th January, 1959).

BEFORE THE LABOUR COURT, MADRAS.

PRESENT :—SRI V. PATTABHI RAMAIA, B.A., B.L., Presiding Officer, Labour Court, Madras.

Between

The workmen employed in Venkata Cafe, Madras-12, represented by the Secretary, Madras City Hotel Workers' Association, No. 4, Stringer Street, Madras-1

and

The management of Venkata Cafe, No. 26, Strahan's Road, Pattalam, Madras-12.

(*In the case of a bona fide closure of the concern held that the workers were entitled to notice pay and retrenchment compensation—vide section 25-FFF.*)

AWARD.—This is an industrial dispute between the workers and the management of Venkata Cafe, Madras, and it was referred for adjudication to this Labour Court by G.O. Ms. No. 2918, Industries, Labour and Co-operation, dated 24th July, 1958. The points referred for adjudication as stated in the annexure to the said Government Order are :—

"Whether the closure of Venkata Cafe, Madras, on the 8th June, 1958, and the non-employment of the following ten workmen is justified and to what relief they are entitled :—

- (i) A. Ayyappan Nair.
- (ii) C. A. Krishnan Nair.
- (iii) C. Chellappa Nair.
- (iv) G. Krishnan.
- (v) D. T. Raju.
- (vi) Muthu.
- (vii) Sankaran.
- (viii) Baskaran.
- (ix) Pazhani.
- (x) Lakshmanan.

(2) Computation of relief, if any awarded, in terms of money, if it can be so computed."

The Secretary of the Madras City Hotel Workers' Association, which sponsored the cause of the workers, filed a claim statement on their behalf and its brief and relevant contents are as follows :—The respondent-manage-

ment all of a sudden closed down their business illegally without any prior intimation to the workers concerned on the morning of 8th June, 1958. Thus all the workers were sent away. Four days later, namely, on 11th June, 1958, the business was started once again and when the workers went and asked for employment, their request was refused. The workers were deprived of their employment by the policy of victimisation adopted by the respondent. The Labour Officer advised the respondent to take back the workers, but his suggestion was refused. It is therefore prayed that all the workers may be reinstated with back wages, food allowance and costs.

The management filed a counter pleading as follows :—The proprietor of this concern took on lease on daily rental basis this hotel and was peacefully running it. On 10th May, 1958, one of the workers by name Chellappan, at the instigation of other workers, assaulted another worker called Muniappan and caused him injuries on his left eye. The matter was reported to the Police. Again on 4th June, 1958, another worker Achuthan Nair assaulted a co-worker Pichandi, causing him grievous hurt to his skull. The matter was reported to the Police and they are taking necessary action. On account of the Police action the other workers conspired together and began to cause a lot of mischief like throwing food into the dust-bin, pouring edible oil into the oven, etc. Even this was reported to the Police and they warned the workers. Thereafter the workers began to absent themselves frequently and attend irregularly and also abstain from work. There were no sufficient workers to prepare food and serve to the workers. Large quantities of cooked food and other articles were being left unsold and the management was suffering heavy losses. On the 8th June, 1958, not even a single worker turned up for work till 7-15 P.M. Thereafter only one worker came and he had to be sent away as he was of no use. All the provisions which were in the course of preparation for making edibles became spoiled resulting in loss to the proprietor. As the proprietor found it difficult to run this hotel, he had to close it with effect from 9th June, 1958. The proprietor has surrendered the lease to the lessor on 9th June, 1958. Many of the workers have joined together and have opened their own hotel. Some of them are employed elsewhere. It is on account of the attitude of the workers that this hotel had to be closed and therefore they have no right to claim any compensation. Some of the workers have settled their claims.

On 30th September, 1958, when this dispute came on for a preliminary enquiry, it was ordered that, as no additional issues arose on the pleadings, the points in the order of reference would be treated as issues.

Points 1 and 2 in the order of reference.—So far as this State is concerned, it is now settled law that the management has a fundamental right to close down their business and that it is not open to the workers to complain about it. No doubt, with a view to get rid of the workers, the management cannot pretend to close a concern for a few days and then reopen it as such a course would amount to a device to get over the provisions of the Industrial Law. It is the admitted case of both sides that this hotel was closed on 8th or 9th June, 1958. While the case of the management is that it is a permanent closure the case of the workers is that it is only a pretext to get rid of these workers and that the hotel was actually reopened a few days later with new employees. The question is as to which of those versions is true and probable. On the side of the management the proprietor M.O. 1 has given evidence of his case and he was not cross-examined about the union's case that the hotel was reopened subsequently on the 11th June, 1958. The only witness who gave evidence on behalf of the workers is the Secretary of the Union Mr. K.M. Hari Bhatt, and he deposed that according to his information the hotel was

reopened on 12th June, 1958. He has no personal knowledge of the alleged reopening and his evidence amounts merely hearsay. In the absence of any positive evidence on the side of the workers and on the only evidence available on the side of the management, I have no hesitation in holding that the closure is a permanent one and that it was not a ruse to get rid of these workers, as put forward by the union.

Further on the evidence before me I am inclined to hold that the closure was a *bona fide* one and that it was necessitated by the conduct of the workers themselves. The proprietor has given detailed evidence as to how the workers were misbehaving shortly before the closure not only by assaulting each other but also causing waste of the properties of the hotel. One Chellappan beat a co-worker Muniappan, the brother-in-law of the proprietor, who was helping him to prevent large-scale theft of provisions. One Pichandi employed by the proprietor to help him by sitting at the cash table during his absence was beaten by an employee called Achuthan Nair with a big spoon causing injury to his skull and necessitating his admission in the General Hospital. There is also evidence to show that Achuthan Nair was actually arrested by the Police and remanded into custody. Probably Achuthan Nair was the leader among the workers and on account of this incident the workers began to take a very hostile attitude by wasting provisions and edibles. It is deposed by the proprietor that they used to pour oil into the kitchen fire, serve the customers by putting too many chillies or too much salt. Some of the customers were also insulted and when a lady wanted the hot coffee to be cooled she was discourteously told "Sit down. I will spoon feed you". According to the evidence of the proprietor the conduct of the workers became so intolerable that he was driven to desperation and compelled to close down the business. It is also stated by him that the workers used to absent themselves very frequently pretending as though they were sick, but at the same time they used to neatly dress themselves and go out and enjoy. On the 5th and 6th June, 1958, all the workers absented themselves causing total dislocation of the business. On the 7th June, the proprietor himself was compelled to make and serve tea alone and finding the situation beyond redemption, he was compelled to close it on 8th June, 1958. Thus there is abundant evidence to prove the management's case that the closure was *bona fide* and that it was necessitated by the conduct of these turbulent workers. None of the workers have chosen to come into the witness-box to rebut the evidence of the proprietor and this is a very significant fact pointing to the truth of the proprietor's case. I therefore find that the closure was perfectly justified and that the workers themselves were responsible for it.

It is the proprietor's contention that as the closure was due to the misconduct of the workers they should not be given any retrenchment compensation or other reliefs. Though there is much moral force in this contention unfortunately the law does not give me any discretion to deny to the workers the notice pay and retrenchment compensation given in cases where the closure was due to the mischief of the workers. As the law at present stands they have a legal right to get one month's notice pay and retrenchment compensation (*vide* section 25-FFF). But the maximum that they can get is only three months' average pay. It is high time that the Legislature takes into account cases of the present kind where the workers are responsible for the closure and make suitable amendments to the Act so as to deprive them of these reliefs as the closure is due to their own conduct. I am therefore constrained to grant these reliefs to the workers even though they were themselves the cause of all these troubles. I shall therefore determine the retrenchment compensation and notice pay payable to these workers by the proprietor consequent on the closure.

It is the contention of Mr. Hari Bhatt that the remuneration of these workers consisted not only of the salaries and wages paid to them but also the food which was being given to them and that the retrenchment compensation and notice pay should also include the value of the food which is mentioned in the evidence of the proprietor as being worth Rs. 2 per day and even more. According to section 25-F of the Industrial Disputes Act, the workers should be given one month's notice or pay of one month in lieu of such notice. Every retrenched worker should also be given retrenchment compensation equal to fifteen days' average pay for every completed year of service or any part thereof in excess of six months. The term "average pay" is defined in section 2 (aa) and the term "wages" is defined in section 2 (rr) which read as follows :—

"2(aa).—“Average pay” means the average of the wages payable to a workman :—

(i) in the case of monthly-paid workman, in the three complete calendar months ;

(ii) in the case of weekly-paid workman, in the four complete weeks ;

(iii) in the case of daily-paid workman, in the twelve full working days ;

preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked”.

“2(rr) “Wages” means all remunerations capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes—

(i) such allowances (including dearness allowance) the workman is for the time being entitled to ;

(ii) the value of any house accommodation or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles ;

(iii) any travelling concession ; but does not include :—

(a) any bonus ;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force ;

(c) any gratuity payable on the termination of service”.

It is clear from these definitions and especially of the term “wages” that it includes all amenities and services such as supply of foodgrains and other articles supplied at concessional rates. The value of food as such is not mentioned but still the definition is wide enough to include the value of food. Though the claim statement contains an annexure mentioning the period of service and the wages drawn by each of these ten workers the workers themselves have not let in any evidence. Consequently, however, interested it may be, there is only the evidence of the proprietor on record. On the basis of the evidence of the proprietor I give below in a tabular statement the names of the workers, period of service, salary drawn by each of them, the food allowance, notice pay and retrenchment compensation and the total amount payable to each of them. I have not dealt with the case of Palani as this worker has settled his claims with the management as deposed by M.W. 1 and as stated in Exhibit M-12.

S. No.	Name of the Workers.	Period of service.	Salary.	Food allowance.	Total emoluments.	Notice pay.	Retrenchment compensation.	Total amount payable.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		Y. M. D.	RS. A. P.	RS.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
1	A. Ayyappan	..	2 10 0	60	138 12 0	138 12 0	69 6 0	200 2 0
2	C. A. Krishnan Nair	..	1 4 0	60	97 8 0	97 8 0	48 12 0	145 12 0
3	C. Chellappan Nair	..	1 2 0	60	93 12 0	93 12 0	46 14 0	140 10 0
4	G. Krishnan	..	1 4 0	60	97 8 0	97 8 0	48 12 0	145 12 0
5	D. T. Raju	..	0 12 0	60	82 8 0	82 8 0	..	82 8 0
6	Muthu	..	0 10 0	60	78 12 0	78 12 0	39 6 0	118 2 0
7	Sankaran	..	0 13 0	60	84 6 0	84 6 0	..	84 6 0
8	Baskaran	..	0 12 0	60	82 8 0	82 8 0	..	82 8 0
9	Palani	Settled						
10	Lakshmanan	..	0 12 0	60	82 8 0	82 8 0	41 4 0	123 12 0

9. In the result I pass an award holding that the closure was justified and that all the workers except Palani are entitled to receive the amounts mentioned in the last column of the table mentioned above. The management is directed to pay the amounts to these nine workers (excluding Palani). Though the workers have succeeded in this dispute, this is not a fit case to grant them any costs as the closure was necessitated by their own action and by way of strong disapproval of their conduct, I deprive them of their costs. I, therefore, direct each party to bear its own costs. This award will come into force after thirty days of its publication in the *Fort St. George Gazette*.

(List of witnesses examined and list of Exhibits marked omitted).

UNITED BLEACHERS (PRIVATE) LIMITED, METTUPALAYAM.

(Reference.—*Fort St. George Gazette*, Supplement, Part I, dated 21st January, 1959.)

BEFORE THE LABOUR COURT, COIMBATORE.

PRESENT :—E. ATHIKESAVAN, B.A., B.L., *Presiding Officer, Labour Court, Coimbatore.*

Between

The Workers Employed in the United Bleachers (Private) Ltd., Mettupalayam.

and

The Management of the United Bleachers (Private) Ltd., Mettupalayam.

(Held that the strike by the Workers of the United Bleachers (Private) Limited, Mettupalayam, was illegal and as such the subsequent dismissal of the 144 workers was in order and the workers were not entitled for any relief).

Award.—This reference under G.O. Ms. No. 4181, Industries, Labour and Co-operation, dated 31st October, 1958, relates to the industrial dispute between the workmen and the management of the United Bleachers (Private) Limited, Mettupalayam, as regards the dismissal of 144 workers. The issues referred for adjudication are as follows :—

“Whether the dismissal of 144 workers is justified and to what relief they are entitled?”

To compute the relief, if any, awarded in terms of money, if it can be so computed.

It is the case of the workmen that one P. Krishnan who was employed as ‘A’ Grade supervisor-cum-clerk in the stitching section of the respondents’ factory was dismissed from service by the management on 8th October, 1957, on account of his union activities, that his dismissal was referred for adjudication to this Court as I.D. No. 1 of 1958, in which as per the award, dated 10th March, 1958, he was ordered to be reinstated with full back wages, that the management instead of implementing that award by reinstating him in his former place, in their letter, dated 10th June, 1958, stated that the post has become supernumerary and offered to take him as ‘A’ Grade worker, after paying him some compensation, that on 2nd September, 1958, on account of the transfer of one Jaganathan, a supervisor in the folding section to the office, his post of supervisor fell vacant, that in spite of the representation of the workers to appoint P. Krishnan in that place or to fill up that vacancy, by promoting a senior man from the “helpers” working in the various sections, the management promoted a junior man by name Mohamed, that therefore, the workers, as a measure of protest, staged a stay-in-strike from the second shift on 23rd September, 1958, that on the intervention of the Labour Officer, they were

willing to resume work from the evening shift on 25th September, 1958, and that however, they became aware then that the management had dismissed all the workers in the morning itself that day.

It is stated that the respondents’ industry is a non-public utility service, that the dismissal of the workmen is unjustified, arbitrary, illegal, that they are justified in staging their protest by a strike since the management was thoroughly wrong in ignoring the claims of the said P. Krishnan for supervisor’s vacancy and not complying with their representation on his behalf, that the action of the management in dismissing them for misconduct, without any charge-sheet or enquiry is thoroughly unjustified and wrong, and that therefore, they are all entitled to be reinstated with back wages from 23rd September, 1958.

The management, while opposing the claim of the workers in their counter have stated that their company is engaged in bleaching and processing of cotton textiles, bleaching being an integral part of weaving unit, that as such their company forms part of the textile industry which is a public utility service, that the dismissal of the workers is completely justified and was brought upon themselves by their illegal and unjustifiable action by staging a stay-in-strike, that it is misconduct as per Certified Standing Order No. 13 of their concern, and that the strike was further unjustified since the demand of the workers encroached on the managerial functions and since without giving even sufficient time to the management to consider the demand, the strike was launched.

It is also stated that the award in I.D. No. 1 of 1958 relating to worker P. Krishnan was published in the *Fort St. George Gazette*, dated 2nd April, 1958, that even while that dispute was referred to this Court, the post held by him had been abolished, that, however, on 4th June, 1958, in due compliance with the award, he was reinstated and was soon retrenched since the post had been abolished, that he was paid Rs. 981.01 as arrears of wages up to date and the same was accepted by him on 23rd June, 1958, that afterwards the matter received an apparent quietus, that, however, on 22nd September, 1958, he wrote a letter to the management signed by him as Secretary of the Coimbatore District Textile Workers Union (United Bleachers) stating that in the supervisor’s post that had fallen vacant in the folding section he should be appointed, that as he was working only in the stitching section, the management wanted to try another worker having experience in the folding department, that they had not, however, decided anything finally about his suitability to the post, though the union cannot claim to have a voice in the choice of the personnel for any post, as it is part of the managerial function, that however, on the very next day, the workers in the second and third shift staged a stay-in-strike stating openly that unless the said Krishnan was absorbed in the vacant post, they would not call off the strike, that the strike which was total and complete, continued on all the three shifts of 24th September, 1958, that the management put up notices on the notice board stating that the stay-in-strike was illegal being in contravention of the Statute and Standing Order No. 13 (ii) and (iii) and advising the workers to resume work and avoid unnecessary damage to the goods in process, that there was no response by the workers, that therefore, another notice was put up stating that as the workers had not resumed work, the management would be forced to take extreme steps under Standing Order No. 13(ii) and (iii) if they failed to resume work immediately, that on 25th September, 1958, the workers of the first shift came and again staged a stay-in-strike and that when the management asked them to resume work, they stated that unless their demand for the absorption of the said P. Krishnan was conceded, they were not willing to work.

It is further stated that it is incorrect to state that Mohamed had been promoted on 23rd September, 1958, as a supervisor, that the management wanted to try two or three persons in the job with a view to fill in the post by the most efficient of them, that the said Mohamed was the first to be tried, that nobody has been appointed finally even now, and that any possibility of the worker Krishnan being considered for the post was thrown away by the workers themselves by their resorting to highhanded illegal strike.

It is also alleged that their company is engaged in bleaching on an extensive scale, the daily turnover being about one lakh yards of cloth, which means goods worth nearly one lakh of rupees will be always in process, that the process of bleaching cannot be stopped even for a short time that when the cloth is in wet condition subjected to chemical treatment, it cannot be allowed to be in that condition longer than it is necessary as the strength of the cloth will be affected, that the chemicals mixed for processing cannot be kept long since they will lose their potency unless they are used within a few hours after such mixing, that the workmen were fully aware of the possibility of the damage to the goods in wet condition, and the consequent loss on account of deterioration of chemicals if left unused, that they used the circumstance as a lever to press their demand into acceptance and resorted to the illegal strike, that on account of the same, the management had to take action under the Standing Orders, that as the workers admitted the strike at all stages, no enquiry was necessary under the circumstances and that there are no grounds for reinstating them as they have been dismissed for valid reasons.

The points that arise for determination are :—

- (1) Whether the strike of the workers was illegal?
- (2) Whether the order of dismissal of the workers is liable to be set aside by reason of there being no charge-sheet or enquiry?
- (3) Whether the workers are entitled for reinstatement?

That there was a strike by the workers from the second shift on 23rd September, 1958, is admitted even by them in their statement. The question is whether it was an illegal strike. Section 24 of the Industrial Disputes Act of 1947 lays down that a strike shall be illegal if it is commenced in contravention of section 22 or 23 thereof. Section 23 is not relevant here. Section 22 of the Act lays down that no person employed in a public utility service shall go on strike in breach of contract without giving to the employer notice of strike as contemplated therein. Standing Order No. 13 (ii) of the respondent's company, as seen from Exhibit M-11 provides giving of due notice to the management before strike by the workers, in the absence of which it is stated that the strike would become illegal. Admittedly, in this case, there was no strike notice given by the workers or their union. Now, therefore, in order to consider whether the strike was illegal, or not, it has to be seen whether the respondent's industry is a public utility service. It is conceded by both sides that the industry relating to "cotton textiles" has been declared to be a public utility service, under sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, and included under the First Schedule thereto.

According to the evidence of M.W. 1 the company's manager, the respondent company is a limited concern engaged in the process of dyeing and bleaching of cloth for the six share-holders mills. It is his evidence that the cloth received from the six mills is bleached, dried, finished and finally packed and sent to the mills. He also adds that bleaching and finishing are essential adjuncts before the cloth is presented for sale. His evidence on this aspect has not been challenged by the union. As a matter of fact, the

union did not dispute that the respondent's factory is engaged in dyeing, bleaching and processing of cotton textiles. The name of the company itself would indicate that it is engaged in bleaching of cloth. The question for consideration now is whether this industry will also come under 'cotton textile industry'.

The expression "cotton textiles" has not been defined anywhere in the Industrial Disputes Act of 1947; but it was the subject-matter of judicial interpretation in two cases mentioned below, which arose out of the Employees' Provident Fund Act of 1952. According to section 1 (a) of the Employees' Provident Fund Act, that Act is applicable to every establishment which is a factory engaged in any industry specified in Schedule I thereof. Schedule I under that Act includes as item 'vi' "Textiles" (made wholly or in part of cotton or wool or jute or silk, whether natural or artificial). Under *Explanation (d)* to that Schedule added in 1956, it is mentioned that the "expression 'Textiles' includes the products of carding, spinning, weaving, finishing and dyeing yarn and fabrics, printing, knitting and embroidering". In *Kanpur Textile Finishing Mills v. Regional Provident Fund Commissioner*¹, which was a case that arose before the addition of the above *Explanation* to the expression 'Textile' in the above Act, it was held by a Division Bench of the Punjab High Court, that where a factory is carrying on the work of processing of woollen, silk, cotton and rayon yarn textile goods by dyeing, printing, bleaching and finishing, it is an industry engaged in the manufacture or production of textiles, within Schedule I of the Employees' Provident Fund Act. In that case, it was contended for the management that but for the *Explanation* newly added, the expression 'Textile industry' cannot be said to include a factory engaged in the processing of textile goods by dyeing, printing, bleaching and finishing. That argument was repelled by His Lordship Shri Justice Kapur, who delivered the leading judgment in that case, stating that, if by way of abundant caution the Legislature amends an Act to explain things, it does not mean that the unamended Act did not cover what is given in the *Explanation*. In *Central Provident Fund Commissioner v. Ganesh Dyeing and Printing Works*² which was also a case that arose under the Employees' Provident Fund Act, Division Bench of the Bombay High Court after observing that a benevolent interpretation should be given to the Act, as it was intended as a social legislation catering for the social good, while interpreting the expression "Factory engaged in the production or manufacture of textiles" held that "bleaching, dyeing, finishing and processing are all clearly part of the textile industry". His Lordship the Chief Justice in the course of that judgment observed as follows :—"The 'Textile industry,' as it had developed in our country and in other parts of the world, is not confined or restricted merely to producing what is known as grey or coarse unbleached cloth. Perhaps, the most important aspect of the textile industry is that side of it which concerns itself with bleaching, dyeing and finishing the raw produce which is turned out by the mills. That this is so can be clearly gathered from the fact that many textile mills obviously engaged in the textile industry, have as a part of their activities and an important part of their activities bleaching, dyeing and printing".

In the absence of any definition for the expression "Cotton Textiles" in the Industrial Disputes Act of 1947, the interpretation as given in the above two decisions for the Textile Industry as including bleaching, dyeing, finishing and processing of cotton and other textiles can be adopted for this Act also. In as much as the respondent's factory is engaged in the industry of bleaching, finishing and processing of cotton textile goods, it will come within the definition of cotton textiles' under Schedule I to the Industrial Disputes Act, notified as a Public Utility Service.

1. A.I.R. 1955 Punj. 130.

2. (1957-58) 13 F.J.R. 197.

As stated above, as the workers, without any notice, went on strike from the second shift on 23rd September, 1958 till 25th September, 1958, it becomes an illegal strike under sections 22 and 24 of the Industrial Disputes Act of 1947. According to Standing Order No. 13 (ii) of the respondent's concern, striking work or wilful laying down of work without due notice in contravention of any Act for the time being in force, is an act of misconduct punishable by dismissal.

It was, however, contended by the union that as the management did not implement the award, Exhibit W-2 in I.D. No. 1 of 1958, as communicated to the parties under Exhibit W-1, but as seen from their letters, Exhibits W-3 to W-5 refused to take the worker P. Krishnan, in spite of his letter in Exhibit M-3 to the management and appointed in the vacancy of supervisor's post another man, the strike was justified. W.W. 1 was examined to speak about the justification of the strike. He stated that on the evening of 23rd September, 1958, he asked M.W. 1 to take P. Krishnan or fill up the supervisor's vacancy by promoting a senior worker, for which he refused, and that therefore, from the second shift, there was strike. When the strike itself is illegal, as pointed out above, the question of its justification does not arise. If there has been due notice of strike, then alone that question would become relevant. In this case, the workers have brought upon themselves the present situation and have put themselves out of Court, by misusing the weapon of strike against the management improperly not realising that it is purely a managerial function for the company to make its choice in regard to the personnel for filling up of any vacancy in their concern. When the workers first staged a stay-in-strike in the second shift on 23rd September, 1958, the management put up notices both in English and Tamil as per Exhibits M-1 and M-2 stating that the strike was in contravention of the Standing Order Nos. 13 (ii) and (iii) and was illegal and advised the workers to resume work. Since they did not do so even on the next day, i.e., on 24th September, 1958, they put up notices again both in English and Tamil as per Exhibits M-4 and M-5 asking the workers to call off the strike and resume work. Even then, as they did not resume work, on 25th September, 1958, the management dismissed them as seen from the notices, Exhibits M-6 and M-7 and communicated the same under Exhibit M-9 to the Labour Officer in reply to his letter, Exhibit M-8. On 26th September, 1958, fearing trouble and damage to the property from the workers, they declared a lock-out of the concern. Thus, it is seen that in spite of the management's advice to the workers to resume duty, after the first day of strike, the workers persisted in continuing the illegal strike and thereby made the management resort to enforcement of their Standing Orders. In *Sadul Textile Mills, Ltd. v. Their Workmen, and the Industrial Tribunal, Jaipur*¹, where also the workmen owing to lay-off of some of the workers by the management on account of power cut in the mills, went on strike without notice, on the ground that the management brought upon themselves the situation of power-cut, by not paying the electricity charges in time, thereby resulting in laying off of some of the workers, it was held that where a strike takes place without notice provided by the Standing Orders and when each worker striking work is guilty of misconduct under the Standing Orders, the strike cannot be said to be justified in law, at all, whatever be the grievances. It was further held that such a strike must be held to be unjustified *per se* because it originated in the misconduct of all the workmen taking part in it. It was also held there that a stay-in-strike, as in this case, even without violence, is an invasion of the rights of the employer in the property of the mills, and there can be no justification for such a strike. That decision applies with equal force to the facts of the present case also.

For the reasons stated above, I hold that the strike was illegal. This point is found for the management.

1. (1958) 2 L.L.J. 628.

Point No. 2.—No doubt, in this case, there was no charge-sheet or enquiry before the management dismissed the workers. But that does not matter. As pointed out above, the strike has been admitted by the workers themselves. It has also been admitted by them that no notice of strike as contemplated under the Industrial Disputes Act of 1947 was given. Under such circumstances no purpose will be served by the management giving a charge-sheet, as the act of strike amounting to misconduct is an admitted fact. It is not the case of the workmen, that on account of there being no charge-sheet prejudice was caused to them. In *Burn & Company v. Their Employees*¹, which was a case relating to the discharge of some workers on account of their continued absence, it was held by Their Lordships of the Supreme Court that "Where the ground of discharge is continued absence of the employee and his inability to do work, no purpose will be served by a formal charge being delivered to him." Following the above decision, I hold that when the ground of dismissal of the workers is misconduct by their illegal strike, the strike itself having been admitted and no prejudice having been pleaded, no purpose will be served by a formal charge being delivered to them. Hence, in the circumstances of the case the contention of the union that as there was no charge or enquiry before dismissal, the dismissal is not justified, is untenable. So, the order of dismissal is not liable to be set aside on the ground of absence of charge or enquiry. This point is found against the union.

Point No. 3.—In view of my finding on Point No. 1, as the workers are guilty of misconduct by reason of their illegal strike, under the Standing Orders of the company the management was justified in dismissing them. Therefore they are not entitled for any relief. This point is found for the management.

Anyhow, the management even after the strike, as seen from their counter-statement wanted to entertain the workers afresh, provided they expressed regret for their misconduct. They also put up a notice to that effect on 8th October, 1958, as seen from paragraph 11 of their counter-statement. It is hoped that the management would keep that offer open and would entertain such of the workers as are willing to express regret for joining the hasty and illegal strike. An award is passed accordingly.

OTHER AWARDS.

In a dispute in Sri Muthuramiah & Company, Dindigul, the Labour Court, Madurai, awarded 8½ per cent. of the annual wages for each worker as bonus for the year 1956-57 on the finding that there was a net profit of Rs. 10,000 available for declaring bonus.

The Labour Court, Madras, upheld the retrenchment of 3 workers by the management of Messrs. Gordon Woodroffe & Co. (Private) Limited, Madras.

The reduction in status of a working journalist in the Daily Thanthi, Madras, was upheld by the Labour Court, Madras, on the ground that it was due to valid and proper causes and not an act of victimisation for trade union activities or other ulterior reasons or motives.

The Industrial Tribunal, Madras, passed an award in terms of a Memorandum of Settlement arrived at before the Commissioner of Labour, in the dispute between the workers and the management of the Express Newspapers (Private) Limited, Madras. In terms of the agreement the management have taken back to service the 69 retrenched workers from 30th April, 1958.

A compromise award in terms of the joint Memorandum filed by the parties in the dispute between the workers and the management of Mangala

1. A.I.R. 1957 S.C. 38.

Cafe, Madras, was recorded by the Labour Court, Madras. The management agreed to reinstate the worker with continuity of service but without back wages for the interim period of unemployment.

The Labour Court, Coimbatore, upheld the discharge of three carpenters without notice by the management of Somasundara Mills, Coimbatore, on the ground that they were employed only for a temporary purpose, viz., construction of buildings and could be discharged from service without notice, according to clause (b) of Standing Order 17 of the Mills.

The fixed monthly dearness allowance payable to all the workers of the S.R.M. S. and S.A.M.S. Bus Services, Pennagaram, was raised from Rs. 25 to Rs. 31 by an award of the Labour Court, Coimbatore.

The Labour Court, Madras, upheld the dismissal of a worker by the management of the Newtown Studios (Private) Limited, Madras, on the ground that the worker was guilty of the charge framed against him even though a proper enquiry has not been conducted in the case.

In a dispute between the workers and the management of Loyal Textile Mills Limited, Kovilpatti, the Industrial Tribunal, Madras, awarded two months' wages as bonus to the workers for the year 1956-57. On the demand for the institution of a gratuity scheme the union was advised to renew the demand in the year 1960, in view of the financial condition of the mills and to allow time for certain replacements and modernisation. However, it was ordered that in the meanwhile if any worker dies or gets incapacitated by T.B. his heirs or the worker will be eligible for a gratuity of 15 days' wages for every year of service since the year 1946.

The Industrial Tribunal, Madras, passed an award reinstating with half back wages 4 out of 8 workers whose services were terminated in the Dinamani Press, Madurai.

On a complaint under section 33-A of the Industrial Disputes Act of six workers of the Pioneer Mills Limited 'B', Coimbatore, in I.D. No. 13-M of 1958, the Industrial Tribunal, Madras, directed the reinstatement of the petitioners with back wages on the ground that the approval of the Tribunal was necessary even if the discharge was not for misconduct and as such the management had contravened the provisions of section 33 of the Industrial Disputes Act.

SETTLEMENTS UNDER SECTION 12 (3) OF THE INDUSTRIAL DISPUTES ACT, 1947.

1

Between

The Workers of Lower Thaimalai Estate

and

The Management of Lower Thaimalai Estate.

TERMS.

(1) The management agrees to take the following 17 workers into the permanent checkroll with effect from 1st February, 1959.

1. Mohamed
2. K. Raman
3. Kunju
4. Raman

AWARDS AND AGREEMENTS.

5. Chellan
6. Alagiri
7. Krishnan Asari
8. Rangan
9. Jeilan
10. Ponnu
11. Rangi
12. P. Nanji
13. Manappai
14. Vasu
15. Manickam
16. Chellan
17. Chinnamma

(2) The management agrees to make the following 4 workers permanent from the dates on which they complete 180 days service.

1. Bibijohn, 2. Janaki, 3. Pappal, 4. Veeramman.

(3) The management agrees to pay the gratuities due to the following 7 workers before 21st February, 1959.

1. Chellan
2. Periaswamy Maistry
3. Iyyamma
4. Raheema
5. Thulasi
6. Chattu Maistry
7. Kuppa Maistry

(4) The management also agrees to increase the incentive for plucking to 6 pice per pound above 21 pounds from 1st February, 1959.

2

Between

The Workers of Nanco Rubber and Plastics, Ltd., Coimbatore

and

The Management of Nanco Rubber & Plastics, Ltd., Coimbatore.

TERMS.

1. The rate of production bonus fixed for commercial hoses item 2 ply or 1 brand in 60' length in Schedule II, page 3 of the settlement dated 4-2-58 (vide Labour Officer's Letter, No. 2100 of 1955, dated 5-2-58) shall be deleted and in its place the following rate of production bonus shall be substituted.

Company's quota for the above type of commercial hose production is one such hose per head per day. Over and above the Company's quota a rate of Rs. 2 per extra hose as production bonus to be shared by all the workmen and additional 50 naye Paise per hose for wire armouring.

3

Between

The Workers of Chennakrishna Rice Mills, Salem

and

The Management of Chennakrishna Rice Mills, Salem.

TERMS.

1. Bonus for 1957-58.—The management agreed to pay bonus for the year 1957-58 to the male workers at the rate of Rs. 22 and female workers at the rate of Rs. 16-8-0. Some of the workers had already been paid at the rate of Rs. 15 and Rs. 10 respectively. The balance will be paid on the basis of T.L.K. Rice Mills, Salem.

2. *Dismissal of Hullerman, Srirangan.*—He will be taken back into service with effect from 27th January, 1959, without back wages but the period of absence will be taken as continuity of service.

3. *Minimum Wages to the Workers.*—The minimum wages to the workers (Male and Female) will be paid as per the wages prevailing in T.L.K. Rice Mills, Salem, with effect from the week commencing from 27th January, 1959.

4. *Minimum Wages Petitions pending before the Labour Court, Coimbatore.*—The management contended that the Union had filed claims before the Presiding Officer, Labour Court, Coimbatore, towards the arrears of minimum wages for 52 workers. At the time of discussion on the above issues, the management contended that the petitions before the Minimum Wages Authorities should also be disposed off before settling the other issues. Hence it was agreed by both the parties that the cases relating to minimum wages pending before the Labour Court, Coimbatore, in M.W.P. No. 1 of 1959 would not be pressed by the Union subject to the following conditions :

(i) The Union should be paid Rs. 500 (Rupees Five Hundred Only) towards the claim for the workers as a lump sum.

(ii) The payment of the amount agreed to in items 1 and 4 will be paid by the management on or before 31st January, 1959.

Both the parties agreed to maintain cordial relationship between themselves in future.

4

Between

The Workers of Tinnevely Lodge and Ganesa Lodge, Trichy

and

The Management of Tinnevely Lodge and Ganesa Lodge, Trichy.

TERMS.

1. The Union agrees to accept the offer of the management to pay one month's basic wages as additional bonus for each of the years 1957-58 and 1958-59 to every worker employed in the Tinnevely Lodge and Ganesa Lodge during that period.

2. The workers who have actually worked for 240 days will be entitled to receive the full bonus and others proportionately according to their services.

3. The above bonus amount shall be paid in two instalments. The first instalment shall be paid on or before 15-2-59 and the second instalment shall be paid on or before 30th April, 1959.

4. The management and the workers agree that the basic wages already agreed to in 1956 shall be paid to each of the workers according to the respective category after completion of 9 months service by each worker from the date of his employment in the hotels.

5. The management and the union agree that any dispute or difference of opinion arises between them in future shall be discussed and settled by direct negotiation with the union.

5

Between

The Workers of S.A. Muthuramier & Co., Iron Safe Manufacturers, R.S. Road, Dindigul

and

The Management of S.A. Muthuramier & Co., Iron Safe Manufacturers, R.S. Road, Dindigul.

TERMS.

1. The management agree to pay Rs. 60 to each of the main workers and Rs. 30 to each of the Assistant Workers as bonus for the three years 1955-56, 1956-57 and 1957-58 in full and final settlement. The management shall pay the above amounts to their workers on or before 31st January, 1959.

2. The management shall pay bonus for a period of three years, viz., the years ending 31st March, 1959, 31st March, 1960 and 31st March, 1961 as follows :

Each worker shall be paid for every year ending with 31st March bonus 1/12 of the annual wages earned by the worker during that year and the payment of this bonus shall be made 10 days before Deepavali Festival following the close of the year to which the bonus relates.

3. The management shall pay leave wages at a flat rate of Rs. 20 to each worker for the calendar year ended 1st December, 1958, irrespective of nature of work and number of working days. The payment will be made on or before 12th January, 1959.

4. The leave wages for the next three calendar years 1959, 1960 and 1961 shall be paid on the following scale :—

Number of days of work.	Main Worker.	Asst. Worker.
240 Days	Rs. 25	Rs. 20
200 Days	Rs. 20	Rs. 15
150 Days	Rs. 15	Rs. 10

The workers who work for less than 150 days during a year are not entitled to the leave wages for that year. The payments will be made a few days before Pongal during the month of January following the year to which they relate.

5. In lieu of leave with pay for Independence Day each worker shall be given by the management a khadar dhoti and a towel. For Republic Day each main worker shall be paid Rs. 2 and each assistant worker Re. 1.

6. Any pending proceedings in respect of the above-mentioned items shall be withdrawn by the parties.

7. The management agree to recognise the union.

8. This agreement shall be in force till the 31st March, 1961.

6

Between

The Workers of Mysindia Tiles & Engineering Co., Madras

and

The Management of Mysindia Tiles & Engineering Co., Madras.

TERMS.

1. It is agreed that all the workers will be paid a bonus equivalent to one month and twenty-five days' basic wages for the year 1958-59.

2. The amount of Bonus will be paid in two instalments of one month wage in the first instance and another twenty-five days' wages in the second instance, i.e., on 9-1-59 and 20-1-59 respectively.

SETTLEMENTS UNDER SECTION 18 (1) OF THE INDUSTRIAL
DISPUTES ACT, 1947.

1

Between

The Workers of the Madura Mills Co., Ltd., Tuticorin

and

The Management of the Madura Mills Co., Ltd.

Workers of a casual nature attached to the Building and Engineering Department have been continuously laid off since April, 1958, as the works for which they were engaged are completed and no alternative employment could be provided in the Mills departments as these departments already have a surplus.

Without prejudice to the rights of either party under the Industrial Disputes Act the management agrees with the Tuticorin Mill Labourers' Union to make payments on an *ad hoc* basis to the workers of the categories mentioned above as shown against each in the attached list.

These are special payments applicable to the individuals mentioned in the list and as such are not liable to be extended to others.

This is open only to such of the workers who wish to take advantage of this special offer and apply to the Management on or before 15th December, 1958.

2

Between

The Workers of the Tuticorin Mills Labourers' Union, Tuticorin

and

The Management of the Tuticorin Mills Labourers' Union, Tuticorin.

The Tuticorin Mills Labourers' Union suggests the following for the allotment of permanent frames to permanent female spinners with which the Management agree.

- (1) Service as Spinners will be taken into account.
- (2) Seniormost Spinners will be kept as reserve spinners.
- (3) All others will be given permanent frames according to strict seniority.
- (4) If frames are stopped, the respective spinners allotted to these frames will be provided with other frames temporarily if available; if not they will be provided with alternative employment in the department or in other departments.
- (5) The same frame will be given to the Spinners on return from maternity and/or other authorised leave.

This agreement will take effect from 5th January, 1959. Any difficulty experienced in implementing the above will be settled by mutual negotiations.

3

வட ஆற்காடு ஜில்லா தோல் பதனிடும் தொழிலாளர் சங்கத்திற்கும் (ரிஜிஸ்டர் நெ. 1287) வட ஆற்காடு ஜில்லாவில் உள்ள தோல் ஷாப்பு முதலாளிகளுக்கும் 1947-ம் வருடத்திய தொழிற் தகராறு சட்டப்படி 4-1-'59-ல் ஏற்பட்ட ஒப்பந்த விபரம்.

12-12-'58-ம் தேதி கலெக்டர் முன் ஏற்பட்ட போனஸ் ஷரத்துகளின் அடிப்படையில் சில மாறுதல்கள் விஷயமாக ஏற்பட்ட தகராறு விஷயமாக இரு சாராரும் பேசி கீழ்க்கண்ட ஒப்பந்தம் ஏற்பட்டது:

1. போனஸ் தொகை பெற ஒவ்வொரு தொழிலாளியும் 1957-58-ம் வருடத்தில் குறைந்தபட்சம் 30 நாட்கள் வேலை செய் திருக்கவேண்டும்.

2. ஒப்புக் கொள்ளப்பட்ட அதிக பட்ச தொகை ரூபாய் 35-ஐ 240 நாட்களால் வகுத்து, வரும் தொகையை 1957-58-ல் வேலை செய்த நாட்களால் பெருக்கிப் பிரித்துக் கொடுக்கவேண்டும். அதிக பட்சமாக கொடுக்கப்படும் தொகை ரூபாய் 35/-க்கு மேற்படாது.

3. 12-12-'58-ம் தேதியில் நடக்கும் தோல் பதனிடும் தொழிற் சாலைகளின் சொந்தக்காரர்களால் ஷே தேதியில் வேலையிலிருந்த தொழிலாளிக்கு ஷே போனஸ் கொடுக்கப்படும்.

4. ஷே போனஸ் தொகை 10-1-'59-ம் தேதியோ அதற்கு முன்னிட்டோ பட்டுவாடா செய்யப்படும்.

5. இந்த ஒப்பந்தம் 1-4-'58-ம் தேதிக்கு அப்புறம் தோற்றுவிக்கப் பட்ட தோல் ஷாப்புக்களில் உள்ள தொழிலாளிகளுக்கு ஏற்றுக் கொள்ளப்படமாட்டாது.

6. இந்த உடன்பாடு நியாய மன்றத்தில் சமர்ப்பிக்கப்பட்டிருக் கும் மனுக்களையும் அவைகளின் காரணமாக ஏற்பட்டிருக்கும் பிரச்சினை களையும் எவ்விதத்திலும் பாதிக்காவண்ணம் ஒப்புக்கொள்ளப்பட்டது.

4

விளம்பி வருடம் தை மாதம் 7-ம்உ சாத்தூர் ராஜாமணி மேச் பேக்டரி மாணேஜ்மெண்டாருக்கும் சாத்தூர் தேசிய தீப்பெட்டி தொழிலாளர் சங்கத்திற்கும் சாத்தூர் ராஜாமணி மேச் பாக்டரி தொழிலாளர்களுக்கும் 20-1-'59உ-யில் ஏற்பட்ட ஒப்பந்தமாவது.

1. மாணேஜ்மெண்டாரின் 31-12-'58உயில் 7 நபர்களுக்கு கொடுக்கப்பட்ட ஆள் குறைப்பு நோட்டீசை வாபஸ் பெற்றுக் கீழ் கண்ட சர்வீஸ்படி இருதரப்பாரும் ஒப்புக்கொண்டு 7 நபர்களை கீழ்க்கண்ட கண்டிஷன்படி ஆள் குறைத்துக்கொள்ள வேண்டுமென்றும்,

தொழிலாளர்களின் சர்வீஸ் விபரம்

வரிசை நம்பர்	பெயர்	வேலைக்கு சேர்ந்த தேதி
1.	D. செல்லையா	13-7-56
2.	அ. வடிவேல் பிள்ளை	13-7-56
3.	பழனி	20-7-56
4.	K. ஷண்முகம்	17-8-56
5.	E. சுப்பையா	12-12-56
6.	M. துரைராஜ்	28-1-57

7.	S. ராமையாக் கோனார்	6-2-57
8.	R. குருசாமி	8-5-57
9.	R. துரைராஜ்	4-10-57
10.	R. கந்தையா	4-10-57
11.	R. பெரியசாமி	4-10-57
12.	R. முத்து	11-11-57
13.	V. கந்தசாமி	15-9-58

2. மேலே கண்ட சர்வீஸ் லிஸ்டுபடி ஜூனியாரிட்டிபடி நபர்கள் 7 பேர்களை மாணேஜ்மெண்டார் குறைத்துக்கொள்ள யூனியனும் தொழிலாளர்களும் ஒப்புக்கொள்ளுவதென்றும்;

3. மாணேஜ்மெண்டார் மஸ்டர் ரோலில் பெயர் எழுதுவதில் தவறுதல் சில ஏற்பட்டிருப்பதாக நாங்கள் கருதுவதால் இப்பொழுது இந்த ஒப்பந்தத்தில் உள்ள சர்வீசையே மூன்று தரப்பாரும் இனி ஒப்புக் கொள்வதென்றும்;

4. இந்த ஒப்பந்தத்தில் உண்டான சர்வீசுக்குக் கூடுதலாகவோ; குறைவாகவோ இனிமேல் கிளைம் செய்ய மூன்று தரப்பாருக்கும் உரிமை கிடையாது என்றும்;

5. மாணேஜ்மெண்டார் ஏற்கனவே 3 நபர்களுக்கு ஆள் குறைப்புப்படி கணக்குத் தீர்த்துக் கொடுத்து வேலையிலிருந்து போய்விட்ட படியால் 20-1-59, தேதி முதல் பாக்கி உள்ள 4 நபர்களை குறைத்துக் கொள்வதால் 20-1-59 தேதி முதல் தினம் 1-க்கு குரோஸ் 250 மட்டும் உற்பத்தி செய்வதென்றும்;

6. மேலே 5-வது கண்டிஷனில் கண்டுள்ளபடி மாணேஜ்மெண்டார் தினம் ஒன்றுக்கு 250 குரோசுக்கு மேல் உற்பத்தி செய்ய ஆரம்பித்தால் அதிக அளவு உற்பத்திக்கு 40 குரோசுக்கு ஒரு ஆள் வீதம் (தற்சமயம் இருக்கப்பட்ட கண்டிசராக்குபடி டஜன் பாக்கிங், பண்டல் பேக்கிங்கும் பீஸ் ரேட்டாக இருக்கப்பட்ட பண்டல் ரோல் ஒட்டுதல், கட்டை உறுவுதல் இந்த செக்ஷன்கள் நீக்கி) சர்வீஸ் சீனியாரிட்டி பிரகாரம் திரும்ப வேலைக்கு எடுத்துக் கொள்வதென்றும்;

7. மேலே 5, 6-வது கண்டிஷன்படி மாணேஜ்மெண்டார் அதிக உற்பத்தி எடுக்கும்பொழுது ஆள் குறைப்புச் சட்டப்படி சர்வீஸ் சீனியாரிட்டிப் பிரகாரம் ஆள் எடுக்கும்பொழுது மேற்படி நபர்களை குறைந்தது ஒருவார காலத்திற்கு முன் யூனியன் மூலமோ அல்லது நேரடியாகவோ ரிஜிஸ்டர் தபால் மூலமோ தெரியப்படுத்தி மேற்படி நபர்களை வேலைக்கு எடுத்துக்கொள்ள வேண்டுமென்றும் முடிவு செய்து மூன்று தரப்பாரும் முழுச் சம்மதத்துடன் கையெழுத்துச் செய்திருக்கிறோம்.

5

இராஜபாளையம் ஜெயராம் மில்ஸ் லிமிடெட் மாணேஜ்மெண்டாருக்கும் ஷே. மில்ஸ் தொழிலாளர்களுக்குமிடையே 1947-ல் தீர்மானித்த தொழிற் தகராறு சட்டத்தின் கீழ் செய்துகொள்ளப்பட்ட சமரச ஒப்பந்தம்:—

ஒப்பந்த விபரம்

1. ஜெயராம் மில்ஸ் மாணேஜ்மெண்டாருக்கும் ஷே. மில்ஸ் தொழிலாளர்களுக்கும் 1947-ம் வருஷத்திய தொழிற் தகராறு சட்டத்தின் கீழ் திருநெல்வேலி லேபர் ஆபீஸர் அவர்கள் முன்னிலையில் செய்து

கொள்ளப்பட்ட 22-4-1954-ம் தேதிய சமரச ஒப்பந்தத்தின் ஷரத்து 18-ல் கண்டுள்ள மாதாந்திர டைம் ரேட் சம்பள தொழிலாளர்களுக்கு அவர்களுக்குத் தற்சமயம் கொடுப்பதும் அடிப்படைச் சம்பளத்தில் மாதம் ஒன்றுக்கு ரூ. 2/- (ரூபாய் இரண்டு மட்டும்) சம்பள உயர்வு கொடுக்கப்பட வேண்டும்.

2. ஷே. சம்பள உயர்வை அனுசரித்து டிராயிங் அண்ட் கோன் - வைண்டிங் டிபார்ட்மெண்டு தொழிலாளர்களுக்கு பின் கண்டவாறு அடிப்படைச் சம்பளம் நிர்ணயிக்கப்பட்டுள்ளது:

டிராயர்: 1,000 ends-க்கு 0-2-11.

ரீக்சர்: 1,000 ends-க்கு 0-2-3.

கோன்வைண்டர்: 100 பவுண்டுக்கு ரூ. 0-13-10.

3. மேலும், தற்பொழுது வீவிங் டிபார்ட்மெண்டில் தனியாக மூன்று 60'' தறிகள் மட்டும் பார்க்கும் வீவர்களுக்கு மாதம் ஒன்றுக்கு ரூ. 4/- (ரூபாய் நான்கு மட்டும்) ஸ்பெஷல் அலவன்சாகக் கொடுபட வேண்டும்.

ஷே. ஒப்பந்தம் 1-1-1959-ம் முதல் அமுலுக்கு வரும்.

பொன்விழா கொண்டாடும் தொழிற்கல்லூரி

ஜான் வால்டன்*

வேலை நிறுத்தத்தின் விளைவாகத் தோன்றிய ஓர் கல்விச் சங்கம், லண்டனில், சில நாட்களுக்கு முன்பு, பொன்விழா கொண்டாடியது. தொழிலாளர் இயக்கத் தலைவர்களும், முதியோர் கல்விப் பணியிலே பட்டுள்ள பிரமுகர்களும் இதில் கலந்துகொண்டார்கள்.

தொழிலாளர்களுக்கு முழுநேரக் கல்வி வாய்ப்பளிப்பதற்காக, இந்த நூற்றாண்டுத் தொடக்கத்தில், வால்டர் வ்ருமன், டாக்டர் சார்லஸ் பியர்டு என்ற அமெரிக்கர்கள் முயற்சியால், ஆக்ஸ்போர்டில் ரஸ்கின் காலேஜ் நிறுவப்பட்டது. சில ஆண்டுகளுக்குப் பிறகு, கல்லூரி நிர்வாகத்தை, ஓர் குழுவிடம் ஒப்படைத்துவிட்டு, வ்ருமனும் பியர்டும் விலகிக்கொண்டார்கள். இந்தக் குழுவில் பல்கலைக் கழக விரிவுரையாளர்களும், தொழிற்சங்கத் தலைவர்களும் அங்கம் வகித்தார்கள். 1909 இல் ஒருநாள், மாணவர்கள் பாடத்திட்டத்தில் மாறுதல் கோரி, கிளர்ச்சி செய்தார்கள். பல்கலைக் கழக வேந்தருக்குச் செய்தி எட்டியது. நிர்வாகக் குழுவினரோ, கல்லூரி முதல்வரிடம் வேற்றுமை காட்டி பதவியிலிருந்து விலகமாறு அவரைக் கேட்டுக் கொண்டார்கள். இதனால் சிக்கல் தோன்றிற்று. மாணவர்கள் வேலை நிறுத்தம் செய்தார்கள். கல்லூரியிலிருந்து வெளியேறிய மாணவர்கள், சுயமுயற்சியில் கல்விக் குழுக்களை அமைத்துக் கொண்டு படித்தார்கள்.

ரஸ்கின் கல்லூரிக்கும் தொழிலாளர் இயக்கத்திற்கும் தொடர்பாகப் பணியாற்ற நிறுவப்பட்ட 'ப்ளெப்ஸ்லீக்' என்ற ஸ்தாபனம், மாணவர்களை ஆதரித்தது. இதனால் ப்ளெப்ஸ் லீகிற்கும் ரஸ்கின் கல்லூரிக்குமுள்ள தொடர்பு அறுந்தது. ஆயினும் இரு ஸ்தாபனங்களும், தம் தம் வழியில் தொழிலாளர் இயக்கத்திற்கு பணிபுரிந்து வந்தன.

ரஸ்கின் கல்லூரியில் பல்வேறு தொழில்களைச் சேர்ந்த இளைஞர்கள் பயின்றார்கள். அவர்களில் பலர், பிற்காலத்தில், தொழிற்சங்க இயக்கத்திலும் முதியோர் கல்விப் பணியிலும், முக்கியப் பொறுப்பேற்று, சிறப்பாகப் பணியாற்றினார்கள்.

ரஸ்கின் கல்லூரியிலிருந்து வெளியேறியவர்கள் 'சென்ட்ரல் லேபர் காலேஜ்' என்ற ஸ்தாபனத்தை ஆக்ஸ்போர்டில் நிறுவினார்கள். பிற்காலத்தில் இது லண்டனுக்கு மாற்றப்பட்டது. ரெயில்வே யூனியன்களும், சுரங்கத் தொழிலாளர் சங்கங்களும், இதை சிறந்த முறையில் ஆதரித்தன. தேசியச் சுரங்கத் தொழிலாளர் சங்கத்தின் தலைவராகப் பணியாற்றிய வில்லியம் லாதரும், நேஷனல் யூனியன் ஆவ் பப்ளிக் எம்பிளாய்ஸ் என்ற சங்கத்தின் செயலாளர் பிரின் ராபர்ட்ஸும், இந்தக் கல்லூரியில் படித்தவர்கள் என்பது குறிப்பிடத்தக்கது. பிரின் ராபர்ட்ஸ், கல்லூரியில் சேருமுன்பு வேல்ஸிலுள்ள நிலக்கரிச் சுரங்கத்தில் பணியாற்றி வந்தார்.

தொழிற்கட்சிப் பிரமுகர்களும் முன்னாள் மந்திரிகளுமான அனாரின் பெவானும் ஜேம்ஸ் கிரிஃபித்ஸும், லண்டன் சென்ட்ரல் லேபர் காலேஜ் மாணவர்களே. தொழிற்கட்சிச் செயலாளர் மார்கள்

தேசியக் கௌன்சில்

பிளிப்ஸும் இந்தக் கல்லூரியில் படித்தவர்தான். இவர்கள் அனைவரும், அரசியலில் ஈடுபடுவதற்கு முன்பு வேல்ஸ் சுரங்கத் தொழிலாளர் இயக்கத்தில் தீவிரமாக உழைத்தவர்கள்.

அமெரிக்கா தொழிலாளர் இயக்கப் பிரமுகரும் இண்டர்நேஷனல் லேபர் கார்மென்ட் ஒர்கர்ஸ் யூனியனின் கல்விப் பிரிவுத் தலைவருமான மார்க் ஸ்டாரும் இந்தக் கல்லூரி மாணவர்தான்.

சென்ட்ரல் லேபர் காலேஜ், முழுநேர வகுப்பு நடத்துவதில் கவனம் செலுத்தியபோது, ப்ளெப்ஸ் லீக் வேறு ஓர் வகையில் கொண்டாற்றத் திட்டமிட்டது. தொழிலாளர்களுக்கான பாடப்புத்தகங்களை வெளியிட்டதுடன், 'ப்ளெப்ஸ்' என்ற சஞ்சிகையையும் பிரசுரித்தது. கல்விப் பணியை ஒருமுகப்படுத்த, இது, 'தொழிற் கல்லூரிகள் தேசியக் கௌன்சில்' என்ற ஸ்தாபனத்தை, 1921 இல் நிறுவிற்று.

நிதி நெருக்கடி தோன்றியதால், 1927 இல் சென்ட்ரல் லேபர் காலேஜை மூடவேண்டியதாயிற்று. எந்த நோக்கத்திற்காக அது நிறுவப்பட்டதோ, அதை நிறைவேற்றும் பொறுப்பை தேசியக் கௌன்சில் ஏற்றுக்கொண்டது. நாட்டின் பல பாகங்களில், தேசியக் கௌன்சிலின் வார வகுப்புகளும், கல்விச் சொற்பொழிவுகளும் நடைபெறுகின்றன; அஞ்சல் மூலமும் கல்வி போதிக்கப்படுகிறது; இன்று ஆண்டளும் பெண்களுமாக சுமார் 100,000 தொழிலாளர்கள், தேசியக் கௌன்சில் மூலம் கல்வி பயிலுகிறார்கள்.

தொழிற்சங்கங்களின் ஆதரவில்தான் தேசிய கௌன்சில் இயங்குகிறது. ஒரு சில கூட்டுறவு சங்கங்களும், தேசிய கௌன்சிலுக்கு நிதி உதவி செய்கின்றன. தேசியக் கௌன்சிலுடன் இணைந்துள்ள தொழிற்சங்கங்கள், ஊழியர்களுக்கு நிர்வாகப் பயிற்சி தர, தேசிய கௌன்சிலின் உதவியையே நாடுகின்றன.

தொழிலாளர் கல்விச் சங்கம் என்றதோர் ஸ்தாபனமும் தொழிலாளர்களுக்குப் பணியாற்றி வருகிறது. அஞ்சல் மூலமும், மாலை வகுப்புகள் மூலமும், கோடை வகுப்புகள் மூலமும், இது கல்விப் பணி புரிந்துவருகிறது.

பயிற்சி வகுப்புகள்

தொழிற்சங்கக் காங்கிரஸ், நிர்வாக ஊழியர்களுக்குப் பயிற்சி தர, தலைமை அலுவலகத்தில் ஓர் கல்லூரியை நிறுவியிருக்கிறது. டிரான்ஸ் போர்ட் அன்ட் ஜனரல் ஒர்க்கர்ஸ் யூனியன், நேஷனல் யூனியன் ஆவ் ஜனரல் அன்ட் முனிசிபல் ஒர்க்கர்ஸ், யூனியன் ஆவ் ஷாப்--டிஸ்ட்ரி பூடிவ் அன்ட் அலைட் ஒர்க்கர்ஸ் முதலிய சங்கங்களும் தொழிலாளர்களுக்கு, நிர்வாகப் பயிற்சி தர திட்டங்களை வகுத்துள்ளன.

தேசியக் கௌன்சில், தொழிலாளர் கல்விச் சங்கம் ஆகியவற்றுடன், தொழிற்சங்கங்களும், பயிற்சி ஸ்தாபனங்களும் இணைந்து பணியாற்றுவது அவசியம் என்ற கருத்துக்கு, சென்ற சில ஆண்டுகளில் ஆதரவு அதிகரித்து வருகிறது. சென்ற ஆண்டுக் கூட்டத்தில் தொழிற்சங்கக் காங்கிரஸும் இதைப் பற்றிச் சிந்தித்தது. தேசிய கௌன்சில், தொழிலாளர் கல்விச் சங்கம், தொழிற்சங்கக் காங்கிரஸ், ஆகியவற்றின் பிரதிநிதிகள் சந்தித்து ஆலோசிப்பதே இனிச் செய்யவேண்டிய பணியாகும்.

* பிரிட்டிஷ் தொழிற்சங்க காங்கிரஸ் அங்கத்தினர்.

CURRENT LABOUR LITERATURE

The following books and publications were received during the months of January and February, 1959 :—

Books and Publications.

S. No.

1. Annual report on the working of the Indian Trade Unions Act, 1926, in Uttar Pradesh (Allahabad : Superintendent Printing and Stationery, Uttar Pradesh).
2. The Law Finder, 1959, Annual Catalogue (Law Book Company, Post Box No. 4, Allahabad).
3. Annual Review of Activities, 1957, Parts I and II (Department of Labour Uttar Pradesh).
4. Annual report on the working of the Payment of Wages Act, 1936, for the year, 1955 (Published by the Government of Uttar Pradesh).
5. The Beama Journal, November, 1958, Quarterly Review (The British Electrical and Allied Manufacturers' Association, London W.C. (2)).
6. The Ind-Com Journal, Vol. XIII-No. 4, Oct.-Dec., 1958, Quarterly, (Department of Industries and Commerce, Government of Madras).
7. Labour Review (Issued by the British Information Services, New Delhi).
8. Steam Users' Journal (Published by the South Indian Steam Users' Association, Madras).
9. American Labour Review, Vol. XI, No. II, November 1, 1958, (American Embassy, New Delhi).
10. All India Reporter, January, 1959, (All India Reporter Press, Nagpur).
11. Industrial Information Bulletin, October, 1958, Monthly (Commonwealth of Australia, Department of Labour and National Service).
12. U. P. Labour Decisions, October, 1958, Monthly Journal (Published by the Labour Commissioner, Uttar Pradesh, Kanpur).
13. Ceylon Labour Gazette, (December, 1958, Department of Labour, Ministry of Labour, Government of Ceylon).
14. International Labour Review, Vol. LXXXVIII, No. 6, December, 1958, (Published monthly by the International Labour Office, Geneva).
15. Indian Textile Industry (Cotton, Woollen and Rayon) Statistical Bulletin, October, 1958, (Government of India, Ministry of Commerce and Industry, Department of Commerce and Light Industries, Office of the Textile Commissioner, Bombay-1).
16. Labour Law Journal, Vol. I, 1959, January, 1959, (Labour Law Journal, Madras-14).
17. Indian Labour Gazette, Vol. XVI, No. 6, December, 1958, (Labour Bureau, Ministry of Labour and Employment, Government of India).
18. The Industrial Court Reporter, January, 1959, (Published by the Office of the Commissioner of Labour, Government of Bombay).
19. Labour Gazette, Vol. XXXVIII, No. 5, January, 1959, (Issued by the Office of the Commissioner of Labour, Government of Bombay).
20. International Labour Review, January, 1959, (Published by the International Labour Office, Geneva).

BOOKS RECEIVED.

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21. U. P. Labour Decisions, Monthly Journal (issued by the Labour Department, Uttar Pradesh).
22. All India Reporter (February, 1959) (All India Reporter Press, Nagpur).
23. Monthly Review of Work-stoppages, October, 1958, Labour Bureau, Ministry of Labour and Employment, Government of India.
24. Ceylon Labour Gazette, January, 1959, (Department of Labour, Government of Ceylon).
25. Industry and Labour, Monthly, (Published by the International Labour Office, Geneva).
26. Indian Textile Industry (Cotton, Woollen and Rayon), Statistical Bulletin, November, 1958, (Office of the Textile Commissioner, Bombay).
27. British Information Services, Monthly, (British Information Service, Madras-1).
28. Indian Labour Gazette, January, 1959, (Labour Bureau, Government of India, New Delhi).
29. Industrial Court Reporter, February, 1959, (Published by the Office of the Commissioner of Labour, Government of Bombay).
30. Metkem Journal, December, 1958, (Published by the Mettur Chemical and Industrial Corporation Limited, Mettur Dam).
31. British Information Services, Fortnightly Review of News and Events (Issued by the British Information Services, Eastern House, New Delhi).
32. Industry and Labour, December, 1958, (Published by the International Labour Office, Geneva).
33. Industrial Bulletin, December, 1958, (Issued by the Employers' Federation of India, 1959, Bombay).
34. The Planters Chronicle, (Quilon).
35. Fortnightly Review of News and Events, 1959, (Issued by the British Information Services, New Delhi).
36. Industrial Safety and Health Bulletin, (Issued by the Chief Adviser, Factories, New Delhi).
37. Delhi Gazette, Weekly (Government of India Publications).
38. American Reporter, Weekly (Issued by the United States Information Service).
39. Kanyakumari (Tamil), December, 1958, Weekly edition (Jothi Press, Nagercoil).
40. The Madras Law Journal, Weekly, (Madras Law Journal Office, Madras-4).
41. Kudiyaarasu, Weekly Magazine, 26-1-59 (Kathari Press, Coimbatore).
42. Record of Proceedings of Fourth Asian Regional Conference, New Delhi, November, 1957, (International Labour Office, Geneva) Miscellaneous.
43. Sixteenth Tripartite Conference. (S.A. Dange, Tamil Nad Trade Union Congress, book in Tamil).
44. Forty-third session of the International Labour Conference, Report VII (International Labour Office, Geneva).
45. Commonwealth Today, No. 63 (The Central Office of Information, London).
46. Imperial Tobacco Company of India Employees' Union, IV Annual Conference, Souvenir, January, 1959.
47. Burma-Shell News, (Published by the Burmah-Shell Oil Storage and Distributing Co. of India, Limited, Bombay).



Labour Minister (Madras State) addressing a meeting of the Members of State Labour Advisory Board.

NOTIFICATIONS

AMENDMENTS TO MADRAS COTTON GINNING AND PRESSING FACTORY RULES.

(G.O. Ms. No. 160, Food and Agriculture, 16th January, 1959).

S.R.O. No. A-379 of 1959.—In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XIII of 1925), the Governor of Madras hereby makes the following amendments to the Madras Cotton Ginning and Pressing Factories Rules, 1950, published with the late Development Department Notification, dated the 3rd November, 1950, at pages 474 to 480 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 21st November, 1950, as subsequently amended.

AMENDMENTS.

In rule 1 of the said rules :—

(i) in the heading, for the words "and commencement", the words "extent and commencement" shall be substituted ;

(ii) after sub-rule (1) the following sub-rule shall be inserted, namely :—

"(1-A) They extend to the whole of the State of Madras including the Kanyakumari district and the Shencottah taluk of the Tirunelveli district".

DRAFT AMENDMENTS TO MADRAS PLANTATIONS LABOUR RULES.

(G.O. Ms. No. 4865, Industries, Labour and Co-operation, 19th December, 1958).

S.R.O. No. A-97 of 1959.—The following draft of certain amendments to the Madras Plantations Labour Rules, 1955, published with the Industries, Labour and Co-operation Department Notification, dated the 4th January, 1956, at pages 1-30 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 4th January, 1956, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 43 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951), and in supersession of the Travancore-Cochin Plantations Labour Rules, 1955, is hereby published for general information as required by sub-section (1) of the said section 43, the previous approval of the Central Government having been obtained as required by sub-section (3) of the said section 43.

Notice is hereby given that the draft amendments will be taken into consideration on or after the 10th March, 1959 and that any objection or suggestion which may be received from any person with respect thereto before that date will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to the Government of Madras in the Industries, Labour and Co-operation Department, through the Commissioner of Labour, Madras.

DRAFT AMENDMENTS.

In the said rules,—

(i) in rule 1, for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) These rules shall extend to the whole of the State of Madras including the Kanyakumari district and the Shencottah taluk of the Tirunelveli district";

(ii) in rule 51, for clause (i) and (ii), the following clauses shall be substituted, namely:—

"(i) in the case of death, a period not exceeding three months, and in the case of transfer or termination of service, a period not exceeding two months ;

(ii) in the case of retirement, or resignation, a period not exceeding one month".

DRAFT AMENDMENT TO MADRAS PLANTATIONS LABOUR RULES.

(G.O. Ms. No. 4965, Industries, Labour and Co-operation, 29th December, 1958).

S.R.O. No. A-225 of 1959.—The following draft of an amendment to the Madras Plantations Labour Rules, 1955, published with the Industries, Labour and Co-operation Department Notification, dated the 4th January, 1956, at pages 1 to 30 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 4th January, 1956, which it is proposed to make in

exercise of the powers conferred by sub-section (1) of section 43 of the Plantations Labour Act 1951 (Central Act LXIX of 1951), is hereby published for general information as required by the said sub-section (1), the previous approval of the Central Government having been obtained as required by sub-section (3) of the said section 43.

Notice is hereby given that the Draft Amendment will be taken into consideration on or after the 1st April, 1959 and that any objection or suggestion which may be received from any person with respect thereto before that date will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to the Government of Madras in the Industries, Labour and Co-operation Department, through the Commissioner of Labour Madras.

DRAFT AMENDMENT.

In clause (iv) of sub-rule (1) of rule 54 of the said rules, for the word, 'three' the word 'four' shall be substituted.

DRAFT AMENDMENTS TO MADRAS TRADE UNIONS REGULATIONS.

(G.O. Ms. No. 4906, Industries, Labour and Co-operation, 23rd December, 1958).

S.R.O. No. A-352 of 1959.—The following draft of certain amendments to the Madras Trade Unions Regulations, 1927, in so far as they relate to trade unions whose objects are confined to the State of Madras, which it is proposed to make in exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (Central Act XVI of 1926), is hereby published for general information as required by section 30 of the said Act.

Notice is hereby given that the draft will be taken into consideration on or after the 15th April, 1959 and that any objection or suggestion which may be received from any person with respect thereto before that date will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to the Government of Madras, Industries Labour and Co-operation Department, through the Commissioner of Labour, Madras.

DRAFT AMENDMENTS.

In the said regulations in clause (1) of regulation 19—

(1) For Sub-clause (a) the following sub-clause shall be substituted, namely :—

“(a) by an auditor authorised to audit the accounts of companies under section 226 of the Companies Act, 1956 (Central Act I of 1956)” or ;

(2) sub-clause (c), (d) and (ii) shall be omitted and sub-clause (e), (f) (i) and (g) shall be re-lettered as sub-clauses (c), (d) and (e), respectively.

DRAFT AMENDMENT TO MADRAS PAYMENT OF WAGES RULES.

(G.O. Ms. No. 58, Industries, Labour and Co-operation, 6th January, 1959).

S.R.O. No. A-353 of 1959.—The following draft of an amendment to the Madras Payment of Wages Rules, 1937, published with the late Development Department, Notification No. 133, dated the 20th February, 1937, at pages 356-359 of Part I of the *Fort St. George Gazette* dated the 23rd February, 1937, as subsequently amended, which it is proposed to make in exercise of the powers conferred by sub-sections (2) and (3) of section 26 of the Payment of Wages Act, 1936 (Central Act IV of 1936), is hereby published for general information as required by sub-section (5) of the said section 26.

Notice is hereby given that the draft will be taken into consideration on or after the 30th April, 1959 and that any objections or suggestions which may be received from any person with respect thereto before the date as aforesaid will be considered by the Government of Madras. Objections and suggestions shall be addressed to the Secretary to the Government of Madras in the Department of Industries, Labour and Co-operation through the Commissioner of Labour, Madras-5.

DRAFT AMENDMENT.

In rule 18 of the said rules, for the figures, letters and word “15th February”, the figures, letters and word “31st January” shall be substituted.

AMENDMENT TO INDUSTRIAL DISPUTES (CENTRAL RULES).

Fort St. George, 5th January, 1959.

S.R.O. No. A-354 of 1959.—The following notification of the Government of India is republished :—

C.S.R. No. —In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby makes the following further

amendment to the Industrial Disputes (Central) Rule 1957, the same having been previously published as required by sub-section (1) of the said section, namely :—

After the second proviso to sub-rule (i) of rule 78 of the said rules, the following proviso shall be inserted, namely :—

“Provided also that if a retrenched workman without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule the employer may not intimate to him the vacancies that may be filled on any subsequent occasion”.

AMENDMENT TO MADRAS FACTORIES RULES.

(G.O. Ms. No. 4853, Industries, Labour and Corporation, 18th December, 1958).
dated 18th December, 1958).

S.R.O. No. A-96 of 1959.—In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act LXII of 1948) the Governor of Madras hereby makes the following amendment to the Madras Factories Rules, 1950, published with the late Development Department Notification, dated the 15th March, 1950, at pages 103-178 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 25th April, 1950, as subsequently amended, the same having been previously published as required by section 115 of the said Act :—

AMENDMENT.

In Form No. 23 appended to the said rules, before the words “Certified that the information furnished above is to the best of my knowledge and belief correct” occurring at the end, the following entries shall be inserted, namely :—

“Number of workers discharged from service during the year.

Number of discharged workers paid wages in lieu of leave.

Total amount of wages paid in lieu of leave.

G.O. Ms. No. 1224 (Labour), dated 18th March, 1959, from the Department of Industries, Labour and Co-operation, Government of Madras.

Labour—Minimum Wages Act, 1948—Minimum rates of wages for the employment in the Tobacco (including bidi-making) manufactory—Fixed—Notification—Issued.

NOTIFICATION.

In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 and sub-section (2) of the section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Madras, having considered the advice of the Committee, appointed under clause (a) of sub-section (1) of the said section 5 in regard to fixing minimum rates of wages for employment in any tobacco (including bidi-making) manufactory and of the Advisory Board appointed under section 7 of the said Act, hereby fixes the minimum rates of wages specified in column (2) of the Schedule below as payable to each class of employees specified in the corresponding entry in column (1) thereof employed in the said employment.

The notification shall come into force on the 1st April, 1959.

THE SCHEDULE.

Employment in any tobacco (including bidi-making) manufactory :

Class of Work.	Minimum rates of Wages.	
	(1)	(2) Rs. nP.
Bidis—		
1 (a) For rolling 1000 big size bidis (size of 3" in length and above).	..	1.69
(b) For rolling 1000 small size bidis (size of above 2½" but below 3" in length)	..	1.62
(c) For rolling 1000 small size bidis of the Mukkudal type (size not exceeding 2½" in length)	..	1.37
Cigars—		
2. (a) For rolling 1000 double wrapper cigars	..	2.62
(b) For rolling 1000 single wrapper cigars	..	2.50
Snuff—		
3. (a) For converting 1 viss of tobacco into snuff	..	0.87
(b) For cutting 1 viss of tobacco	..	0.05
(c) For stripping 1 viss of tobacco	..	0.12
(d) For roasting 1 viss of tobacco	..	0.27
(e) For grinding and mixing of 1 viss of tobacco	..	0.43

Provided that the daily minimum wages payable under this item shall not be less than Re. 1.69.

DRAFT MADRAS INDUSTRIAL DISPUTES (WORKING JOURNALISTS) RULES, 1959.

(G.O. Ms. No. 423, Industries, Labour and Co-operation (Labour), 2nd January, 1959).

S.R.O. No. A-950 of 1959.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act XLV of 1955), is hereby published for general information as required by sub-section (1) of section 38 aforesaid.

Notice is hereby given that the draft rules will be taken into consideration on or after the 4th May, 1959 and that any objection or suggestion which may be received from any person with respect thereto before the date aforesaid will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to the Government of Madras, Industries, Labour and Co-operation Department, through the Commissioner of Labour, Madras.

THE MADRAS INDUSTRIAL DISPUTES (WORKING JOURNALISTS) RULES, 1959.

1. **Short title.**—These rules may be called the **MADRAS INDUSTRIAL DISPUTES (WORKING JOURNALISTS) RULES, 1959.**

2. **The Madras Industrial Disputes Rules, 1958, to apply to working journalists.**—The provisions of the Madras Industrial Disputes Rules, 1958, as in force for the time being (hereinafter referred to as "the said rules") shall, subject to the modifications specified in rule 3, apply to, or in relation to, working journalists as they apply to, or in relation to workmen within the meaning of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

3. **Modifications of the Madras Industrial Disputes Rules, 1958, in their application to working journalists :—**

In the said rules—

(1) in rule 61—

(a) for clause (a) the following clause shall be substituted, namely :—

"(a) where notice is given to the working journalists, the notice shall be sent to the State Government not less than five months before the date of retrenchment in the case of an editor and not less than two months from the date of retrenchment in the case of any other working journalist";

(b) in clause (b) for the words "they are paid one month's wages in lieu thereof", the words "in lieu thereof, they are paid six months' wages in the case of an editor and three months' wages in the case of any other working journalist" shall be substituted;

(2) in Form "R" set out in the schedule, for paragraph 2, the following paragraph shall be substituted, namely :—

"2. * The editor

_____ concerned was given on the _____ working journalist other than an editor _____

19 _____ six months' notice in writing as required by clause (a) of section 25-F of that Act _____

three months' _____ (a) _____ read with clause _____ of sub-section (2) of section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act XLV of 1955). _____ (b) _____

* The editor

_____ was given on the _____ working journalist other than an editor _____ 19 _____ six months' _____ three months' _____

pay in lieu of notice as required under clause (a) of section 25-F of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with clause _____ (a) _____ of sub-section (2) of section 3 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act XLV of 1955). _____ (b) _____

*Retrenchment is being effected in pursuance of an agreement a copy of which is enclosed.

1. **Statement showing the details of agreements brought about by the Conciliation Officers, under Section 12 (3) of the Industrial Disputes Act, 1947, during the month of January, 1959.**

Name of the Establishment.	Date of agreement.	Points of dispute.	Nature of settlement.
(1)	(2)	(3)	(4)
1. T. A. Hassan Khader Rowther & Sons, Tannery Coimbatore.	27—1—59	Retrenchment compensation.	The management agreed to pay retrenchment compensation to the workers.
2. Nanco Rubber & Plastic Ltd., Coimbatore.	23—1—59	Rate for commercial hoses.	The Union accepted the revised wage rate offered by the management.
3. Highfield Estate, Coonoor (Post).	2—1—59	Retrenchment of 3 workers.	The management agreed to pay retrenchment compensation to the workers.
4. Kelly Estate, New Hope Post.	6—1—59	Dismissal of a worker.	The management agreed to pay compensation and gratuity to the worker and his wife.
5. Richmond Park Estate, Nihung (Post).	10—1—59	Employment of certain workers.	The management agreed to register 3 workers in the vacancy caused by recent retirement.
6. Parkside Estate, Coonoor Post.	12—1—59	Dismissal of one worker.	The management agreed to modify the order of dismissal into one of discharge and pay gratuity to the worker.
7. Welbeck Estate, Kotagiri Post.	20—1—59	Do.	Do.
8. Lower Thaimalai Estate, Kullakumby Post.	21—1—59	Recruitment of dependents, payment of gratuity, etc.	The management agreed to take 17 workers into the permanent check roll, to pay gratuity to 7 workers and to concede the other demands of the workers.
9. Curzon Estate, Kotagiri Post.	22—1—59	Dismissal of a worker and suspension of a worker.	The management agreed to reinstate the dismissed worker and modify the order of suspension into one of leave with wages.
10. Madura Metal Products Ltd., Madurai.	7—1—59	Reinstatement of a worker.	The management agreed to pay Rs. 50 in addition to compensation awarded by the Commissioner for Workmen's Compensation and the union dropped the demand for reinstatement of the worker.
11. Sri Gopalakrishna Iron Works, Dindigul.	16—1—59	Bonus, leave wages for National holidays.	The management agreed to pay Rs. 40 and Rs. 20 respectively to each main and Assistant workers as bonus for the years 1955-56, 1956-57 and 1957-58. They also agreed to concede the other demands of the workers.

1	2	3	4
12. S.A. Murthuramier & Company, Iron Works, Dindigul.	16-1-59	Bonus, leave wages for National holidays.	The management agreed to pay Rs. 60 & Rs. 30 respectively to each main and Assistant workers as bonus for the years 1955-56, 1956-57 and 57-58. They also agreed to concede the other demands of the workers.
13. V. C. K. A. Sathuragiri Nadar Rice Mill, Madurai.	27-1-59	Dismissal and suspension of workers.	Three out of four dismissed workers were reinstated without back wages and break of service and the question of the suspended workers was dropped.
14. Antiseptic Press, Madras.	8-1-59	Discharge of a worker, etc.	The management agreed to pay retrenchment compensation, notice pay, bonus, arrears of wages, etc.
15. Mysindia Tiles & Engineering Co., Madras.	8-1-59	Bonus for 1957-58.	The management agreed to pay one month's wages as bonus.
16. Visveswararaddoss Gokaldoss, Madras.	9-1-59	Suspension of a worker.	The management agreed to pay compensation.
17. Elite Cosmetics, Madras.	12-1-59	Payment of gratuity to a worker.	The management agreed to pay gratuity to the worker.
18. Tip-Top Laundry, Madras.	17-1-59	Dismissal of a worker.	The management agreed to reinstate the worker.
19. Universal Type Foundry, Madras.	23-1-59	Refusal of work to a worker.	The management agreed to pay one month's wages to the worker.
20. India Type Foundry, Madras	23-1-59	Dismissal of a worker.	The management agreed to reinstate the worker.
21. Lakshmi Metal Works, Madras.	24-1-59	Discharge of 2 workers.	The management agreed to pay retrenchment compensation to the workers.
22. Essor Engineering Works, Madras.	24-1-59.	Termination of services of 3 workers.	The management agreed to make <i>ex-gratia</i> payments.
23. T. A. Taylor & Company (Private) Ltd., Madras.	28-1-59	Discharge of a worker.	The management agreed to reinstate the worker.
24. Sunrise Chemical Industries, Madras.	30-1-59	Proposal to close down the factory.	The management agreed to pay 10 days' wages to the workers.
25. Newton Type Foundry, Madras.	7-1-59	Discharge of a worker.	The management agreed to pay Rs. 20 to the worker for all his claims.
26. Asian Printers, Madras.	9-1-59	Advance for Pongal.	The management agreed to pay one month's wages as advance, recoverable in six instalments.
27. Shri Irani, Trainer, Race Club, Madras.	31-1-59	Discharge of worker.	The trainer agreed to pay Rs. 50 to the worker.
28. Corrimony Tea Estate.	17-1-59	Reinstatement of a worker, and payment of backwages to workers, etc.	The management agreed to reinstate the worker and to concede the demands for back wages.
29. Do.	do	Reinstatement of a worker.	The management agreed to reinstate the worker.
30. Certain Tanneries in N.A. Dist.	4-1-59	Bonus for 1957-58.	The management agreed to pay Rs. 35 as bonus for 1957-58.

1	2	3	4
31. M. B. D. Motor Service, Arcot.	4-1-59	Dismissal of a worker.	The management agreed to pay Rs. 195 in full settlement of all his claims.
32. Balasubramaniam Motor Service.	6-1-59	Discharge of a worker.	The management agreed to reinstate the worker without back wages.
33. General Produce Trading Co., Salem.	8-1-59	Discharge of a worker.	The management agreed to pay Rs. 150 as lumpsum compensation to the worker.
34. Loka Shanmuga Perumal Oil Mills, Salem.	8-1-59	Wages for Independence holiday.	The management agreed to pay Rs. 8 as wages for 15th August, as an <i>ex-gratia</i> payment.
35. Shreedharan Motor Service, Attur.	12-1-59	Retrenchment of 4 workers.	The management agreed to pay Rs. 340 and 56 as compensation, to all the 4 workers.
36. Shree Karthikeyan Lorry Service, Thiruchengode.	22-1-59	Bonus for 1956-57.	The management agreed to pay additional sum of Rs. 20 to the workers.
37. Do	22-1-59.	Dismissal of a worker.	The management agreed to pay one month's wages and arrears to the workers.
38. Chennakrishna Rice Mills, Salem.	23-1-59	Payment of bonus for 1957-58, etc.	The management agreed to pay Rs. 22 and 16½ to male workers and female workers respectively.
39. Devi Cafe, Namakkal.	24-1-59	Discharge of a worker.	The management agreed to pay Rs. 10 as compensation to the workers.
40. Ramajayam Transports, Namakkal.	24-1-59	Non-implementation of settlement dated 27-4-59.	The union agreed to treat this complaint as per the settlement before the Labour Court, Coimbatore, in complaint No. 15/58 in I.D. No. 11/58.
41. Sri Lakshmi Sahithan Motor Works, Attur.	29-1-59	Retrenchment and closure of the factory.	The management agreed to pay Rs. 1,130 as lump sum compensation to the workers.
42. Hunsdan Group Estate, Yercaud.	31-1-59	Discharge of 3 workers.	The management agreed to reinstate one worker and pay compensation to other 2 workers.
43. Chifton Estate, Yercaud.	31-1-59	Retrenchment of 8 workers.	The management agreed to pay Rs. 999.10 as compensation to the workers.
44. Durairaj Kalluppattari, Iluppur.	16-1-59	Discharge of a worker	The management agreed to provide work to the worker.
45. Tirunelveli Lodge, and Ganesa Lodge, Trichy.	31-1-59	Bonus.	The management agreed to pay one month's additional bonus for the years 1956-57 & 1957-58.
46. Star Match Factory, Kalugumalai.	9-1-59	Dismissal of a worker.	The management agreed pay Rs. 127-8-0 and arrears of wages due to the worker.
47. Sri Ram Match Works, Sathur.	9-1-59	Do	The management agreed to pay Rs. 75 in full settlement of the claims of the worker.

1	2	3	4
48. Sundaravel Salt Company, Tuticorin.	10-1-59	Refusal of work to a worker.	The management agreed to pay 2 months' wages in full and final settlement.
49. Sri Gomathi Transports, Shencottah.	20-1-59	Discharge of a worker.	The management agreed to pay Rs. 170 to the workers in full quit.
50. Sugumar Transports, Tirunelveli.	20-1-59	Termination of service of a worker.	The management agreed to pay Rs. 380 in full and final settlement to the worker.
51. Sri Venkatesa Ginning Factory, Sathur.	24-1-59	Dismissal of a worker.	The management agreed to reinstate the worker.
52. National Litho Press, Sivakasi.	24-1-59	Do.	The management agreed to pay Rs. 150 to the worker in full and final settlement of all his claims.

a. Statement showing the Bipartite settlements under section 18 (x) of the Industrial Disputes Act, 1947.

S. No.	Name of the industrial establishment & parties to the dispute.	Points of dispute.	Date of agreement.	Terms of agreement in brief.
1	2	3	4	5
1	Madura Mills Company, Tuticorin and workers represented by the Tuticorin Mills Labourers' Union, Tuticorin.	Allotment of permanent frames to permanent female spinners.	3-1-59	Management agreed to the allotment of permanent frames according to the seniority of spinners.
2	Sree Meenakshi Mills Ltd., Madurai (Paravai Branch), and the National Textile Workers' Union, Madurai.	Wages and workload.	17-1-59	Detailed agreement fixing workloads and wages for the various departments in the mills was reached.
3	Buckingham & Carnatic Mills, Ltd., Madras-1 and a worker, Arulikumuthu.	Demotion of the worker.	18-1-59	Worker accepted the demotion and to receive the wages of that occupation without any differential wage.
4	Gobald Motor Service Ltd., Mettupalayam and the workers represented by the Transport, Automobiles & Textile Workers' Union, Mettupalayam.	Uniform allowance to work-shop workers.	20-1-59.	Agreed to pay and receive a uniform allowance of Rs. 25 in three instalments within the year 1959.

1	2	3	4	5
5	Messrs. Matheson, Bosanquet & Co., Private Ltd. Coonoor & Cochin and the staff of the Co. represented by the Estates Staff Union of South India, Coonoor.	Wages, D.A., Provident Fund, Gratuity, etc.	21-1-59	Detailed settlement fixing scales of pay, dearness allowance, rate of provident fund, gratuity etc. reached.
6	Madura Mills Co., Ltd., Madurai and the maistries represented by Mill Maistries Union, Madurai.	Wages, workload etc., of jobbers and maistries.	23-1-59	Detailed agreement fixing wages and workloads to different categories of jobbers & maistries in the various departments reached.
7	B. & C. Mills Ltd., & 50 workers.	Demotion of workers.	23-1-59	Fifty workers entered into individual settlements with the management agreeing to their demotion without loss of emoluments.
8	B. & C. Mills Ltd., and a worker.	Demotion of worker.	25-1-59.	Worker concerned agreed to his demotion from weaver's post to cooly and to receive wages of a cooly.
9	B. & C. Mills Ltd., and six workers.	Do.	30-1-59	All the six workers entered into agreement with the management to the effect that they might be demoted on the terms and conditions stipulated by the management.
10	Ouchterlony Valley Estates (1938) Ltd., Calicut and a worker Sri A. Padua, represented by the Estates Staffs' Union of South India, Coonoor.	Retirement benefits to a worker.	30-1-59	Worker agreed to receive Rs. 2004 in full and final settlement of his claims with the management.
11	Thiagarajar Mills, Kapalur, Madurai and their workers represented by the Thiagarajar Mills Workers' Union.	Wages and workload.	31-1-59	Detailed agreement reached fixing wages and workloads for the different categories of workers.

1	2	3	4	5
12	Rukmini Mills Ltd., Silaiman and the workers represented by the Rukmini Mills Workers' Union.	Wages and work-load.	31-1-59	Detailed agreement reached fixing wages and work-loads for the various categories of workers.
13	Sivapuri Tobacco Co., Chidambaram.	Wages, sick leave, abolition of contract system, (piece rate system), payment of bonus, etc.	31-1-59	Graded scales of pay were fixed for machinemen, packers etc., 15 days sick leave were agreed to be given to the workers, one month's wages as bonus for the year, 1956, abolition of piece rate system and payment of wages according to the scales fixed etc.
14	K. C. P. Ltd., Central Workshop, Madras.	Promotion of workers, revision of basic wages, D. A., bonus for 1957-58, etc.	30-1-59	Agreed that the workers for whom the union demanded promotion, shall be trade tested and if they were found fit they would be promoted, increase in dearness allowance was given, etc.

9. Statement showing the list of Industrial Disputes referred for adjudication to the Industrial Tribunal, Madras, and the Labour Courts, as published in the Fort St. George Gazette, during the month of January, 1959.

Name of the concern in which the dispute has arisen.	Issues.	G.O. No. and date of reference.
(1)	(2)	(3)
<i>(a) Industrial Tribunal, Madras.</i>		
Nil.		
<i>(b) (i) Labour Court, Coimbatore.</i>		
<i>Salem District—</i>		
1. Sundaram Spinning Mills, Komarapalayam Post, Salem District.	1. Whether the non-employment of the three workers mentioned in the annexure to the Government Order is justified and to what relief they are entitled, 2. To compute the relief, if any awarded, in terms of money, if it can be so computed.	G.O. Ms. No. 101, Industries, Labour and Co-operation, dated 8th January, 1959.
<i>(ii) Labour Court, Madras.</i>		
<i>Madras District—</i>		
2. Blackwoods (India) Limited, Madras.	1. Fixation of quantum of dearness allowance 2. Introduction of a gratuity scheme.	G.O. Ms. No. 4935, Industries, Labour and Co-operation, dated 26th December, 1959.
3. Gotul Nivas, Saidapet, Madras	1. Whether the discharge of the 6 workers mentioned in the annexure to the Government Order is justified and to what relief they are entitled? 2. Computation of relief if any awarded, in terms of money, if it can be so computed.	G.O. Ms. No. 4997, Industries, Labour and Co-operation, dated 31st December, 1959.
4. Social Printers, Madras	1. Whether the dismissal of 12 workers is justified and to what relief they are entitled; 2. To compute the relief, if any awarded in terms of money, if it can be so computed.	G.O. Ms. No. 71, Industries, Labour and Co-operation, dated 6th January, 1959.
5. Ambai's Cafe, Madras	1. Whether the discharge of Gopal, driver, is justified and to what relief he is entitled, 2. Computation of relief, if any to be awarded in terms of money, if it can be so computed.	G.O. Ms. No. 173, Industries, Labour and Co-operation, dated 16th January, 1959.

Name of the concern in which the dispute has arisen. (1)	Issues. (2)	G. O. No. and date of reference. (3)
(iii) <i>Labour Court, Madurai.</i>		
<i>Kanyakumari District—</i> 6. P.P.M. Bus Service, Marthandam.	1. Whether the non-employment of retrenched drivers Haridaya Das and Tapamony, giving preference to Gnanamuthu and Chellathankan is justified and to what relief the retrenched are entitled; 2. Computation of relief, if any awarded in terms of money, if it can be so computed.	G.O. Ms. No. 66, Industries, Labour and Co-operation, dated 6th January, 1959.
7. Palkulam Estates (P.) Ltd., Nagercoil.	1. Whether the dismissal of Abdullah, tapper, is justified and to what relief he is entitled; 2. To compute the relief if any awarded in terms of money if it can be so computed.	G.O. Ms. No. 78, Industries, Labour and Co-operation, dated 6th January, 1959.
<i>Ramanathapuram District—</i> 8. Gowri Tile Works, Manamadurai	1. Fixation of the quantum of bonus for the year 1957 2. Whether the demand for the introduction of a gratuity scheme is justified and if so, to formulate a scheme.	G.O. Ms. No. 79, Industries, Labour and Co-operation, dated 6th January, 1959.
<i>Tiruchirappalli District—</i> 9. 22 X 22 Mark Cigar Factory, Tiruchirappalli.	1. Whether the lockout of the factory from 8th October, 1958, is justified and to what relief the workers are entitled; 2. Computation of relief, if any awarded in terms of money, if it can be so computed.	G.O. Ms. No. 171, Industries, Labour and Co-operation, dated 16th January, 1959.

4. List of awards of the State Industrial Tribunal and the Labour Courts published in the Supplement to Part-I of the Fort St. George Gazette, during the month of January, 1959.

S. No.	Name of the Concern.	Page & Date of the Gazette.	G. O. No. and date in which the award is published.
1	2	3	4
Coimbatore District.			
1	United Bleachers (Private) Ltd., Mettupalayam.	2-4 21-1-59.	G. O. Ms. No. 73, Industries, Labour & Co-operation, dated 6-1-1959.
2	Somasundaram Mills Ltd., Coimbatore.	6-7 21-1-59.	G. O. Ms. No. 100, I.L.C., dt., 8-1-59.
3	Pioneer Mills Ltd., 'B', Coimbatore.	16-17 21-1-59	* G.O. Ms. No. 157, I.L.C., dt. 12-1-59.
4	Saradha Mills Ltd., Coimbatore.	17-19 21-1-59	G.O. Ms. No. 158, I.L.C., dt. 12-1-59.
Madras District.			
5	Gordon Woodroffe & Co., (Madras) Private Ltd., Madras.	1-3 14-1-59	G.O. Ms. No. 35, I.L.C., dt. 3-1-59.
6	Daily Thanthi, Madras	4-8 14-1-59	G.O. Ms. No. 55, I.L.C., dt. 5-1-49.
7	Andhra Patrika, Madras	1-2 21-1-59	G.O.R. No. 32, I.L.C., dt. 8-1-59.
8	Baluscery Press, Madras	2 21-1-59	G.O.R. No. 59, I.L.C., dt. 16-1-59.
9	Rajan Electric Press, Madras.	5 21-1-59	G.O. Ms. No. 75, I.L.C., dt., 6-1-59.
10	Mangala Cafe, Madras	5-6 21-1-59	G.O. Ms. No. 77, I.L.C., dt., 6-1-59.
11	Lilarams, Madras	8-9 21-1-59	G. O. Ms. No. 111, I.L.C., dt. 8-1-59.
12	Madras Law Journal Press, Madras.	14-16 21-1-59	G.O. Ms. No. 152, I.L.C., dt., 12-1-59
13	Newton Studios, Madras	1-3 28-1-59	G.O. Ms. No. 153, I.L.C., dt. 12-1-59
14	Venkata Cafe, Madras	3-5 28-1-59	G.O.R. No. 187, I.L.C., dt. 17-1-59.
15	Express Newspapers (Private) Ltd.,	8 14-1-59	G. O. Ms. No. 39, I.L.C., dt. 3-1-59.
Madurai District.			
16	S. A. Muthuramier & Company, Madurai.	1-3 7-1-59	G.O. Ms. No. 4967, I.L.C., dated 29th December, 1958.
17	Dinamani Press, Madurai	7-9 28-1-59	G.O. Ms. No. 189, I.L.C., dated 17th January 1959.
18	Madura Mills Company Ltd., Madurai.	9 28-1-59	G.O. Ms. No. 252, I.L.C., dated 22nd January, 1959.
Nilgiris District.			
19	Tuttapullam & Glenmorgan Estate, Nilgiris.	13-14 21-1-59	G.O. Ms. No. 130, I.L.C., dated 9th January, 1959.
North Arcot District.			
20	A. V. K. & Sons Bus Service, Alangayam (N.A. Dist.).	3-4 14-1-59	G.O. Ms. No. 40, I.L.C., dated 3rd January, 1959.
21	Rajeswari Mills Ltd., Gudiyatham.	5 21-1-59	G.O. Ms. No. 76, I.L.C., dated 6th January, 1959.

Note :—* Denotes awards under section 33-A of the Industrial Disputes Act.

1	2	3	4
Salem District.			
22	S. R. M. S. & S. A. M. S. Bus Services, Pennagaram Post, Salem.	7-8 21-1-59	G.O. Ms. No. 102, I.L.C., dated 8th January, 1959.
23	Cauvery Peak Estate, Yercaud Post, Salem District.	9-10 21-1-59	G.O. Ms. No. 151, I.L.C., dated 12th January, 1959.
24	K. Ratna Motor Services, Dharmapuri, Salem District.	10 21-1-59	G.O. Ms. No. 155, I.L.C., dated 12th January, 1959.
25	Jawahar Mills Ltd., Salem ..	11 21-1-59	G.O. Ms. No. 156, I.L.C., dated 12th January, 1959.
Ramnad District.			
26	Janakiram Mills Ltd., Rajapalayam.	11-12 21-1-59	G.O. Ms. No. 65, I.L.C., dated 6th January, 1959.
Tiruchirapalli District.			
27	Karur Mills Ltd., Karur. ..	12-13 21-1-59	G.O. Ms. No. 88, I.L.C., dated 7th January, 1959.
Tirunelveli District.			
28	Loyal Textile Mills Ltd., Koilpatti.	5-7 28-1-59.	G.O. Ms. No. 188, I.L.C., dated 17th January, 1959.

5. MONTHLY REVIEW OF WORK STOPPAGES (STRIKES AND LOCKOUTS) FOR THE MONTH OF JANUARY, 1959.

S. No.	Industry.	Name of the concern and locality.	Strike or Lock-out	Matter in dispute.	Date when stoppage		Duration till the close of the month.	No. of workers normally employed.	Maximum No. of workers affected		Man-days lost.		Result	Method of settlement.	Amount of wages lost in Rs.		Value of Production lost in Rs.		(a) Strikes (Union responsible and its affiliation) (b) Lockout affiliation of management to central organisation.	Remarks.
					Began.	Ended.			Directly.	Indirectly.	During the month.	Till the end of the month.			During the month.	Till the close of the month.	During the month.	Till the close of the month.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
PART A.																				
1	(20) (a) Plantations (1) Tea	Woodbriar Estates Limited, Devashola Post (PVT)	Strike	(Personnel) Demand for reinstatement of two workers with back wages.	12-1-59 8 A.M.	22-1-59 8 A.M.	9 days	253	241	..	2,169	2,169	Unsuccessful.	(3) (b) (i) mediation by Labour Officer.	3,300	3,300	Not furnished.	..	(a) Tamilnad Plantation Workers' Union (A.I. T.U.C.).	The continuance of the strike was prohibited and the dispute referred for adjudication.
2	Do.	Sussex Estate, Nella-kottah Post (PVT).	Do.	Do.	Do.	Do.	Do.	95	78	..	702	702	Do.	Do.	1,000	1,000	Do.	..	Do.	Do.
3	(3) Rubber	Vaikundam Estate Kulasekaram P.O. (PVT)	Do.	(Wages & Allowance) Protest against the alleged non-payment for Republic Day holiday.	27-1-59 7 A.M.	In progress.	5 days	240	55	..	275	275	..	..	..	..	..	..	T. E. W. Union, Kula-sekaram.	The strike continued at the end of the month.
4	Tobacco Manufacturing (220) (C) Others.	Spencer & Co., Cigar Factory, Dindigul (PVT).	'S'	(Personnel) Discharge of casual labour.	12-1-59 7-30 A.M.	12-1-59 10 A.M.	Less than a day.	148	91	..	45	45	Do.	1 (a) Voluntary resumption of work.	40	40	150	150	(a) Cigar and Tobacco Workers' Union, Dindigul (A. I. T. U. C.).	..
5	Do.	22 X 22 Mark Cigar Factory, Varaganari (PVT).	'S' & 'L'	(Others) Protest against the management asking two workers to change their place or work.	8-10-58 9 A.M.	In progress.	97 days	24	24	..	624	2,328	..	..	..	..	..	..	(a) Tiruchi District Cigar and Tobacco Workers' Union (A.I.T.U.C.)	Lockout consequent on strike. The issue of lock-out was referred for adjudication and the continuance of the lockout prohibited, but the lockout continued beyond the month.
6	(23) Textiles (231) (a) Cotton Mills.	United Bleachers (P) Ltd., Mettupalayam (PVT).	'S' & 'L'	(Personnel) Protest against the promotion of a junior worker.	23-9-58 (Strike) 26-9-58 (Lockout)	Do.	111 days	144	144	..	3,744	15,984	..	..	..	..	..	..	(a) Coimbatore District Textile Workers' Union Singanallur (H.M.S.) (b) S. I. M. O. A., Coimbatore.	The lock-out continued at the end of the month.
7	Do.	Kasthuri Mills Ltd., Singanallur (PVT).	'S'	(Personnel) Mode of determining the surplus workers as a result of change-over from 40s counts to 60s counts.	6-1-59 8-30 P.M.	9-1-1959 7 A.M.	3 days	683	200	282	1,446	1,446	Do.	3 (b) (i) mediation by the Labour Officer.	1,600	1,600	30,000	30,000	..	..
8	Do.	Rajalakshmi Mills Ltd., Singanallur (PVT)	'S'	(Personnel) Demand for promotion.	4-1-59 7 A.M.	6-1-59 4 P.M.	2 days	1,350	10	840	1,700	1,700	Do.	1 (a) Voluntary resumption of work.	244	244	24,000	24,000	..	..
9	Do.	Lotus Mills Ltd., Podanur (PVT).	'S'	(Others) Protest against the work-load and wages.	8-1-59	9-1-59	1 day	731	62	..	62	62	Do.	Do.	170	170	3,600	3,600	(a) Coimbatore District Textile Workers' Union, Singanallur (H.M.S.).	..
10	Do.	D. P. F. Textiles Ltd., Coimbatore (PVT).	'S'	(Others) Protest against the supply of bad cops.	14-1-59 11-30 A.M.	14-1-59 2-45 P.M.	Less than a day.	425	50	2	21	21	Do.	Do.	33	33	1,440	1,440	..	..
11	Do.	The Madura Mills Co. Ltd., Madurai (PVT).	'S'	(Personnel) Protest against the allotment of spindles to one worker.	12-1-59 11-55 P.M.	16-1-59 11 P.M.	4 days	8,777	29	..	116	116	Partially Successful.	3 (b) (i) Mediation by the Labour Officer.	..	..	..	..	..	..
12	Do.	Jayalakshmi Mills Ltd., Singanallur (PVT).	'S'	(Personnel) Transfer of badli workers from one shift to another.	23-1-59 10 A.M.	27-1-59 10-30	5 days	694	50	..	250	250	Unsuccessful.	Do.	875	875	..	..	(a) Coimbatore District Textile Workers' Union, Singanallur (H.M.S.).	..
13	Do.	Rajaratna Mills Co., Ltd., Palani (PVT).	..	(Personnel) Suspension of one worker.	23-1-59 5 P.M.	24-1-59 8-30 P.M.	1 day	337	133	..	133	133	Partially successful.	Do.	..	..	..	..	..	..
14	(231) (e) Others.	Morarji Ranchoddas Cotton Waste merchant, Madavaram (PVT).	'S'	(Personnel) Protest against the retrenchment of 8 workers and dismissal of 2 workers.	9-1-59 8-15 A.M.	10-1-59 4 P.M.	2 days	24	22	2	48	48	Successful.	Do.	44	44	Particulars not furnished by the management.	..	..	..
15	319 Misc. (f) Others.	James Perfumery & Co., Egmore, Madras (PVT).	'S'	(Wages and Allowances) Demands of the workers for gratuity and other benefits.	30-1-59 morning.	In progress.	2 days	25	25	..	50	50	..	..	..	..	..	..	..	The strike continued at the end of the month.
16	33 (334) Cement.	Dalmia Cement (Bharat) Ltd., Dalmiapuram (PVT).	'S'	(Personnel) Demand of the workers for the cancellation of suspension order of a worker.	6-1-59 7 A.M.	17-1-59 7 P.M.	11 days	1,888	12	..	132	132	..	1 (a) Voluntary resumption of work.	..	..	..	..	..	..
17	Do.	Do.	'S'	(Bonus) Demand of the workers for bonus and increase in wages.	23-1-59 7 A.M.	31-1-59 7 A.M.	8 days	1,888	1,251	..	10,280	10,280	Partially Successful.	3 (b) (i) Advice by the Minister for Industries and Labour.	26,721	26,721	..	..	Dalmia Cement Workers' Union (I.N.T.U. C.).	..

PART 'B'

'Nil'

PART 'C'

'Nil'

6. Statement showing the closures and stoppages of work in Factories and other industrial concerns for reasons other than strikes and lock-outs in the State of Madras during the Month of January, 1959.

Name of the Concern.	Industry.	Number of workers involved.	Closures.		Cause.	Compensation paid to workers, if any.
			Began.	Ended.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Akkamalai Estate, Valparai, Nilgiris.	Plantation	..	19-1-59	Temporary.	The workers were refused work because they reported to work lately.	The management was advised to pay 1/2 day's wage to the workers.
2. Sarvodaya Knitting Co., Tiruppur.	Hosiery	26	8-1-59	Do.	....	....
3. Chandrika Vilas, Saidapet.	Hotel	..	15-1-59	18-1-59	....	....
4. Paralai Tea Factory, Valparai.	Tea	40	16-1-59	Temporary.	Overhauling of machinery.	Affected workers were provided with alternative work.
5. Sirkunda Tea Factory, Valparai.	Do.	..	5-1-59	Do.	Do.	Do.
6. Anaimalai Tea Factory, Valparai.	Do.	..	27-1-59	Do.	Do.	Do.
7. Easwari Beedi Factory, Vaniyambadi.	Beedi	43	January, 1959.	Do.	Shifting up of the factory.	....
8. Chandali Abdul Rahman Beedi Factory, Ambur.	Beedi	29	Do.	Permanent.	....	....
9. Thara Beedi Factory, Vaniyambadi.	Do.	18	Do.	Do.	....	....
10. Hindustan Abrasives, Omalur, Salem.	Abrasives	12	Do.	Temporary.	Non-availability of raw materials.	....
11. Salem Magnesite (Private) Ltd.	Magnesite (L.C.K. factory one section).	28	Do.	Do.	Accumulation of stock.	....
12 Do.	D. C. K. Factory one section.	..	Do.	Do.	Non-availability of coke	....
13. Pioneer Mills Ltd., Coimbatore.	Textiles	368	Do.	Do.	Shortage of yarn	....

7. Particulars of disputes taken up for enquiry by Labour Officers in the State of Madras during the month of January, 1959.

Labour Officers.	Wages and allowances.	Bonus.	Personnel (Dismissal and Suspension).	Retrenchment.	Leave and hours of work.	Others not classifiable.	Causes not known.	Total.	Complaints investigated or settled.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(10)	(11)
1. Coimbatore	9	..	29	..	2	37	..	77	77
2. Coonoor	23	3	23	3	1	20	..	76	67
3. Madras-I	18	9	30	..	..	41	..	92	90
4. Madras-II	10	1	31	4	5	16	..	75	67
5. Madurai	13	..	56	1	..	20	..	91	91
6. Nagercoil	12	..	14	..	..	8	..	34	12
7. Pollachi	12	2	11	1	4	4	..	34	34
8. Salem	13	6	318	33	2	47	..	419	312
9. Tiruchirappalli	2	..	27	3	2	12	..	46	46
10. Tirunelveli	8	1	43	..	2	34	..	88	88
Total ..	120	28	582	45	18	229	..	1,032	884

STATISTICAL SUPPLEMENT.

Industrial Employment (Standing Orders) Act, 1946:—

Statement showing the number of Standing Orders certified during the month of January, 1959.

No. of Standing Orders certified as on 1-1-59	..	745
No of Standing Orders certified during the month of January, 1959		3
Total ..		748

No. of amendments to the Standing Orders certified in January, 1959. .. Nil.

9. Workmen's Compensation Act, 1923 :—

Statement of accidents reported and amounts of compensation paid for the month of January, 1959.

No. of accidents resulted in	* Amount of compensation paid under each head.
	Rs.
(a) Death 7 ..	10,172.00
(b) Permanent disablement 31 ..	1,926.00
(c) Temporary disablement 56 ..	..
Total	12,098.00

* Represents only the amounts deposited with Commissioner for Workmen's Compensation under section 8 (1) & (2) of the Workmen's Compensation Act.

10. Workmen's Compensation Act, 1923 :—

Statement showing number of cases received and disposed of during the period from 1-1-1959 to 31-1-1959.

Nature of Cases.	Number pending on 1-1-59.	Number received.	Total.	Number disposed.	Balance on 31-1-59.
1. Application under Section 10 :					
(a) Fatal ..	29	11	40	1	39
(b) Non-fatal ..	25	3	28	4	24
(i) Permanent disability ..	25	3	28	4	24
(ii) Temporary disability ..	3	..	3	..	3
2. Deposited under Section 8 (1) :					
(a) Fatal ..	41	7	48	8	40
(b) Persons under legal disability. ..	4	2	6	1	5
3. Deposit under Section 8 (2) ..	11	6	17	2	15
4. Memo of Agreement :—					
(a) Permanent disablement ..	63	30	93	20	73
(b) Temporary disablement ..	6	3	9	..	9
5. Recovery under Section 31 ..	6	..	6	..	6
6. Indemnification application under Section 12 ..	1	..	1	..	1
Total ..	189	62	251	36	21

11. Payment of Wages Act, 1936 :—

Statement showing the number of applications pending, filed and disposed of during the month of January, 1959.

I. Number of cases pending at the end of 31st December, 1958	..	182
II. Number of applications filed during the month of January	..	34
III. Number of applications disposed of during the month	..	42
IV. Number of applications pending at the end of the month	..	174

12. Madras Shops and Establishments Act, 1947 :—

Appeals filed under section 41 and applications filed under section 51 and disposed of during the month of January, 1959.

Appeals under section 41 pending on 1st January, 1959	..	166
Appeals under section 41 received during the month of January, 1959	..	58
Appeals under section 41 disposed of during the month of January, 1959	..	58
Appeals under section 41 pending on 31st January, 1959	..	166
Applications filed under section 51 pending on 1st January, 1959	..	1
Application under section 51 admitted during the month of January, 1959	..	..
Application disposed of during the month of January, 1959	..	1
Application pending as on 31st January, 1959	..	..

13. List of Trade Unions registered, cancelled, etc., under the Indian Trade Unions Act, 1926, during the month of January, 1959.

(a) Trade Unions Registered during January, 1959.

Serial number.	Registration number.	Date of Registration.	Name of the Industry.	Name and address of the Union.
(1)	(2)	(3)	(4)	(5)
1.	2627	10-1-59	Banking and Insurance.	The Lloyds Bank Employees' Union, 12/13, Angappa Naicken Street, Madras-1.
2.	2628	19-1-59	Manufacture of Metal Products.	Tiruvotthiyur Metal Workers' Union, 53, Sannathi Street, Madras-19.
3.	2629	19-1-59	Clothing, Footwear and Made-up textile goods.	The Coimbatore District Knitting Workers' Union, 19/14, M. S. Puram, Tiruppur.
4.	2630	19-1-59	Wholesale and retail trade.	Kaithari Javuli Varthaga Gumasthakal Sangam, 14/22, Lingappa Chetty Street, Coimbatore.
5.	2631	19-1-59	Banking and Insurance.	The Dena Bank Employees' Union, 8/11, Maclean Street, Madras-1.
6.	2632	19-1-59	Textiles	The Pallipalayam Kaithari Nesavu Thozhilalar Sangam, 2/42, Devanagapuram, Pallipalayam.
7.	2633	19-1-59	Manufacturing Miscellaneous.	The Dralle Soap Workers' Union, 136, Strahans Road, Madras-12.
8.	2634	19-1-59	Services	The Trichi District Hospital Employees' Union, Tirunelveli Lodge, Cantonment, Tiruchirappalli-1.
9.	2635	19-1-59	Manufacturing Miscellaneous.	Sri Ramakrishna Sievas Workers' Union, 61, S.M.G. School, Street, Virudhunagar.
10.	2636	27-1-59	Textiles	The Taluk Textile Workers' Union, Kannammankoil Street, Tirunelveli Junction.
11.	2637	27-1-59	Textiles	The Tuticorin Spinning Mills Staff Union, Keelashanmugapuram, Tuticorin.
12.	2638	27-1-59	E. G. W. & Sanitary Services.	Emerald Camp Sanitary Workers' Union, Emerald Camp, Nilgiris.

Serial number.	Registration number.	Date of Registration.	Name of Industry.	Name and address of the Union.
1	2	3	4	5
13.	2639	27-1-59	Food Beverages and Tobacco.	The North Arcot District Hotel Workers' Union, 15/1, Daivasigamani Mudaly Street, Vellore.
14.	2640	27-1-59	E. G. M. & Sanitary Services.	The Municipal Workers' Union, 20, G. P. H. Road, Vellore.
15.	2641	31-1-59	Miscellaneous ..	The General Workers' Union, Durai-chamipuram, Rajapalayam.
16.	2642	31-1-59	Do.	The Salavai Thozhilalar Sangam, Rajapalayam.
17.	2643	31-1-59	Do.	The Industrial Workers' Union, Vehicle Depot, Avadi.
18.	2644	31-1-59	E. G. W. & Sanitary Services.	The Madras State Electricity Board Collection Staff Association, Coimbatore.
19.	2645	31-1-59	Manufacturing of Machinery except Electrical Machinery.	Kanyakumari Jilla Motor and Engineering Workers' Union, Martandom.
20.	2646	31-1-59	Non-metallic mineral products.	Kanyakumari Jilla Odu, Chinkal, Karunkal Thozhilali Union, Kandavilai.
21.	2647	31-1-59	Miscellaneous ..	The Coimbatore District General Workers' Union, Tiruppur.

(b) Trade Unions cancelled during the month of January, 1959.

Serial number.	Registration number.	Date of Cancellation.	Name of Industry.	Name of the Union.
1.	2427	20-1-59	Docks and Ports.	The Colachel Port Shipping and Head Load Workers' Union, Colachel.
2.	2446	20-1-59	Do.	The Colachel Port Workers' Union, Colachel.
3.	2301	20-1-59	Construction ..	The Vaigai Reservoir Project National Workers' Union, Vaigai Dam.

(c) Abstract.

Total number of Trade Unions as on 1st January, 1959	..	911
Total number of Trade Unions registered during the month	..	21
Total number of Trade Unions cancelled during the month	..	3
Total number of Trade Unions amalgamated, dissolved, etc., during the month.	..	..

Total number of Trade Unions as on 31st January, 1959 .. 929

Grand Total 5,349.

25 (b) Numerical List of Plantations covered by the Plantations Labour Act, 1931, for the month of January, 1959.

Category of Plantations.	Number of Plantations at the beginning of the month.		Number of Plantations added during the month.		Number of Plantations removed during the month.		Number of Plantations at the end of the month.	
	A	B	A	B	A	B	A	B
Coffee	113	25,904.03	..	..	..	..	113	25,904.03
Tea	129	61,204.53	..	..	1	..	128	61,204.53
Rubber	16	5,795.00	..	..	..	..	16	5,795.00
Cinchona	3	9,694.50	..	..	..	..	3	9,694.50
Total ..	261	1,02,598.06	..	..	1	..	260	1,02,598.06

A :—Number of Plantations.

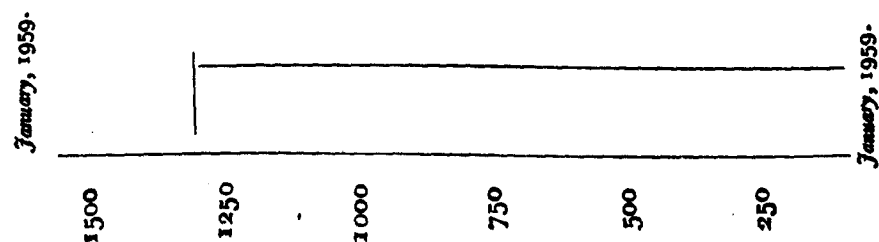
B :—Total acreage under cultivation.

16. (a) Statement of Accidents for the month of January, 1959.

Number of Industries.	Name of Industry.	Number of Accidents.	
		Fatal.	Non-fatal.
(1)	(2)	(3)	(4)
10	Processes allied to agriculture (Gins and Presses)	..	..
20	Food Except Beverages	..	80
21	Beverages	..	..
22	Tobacco	..	3
23	Textiles	..	234
24	Foot-wear, other wearing apparel and made-up textile goods	..	2
25	Wood and cork except furniture	..	..
26	Furniture and fixtures	..	9
27	Paper and Paper products	..	..
28	Printing, Publishing and allied industries	..	14
29	Leather and Leather products (except foot-wear)	..	1
30	Rubber and rubber products	..	6
31	Chemical and Chemical products	..	76
32	Products of petroleum and coal	..	4
33	Non-metallic Mineral Products (except Products of Petroleum and coal)	..	11
34	Basic Metal industries	..	9
35	Metal Products (except machinery and transport equipments)	..	22
36	Machinery (except electrical machinery)	..	145
37	Electrical Machinery, apparatus, appliances and supplies	..	6
38	Transport equipment	..	647
39	Miscellaneous Industries	..	24
51	Electricity, Gas and Steam	..	5
52	Water and Sanitary Services	..	..
83	Recreation Services (Cinema Studios)	..	5
84	Personal Services (laundries, dyeing and cleaning)	..	1
Total ..		..	1,304

16. (b) Statement of Accidents in Cotton and Jute Mills for the month of January, 1959.

Name of Industry.	Adults.		Adolescents.		Children.	
	Men.	Women.	Male.	Female.	Boys.	Girls.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Cotton Machinery :—						
1. Opening and Blow Room Machinery ..	4	..	..	..	..	..
2. Card Room Machinery ..	14	..	..	..	..	..
3. Drawing Frames ..	5	..	..	..	..	..
4. Speed Frames ..	2	..	..	..	..	..
5. Spinning Machinery ..	81	3	..	..	..	..
6. Weaving Machinery ..	15	..	..	..	..	..
7. Finishing Machinery ..	..	..	..	..	..	..
8. Flying Shuttles ..	4	..	..	..	..	..
9. Other Miscellaneous Textile Machinery ..	23	..	..	..	..	..
10. Miscellaneous Non-Machinery Accidents ..	78	5	..	..	..	..
Total ..	226	8	..	..	..	..
Jute Machinery ..	Nil.					

GRAPH II. Fatal Accidents.
Nil.GRAPH I. (Fatal Accidents.)
Nil.
GRAPH II. (Non-Fatal Accidents.)
Scale 1" = 250 Non-Fatal accident.

17. The Government of Madras granted exemptions to the following factories and establishments from the Provisions of the Acts and Rules as indicated below during the month of January, 1959.

Name of the Factories or Establishments. (1)	Section from which exempted. (2)	Duration of exemption. (3)	Authority. (4)
Factories Act.			
1. Car Workshop, Tambaram.	51, 52, 54	From 28th October, 1958 to 23rd January, 1959 subject to certain conditions.	S.R.O. No. A-15 of 1959 published at page 7 of Part I of the Fort St. George Gazette, dated 7th January, 1959.
2. Tirunelveli Diocesan Press, Palayamkottah.	51, 54 & 56.	From 8th December, 1958 to 29th December, 1958 subject to certain conditions.	S.R.O. No. A-142 of 1959 published at page 47 of Part I of the Fort St. George Gazette, dated 14th January, 1959.
3. Signal and Tele-Communication Workshops, Podanur.	Do.	Three months from 19th September, 1958 subject to certain conditions.	S.R.O. No. A-143 of 1959 published at page 47 of Part I of the Fort St. George Gazette, dated 14th January, 1959.
4. B. & C. Mills, Madras.	51, 54, 55 and 56.	One day on 19th November, 1958 subject to certain conditions.	S.R.O. No. A-265 of 1959 published at page 88 of Part I of the Fort St. George Gazette, dated 21st January, 1959.
5. B. & C. Mills, Madras.	51, 54 & 56.	One day on 9th December, 1958 subject to certain conditions.	S.R.O. No. A-266 of 1959 published at page 88 of Part I of the Fort St. George Gazette, dated 21st January, 1959.
6. Madras Type Foundry, Madras.	52	One day on 22nd June, 1958.	S.R.O. No. A-267 of 1959 published at page 88 of Part I of the Fort St. George Gazette, dated 21st January, 1959.
Employees' State Insurance Act.			
1. Research Engineering Workshop, Coimbatore.	All Chapters, except Chapter V-A.	For a further period of one year from 11th January, 1959.	G.O. Ms. No. 148, Industries, Labour and Co-operation, dated 10th January, 1959 published as S.R.O. No. A-264 of 1959 at page 88 of Part I of the Fort St. George Gazette, dated 21st January, 1959.
2. Highways Repair yard, Coimbatore.	All Chapter except Chapter V-A.	For further period upto and inclusive of 13th March, 1959.	S.R.O. No. A-406 of 1959 published at page 117 of Part I of the Fort St. George, dated 28th January, 1959.
3. Factories exclusively engaged in wool pressing.	Do.	For a period of one year from 1st January, 1959.	G.O. Ms. No. 407, Industries, Labour and Co-operation, dated 12th January, 1959 published as S.R.O. No. A-407 of 1959 at page 117 of Part I of the Fort St. George Gazette, dated 28th January, 1959.

Errata.

4. All Factories situated within the limits of revenue villages of Coimbatore and Salem District.

All Chapter except Chapter V-A.

For the date 30th December, 1958 occurring in the 2nd paragraph of the notification of the Fort St. George Gazette dated 3rd December, 1958, the date 31st December, 1958 shall be inserted.

Madras Shops and Establishments Act.

1. Stalls in the All India Khadi Swadeshi and Industrial Exhibition, Teynampet, Madras.

All the provisions of the Act.

Fifty days from 21st December, 1958 to 8th February, 1959 both days inclusive.

G.O. Ms. No. 4898, Industries, Labour & Co-operation, dated 23rd December, 1958 published in S.R.O. No. A-16 of 1959 at page 7 of the Fort St. George Gazette, dated 7th January, 1959.

2. Indian Telegraphs Restaurant at Central Telegraphs Office, Madras-1.

13 (1) of the Act.

One year from 1st January, 1959 or till the date of enforcement of the M. Catering Establishments Act, 1958 whichever is earlier.

G.O. Ms. No. 181, Industries, Labour & Co-operation, dated 17th January, 1959 published as S.R.O. No. A-408 of 1959 at page 117 of the Fort St. George Gazette, dated 28th January, 1959.

18. Particulars of disputes reported and inspections made by the Central Industrial Relations Machinery.

Number of Industrial disputes reported	..	1
Number of industrial disputes settled	..	1
Number of threatened strikes	..	1
Number of strikes which materialised	..	2
Number of Standing Orders Certified	..	Nil.

Inspections under Labour Laws and Labour Welfare.

	Number of inspections made.	Number of irregularities detected.
Minimum Wages Act, 1948	.. 3	10
Payment of Wages Act (Railways)	.. 18	45
Payment of Wages Act (Mines)	.. ..	..
F. W. C. and C. P. W. D. Contractors Regulations	.. 4	97
Employment of Children Act, 1938	.. 7	2
Hours of Employment Regulations, 1951	.. 19	38
Labour Welfare	.. 10	*21

* Number of suggestions made.

19. Consolidated statement of prices of cotton and yarn for January, 1959.

For the week ending.	Price of cotton per candy of 784 lbs.	
	Cambodia. Rs.	Karunganny. Rs.
3rd January, 1959	.. 925	800
10th January, 1959	.. 915	810
17th January, 1959	.. 915	810
24th January, 1959	.. 915	810
31st January, 1959	.. 915	810

For the week ending.	Prices of yarn per bundle of 10 lbs.				
	10s. Rs.	20s. Rs.	40s. Rs.	60s. (Single).	80s. (Single).
3rd January, 1959	.. 16-63	15-75	27-62	48-00	57-25
10th January, 1959	.. 16-63	15-50	27-62	48-00	57-25
17th January, 1959	.. 16-63	15-50	27-62	48-00	57-25
24th January, 1959	.. 16-63	15-50	27-62	48-00	57-25
31st January, 1959	.. 16-63	15-50	27-62	48-00	57-25

20. The cost of living index numbers* applicable to employees in employments scheduled under the Minimum Wages Act, 1948 (Central Act XI of 1948) in Madras City and in the different mofussil urban centres for the month of January, 1959 as ascertained and declared by the Director of Statistics under section (a) (d) of that Act.

(* the Cost of Living index numbers are now called Consumer Price Index Numbers).

Centre.	Food.	Fuel and Lighting.	Clothing.	House Rent.	Miscellaneous.	Cost of Living Index.
(Base : Year ended June, 1936 : 100).						
1. Madras City	.. 478.4	544.8	382.8	238.4	302.2	420.8
2. Cuddalore	.. 478.7	401.7	289.2	302.9	445.7	435.6
3. Tiruchirapalli	.. 451.2	458.2	374.2	204.1	321.7	399.6
4. Madurai	.. 486.5	320.9	459.1	182.6	295.6	401.7
5. Coimbatore	.. 470.2	465.2	535.1	406.7	233.1	451.8
(Base August, 1939 : 100)						
6. Nagercoil	..	539.0	299.6	498.6	278.6	460.2

Comparative statement of the Cost of Living Index numbers for the months of December, 1958 and January, 1959.

Zone.	Centre.	Cost of living index numbers for the month of.		Variation.
		December, 1958.	January, 1959.	
(Base : Year ended June, 1936 : 100)				
1. Madras City and Chingleput District.	Madras City ..	430	421	— 9
2. North Arcot and South Arcot Districts.	Cuddalore ..	447	436	— 11
3. Tiruchirapalli and Tanjore Districts.	Tiruchirapalli ..	406	400	— 6
4. Madurai, Ramanathapuram and Tirunelveli Districts.	Madurai ..	418	402	— 16
5. Coimbatore and Salem Districts.	Coimbatore ..	462	452	— 10
(Base : August, 1939 : 100)				
6. Kanyakumari District	.. Nagercoil ..	463	460	— 3

MADRAS.

INDEX-421.

A fall of nine points.

The index for the food group fell by twenty one points to 478 due mainly to a fall in the prices of rice, vegetables, and gingelly oil.

The index for the fuel and lighting group rose by twenty three points to 545 due to a rise in the prices of firewood and kerosene oil.

The index for the clothing group rose by two points to 383 due to a rise in the prices of all articles in the group except shirting.

The index for the miscellaneous group rose by six points to 302 due to a rise in the prices of betel leaves and tobacco for chewing.

The index for house rent remained unchanged at 238 points.

CUDDALORE.

INDEX-436.

A fall of eleven points.

The index for the food group fell by nineteen points to 479 due mainly to a fall in the prices of rice and vegetables.

The index for the fuel and lighting group rose by eleven points to 402 due to a rise in the prices of charcoal and kerosene oil.

The index for the miscellaneous group rose by six points to 446 due to a rise in the price of betel leaves.

The group indices in respect of clothing and house rent remained unchanged at 289 and 303 points respectively.

TIRUCHIRAPALLI.

INDEX-400.

A fall of six points.

The index for the food group fell by eleven points to 452 due mainly to a fall in the prices of rice and gingelly oil.

The index for the fuel and lighting group rose by two points to 458 due to a rise in the price of kerosene oil.

The group indices in respect of clothing, house rent and miscellaneous remained stationary at 374, 204 and 322 points respectively.

MADURAI.

INDEX-402.

A fall of sixteen points.

The index for the food group fell by thirty two points to 486 due mainly to a fall in the prices of rice, vegetables, fish and meat.

The index for the clothing group rose by thirteen points to 459 due to a rise in the price of sarrees.

The index for the miscellaneous group rose by seven points to 296 due to a rise in the price of betel leaves.

The group indices in respect of fuel and lighting and house rent remained unaltered at 321 and 183 points respectively.

COIMBATORE.

INDEX-452.

A fall of ten points.

The index for the food group fell by fifteen points to 470 due mainly to a fall in the prices of rice and cholam.

The index for the fuel and lighting group rose by three points to 465 due to a rise in the price of kerosene oil.

The index for the clothing group fell by five points to 535 due to a fall in the price of upper cloth.

The group indices in respect of house rent and miscellaneous remained unchanged at 407 and 233 points respectively.

(Base : August, 1939 : 100).

NAGERCOIL.

INDEX-460.

A fall of three points.

The index for the food group fell by six points to 539 due mainly to a fall in the prices of rice, and vegetables.

The index for the miscellaneous group rose by four points to 279 due to a rise in the prices of pan and tobacco for chewing.

The group indices in respect of housing and clothing remained unaltered at 300 and 499 points respectively.

The cost of living index numbers* applicable to employees in employments scheduled under the Minimum Wages Act, 1948 (Central Act XI of 1948) in Madras City for the month of February, 1959 as ascertained and declared by the Director of Statistics under section 2 (d) of that Act.

(* The cost of living index numbers are now called Consumer Price Index Numbers).

(Base: Year ended June, 1936 : 100)

MADRAS CITY

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A fall of ten points.

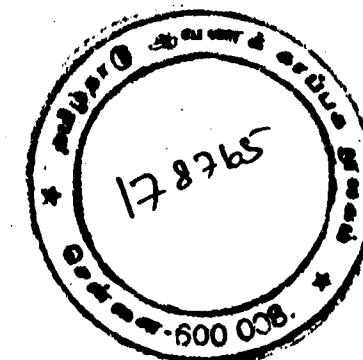
The index for the food group fell by seventeen points to 461 due mainly to a fall in the prices of rice and vegetables.

The index for the clothing group rose by two points to 385 due to a rise in the prices of all articles in the group except upper cloth.

The index for the miscellaneous group rose by one point to 303 due mainly to a rise in the expenditure on education.

The group indices in respect of fuel and lighting and house rent remained unchanged at 545 and 238 points respectively.

Group.	Weight proportional to the total expenditure.	Group Index Numbers.	
		Jan. 1959.	Feb. 1959.
Food.	58.23	478.4	460.8
Fuel and Lighting	8.42	544.8	544.9
Clothing	6.10	382.8	384.7
House-Rent	14.57	238.4	238.4
Miscellaneous	12.68	302.2	303.2
Total	100.00		
Cost of Living Index Number		420.8	410.9



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The "*Madras Labour Gazette*" is a monthly publication aiming to give a brief review of the progress made by the State in the field of Industrial relations. It is hoped to cater to the needs of the employers as well as Labour by supplying statistical and other information on work stoppages, industrial disputes, trade unions, consumer price index number for working class, (cost of living index No.) summaries of awards of Industrial Tribunals and Labour Courts, agreements, etc. The publication will also include articles from specialists in the various subjects relating to industrial relations.