CHAPTER - VI

Labour Legislation And Administration Under The Indian Republic: 1953 - 1957.

As it has been discussed in the foregoing chapter, the period of labour legislation and administration from 1947 to 1952 marked a new phase in the history of labour legislation and administration specially in the state of Uttar Pradesh. This happened because an all-inclusive code of labour and social legislation, largely developed in the years since independence, was designed to provide some of the benefits which labourers in more advanced industrial countries enjoyed. But, it was felt dubious whether a country like India in her early period of planned economy and industrial development could rightly afford to move too rapidly in this direction. These points of serious nature found expression in the First and Second Five Year Plans.  

The aforesaid period of labour legislation and administration was a period of great trial not only on the part of Government in particular but also on the part of people in general. Viable labour policy was already in practice. But the labour policy adopted was vague so far

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as the important issues of labour legislation and administration were concerned. The most surprising thing was that the freedom of association and the right to strike, the two fundamental rights enshrined in the constitution were to be denied to the union Government workers. Yet after all, since the independence achieved by our country the social policy regarding labour has been integrated and stated in the constitution in Articles 39 (a), (d), (e) and (f), 41, 42 and 43^2. The text is as follows:—

"The state shall, in particular, direct its policy towards securing—

"(a) that the citizens, men and women equally have the right to an adequate means of livelihood;

"(d) that there is equal pay for equal work for both men and women;

"(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

"(f) that childhood and youth are protected against exploitation and against moral and material ..."

41: "The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public

assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

42: "The state shall make provision for securing just and humane conditions of work and for maternity relief.

43: "The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the state shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas."

Thus the period from 1953 to 1957 of labour legislation and administration bloomed with vigour and enthusiasm and labour laws began to occupy their place on the broader lines of social justice and human approach towards the problems as propounded by the International Labour Organization in the International code. From 1953 to 1957 India had ratified twenty International Labour Conventions of which two ratifications had subsequently been denounced. They were hours of work, night work, right of association etc. Upto March 1, 1954, the same number of International Labour Conventions were in existence. Till June 1, 1955, India had


4. Annual Review of Activities : 1953, Parts I and II; (Department of Labour, Uttar Pradesh), P. 175.

5. Annual Review of Activities : 1954, Parts I and II; (Department of Labour, Uttar Pradesh), P. 129.
ratified twenty two conventions of the International organization, of which two ratifications had subsequently been denounced. The two more ratified conventions of the International Labour Organization were Minimum Wage Fixing Machinery and Forced Labour. And from January 2, 1956, till January 1, 1957, India had ratified twenty three conventions of the International Labour Organization, of which two ratifications were subsequently left without ratification. The one more convention of the International Labour Organization ratified by India was Minimum Age (Industry).

As a matter of fact, the said ratification of the conventions of International Labour Organization by India gave a new light for the improvement of labour legislation and administration in India.

Factory Legislation.

From 1953 till 1957, the Factories Act of 1948 was in existence. There was made no major amendment in this Act. However, there were made amendments in the U.P. Factories Rules of 1950. In exercise of the powers conferred by sections 89 and 112 of the Factories Act of 1948, the Governor of Uttar Pradesh was pleased to make the following amendments in the


7. Annual Review of Activities: 1956; (Department of Labour, Uttar Pradesh), P. 100 and Annual Review of Activities: 1957, Part I; (Department of Labour, Uttar Pradesh), P.106.
U.P. Factories Rules of 1950:—

"Re-number the existing rule 112 of the U.P. Factories Rules, 1950, as rule 112 (i) and thereafter add the following as sub-rule (ii):

(ii) For every report, which is sent by a medical practitioner to the chief inspector in accordance with the provisions of sub-section (2) of section 89 of the Act, and which is confirmed to the satisfaction of the chief inspector by the certificate of a certifying surgeon or otherwise, as required under sub-section, (3) thereof, the medical practitioner shall be paid a fee of Rs. 2/- by the chief inspector."

Administration.

In 1953, the administration of Indian Factories Act of 1948 was administered by the chief inspector of factories, Uttar Pradesh. The total number of inspections carried out by the inspectors of factories, in 1953, were more than one thousand; the total number of complaints received during the period under review was seven hundred and eighty eight and, 1,075 prosecutions were launched against the factories, which were found contravening the provisions of the Factories Act of 1948. Factory Welfare Officers Rules

were applicable to one hundred and twenty three factories of the State. In 1953, appointments of twenty one qualified welfare officers were made in various factories of the State. Despite minor amendment of the Factories Act of 1948 in 1954, the administrative staff remained the same. During the year 1954, the total number of inspections carried out by the factory inspectorate was one thousand eight hundred and thirty three. The total number of complaints received was 431 under this Act, and, five hundred and ninety nine prosecutions were launched. And one hundred and twelve factories had appointed qualified welfare officers.

During the year 1955, there was no change in the administrative staff. The chief inspector of factories was assisted by one deputy chief inspector of factories and, twenty inspectors including two medical inspectors. In 1955, the total number of inspections carried out under Factories Act was more or less two thousand, the total number of complaints received was 347 and, 614 prosecutions were launched. The striking feature of this year was that in factories the factory inspectorate continued to persuade factories to form Safety First Committees where they did not exist.

10. Annual Review of Activities: 1954, Part I and II; (Department of Labour, Uttar Pradesh), PP. 26-27
A notable thing was that the factory inspectorate for the administration of the Factories Act of 1948 was decentralised in 1956, from the standpoint to have more effective and prompt administration. A well-equipped drawing office and laboratory was established at the central offices of the chief inspector of factories to prepare plans of model factories of different industries, designs of guards for dangerous machines and statistical charts and also to make necessary investigation of hazards owing to the use of various chemicals in the manufacturing processes. In this year the administrative staff was raised. One inspector and one leave reservist were also appointed. The total number of inspections under this Act was 5,969, the total number of complaints received during the year was nine hundred and fifty two, the total number of prosecutions launched was four hundred and fortyone. And the number of the Safety First Committees formed was four hundred and forty four. Under the U.P. Factories Welfare Officers Rules of 1955, new welfare officers were appointed.12

During the year 1957, there was no change in the administrative staff. The total number of inspections carried out during the year 1957 was 5,108, the total number of complaints received during this year was four hundred and

seventy four, and the prosecutions launched in this year were 339.

The machinery provided for the administration of the Factories Act of 1948 was good. During the period from 1953 till 1957, the Act was effectively administered because the Factories inspectorate for the administration of this Act was decentralised in order to achieve more effective and prompt administration.

**Industrial Disputes Legislation.**

In 1953, one of the important piece of labour legislation was passed by the Parliament and placed on the statute book. It was the Industrial Disputes (Amendment) Act of 1953 which made a provision for compensation payable to the workmen in cases of play off and retrenchment. This amending Act was incorporated in the Central Industrial Disputes Act of 1947. Moreover the Industrial Disputes (Amendment and Miscellaneous Provisions) Act of 1956 further amended the Industrial Disputes Act of 1947; and the Industrial Employment (Standing Orders) Act of 1946 repealed the Industrial Disputes Appellate Tribunal Act 1950. As a result of this Act, the definition of "workman" in the Industrial Disputes Act, 1947 was enlarged with a view to cover persons

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14. Annual Review of Activities: 1953; Part I & II; (Department of Labour, Uttar Pradesh), P. 179.

engaged in supervisory or technical work but not primarily performing the duties of a managerial nature and getting wages up to five hundred rupees per month. It had made provisions for three types of authorities for adjudication, viz: (1) labour courts, (2) industrial tribunal, and (3) national tribunal. These authorities were given powers under the Act for adjudication of industrial disputes. The Act also made a new provision for voluntary reference of industrial disputes to arbitration, and for recognition of settlements between the parties outside the conciliation and adjudication proceedings. The U.P. Industrial Disputes (Amendment and Miscellaneous Provisions) Act of 1956 contained almost the silent features of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act of 1956. These were:

1. Special composition of Tribunals;
2. Remission of award for reconsideration to the adjudicating authority;
3. Arbitration award not to be enforced if obtained through collusion, fraud or misrepresentation;
4. Agreement between the employers and the workers not to be legal or binding unless registered under the Act and;
5. No trade union to represent any party before a Board, Labour Court or Tribunal unless a
period of two years has elapsed since its registration under the Indian Trade Unions Act of 1926. 16

In exercise of the powers conferred by Section 23 of the U.P. Industrial Disputes Act, 1947 the Governor of Uttar Pradesh was pleased to make the rules viz: short title, extent and commencement, definitions, preparation of the lists of persons for appointment as presiding officers of Labour Courts and Tribunals, powers procedure and duties of conciliation officer etc. 17

The following is an account of the evolution of industrial relations from 1953 to 1957, and industrial relation problems arising out of them and also the evolution of ways and means adopted by Government for dealing with these problems:

In 1953, the order dated March 15, 1951, was again amended. Because it was found by experience that the time of 40 days within which the adjudicators and the state Industrial Tribunal were required to give their decision was rather short. So, the period for giving decision was extended to 180 days from the date of reference. However, the Government order,


dated March 15, 1951 was again amended in 1954. The important changes which took place in the conciliation machinery were as follows:

1. The conciliation officer was now empowered to refuse to entertain an application if it was in respect of a dispute arising more than six months prior to the date of application or if it had been the subject of previous proceedings before any authority. Reasons for such refusals were to be recorded in writing and communicated to the applicant.

2. The applicant had, however, got a right to represent the matter within one month of the receipt of the order of the conciliation officer refusing to entertain the application to the Labour Commissioner, U.P. whose decision in the matter was to be final.

3. The decision or award of the Tribunal or adjudicator was to remain in operation for a period of one year, or such shorter period as the tribunal or the adjudicator might fix. The Government might before the expiry of the above mentioned period extend the same by any period not exceeding one year at a time, as it thought fit, so that the total period of operation of any decision or award did not exceed the three years from the date on which it came into operation.
4. Power for correction of clerical or arithme-
tical errors was also given to adjudicators and
Industrial Tribunal. 18

The existing machinery set up by Government under
the provisions of Government order, dated July 14, 1954, for
prevention and settlement of disputes consisted of (1) conci-
liation Boards (2) State Industrial Tribunals (3) Adjudicators
appointed from time to time. 19 But there were a number of cases
where points of disputes between employers and workers were
settled by officers of the labour department by summoning
the parties, discussing the matter with their representatives
and finding out a basis for settlement. 20

As a result of the enforcement of Section 33 of
the Industrial Disputes (Amendment and Miscellaneous Provi-
sions) Act of 1956, the provisions of section 6 of the U.P.
Industrial Disputes Act of 1947 were again become operative
and the awards of adjudicators were now again to be submit-
ted to Government for enforcement. Some more changes intro-
duced in the settlement of industrial disputes set up by the
Uttar Pradesh Government from time to time by G.O. No. U-464
(LL)/XXXVI-B-857 (LL) - 54, dated July 14, and again by G.O.

(Department of Labour, Uttar Pradesh), PP. 154-55.

19. Ibid; P. 155.

20. Ibid; P. 176.
No. 4344 (ST) XXXVI-134 (ST)-55, dated July 12, 1956. The important features of the machinery of the said Government orders were as follows:

1. The machinery consisted of (a) Conciliation Boards, (b) Adjudicators and the State Industrial Tribunal.

2. A conciliation officer had power to refuse summarily to entertain an application before Conciliation Board in order to check frivolus complaints. In such a case the applicant had a further right to represent the matter to the State Labour Commissioner.

3. Representatives of the parties to the dispute in conciliation or adjudication proceedings were, in a few specified cases, required to produce a letter of authority signed on behalf of the party concerned before being authorised to represent the party.21

By G.O. No. 7688(ST)/XXXVI-A-134(ST)-55 dated December 31, 1957, the life of the original Government order was extended to disputes pending before Conciliation Boards on December 31, 1957. Government had further issued G.O. No.

738(ST)/XXXVI-A-112 (ST)-57, dated December 31, 1957 prescribing procedure for constitution and functioning of Conciliation Boards after December 1957. It was only in regard to adjudication and certain other matters that it was substantially different from the old one. In addition to this, in 1957 Government had decided to set up a consultative machinery for the settlement of disputes in the State-owned undertakings. It was also decided that the disputes relating to cooperative unions, Cooperative Banks and Cooperative Societies would also be taken up by this special machinery.

So far as the machinery for the settlement of industrial disputes was concerned it could not find the right solutions to maintain good relations between employer and employee due to the delay and personal interests of the officers which further led to the emergence of strikes and lock-outs by the labourers.

Administration of the Act.

During the year 1953, 6,689 complaints were received in all, of which 6,086 were received from the workmen and 603 from the employers. The total number of cases referred to Conciliation Boards, in 1953, was 5,207, and the

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23. Ibid.

The number of cases disposed of was more than the number of cases referred to during the year. The number of cases pending at the end of the year of 1953 was two hundred and thirty nine. Out of 5,416 cases disposed of in conciliation proceedings settlement was arrived at in 1,620 cases. There remained 3,796 cases in which no settlement could be arrived at before conciliation boards; consequently reports on them were sent to the Government by the Boards. The total number of cases referred by Government for adjudication in 1953 was 1,103. And the total number of adjudication cases for disposal was 1,253 of which 992 were disposed of. The total number of cases disposed of by the State Industrial Tribunal during the year was one hundred and eight. 25

The total number of cases referred to Conciliation Boards in 1954 was 3,634, and the number of cases disposed of was 3,551. Matters of industrial disputes were referred by Government for adjudication to the State Industrial Tribunal at Allahabad. The total number of cases for disposal in 1954 before the State Industrial Tribunal was one hundred and fourteen. Out of 479 as many as three hundred and sixteen awards were secured by the State Government for implementation. The number of awards the implementation of which was stayed either by Appellate Tribunal

or by Civil Courts, was fortyseven and the number of awards, that remained unimplemented at the end of 1954 was one hundred and sixteen. 26

In 1955, 4825 complaints were received, of which 4635 were received from workmen and 190 from the employers; and the total number of complaints received during the preceding year was 5124, out of which 4785 were received from workmen and 339 from the employers. The total number of cases referred to Conciliation Boards in 1955 was three thousand two hundred and forty six; and out of three thousand five hundred and twenty four cases to be dealt with by the Boards, and agreements were arrived at in 847 cases. The total number of cases disposed of by the State Industrial Tribunal was one hundred and four. Out of 362 awards as many as 258 were secured; and the number of awards which remained unimplemented on December 31, 1955, was one hundred and four. Out of forty seven prosecution cases, twenty were decided during the year 1955. 27

In 1956, six thousand nine hundred and five complaints were received, of which six thousand were received from workmen and five hundred and ninety seven from the employers. The total number of cases referred to in Conciliation Boards during 1956 was four thousand and four hundred, and the number of cases disposed of during the year 1956 was 4,056; out of 4,056 cases disposed of by the Conciliation

26 Annual Review of Activities: 1954, Part I & II; (Department of Labour, Uttar Pradesh), PP. 155, 157, 158, 159.
Boards, agreements were arrived at in 1,166 cases. With the repeal of the Industrial Disputes (Appellate Tribunal) Act of 1950 on September 1, 1956, the adjudicators were thereafter required to submit their awards to Government, instead of declaring them for enforcement by Government. The total number of cases disposed of by the State Industrial Tribunal was 104. The total number of awards requiring implementation in 1956 was two hundred and eighty. Out of these, implementation was secured in as many as one hundred and ninety-four cases till December 1956. And the number of awards which remained unimplemented was eighty-six.\textsuperscript{28}

In 1957, the total number of complaints received was 5,068, out of which 4,775 were received from workers and 293 from the employers. Out of 3,553 cases, 686 were disposed of by the Conciliation Boards.\textsuperscript{29}

The administrative work performed by the Conciliation Boards, State Industrial Tribunal and Labour Appellate Tribunal during the period from 1953 to 1957 was no doubt effective, but it lacked the efficiency of a good personnel type; because there was no central supervising authority which could examine the work of these administrative machineries. Moreover Labour Department was quite

\textsuperscript{28} Annual Review of Activities: 1956, (Department of Labour, Uttar Pradesh), PP. 158, 163, 165.

\textsuperscript{29} Annual Review of Activities: 1957, Part I, (Department of Labour, Uttar Pradesh), P. 252.
helpless to perform its function as a supervisor over all these machineries with the efficiency required for a sound administration because it was a agency to conduct a very wide range of labour-work, Working Journalists (Industrial Disputes) Act.

This Act was passed by the Central Government in 1955. Under this Act the Industrial Disputes Act of 1947 was made applicable to the working journalists also. In this Act, — (1) "Newspaper" had the meanings assigned to it in the Press and Registration of Books Act of 1867;

(2) "Working Journalists" means a person whose principal vocation was that of a journalist and who was employed as such in, or in relation to, any establishment for the production or publication of a newspaper, or in relation to, any news agency or syndicate supplying material for publication in any newspaper, and included an editor, a leader—writer, news editor, sub-editor, feature-writer-copy-tester, reporter, correspondent, cartoonist, news-photographer proof-reader but did not include any such person who —

(a) was employed mainly in a managerial or administrative capacity, or

(b) being employed in a supervisory capacity, exercising, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature. 31

Thus this Act was entirely a new Act which aimed at regulating certain conditions of service of working journalists and as such provided to them some of those facilities through labour laws which were already being enjoyed by the industrial labour. 32 Its principal provisions were as follows:

The Industrial Disputes Act, 1947; the Industrial Employment (Standing Orders) 1946 and the Employees' Provident Funds Act, 1952, had been made applicable to working journalists also. The Act also regulated the hours of work and conditions of leave for working journalists. Provisions had also been made in the Act for fixation of wages and payment of gratuity to working journalists. 33

Social Security.

Social Security was the security that society

32. Annual Review of Activities: 1956, (Department of Labour, Uttar Pradesh), P. 117.
33. Ibid.
furnished through appropriate organizations against certain risks to which its members were exposed. "These risks were essentially contingencies against which the individual of small means could not effectively provide by his own ability or in private combination with his fellows."  

Since independence, with this aforesaid idea, a social security plan for India had been kept in view and had been integrated into a comprehensive and all embracing pattern with the whole of India. In fact, the U.P. Government had made a lot of progress in this field. The important social measures in India were as follows:

1. The Workmen's Compensation Act,
2. The Employees' Provident Fund Act,
3. The Employees' State Insurance Act,
4. The Maternity Benefit Act,
and

**Workmen’s Compensation Act.**

As it has already been discussed in the preceding chapters that the workmen's Compensation Act of 1923 was in existence with some minor amendment made in 1933. This Act provided for the payment of compensation to workers in

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the case of injury caused by an accident arising out of and in course of employment. The amending Act of 1935 clearly laid down, according to the Royal Commission's recommendations —

"That the want of or any defect or irregularity in a notice shall not be a bar to a claim (a) if it is made in respect of the death of a workman resulting from an accident which occurred on the employers' premises, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or the place of accident or (b) if the employer had knowledge of the accident from any other source at or about the time when it occurred. Further as recommended by the Commission, the Provincial Governments were given power to require maintenance of accident notice books and since 1950, this power is being exercised by the State Governments."35

Administration of the Act.

The responsibility of administering the workmen's Compensation Act was normally thrown on Workmen's Compensation Commissioners in some big towns and on District Magistrates and other judicial officials elsewhere.36 Those


36. Industrial Labour In India; Edited by V.B. Singh And A.K. Saran; (Asia Publishing House, Bombay, 1960), P. 224.
Commissioners were vested with very wide and discretionary powers which they exercised in accordance with the provisions of the Act and of Rules made thereunder. 37

The Employees Provident Funds Act.

This Act was amended in 1956. It was enacted by the Parliament. The amendment of the Act was as follows:

1. Short title - This Act might be called the Employees' Provident Funds (Amendment) Act of 1956.

2. Amendment of Section 1 - For sub-Section (3) of Section 2 of the Employees' Provident Funds Act, 1952 (XIX of 1952) (hereinafter referred to as the principal Act), the following sub-section would be substituted, namely:

3. Subject to the provisions contained in section 16, it applied -

1. to every establishment which was a factory engaged in any industry specified in Schedule I and in which fifty or more persons were employed

and

2. to any other establishment employing fifty or more persons or class of such establishments

37. Choudhuri, Sunil Rai : Social Security In India And Britain; op. cit; P. 51.
which the Central Government might, by notification in the official Gazette, specify in this behalf. 38

This amendment further strengthened the position of the workers because it was applied to every establishment which was a factory engaged in any industry; because it made the future of the workers safe from the stand-point of money; because several reliefs and benefits were given to them to safeguard their future economic life. Of course, it was the need of the time in the sense that machines were the chief means of raising labour productivity.

Administration of the Act.

This Act was applicable in Uttar Pradesh to eighty one factories of the six scheduled industries in the State which had fifty or more persons in their employment. To remove certain difficulties in its administration a regional committee consisting of two persons nominated by Central Government and three representatives each of employers and employees, as the chairman was set up. 39

There was a provision for frequent inspections of the exempted factories and an attempt was made to inspect every such factory at least once in six months. All possible steps were taken to safeguard the interests of the subscribers.

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Contributions at the rate of 6½ percent were deducted by the employers from the consolidated wages of the subscribers whose emoluments did not exceed Rs.300/- per mensem and the total amount so deducted along with employers' contribution an equalent amount was paid by the employer into the nearest branch of the Imperial Bank of India by 15th January. The employer had further to pay administrative charges at the rate of 3 per cent of the total contribution from employees and employers for the administration of the scheme. Arrears of contributions and administrative charges were estimated at Rs. 90,593/8/- and Rs.14,722/14/9 respectively. During the year 1954, necessary arrangements for prompt investment of contributions collected were made with the Reserve Bank of India, Bombay. The most important thing was that the claims received from the members of the Fund on their becoming non-effective by resignation, retrenchment, discharge or by their nominees in the event of the death of the subscribers were settled promptly by the Accounts Officer of Employees' Provident Fund. The Regional Committee, which was set up in 1953, discussed the following subjects at the meeting :-

1. Decentralization of administration of the Fund in 1954.

40. Annual Review of Activities : 1954, Part I & II (Department of Labour, Uttar Pradesh), P. 32.
2. Review of staff position.
3. Decentralization of Accounts.
4. Conditions of service of the Employees of the State Board.

The arrears had further increased during the year under review and the total arrears of contributions and administrative charges upto the end of December, 1955 were Rs. 5,34,157/10/6 and Rs. 14,904/2/- respectively. This year, the total number of suits instituted against the defaulting employers in various courts was five and, out of which twelve were instituted under section 14 of the Act. The most important thing to note was that as the system proved efficient, this year 3½ percent rate of interest was declared as against 3 percent in the last year. To remove certain difficulties, the Act was amended in 1953. 42 At the end of 1955, six cases were pending and one was launched in 1956. Thus making a total of seven cases in all. Out of them two cases were withdrawn. 43

In comparison to the previous years, the arrears of contributions and administrative charges had increased.

41. Ibid; PP. 33-7.
42. Annual Review of Activities: 1955, Part I & II; (Department of Labour, Uttar Pradesh), PP. 27, 29.
43. Annual Review of Activities: 1956; (Department of Labour, Uttar Pradesh), P. 148.
At the end of November, 1957 Rs.16,09,365/- and Rs.51,466/- towards contributions and administrative charges respectively were in arrears. Every year there were launched new prosecutions against the defaulters and judgements had to pronounce by the High Court. 44

The Employees State Insurance Act.

Throughout the history of mankind there had been a constant struggle for providing social insurance against social contingencies. In India the Employees' State Insurance Act of 1948 was the first measure of social insurance. 45 The scheme was inaugurated at Kanpur by the Prime Minister of India in 1952. It provided security to industrial workers against sickness, maternity and employment injury. 46 There was made no amendment in the said Act during the year from 1953 to 1957. However, in 1956 the Employees' State Insurance Corporation made the amendment in the Employees' State Insurance General Regulations of 1950. 47

Administration of the Act.

The responsibility of administering the provisions of the Employees' State Insurance Act including

44. Ibid.
45. Jagannadham, V: Social Insurance In India; op. cit; P.58.
46. Annual Review of Activities : 1953, Part I & II;
   (Department of Labour, Uttar Pradesh), P. 38.
payment of cash benefits was vested in a statutory body called the Employees State Corporation. The Corporation consisted of thirty nine members and five representatives each of employers and employees. It also consisted of representatives of the Central Government, of the State Governments, of the Lok Sabha and the medical profession. The Union Minister for Labour was its chairman and the Union Minister for Health was Vice-Chairman. A Standing Committee was established under the General superintendence and control of the Corporation which consisted of 13 members of the Corporation and two representatives each of the employers and the employees. This Committee acted as an executive body for the administration of the scheme.

A Medical Benefit Council consisting of twenty nine members and three representatives each of employers and employees was also set up to advise the Corporation on matters concerning to the medical aspects of the Scheme. The Corporation had also set up Regional Boards; and Local Committees were also being set up. The Corporation had its Headquarters at New Delhi with the Director General as its Chief Executive Officer, and he was assisted by four principal officers to carry out the policies. 48

Only insured persons were given the benefit and

facilities offered by a network of thirteen dispensaries. Besides, medical care, Employees’ State Insurance Act envisaged four types of other benefits, namely sickness, maternity, disablement and dependants’ Benefits which were directly administered by the Employees’ State Insurance Corporation. A Medical Board was established for the purpose of assessing the degree of permanent disability sustained by insured persons as a result of an employment injury. In 1953, in all 144 cases were referred to the Board, out of which 115 appeared before the Board. The Board found permanent disability of varying degrees in fifty cases and forty were declared to be fit not involving any permanent disability. In the rest temporary disablement was allowed to be continued for some more time. There were launched prosecutions against employers. In 1953, the number of suits disposed of during the year was twenty three which included three cases of the year, 1952. 49

In 1954, in all 174 cases were referred to the Board, out of which 137 persons appeared before the Board. The Board found permanent disability of varying degrees in 72 cases and 37 persons were declared fit not involving any permanent disability. And the total number of cases instituted was thirty nine out of which thirty four were

49. Annual Review of Activities: 1953, Part I & II;
   (Department of Labour, Uttar Pradesh, PP. 40, 41, 43, 44, 47, 48, 49, 51.)
instituted in 1954, and, recoveries had been made in 23 cases up to December, 1954. The total number of suits instituted in the court was sixteen, out of which the number of appeals filed under Regulation 74 against the decision of the Medical Board was seven and, the number of suits under section 75 of Employees' Insurance Act, 1948 was nine. The number of suits disposed of during the year was nine which included two cases of the year 1953. 50

During the year 1955, the number of cases filed by the Corporation was eleven and the number of cases decided was also the same. And the total number of civil cases decided was thirty eight. 51 To decide disputes between the Corporation and the employers or the employees, and claims regarding contribution and benefits under Section 75 of the Employees' State Insurance Act of 1948, a part-time Employee Insurance Court was functioning in Kanpur in 1957, with a collector. For disputes regarding employers' Special Contribution, special tribunals under Section 73-B were set up with Regional Conciliation Officers in the State of U.P. as Presiding Officer at places outside Kanpur where Employees' Insurance Courts

had not been set up. The Corporation had also powers under Section 73-D to effect recovery of Employers' Special Contribution as arrears of land revenue through the Collector of district concerned.  

The Corporation had performed its duties effectively regarding the administration of the Employees Insurance Act. The year of 1955 was a year of astounding progress and consolidation of the Scheme.

The Maternity Benefit Legislation.

From the year 1953 till 1957, there was passed no legislation or made any major amendment in the U.P. Maternity Benefit Act of 1938. This Act remained in practice which provided for the payment of a cash benefit to women labourers for specified periods before and after child-birth and a compulsory period of rest after delivery.

Administration of the Act.

As in the previous years, this Act was administered by the Chief Inspector of Factories, Uttar Pradesh. During the year 1953, the total number of inspections carried out by the Inspectors was more than three thousand.

In 1954, the number of inspections carried out by the inspectors was far less than that of previous year.\(^5\) The total number of inspections carried by the inspectors during the year 1955 was less than two hundred. In 1956, the total number was one hundred and thirty nine,\(^6\) and in 1957, the total number of inspections carried by the inspectors was one hundred and fifty two.\(^7\)

The Wages Legislation.

A Bill was introduced in the Parliament in 1953 for the amendment of payment of Wages Act of 1936. The proposed amendment sought to change the definition of "wages" to suit the changed concepts of industrial remuneration, and to give an opportunity to workers also to make an appeal against the decisions of competent authority in regard to claims concerning to deductions from wages or delay in payment of wages, etc.\(^8\)

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58. Annual Review of Activities: 1953, Part I & II; (Department of Labour, Uttar Pradesh), P. 179.
To begin with, during the year 1953 in Uttar Pradesh the Government statutorily fixed a standard scale of dearness allowance in the case of textile and electricity undertakings. In 1954, Bonus was recognised as an additional payment of a regular nature to the labourers. From the year 1953 upto 1957, the payment of Wages Act of 1936, and the Minimum Wages Act of 1948 were in existence. No amendment of effective nature was made regarding the provisions of these Acts.

**Administration of the Act.**

During 1953, a number of cases concerning to bonus were referred for adjudication while in several cases bonus was declared voluntarily as well. The total number of complaints received under the payment of Wages Act in 1953 was 362. Prosecutions were also launched. In 1954, four cases were decided by the adjudicators and State Industrial Tribunal "concerning revision of existing rates of Wages of workers. And a number of cases concerning the bonus were

59. Ibid; P. 127.
60. Annual Review of Activities: 1954, Part I and II; Department of Labour, Uttar Pradesh), P. 91.
referred for adjudication. The total number of complaints received during this year was more than three hundred, and prosecutions were also launched. During the year 1955, there were referred a number of cases for adjudication also. During the years from 1955-56 till 1957 inspections and prosecutions were carried out with full vigour, and complaints were also received. During the year, 1957, the payment of wages Act of 1936 applied to the payment of wages to persons employed in all factories. However it was not applicable to the factories notified under section 85 of the Factories Act of 1948.

Training and Recruitment of Labour.

The importance of training and recruitment of labour did manifest that the purposes of these programmes were to improve the efficiency of the industry and to open wider promotional opportunities for the employees. Since independence, the importance of training and recruitment of labour

64. Annual Report on the Working of the Payment of Wages in Uttar Pradesh, for the year 1957; Uttar Pradesh), P.1.
had been greatly realized. An important event during 1953, was the appointment by the Government of India a High power committee for examining the present working of the employment exchanges organisation and making recommendations for its organization on proper lines.66 In U.P. already two institutions were working for this purpose.67 About one hundred and ninety inspections were carried out by the welfare officers and various recommendations were made by them concerning welfare amenities to the workers, and for ensuring for them a fair deal from their employers.68 The most important feature of the year of 1954 was the setting of Tripartite Committee on Gorakhpur Labour by the Government of India. The Committee made several recommendations and these recommendations were accepted by the Government.69 The most important event of the year 1955, was the decision to transfer the administration of Employment Exchanges to the State.70 Accepting the recommendations of

66. Annual Review of Activities: 1953, Part I & II; (Department of Labour, Uttar Pradesh), P. 76.
67. Bapu Vocational Training Institute for Displaced Women; Dehra Dun and Residential Industrial Home, Chunar.
68. Annual Review of Activities : 1953, op. cit.; PP. 82,86.
69. Annual Review of Activities: 1954, Part I & II; (Department of Labour, Uttar Pradesh), PP. 176,177,179,180.
70. Annual Review of Activities: 1955, Part I & II; (Department of Labour, Uttar Pradesh), P. 144.
Shiva Rao Committee, the Government of India had decided to enlarge the field of the Employment Exchange Service in the State by adopting the following six schemes as part of their 2nd Five Year Plan, from the standpoint to solve unemployment problems:

1. A phased programme of the extension of the coverage of the employment service.
2. Collection of employment marked information.
4. Employment Counselling at Employment Exchanges.
5. Occupational Research and Analysis.

As far as the Government Departments were concerned, both the state and the Central Governments had issued various Government orders from time to time under which all recruitment was to be channelised through the Employment Exchanges. During the year 1955, there were eight training centres in Uttar Pradesh, including one training centre exclusively for women at Dehra Dun. There was also the provision for the reserve seats for training of displaced persons in technical trades. During the year 5,922 persons were imparted training in vocational trades and 546 trainees were declared

71. Ibid; P. 148.
successful. There was also started hobby centre at Allahabad in 1954. On November 1, 1956, there were one Regional, nine sub-Regional and eleven District Employment Exchanges, and five Employment sub-offices in Uttar Pradesh besides 8 training centres functioning at different places in the State.

The number of registration figures was increasing year by year. The total seats sanctioned for the training purposes were 2,107, out of which 275 were reserved for training of displaced persons in technical trades. During the year 602 persons were imparted training in vocational trades and, 588 trainees were declared successful.

During the year 1957, there were thirteen training centres in Uttar Pradesh including one training centre exclusively for women at Dehra Dun. Six hundred and eighteen persons were imparted training in vocational trades and were trade-tested under the Craftsman Training Scheme in July, 1957, Five hundred and seventy-four trainees were declared successful.

72. Ibid; PP. 148-50.
73. Annual Review of Activities: 1956; (Department of Labour, Uttar Pradesh), P. 50.
74. Ibid; PP. 50-65.
In 1957 Bapu Vocational Training Institute for women from West Pakistan functioning at Dehra Dun had 176 displaced women receiving training during the period under report, of whom 156 trainees were declared successful in July 1957. And hobby centre at Allahabad has fifty one trainees on roll.

Trade Unionism.

Since independence Uttar Pradesh had not lagged behind in the expansion of trade union movement in the state on sound and healthy lines. In the Second Five Year Plan of the Labour Department of Uttar Pradesh, the following schemes concerning with trade unions were proposed to be taken up:

1. Training of trade union workers, through refresher courses.
2. Training of trade union workers by visit to important trade unions in other States of India, and by taking up courses in institutions for training of labour workers.
3. Financial assistance to registered trade unions for the opening of schools, libraries, dispensaries and trade union halls.
4. Printing of manual for trade unions containing trade unions legislation, forms and instructions, etc., and printing of pamphlets for guidance of

75. Annual Review of Activities : 1957, Part I; (Department of Labour, Uttar Pradesh), P.17.
76. Annual Review of Activities : 1953, Part I & II; (Department of Labour, Uttar Pradesh), P.67.
trade union workers.

5. Strengthening of trade unions inspection and guidance service. 77

Since 1953 till 1957, no new Bill or no new amendment was made in the Indian Trade Union Act of 1926. It was only modified merely to remove some defects in 1950. 78

Administration of the Act.

In 1953, the Deputy Labour Commissioner continued to be the Registrar of Trade Unions in the State. He was assisted by the Assistant Registrar of trade unions. And the work connected with inspections of trade unions and enquiries pertaining to their affairs continued to be looked after by the trade union Inspector and two assistant trade unions Inspectors. Other personnel of the trade unions section consisted of thirteen assistants. There were 581 registered trade unions on March 31, 1953, but forty six were deregistered for non-submission of their annual returns for 1951-52. 79

During the year 1954 there was no change in the administrative strength for the administration of the Trade Unions Act of 1926. In March, 1954, there were six hundred and thirty six unions. Out of these eighty four unions were deregistered

77. Annual Review of Activities: 1956; (Department of Labour, Uttar Pradesh), P. 39.

78. Sarkar And Srivastava : Bharat Year Book; (Malhotra Brothers, Delhi, 1960), PP. 479-80.

79. Annual Review of Activities: 1953, Part I & II; (Department of Labour, Uttar Pradesh), PP. 67-75.
for non-submission of annual returns for 1952-53. This year the Government had appointed Legal Advisor for giving legal advice to labour unions of the State. During the year 1955, the administrative staff was the same. There were seven hundred and one registered unions and 61 unions were deregistered for non-submission of their annual returns for 1953-54.

In 1956, the administrative staff for the administration of Trade Union Act of 1926 was increased by the State Government sanctioning a post of Deputy Registrar of trade unions and three more assistant trade unions inspectors for the implementation of the new schemes under the Second Five Year Plan. There were 801 registered unions in the state in March 1956, and fifty one unions were deregistered for non-submission of their annual returns for 1954-55. During the year 1957, the strength of the administrative staff was further increased. There were 884 unions in Uttar Pradesh on March 31, 1957, out of these unions two were deregistered for non-submission of their annual returns for 1955-56.

The personnel employed for conducting the administration of the Trade Unions Act of 1926 was lacking the efficiency and the skill to deal with the problems arising in the administration of the Act. However, the inspection service had proved very helpful in the growth of trade union movement on sound lines.

80. Annual Review of Activities: 1954, Part I & II; (Department of Labour, Uttar Pradesh), PP. 67-75.
82. Annual Review of Activities: 1956, (Department of Labour, Uttar Pradesh), PP. 30-1.
Labour welfare.

The attempt for labour welfare, during the years 1947-52, was really a beginning scheme for the future dream launched by the Labour Department. From this period onwards, the principal objective in the administration of labour welfare was the achievement of high standards of efficiency and integrity. 84

During the year 1953, two more centre were opened - one at Rampur and other at Jhansi. According to the activities of these centres, they were divided into three categories, namely, 'A', 'B', 'C'. Each class 'A' labour welfare centre was provided with an allopathic dispensary, women's and children's section, sewing classes, indoor and outdoor games, gymnasium, wrestling pits, etc. Each class 'B' centre had all the facilities provided in class 'A' centres except that it had a homeopathic dispensary. Class 'C' centres, were provided indoor and outdoor games, reading room and library and other means of entertainments. Afterwards in these centres also Ayurvedic and Unani dispensaries were also provided. 85 The number and work of labour welfare centres was increasing every year. 86 Special centres were also opened for the welfare of labour-employed...

84. Review of the First Five Year Plan; (Planning Commission, Government of India, May, 1957), P. 305.

85. Annual Review of Activities: 1953, Part I & II; (Department of Labour, Uttar Pradesh), PP. 104-6.

86. Annual Review of Activities: 1954, Part I & II; (Department of Labour, Uttar Pradesh), P. 107.
in different industries of the State, viz. tea plantations and sugar industry. During the year, 1956-57, it was proposed to open four additional labour welfare centres with the budgetary provision of Rs.10,56,300/-.  

In 1955 and 1956, the constitution of State Labour Welfare Advisory Committee was revised with a view to enlisting further cooperation from all quarters of public and these Committees were functioning in various states. During the years, 1956-57, the amenities provided in the three Labour Welfare Centres were the same as they were in the previous year. Till 1957, the total number of labour welfare centres was forty nine. Two centres were proposed to be opened. The total budgetary provision for the financial year was Rs.12,16,300/-.  

The work of labour welfare was on the increase every year. Mostly it was due to the effective power wielded by the Government, and the State of Uttar Pradesh had been a pioneer in the field of labour welfare as it was the first state to organise labour welfare work. It was disappointing, however, that the labour welfare work was done on the British model.

88. Annual Review of Activities, 1956; (Department of Labour, Uttar Pradesh), PP. 120-23.
89. Ibid; PP. 189-30.
90. Annual Review of Activities: 1957, Part I; (Department of Labour, Uttar Pradesh), P. 134.
**U.P. Shops And Commercial Establishments Legislation.**

No amendment was made in the U.P. Shops and Commercial Establishment Act of 1947 during the years from 1953 up to 1957. This Act regulated the conditions of work and terms of employment of labourers employed in shops and Commercial establishments and those industrial establishments which were not covered by the Factories Act 1948.

**Administration of the Act.**

During the year 1955, the U.P. Shops and Commercial Establishments Act and Rules of 1947 continued to apply to twenty six towns of Uttar Pradesh. The existing strength of the inspecting officials was increased. The chief inspector of factories was assisted by one deputy chief inspector of Shops and Commercial Establishments, U.P. Kanpur and thirteen whole-time inspectors posted at various places. The aggregate number of inspections in all was 44,063. The total number of prosecutions launched by the Department during the year was 762, and the total number of complaints received by the inspectors was 1889.

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91. Annual Review of Activities: 1956; (Department of Labour, Uttar Pradesh), P. 112.

During the year, 1954, the extent of operation of the said Act remained the same as in the preceding year. It covered up in all 34 towns of the state, but the whole Act was in force in the 28 towns. In the remaining 6 towns the Act was partially enforced by the Executive Officers of Municipal Boards of the respective towns in respect of the provisions of Sections 10 and 12. In addition to these 34 towns, the entire provisions of the Act continued to remain applicable in all the vacuum Pan Sugar Factories of Uttrar Pradesh in respect of employees not covered by the Factories Act, 1948. There was no change in the administrative pattern of the staff for the enforcement of the Act. The total aggregate number of inspections of all the inspecting officials was 51,067. The number of prosecutions launched was nine hundred and thirty three, out of these prosecutions acquittal orders were passed only in eighteen cases, and 16 cases in all were consigned to records by the Courts concerned under Section 249. The total aggregate number of complaints received by the inspectors was 1862. Out of these 1,760 complaints were disposed of, 102 were under investigation at the close of the year. In 1955, the operation of the whole Act was extended to the towns of Mirzapur and Sitapur.


94. Ibid; 1-5.
where only sections 10 and 12 were previously enforced.

Sections 10 and 12 were also enforced in 15 new towns of the State. 95

With a view to obtain greater efficiency in the administration of the various labour legislations and to effect economy in the administration of labour laws the State Government enforced the scheme of pooling of inspectorate, vide G.O. No. 2915 (L) XXXVI (B) - 532-52, dated January 5, 1955. Under this scheme all the resident labour inspectors, shops inspectors, wage inspectors and labour inspectors for Standing Orders in the scale of Rs. 200-15-350 were pooled together and were designated as labour inspectors. The three junior wage inspectors in the scale of 120-8-200-10-300 were also brought under the pool and were designated as assistant labour inspectors. Also 3 deputy labour commissioners, 4 assistant labour commissioners, one officer on special duty, deputy chief inspectors of shops, 7 conciliation officers, 16 additional regional conciliation officers and 2 labour officers were notified as "inspectors" and "labour officers" under the various labour laws. This scheme came into force from June 1, 1955. The aggregate number of inspection was 48,246. The total number of prosecutions launched was nine hundred and fifty eight, out of these prosecutions acquittal

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orders were passed only in thirteen cases. And sixteen cases in all were consigned to record by the courts concerned under section 2949. The aggregate number of all the complaints was 1,805, out of which 1,660 complaints were disposed of and, one hundred and forty five were under investigation at the close of the year. During the year, 1956, the U.P. Shops and Commercial Establishments and Rules, 1947, remained in force in thirty towns. There was no administrative change in the administrative staff. Fifteen whole-time inspectors, twelve sub-divisional magistrates, five resident labour inspectors and six executive officers of the Municipal Board continued to look after the enforcement of the Act. The aggregate number of inspections carried out by the inspectors was 50,085. The total number of prosecutions launched was nine hundred and fifty seven. The total aggregate number of complaints was 2,394, out of which 2,244 complaints were disposed of and one hundred and fifty were under investigation at the close of the year. During the year 1957, the U.P. Shops and Commercial Establishments Act of 1947 was applicable in forty seven towns of the State. The provisions of sections 2, 4, 10, 12, 14, 16, 18, 21, 26, 27 to 31, 34 and 35 were also extended to the Municipal area of twenty six towns till the end of the year of 1957. The administrative staff continued to be the same as in the foregoing year. In all the total number of inspections made by the inspectors and the

96. Ibid; P. 4, 5.

had prepared model rules under the Act for the guidance of
the State Governments to enable them to prepare their own
rules for the administration of the Act within their juris-
diction. In 1957, at last, the U.P. Plantations Labour Rules
were made and were extended to the whole of Uttar Pradesh.
These rules, except rules 14 to 22 and 32 to 45 came into
force at once. Rules 14 to 22 and 32 to 45 came into force
in respect of any plantation, or group of plantations on such
date or dates as the State Government, might by notification
in the official Gazette, appoint. In fact, through these
Plantations Rules of 1957, a correct definition of Health
Officer was made clear, and, not only the conditions for the
employment of the adolescents and children in the plantations
were provided but also leave with wages, sickness and matern-
ity benefits and other items regarding prosecution etc.,
were provided to ensure the protection of the employees. 100
The Act was being conducted by the Factory Inspectorate. 101

Indian Boilers Act.

There was made no amendment to the Indian Boilers
Act of 1923. But, there were made amendments to the U.P.
Boiler Inspection Rules, in 1955 and 1956. In 1955, these

99. Annual Review of Activities: 1955, Part I & II; (Depart-
ment of Labour, Uttar Pradesh), P. 48.

100. Labour Bulletin: Monthly Series, Vol. XVIII, No.4, April,
1957; (Labour Department, Uttar Pradesh), P. 28-9.

1956; (Labour Department, Uttar Pradesh), P. 107.
amendments concerned with the fees for inspection, registration fees, inspection fees, fee to cover inspection and test second fees - re-inspection of defective boilers etc. Another Boiler Attendents Rules of 1956 concerned with the conditions of work and with the administrative work. 102

Administration of the Act.

So far as the administration of this Act was concerned it was to look after by the chief inspector of Boilers, Uttar Pradesh, with the assistant of five inspectors of Boilers. 103 In this connection it was interesting to notice that the administration of this Act was being conducted comparatively in an effective way.

The period from 1953 to 1957 of labour legislation and administration marked a new era in the development of labour legislation, administration of labour laws and on the whole social legislation was greatly improved due to the beginning of the First Five Year Plan, 104 which had prepared the way for achieving the scientific pattern of society - an economic and social order based upon the values of freedom and democracy without caste, class and privilege, in which


there was a substantial rise in employment and production, and
the largest measure of social justice attainable. Although
several hurdles were being faced in the field of labour legis­
lation and administration on account of the lack of financial
aid, recklessness of the administrative staff, and somewhere
wasteful use of money. However in 1955, it was realised that
in the administration of labour laws both economy and efficiency
ought to be secured. The step proved remarkably successful but
still some of the labour laws, viz. Factories Act, Workmen's
Compensation Act, Indian Boilers Act, etc. were not amended in
such a way so that the conditions of the workmen might be pro­
perly improved. Workers were not provided with a uniform wage
scale and other protective measures for their betterment.

So far as the administration of labour laws was
concerned, it was a divided responsibility. The Central Govern­
ment, through its various offices, administered the labour laws;
such laws were applicable to mines, railways and other central
undertakings. The rest of the labour laws were administered
by the State Governments through their own organizations. And
all the industrially important states had set up organizations
for the administration and enforcement of the various labour
laws. Labour Commissioners were appointed for the purpose in
all the States save Jammu and Kashmir.

105 Second Five Year Plan; (Planning Commission, Government
of India, 1956), P.1.

106 India, 1957; (Ministry of Information And Broadcasting,
Government of India), P. 382.