CHAPTER II

LABOUR POLICY

2.1 INTRODUCTION:

"The study of labour laws has to begin with a study of those laws which are of basic importance for every trade union." ¹

Labour Legislation is one of the most important labour legislations of modern society. Its origin and growth may be ascribed to several social forces, the most important of which is the development of organised industry, where a considerable number of men, women and children are employed under conditions which tend to be detrimental to their health, safety and welfare and against which they are often unable to protect themselves.²

The labour laws have today become a specialised branch of law. The policies pursued by the government are in fact reflection of the government's attitude towards labour problems. Laws are mainly


pertaining to rights and duties of both the employer and employees. Some laws are enacted to protect the employees from the exploitation by the employer. The word exploitation mainly relates to wages and working condition of workers. Many welfare measures are being initiated by the government through some laws. The welfare measures include health school facilities for children, creches for children, recreational facilities, etc. To get proper justice in case disciplinary cases guidelines are drawn through definite laws. The laws thus can be said that it is regulations in regard to industrial relation.

2.2 ORIGIN AND GROWTH OF LABOUR LEGISLATIONS IN INDIA:

The first organised industry in India which attracted legislative control was the Planatation Industry in Assam. With the starting of the tea industry in Assam, the labourers were recruited from outside by some agents which were known as Arkattis. The recruitment of labour led to disastrous results and Acts were passed by the Central Government to regulate the system of recruitment through agents. The Act XIII of 1859 regulated the system of recruitment.

The real history of labour legislation in India started when the first Factoies Act was passed in 1881. After the several legislations were enacted such as Mines Act in 1901, Assam Labour and Immigration Act of 1901, to regulate the employment of workers in different industries.
At the conclusion of the First World War, the rising consciousness among the working class led to a number of strikes demanding increases in wages, shorter working hours and better working conditions. In 1919, the International Labour Organisation was formed to promote industrial peace and social justice and India became its member. The industrial unrest created a situation for which several other acts were passed.

The Madras High Court declared strike actions of trade unions as illegal in 1921 and imposed a fine in a case against Madras Textile Labour Union. This led to the demand of protection and registration of trade unions, and the Indian Trade Union Act was passed in 1926.

On the eve of the achievement of independence by this country the position was that except for a few items of welfare legislation, there was no regular protective code of labour legislation. The Royal Commission on Labour appointed in 1930 had made a number of recommendations for improving the health, efficiency, working conditions and the standard of living of the working classes of India. Simultaneously, the Indian National Congress although primarily engaged in a political struggle had been paying attention to the problems of labour. The National Congress at its 1931 Session held at Korachi took some resolutions for labour. The resolution provided that under a free India the government should provide the following for labour:
1. A living wage for industrial workers, limited hours of work, healthy conditions of work, protection against the economic consequences of old age, sickness and unemployment,

2. Labour to be freed from serfdom or conditions bordering on serfdom,

3. Protection of women workers, and specially adequate provision for leave during maternity period.

4. Prohibition against employment of children of school going age in factories.

5. Rights of labour to form unions to protect their interests and suitable machinery for settlement of disputes.  

It was indeed a bold step to pass a resolution in Korachi Congress of 1931 on the labour policy to be pursued in independent India.

Further, the detailed enquiry undertaken by the Labour Investigation Committee, appointed by the Government of India in 1944 brought

3. Indian National Congress Resolutions on Economic policy and programme from 1924-1954, published by the All India Congress Committee, New Delhi.
to light the unsatisfactory state of labour conditions in several industries. The recommendations of the Royal Commission on Labour, the assurance given by the Indian National Congress and the findings of the Labour Investigation Committee provided the framework for the Five Year Programme for labour drawn up by the interim government soon after assuming power in 1946. During the period from 1931 to 1946, several Acts were passed namely Tea Districts Emigrant Labour Act 1931, the payment of Wages Act 1936, the Children (pledging of Labour) Act of 1933, the Industrial Employment (Standing Orders) Act 1946, the Minimum Wages Act 1948 and the Factories Act of 1948.

After three months of the adoption of the Indian Constitution, a Planning Commission was set up in March 1950 and it laid stress that adequate provision should be made for the basic needs of the workers. After 1950 many Acts were passed and amendments were made for improving the conditions of industrial labours.

2.3 VARIOUS LABOUR ACTS PASSED BY THE CENTRAL GOVERNMENT:

Now we shall discuss the various labour acts separately.

2.3.1 LEGISLATION RELATING TO INDUSTRIAL RELATION:

The Indian Trade Union Act of 1926:

Prior to 1926 there was no law in India for registration and protection of Trade Unions. The Indian Trade Union Act of 1926 is an
act to provide for the registration of trade unions and in certain respects to define the law relating to registered trade unions.

On the basis of this Act any seven or more members can form a trade union. The minimum age for membership is fifteen, while for holding of an official portfolio the minimum age is fixed at eighteen years. The name of the union is to be registered with the Registrar of Trade Unions in each province.

A registered trade union constitutes a general fund which can be spent for the salaries, allowances and expenses to office-bearers of the trade union, to conduct trade disputes on behalf of the union and compensation to members for loss arising out of trade disputes, allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment, for educational, social or religious benefits for members.

A political clause was also provided by the Indian Trade union Act of 1926 with a view to enabling the Indian workers to secure the candidature of their representatives on political bodies. A registered trade union may constitute a separate fund for political purposes. "A registered Trade Union may constitute a separate fund from contributions separately levied for or made to that fund, from which
payments may be made, for the promotion of the civil and political interest of its members". 4

The Indian Trade Union Act of 1926 was amended in 1947. The amended Act of 1947 provided that registered unions can claim recognition from employers if they satisfy certain conditions. Registered trade unions have been given a right to represent workers before various tribunals and adjudication boards and arbitrators. Benefits from the governments' industrial relations machinery are not available to unregistered trade unions.

2.3.2 THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946:

Before the introduction of the Industrial Employment [Standing Orders, Act, 1946, the terms and conditions of labourers were not written down. Since the terms and conditions of services were not expressed or written down a labourer did not know whether he was permanent in the permanent cadre or in a temporary cadre. The Industrial Employment [Standing Orders] Act, 1946 was enacted to require employers in Industrial Establishment formally to define conditions to workmen. The Act applies to all undertakings employing 100 or more workers in all States except the State of Jammu and Kashmir. The Act was amended:

4. The Indian Trade Union Act 1926, along with the Central Trade Unions Regulations, 1938 and as amended up to date. Delhi Law House, pp.10.
in 1961 to widen the coverage of the Act which empowered the Central Government to extend its provision to industrial establishments employing less than 100 persons.

2.3.3 INDUSTRIAL DISPUTES ACT, 1947:

Attaining freedom in 1947, the National Government passed the Industrial Disputes Act, 1947 in order to guarantee the privileges and rights of the working class. The principal object of this legislation is to promote measures for securing and preserving amity and harmonious relation between the employers and the workmen. The Act also provides for

[i] Investigation and settlement of industrial disputes between employers and workmen or workmen and workmen with the right or representation by a registered trade union or a federation of trade unions and associations of employers.

[ii] Prevention of illegal strikes and lockouts.

[iii] Relief to workmen in the matter of lay off and retrenchment.

Lay-off is a temporary situation where the employer does not give work. It applies to factories, mines and plantations that employ more
than 50 workers. Lay-off can be made due to shortage of coal and power, non-availability of raw materials, surplus inventory and breakdown of machinery. A laid-off worker is entitled to compensation if he is a permanent worker.

Retrenchment implies permanent reduction of work.

Strike is a stoppage of work by workers.

Lock out is stoppage of work by employer.

According to this Act no persons employed in any industry shall go on strike without giving to the employer notice of strike and the employer shall lockout any of the industry without giving notice of lockout to the workmen. As regards retrenchment the Act lays down that no workmen employed in any industry for a continuous period of not less than one year be retrenched by any employer until one month's notice is served upon him in writing stating the reason for such retrenchment.

The Industrial Disputes Act 1947 set up works committees, appoints conciliation officers, Boards of Conciliation and Arbitration Board. "It shall be the duty of the works committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end, the comment upon matters of their common
interest or concern and endeavour to compose any material difference of opinion in respect of such matters."\(^5\)

The conciliation officers are charged with the duty of mediating in and promoting the settlement of industrial disputes. The Government may constitute a Board of Conciliation for promoting the settlement of an industrial dispute.

There are the provisions for the constitution of Labour Courts and Industrial Tribunals for the adjudication of industrial disputes relating to any matter.

The Central Government may, by notification in the official Gazette, constitute one or more National Industrial Tribunals for the adjudication of industrial disputes which, in the opinion of the Central Government involve questions of national importance or area of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such disputes.\(^6\)

The Act provides for the inclusion of workers' and employers' representatives in the above committee for mutual settlement of disputes.

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6. Ibid, pp. 13
The Industrial Disputes Act since its enactment in 1947 has been subjected to series of amendments. The recent amending Acts of 1982 and 1984 aimed at checking indiscriminate lay-offs, lock-outs, retrenchment and closures.

2.3.4 LEGISLATION RELATING TO WAGES:

The Payment of Wages Act 1936:

The Payment of Wages Act 1936, is an act to regulate the payment of wages to certain classes of persons employed in industry and the object of this Act is to provide for a speedy and effective redress to the employees in respect of delay or failure by the employers to pay the wages or illegal deductions from the wages. It, therefore, ensures regular payment of salaries.

The Act is applicable to persons employed in industry, factories and railway. It also includes transport, construction, irrigation, quarry, mines, plantations etc.

The wages referred to in the Act includes all regular payment including allowances. According to this Act no wage period shall exceed one month. All payments must be made on the working day.

2.3.5 THE MINIMUM WAGES ACT 1948:

As per provision of the Minimum Wages Act, 1948, minimum wages for various categories of workers of the State are being fixed and refixed from time to time. The provision of the Act has so far been extended to cover workers engaged in tea plantation, motor transport, rice and flour mills, bidi industry, engineering and plywood industries, cinema houses, shops and commercial establishments, P.W.D. workers, etc.

The Act requires the Government to fix the minimum rate of wages payable to employees in above establishments. Minimum rate can be fixed for time as well as piece-rated work. Different rates can be fixed for different categories of work and employees. Minimum rate can also be fixed on a hourly, daily or monthly basis.

2.3.6 THE FACTORY LEGISLATION:

The most important labour legislation in India relates to factories was passed in 1881. It was primarily designed to protect children and to provide some health and safety measures. The Act of 1881 proved highly inadequate and the workers refused to accept the
legislation. Several strikes were taken place between 1882 and 1893 in protest of the factory legislation.\textsuperscript{7}

A new Act was passed in 1891. The Act provided a weekly holiday for the first time, employment of children below the age of 11 was prohibited. But inspite of these gains, conditions of employment continued to be deplorable; and the number of strikes increased between 1890 and 1905.\textsuperscript{8}

After independence the Government of India passed the Factories Act in 1948. The Act is applicable to a manufacturing process involving 10 or more workers carried on with the aid of power or 20 or more workers, without the aid of power.

The Factories Act of 1948 regulates the working conditions of the labourers and gives some facilities and benefits generally given to the labourers:

\begin{itemize}
  \item [a] free housing as a prescribed specification,
  \item [b] free medical facilities,
\end{itemize}


\textsuperscript{8} Ibid, pp. 9.
In Section 46 and 47 of Chapter V of the Factories Act it is laid down that canteens have to be provided and maintained where more than two hundred fifty workers are employed. Shelters, rest rooms and lunch rooms with drinking water are to be provided where more than one hundred fifty workers are employed.

If there are more than thirty women workers, clean, lighted, ventilated and adequate creches are to be provided and maintained for their children who are under six years of age. The creche should be in charge of a woman suitably trained.  

The Act has laid stress on the welfare facilities to the workers and the appointment of welfare officers. Where more than 500 workers are employed, prescribed number of welfare officers are to be employed. The main functions of welfare officers are to ensure the implementation of the provisions of this Act in a factory.

Moreover the Factories Act of 1948 prohibits employment of a child below 14 years in any factory. For the children for the age-group...
14-18 the Act provides that they must obtain a certificate of fitness from the certifying surgeons. The Act restricts the employment of children of 14-17 age group in the night and the children belonging to 14-15 age group not more than 4½ hours in a day. No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

It lies in Section 59 of the Factories Act that where a worker works in a factory for more than 9 hours in a day or for more than 48 hours in any week he shall in respect of overtime work be entitled to wages at the rate of twice his ordinary rate of wages.  

2.3.7. PLANTATION LEGISLATION:

The origin of plantation legislation might be traced back to the thirties of the last century, when the British colonists sought the cheap labour supply from India, and a large number of Indians began to emigrate to the colonies under various forms of labour contract. The Government of India undertook legislation for regulating the recruitment, transportation and employment of emigrant labourers under the indentures system.

10. Ibid, pp. 32.
Actually there is no comprehensive legislation regulating the conditions of labour in the plantation industries before 1951. The Tea District Emigrants Labour Act 1932, which applies only to Assam regulates merely the conditions of recruitment of labour for employment in the tea gardens of Assam. The other labour Acts like Payment of Wages Act 1936, Industrial Employment Standing Orders Act 1946 and Industrial Disputes Act, 1947 etc. benefit plantation labourers only to a very limited extent. The Labour Investigation Committee in its report observed: "that as the conditions of the life and employment on plantations were different from those in other industries, it would be very difficult to fit plantation labour in general frame work of the Industrial Labour Legislation without creating anomalies."

The report of the Labour Investigation Committee showed that in plantations wages were inadequate, housing conditions were unsatisfactory, medical and welfare services required substantial improvement and expansion. The Committee recommended a Plantation Labour Code covering all plantation areas.

The Tripartite Conference of the representatives of State Governments, employers and workers in Tea Planatation Industry was

held on 8th and 9th January 1947 at New Delhi to consider the special problems effecting the plantation labour and to decide specific measures to be taken to secure a living wage and reasonable conditions of work and housing. After that meeting two other meetings were held one in 1948 and the third one in 1950 and ultimately on the recommendations of the L.I.C., the Government of India enacted the Plantation Labour Act on 2nd November 1951.

The Plantation Labour Act 1951, applies to whole of India except Jammu and Kashmir and covers in the first instance, all tea, coffee, rubber and cinchona plantations measuring 10.117 hectares (25 Bighas) or more and where in thirty or more persons were employed or were employed on any day of the proceeding twelve months. With a view to extend the application of the Act to plantations (after lowering their acreage and employment limit for coverage) the Act was amended in 1960, 1981. The amending Act of 1981 which came in to force from 20th January, 1982, applies to any land used or intended to be used for growing tea, coffee, rubber, cinchona which admeasures 5 hectares or more and in which fifteen or more persons are employed or were employed on any day of the proceeding 12 months.

The principal provisions of the Act deal with health and welfare, hours of work, rest intervals, employment of children and young persons, leave with wages, medical aid, housing recreational and educational facilities etc.
The Act fixes 54 hours of work of a week for adults and 40 hours of work a week for adolescent and children. The plantation Labour Act of 1951 prohibits the employment of children in plantation who have not completed 12 years of age. Every child over 12 years and every adolescent person of 15-18 age group is required to obtain a certificate of fitness from a certifying surgeon. Certifying surgeons are appointed under the Factories Act.

It also provides for leave with wages for an adult at the rate of one day for every 20 days of work, and for a young person at one day for every 15 days of work.

Section 14 of the plantation Labour Act provides that where the children between the age of 6 and 12 of workers employed in any plantation exceeds 25 in number, the State Government may require such employer to provide educational facilities.

2.3.8 LEGISLATION RELATING TO THE SOCIAL SECURITY OF LABOUR:

"Social security measures for the prevention have come to occupy an important place in the social legislation of modern times."13


The Employees' State Insurance Act, 1948, is the beginning in the history of social security and labour legislation in India, providing for certain benefits in the event of sickness, maternity and employment injury to employees. After that many schemes for social security have been taken. They include, for example -

[4] Employees' Family Pension Scheme 1971,

2.3.8.1 The Employees' State Insurance Act:

The Employees' State Insurance Act, 1948 is applicable to all factories using power and employing 20 or more persons, shops, hotels, restaurants, cinemas, motor transport, building construction and newspaper establishments.

The key provisions of the Act is that (a) all employees under the Act shall be insured, (b) the scheme is financed mainly by contributions from the employers and employees and 1/8 share from the
State Government towards the cost of medical care, (c) the employees' contribution is 2.25 percent of their wages and the employees' contribution is 5 percent of the wages payable to an employee in respect of every period.14

2.3.8.2 Employees' Provident Funds Act 1952:

The first legislative measure relating to provident fund was undertaken by the Government of India with the enactment of Provident Fund Act in 1925. The Act was greatly restricted in scope and dealt with provident funds relating to Government employees and railway administration etc.

The Royal Commission on Labour in their report, published in 1931, admitted the necessity of making some provisions against old age. According to the findings of Labour Investigation Committee, 1946, some of the large employers in private sector had submitted tolerably good schemes, but their number was not large. The concept of provident fund as a social security measure was being gradually recognised by the employers etc., in the country but it could find a practical shape only with the enactment of the Coal Mines Provident Fund and Bonus Scheme Act, 1948, which, inter alia, aimed at establishing a compulsory provident fund for coal miners.15


As a result of the successful working of the scheme of 1948, the Coal Mines Provident Fund and Bonus Scheme, persistent demands were being made to the Central Government from other industries for extending similar benefits to the workers employed therein. As a result of that, the Central Government promulgated the Employees Provident Fund Ordinance towards the close of the year 1951, which was replaced by the Employees Provident Fund Act, 1952.

The Act provides for the creation of provident funds for employees in factories and other establishments. It covers every establishment in which twenty or more persons are employed. The statutory rate of contribution both from members of the Fund and the employer is 6.25 percent of the basic wages (Dearness allowance and other allowances). By an amendment of the Act, the rate was first raised to 8 percent from 1981. Now, an employee, if he so desires, contribute more, subject to a minimum of 8.33 percent of basic wages, dearness allowances and other allowances.

2.3.8.3 Maternity Benefit Act, 1961:

The Maternity Benefit Act, 1961 regulates the employment of women in certain establishments for some period before and after childbirth and provides for maternity and some other benefits. The Act

16. Ibid, pp. 566
covers every establishments being a factory, mine or plantation, including government establishments. It provides for a fully paid maternity leave of a total of twelve weeks for every woman employee. The Act also makes it obligatory to provide necessary pre-natal and post-natal medical care. If the employer does not provide any medical care to the women, then she is entitled to receive a medical bonus of Rs. 25.-.

In addition to regular rest periods, a woman worker is entitled to two daily breaks for nursing her child.

2.3.8.4 The Payment of Gratuity Act, 1972:

The Act provides for payment of gratuity as a means for social security for workers in their old age. The Act applies to every factory, mine, oil field, plantation, port and railway company, shops or establishment (with ten or more persons). The payment of Gratuity Act was amended twice in 1984. According to the first amending Act the ceiling of wage/salary for entitlement was enhanced from Rs. 1000/- to Rs.1600/- per month. The second amending Act provided for appointment of Inspector for better enforcement for the provisions of the Act. It has also been provided that all shops or establishments to which the Act has become applicable shall continue to be governed by the Act notwithstanding the number of persons therein, at any time after it has become so applicable, falls below 10.
2.3.9 THE PAYMENT OF BONUS ACT, 1965:

This Act was enacted to provide for payment of Bonus to workers as a legal right. This Act is applicable to all factories, establishments with more than twenty workers, public sector undertakings and their branches and units. The payment of Bonus Act covers all employees who receive wages up to Rs. 1600/-. This Act was last amended in 1985 and the amending Act raised the wage salary limit for eligibility to the payment of annual bonus from Rs. 1600/- to Rs. 2500/- per month.

2.3.10 CHILD LABOUR ACT:

The movement against child labour resulted in the Factories Act of 1881, which was followed by various Acts for the protection of child labour.

The Factories Act of 1881 defined as child any person between the age of 7 and 12 and fixed the hours of work for the child at 9 a day with a rest interval of one hour. The provisions and their enforcements were inadequate to check exploitation of child labour. The Factories Act of 1891 raised the lower age limit from 7 to 9 and the upper age limit from 12 to 14. Employment of Children at night was prohibited and the hours of work were reduced from 9 to 7 a day.
After this in 1922 another Act was passed. In addition two other Acts were passed to protect child labour. These were The Children (Pledging of Labour) Act of 1933 and The Employment of Children Act of 1938. According to the Employment of Children Act no children can be employed in the occupations connected with the transport of passengers, goods or mails by railways etc; who have not attained the age of 15 years. The Employment of Children Act of 1938 was amended in 1939, 1948, 1949, 1950 and 1951. The Employment of Children Act has been repealed by the Child Labour (Prohibition and Regulation) Act 1986. The main object of this Act to prohibit the engagement of children (who have not completed his fourteenth year of age) in certain employments and the regulate the conditions of work of children in certain other employments.

2.3.11 LEGISLATION REGULATING THE CONTRACT LABOUR:

The Contract Labour (Regulation and Abolition) Act, 1970:

The system of contract labour had existed for a long time with a view to removing the disabilities of contract labour a bill for regulation and abolition of employment of contract labour was introduced in Lok Sabha on 1st November 1966 and it became an Act in 1970.

This piece of legislation is to regulate the employment of contract labour in certain establishments and to provide for its prohibition in certain circumstances and for matters connected therewith. This Act applies to every establishment in which twenty or mor-
workmen are employed and every contractor who employs twenty or more workmen. Thus it covers factories, offices, shops, mines etc.

According to this Act every contractor is required to provide for the contract labourers employed by him several facilities like canteen, drinking water, toilets, creche, etc.

2.3.12 The Equal Remuneration Act, 1976:

Women workers were paid less wages than their male for same type of job. To stop this discrimination, several agitations of workers and their supporters resulted in the Equal Remuneration Act of 1976.

"The question of wage inequality was referred by the Centre of Indian Trade Unions to International Labour Organisation in 1972, giving details of various industries and appealing to bring pressure on the Government of India to enact laws in implementation of convention 100 and 101 to which it is signatory. The I.L.O. referred the matter to the Government of India asking for clarification. The Ministry of Labour raised this question in the Conference of the State Labour Ministers in August, 1974, where the Union Labour Minister announced that the unequal wage would be discontinued after May 1975. The State Governments were requested to take steps accordingly. An ordinance
was promulgated by the President on 26th September 1975 for paying equal wage for men and women. The Ordinance became an Act in 1976.

2.3.13. THE OTHER ACTS:

With a view to abolishing the bonded labour throughout the country one legislation namely Bonded Labour System (abolition) Act was passed in 1976 and it vested the State Governments with the powers of its enforcement.

Moreover, the Motor Transport Workers Act 1961, the Beedi and Cigar Workers Act 1966, the Mines Act, etc., aiming welfare of working class people are enacted by the Government of India.

2.4 VARIOUS ASSAM RULES:

Though the above mentioned Acts are applicable for the labourers of Assam, The Government of Assam has passed certain rules on the basis of those Acts to regulate the conditions of the labourers in Assam. These are -

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2.4.1 THE ASSAM INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES 1947:

The exercise of the power conferred by Sub-Section (1) of Section 15 of the Industrial Employment (Standing Orders) Act 1946 (XX of 1946), the Government of Assam makes some rules which may be called The Assam Industrial Employment (Standing Orders) Rules 1947. It is extended to industrial establishments in Assam.

The Industrial Employment (Standing Orders) Act 1946, said that wherever the employment strength is 100, only there the Act applies. But in case of printing presses, automobile workers, engineering, etc., the number of workers engaged in Assam were less than 100. So according amendment was made in the rules and any factory and establishment (except mines, quarries, oil fields and railways) which employ 1 workers or more the Act is implemented.

2.4.2 ASSAM INDUSTRIAL DISPUTES RULES, 1947:

The Assam Industrial Disputes Rules were framed in 1947. The basic aim of these rules, however, is to provide a set procedure for settlement of industrial disputes and for securing and preserving amity and good relations between the employer and workmen. In view of that, in the State of Assam, all officers right from the Labour Commissioner at the apex to the Labour Inspectors at the lowest level, have been declared as conciliation officers under the Act, with their respective
jurisdictions. Whenever any industrial dispute arises or apprehended, the respective officers within their jurisdiction, intervene and make earnest efforts for settlement of disputes. In the event of the failure in bringing about settlement of disputes, the conciliation officers submits the report to the Government under the I.D. Act. Government may refer any industrial dispute which either exist or is apprehended to a Tribunal, the decision of which is binding on employer and employee alike.

2.4.3 THE ASSAM FACTORIES RULES 1950:

The exercise of the powers conferred by Section 112 of the Factories Act 1948 [Act IXII of 1948], the Government of Assam makes the Assam Factories Rules, 1950. The rules are made on the basis of the Factories Act. Therefore, most of the provisions of the Factories Rules are same as in the Factories Act.

2.4.4 ASSAM MINIMUM WAGES RULES 1952:

With a view to rootout the economic injustice to the working class people, the Minimum Wages Act was introduced in the State of Assam in 1952. To start with, the workers in the plantations, motor transport, rice and flour mills were covered by the Act. The Act was extended to the workers under the public works department, engineering, plywood industries etc.
In exercise of the powers conferred by Section 30 of the Minimum Wages Act 1948 the Governor of Assam proposes to make the following Rules:

When a worker works in an employment for more than nine hours on any day or for more than forty eight hours in any week, he shall, in respect of over time work, be entitled to wages -

[a] In the case of employment in Agriculture, at one and a half time the ordinary rate of wages.

[b] In the case of any other scheduled employment at double the ordinary rate of wages.

In the Section 21 it is said that

[i] the wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day before the expiry of the seventh day after the last day of the wage period.

[ii] Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.
The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.18

2.4.5 THE ASSAM PLANTATION LABOUR RULES, 1956:

On the basis of the Plantation Labour Act 1951 the Government of Assam had prepared The Assam Plantation Labour Rules 1956 and these rules came to the effect in the tea gardens of Assam from 1956. The Plantation Labour Rules have provided for free housing facilities, medical facilities, educational facilities, welfare facilities, rest intervals, leave facilities etc.

The Plantation Labour Rules has laid stress on the improvement of health of the labourers and the working conditions. Various provisions are made for this purpose.

According to the rules prescribed under Section 8 an adequate supply of wholesome drinking water shall be made available in every plantation at work-sites, at all time during working hours.

Latrine and urinal accommodation shall be provided for the workers.

Under Rules prescribed under Section 16, every employer shall provide for a worker and his family residing in a plantation, housing accommodation as nearer as possible to the place of work.¹⁹

Under Rules prescribed under Sub-Section (3) of Section 12 in every plantation where in fifty or more women workers are employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain a creche or creches for the use of their children who are below the age of six years.²⁰

In or near every plantation where in one hundred and fifty or more workers are ordinarily employed, the employer shall provide and maintain a canteen or canteens with facilities for sale of tea and snacks to workers.²¹

Under Rules prescribed under Section 13 every employer shall provide and maintain

[i] a recreation centre or centres for workers with provision for a radio set and indoor games for adult and child workers.

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[ii] where adequate flat open space is available within a reasonable distance, a play ground or play grounds for adult and child workers with necessary sports equipment for out-door games.

Every recreation centre to be provided and maintained under Rule 50 shall be conveniently situated as nearer as possible to the workers' quarter.

Most of the provisions of Assam Plantation Labour Rules are same as laid down in the Plantation Labour Act.

2.4.6 THE ASSAM TEA EMPLOYEES WELFARE FUND ACT:

The main object of this Act is to provide for the constitution of a fund for the financing of activities to promote welfare of tea plantation employees in the State of Assam and for conducting such activities. The fund shall be applied to meet the expenditure in connection with measures which are necessary for promoting the welfare of the employees employed in plantations in Assam.

After the enactment of this Act, Assam Tea Employees Welfare Board, a statutory body, was constituted. After the implementation of the Assam Tea Employees' Welfare Fund Act the State Government has decided to take some positive steps for the economic emancipation and cultural development of these weaker sections of people in the State.
Socio-cultural schemes relating to physical, moral, cultural and social upliftment of tea garden population include adult education programme, community and social education scheme including the facility of reading room, library etc. Entertainment and other forms of recreation like games and sports and cultural functions, etc.

The socio-economic schemes relate to development of economic condition of the tea garden working population to achieve a significant rise in their standards of living.

The Act is applicable to all persons who are employed in or in connection with a plantation, but does not include those persons who are drawing more than Rs. 500/- per month.

2.4.7 THE ASSAM SHOPS AND ESTABLISHMENTS ACT, 1971:

The object of this Act is to regulate conditions of works and employment of employees employed in shops, commercial establishments and in establishment for public entertainment or amusement in the State of Assam particularly in areas covered under Assam Municipal Act, 1956.

2.4.8 OTHER STATE LEGISLATIONS:

Inspite of the above mentioned rules passed by the Assam Government to regulate the conditions and to give some facilities to the industrial workers of this State some other rules and schemes are
framed by the Assam Government. Mention may be made of the Assam Maternity Benefit Rules 1965, the Assam Tea Plantations Provident Fund and Pension Fund Scheme in 1955, The Assam Motor Transport Workers Rules 1962, the Payment of Gratuity Rules 1972, the Contract Labour (Regulation and Abolition) Assam Rules 1971, the Equal Remuneration Rules 1976, the Payment of Bonus Rules, 1975 etc.