Editorial

Consistency in containing the vagaries of nature

Every year, a certain day is dedicated and observed as "World Environment Day" throughout the world. The irony, however is that it would not be far from the truth to say that everybody is feeling the consequences of the damages man has inflicted on the environment right this very minute. But the uncomfortable truth is that unless we start doing something concrete to reverse- if possible, or contain the damage, the rise in temperature and the consequent disruptions in the natural climatic cycle will continue at an increased rate. That is not a very rosy picture, and yet precious little has been done on the ground to slow the ravages of man on our ecosystem. There is bound to be a conflict of interest between conservation of environment and development as has been witnessed countless times before, an inevitable crossing of paths arising out of necessity. But such conflicts need not result in disaster or damages though that has been the case so far. All it needs is proper understanding and earnest effort to bring about a cohesive system where nature and environment can be integrated into the developing world. It has now become a chick or "the in thing" to flaunt one's eco-friendly lifestyles. This says a lot for the changing mindset towards our environments- a welcome change for sure, compared to the wanton destruction of forests and natural greeneries a few years earlier to make way for concrete structures and artificial jungles of concrete and glass. But the most emergent question everybody needs to be asking

but the most enleggent question everybody needs to be asking at the moment is: is dedicating a single day of the year to reaffirm our commitment and responsibilities towards our environment enough to make the necessary and desired changes? The answer couldn't be any clearer. This year, we have witnessed and experienced one of the worst floods in recent uncare and the more releared expert that needs to be recent years, and the more relevant point that needs to be looked into is the frequency of the disaster. As of today, we have experienced flood situations at least four times in the state, the most recent one wreaking havoc at Senapati District, destroying, among others, an orphanage and leaving the kids with just the clothes on their backs.

The effects of the wrath of nature cannot be stressed enough While it would not be possible or practical to expect the government to set things right and make plans to ensure that such calamities does not occur, there are areas where the government, both at the central and the state level, can look into and take up concrete steps to minimize the effects and contain the damage. Yet whatever has been done so far by way of any and every efforts towards addressing the issues, almost all of them turned out to be just another excuse by the contractors, engineers and others involved in the process to serve their own self-interests. The need of the hour, on the other hand, should be to implement a consistent plan to help nature and our environment to heal. This will undoubtedly prove easier said than done, but greater challenges have been successfully met and overcame with cooperation, dedication, a sense of purpose and resilience

Meanwhile, making informed judgment by everyone of us in the way we choose eco-friendly products and organic foods that does not contaminate the soil and water, to that of choosing things which are made locally instead of the ones that has been flown halfway around the world, as also inculcating a more evolved civic sense could make a much bigger and significant difference than we think possible.

Criminal killed in encounter with police in Lucknow

Lucknow, Sep 1 (PTI) A criminal who had fled from police custody was killed in an encounter in Gomti Nagar area here, police said today, 'Sunil Sharma, carrying reward of Rs 15 thousand, was injured in the encounter in Gomti Nagar area here He later died during treatment in the hospital," Senior Superintendent of

Police, Deepak Kumar said. Sharma, who was lodged in Hardoi jail, had fled from police custody from Lucknow, where he was bough for a hearing.

He had last month allegedly threatened a businessman in Saroii Nagar area and demanded money from him.

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Decisive First Step towards Simplified Labour Laws: The Code on Wages, 2017 placed before Parliament

By: Deepak Razdan

The Government took a decisive step towards simplifying and towards simplifying and amalgamating the vast mass of labour laws when it presented before the nation The Code on Wages, 2017, a Bill which combines features and provisions of four existing labour laws pertaining to wages. The Bill was introduced in the Lok Sabha during the Monsoon Session of Parliament on 10th August, 2017. Intended to bring relief to both employers and employees, the Code amalgamates, simplifies and rationalises the relevant provisions of the four Central labour enactments, namely the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976. The four Acts will stand repealed with the passage of the Bill. Facilitating easier compliance of the law, the Code will ultimately create conditions for setting up of more enterprises and fresh

employment opportunities. The Statement of Objects of the Bill said the amalgamation of the laws would facilitate their implementation nd remove the multiplicity of definitions and authorities, without compromising on the basic concepts of welfare and benefits to workers. The proposed legislation would bring the use of technology in its enforcement and thereby bring transparency and accountability for effective enforcement of the law Widening the scope of minimum wages to all workers would be a big step for equity. The Bill provides for all essential

equal elements relating to wages remuneration, its payment, and bonus. The provisions relating to wages shall be applicable to all employments covering both organised as well as un-organised sectors and the power to fix minimum wages continues to be vested in the Central as well as State Governments, in their respective spheres. There are clear definitions of employer, employee, worker, minimum wage and wages.

The Code will enable the appropriate Government to determine the factors by which the minimum wages shall be fixed for different categories of employees. The factors shall be determined taking into account the

skills required, the arduousness of the work assigned, geographical location of the workplace and other aspects which the appropriate Government considers necessary. Provisions relating to timely payment

of wages and authorised deductions wages, which are at present applicable only in respect applicable only in respect of employees drawing wages up to Rs 18,000 per month, shall be made applicable to all employees irrespective of wage ceiling. The appropriate Government may extend the coverage of

such provisions to Government establishments also. Ensuring that there is no

discrimination on the basis of gender in the payment of wages, the Bill incorporates in its first chapter itself provisions for "Equal Remuneration" in Section 3, which says "There shall be no discrimination among employees on the ground of gender in matters relating to wages by the same employer, in respect of the same work or work of similar nature done by any employee

No employee shall pay to any employee wages less than the minimum rate of wages notified by the appropriate Government for the area, establishment or work as may be specified in a notification. While fixing minimum wages in respect of any employment for the first time under the Code, the appropriate Government, which can be Central or the State Government, will appoint a committee comprising representatives of employers, employees and independent members, to go into all issues and make recommendations. This would ensure justice to all stakeholders. "The appropriate Government shall review or revise minimum rates of wages at an interval of five years," says the chapter on minimum wages. Under the Bill, the Central Government will have the power to fix a national minimum wage, with a provision that there can be different national minimum wage rates for different States or geographical areas. State Governments will not fix any rate lower than the national rate. If any State Government earlier fixed a rate higher than the national rate, it will not reduce its wage rate. The Central

Government before fixing a national minimum wage rate will take the advice of a Central Advisory Board. There is provision for payment of overtime work done. Under its payment of wages

provisions, the Code says "all wages shall be paid in current coin or currency notes or by cheque or through digital or electronic mode or by crediting the wages in the bank account of the employee." Wage payments can be made daily, weekly ortnightly or monthly and the Bill has fixed time-limits for the payments.

The provisions on payment of bonus say that the bonus has to be paid even to employees who have put in only one month of service. Section 26 says this payment will be "an annual minimum bonus calculated at the rate of eight and one third per cent of the wages earned by the employee or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus during the

previous accounting year." The bonus payment will increase proportionately, if the allocable surplus in any accounting year is higher, subject to a maximum of 20 per cent of the wages, the Section says. The available surplus for any accounting year will be gross profits for the year, after permissible deductions including direct tax on income, profits and gains for the year. The allocable surplus will be 60 per cent of the available surplus for banks and 67 per cent for other establishments.

As per Section 39, all amounts payable to an employee by way of bonus under this Code shall be paid by crediting it in the bank account of the employees by his employer within eight months from the close of the accounting year An employer can get extension of time, but this shall not exceed, "in any case," two years. Doing away with inspector-raj, the Code provides for Facilitators who will help employers and employees in the proper execution of the law. The Facilitators can be appointed by the Central or State Governments and given powers throughout the States or such geographical areas assigned to them. Section 51 of the Code says the Facilitator may within the limits of his jurisdiction, (a) supply information and advice to employers and workers concerning the most effective means of complying with the provisions of this Code; (b) inspect the establishment based on an inspection scheme. The inspection scheme. given by the Government, will provide for generation of a web-based inspection schedule.

register, record of wages or notices or portions thereof as the Facilitator may consider relevant in respect of an offence under this Code and which the Facilitator has reason to believe has been committed by the employer," Section 51 says. The

Facilitators will be empowered under IPC and CrPC for their work.

Complaints for offences under the Code can be made by the Facilitator, employees, registered Trade Unions, or the Government. The Code has spelt out elaborate penalties for the offences. If an employer pays to his employee less than the amount due to him under the Code, he shall be punishable with fine which can go up to Rs 50,000. A repeat offence within five years can mean imprisonment extending up to three months, and fine up to Rs 1 lakh, or both.

Contravention of the Code or a rule made thereunder can mean a fine up to Rs 20,000, and a repeat offence within five years can mean imprisonment up to one month, or fine up to Rs 40,000, or both. A Facilitator can give time and opportunity to employer to comply with the Code, and may not initiate prosecution if there is compliance.

Clause 55 of the Bill provides for composition of offences. Only the offences for which there is no punishment with imprisonment shall be compounded. The compounding money shall be a sum of fifty per cent of the maximum fine. There is no compounding for a similar offence compounded earlier or for commission of which conviction was made, committed for the second time or thereafter within a period of five years. Under various other Sections, the interests of employees are protected by the Code. The burden of proof that the due payment has been made, and without any been unjustified deductions, will lie with the employer. The Code on Wages, 2017 is the first

of the four Codes proposed by the Government to give further boost to ease of doing business. The three other Codes will cover Industrial Relations; Social Security & Welfare; and Safety and Working Conditions. While they will bring about a long-awaited clarity in labour legislation, and minimize its multiplicity, their ultimate benefit will help working class know its rights and responsibilities, and look forward to larger employment opportunities. Deepak Razdan, is a senior journalist and

is at present Editorial Consultant, The Statesman, New Delhi. Views expressed in the article are

The Facilitators can examine workers, "search, seize and take copies of such author's personal (Courtesy PIB Feature)

National & International News

SC to hear plea challenging decision to deport Rohingyas immigrants, who are residing in

New Delhi, Sep 1: The Supreme W; [J=1 August 23, 0) 2017, °a) × Ka [>[> Court today agreed to hear on Monday a plea challenging the šà>¤à Ủ&ÂàíAiÅà >‡³vià ' ìJàÚ JàÒ#åëAià>¤ã¹ ´à Shri decision to deport illegal Rohingya Khumukcham Mangi Singh, Retd. Dy. Com-Muslim immigrants back to Myanmar, on various grounds including that it violated mandant, 1st IRB. Govt. of Manipur, 3ka>}[Å\1¤a international human rights conventions.

A bench comprising Chief Justice Dipak Misra and Justices A M Khanwilkar and D Y Chandrachud considered the submissions of lawyer Prashant Bhushan that the plea required urgent hearing in view of the decision of the government to send Rohingyas back to their native land.

The plea filed by two Rohingya immigrants that they were facing persecution in Myanmar and that the decision to send them back was in violation of various international conventions On August 18, the National Human

Rights Commission (NHRC) had issued notice to the Centre over its plan to deport the Rohingya

various parts of India. The Rohingyas, who fled to India after violence in the Western Rakhine State of Myanmar, have settled in Jammu, Hyderabad, Haryana, Uttar Pradesh, Delhi-NCR and Rajasthan.

Union Minister of State for Home Kiren Rijiju had said in Parliament on August 9 that according to available data, more than 14,000 Rohingyas, registered with the UNHCR, were staying in India.

He had said that around 40,000 Rohingyas were staying in India illegally

In a communication to all states, the Union home ministry had said the rise of terrorism in last few decades has become a serious concern for most nations as illegal migrants are prone to getting recruited by terrorist organisations.

The Centre had directed the state governments to set up a task force at district level to identify and deport illegally-staying foreign nationals.

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Shri Khumukcham Mangi Singh,

Retd. Dv. Commandant, 1st IRB

Govt. of Manipur

(Expired on 23/8/2017)

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