



# VIMASATHI

JUNE 2010

FOR MEMBERS ONLY

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## VIMASATHI

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## 9<sup>TH</sup> BIENNIAL CONFERENCE MALDA BRANCH COMMITTEE - EZGIEU



Com. Chandan kisor Mojumdar, President, Malda Br. A Section of delegates  
Com. Bimal kr. Chaki, Secretary Malda Br., Com. S.K. Chowdhary, Vice President  
EZGIEU Com. Sushen Chakraborty, Vice President, EZGIEU  
Com. Kushal Nag, General Secretary, EZGIEU  
Com. Ratan Dasgupta, organising Secretary, EZGIEU, Kolkata

A Section of delegates  
& dignitaries

On 1st May'2010, the historical May-day with the hoisting of flag by Com. Kusal Nag, General Secretary, E Z G I E U, we inaugurate our 9th Biennial Conference at Hotel Parbat, Malda. Com. Dipak Chakraborty, Vice President, E Z G I E U inaugurates the programme. Com. Suhrid Chakraborty, President, E Z G I E U presides over the Conference. More than 100 delegates, dignitaries & our retired comrades from different parts of Eastern India amongst some of our All India Leaders and their participation no doubt make the conference charming & memorable.

Com.S.K. Chowdhary, Vice President, E Z G I E U expresses in his speech that the Bank employees earn the pay scale and pension after struggle. He also expresses that GIPSA. imposed 9 conditions with our wage revision, outsourcing in Medi-claim and Motor TP. is already exist, which is a great difficulties for our existance.

Com. Ratan Dasgupta, Organising Secretary E Z G I E U, Kolkata cautioned about two dangerous bills regarding EDI hike, Pension bill and Labour Law Amendment Bill.

Com. Sushen Chakraborty. Vice President E Z G I E U, expresses in his speech regarding inactivity of the members, demoralise to serve, he also thanks our Branch Committee for choosing the Conference day in 124th day of May Day.

After Lunch hour our open session starts, Com. P.N.Baidya, Secretary B P B E A, Malda District Committee and other leaders express their valuable speeches about Banking Industry.

At last our General Secretary & Chief Speaker, Com. Kushal Nag elaborately discussed on Wage revision with 9 conditions. Out of 9 Conditions some of them are very dangerous such as TMP, Mandatory Passing of Test, Union Code of conduct etc.

The Conference successfully ended with unanimous election of the Office Bearers amongst other Com. Chandn Kisor Majumder as President, Com. Bimal Kumar Chaki, as Branch Secretary & Com. Arindam Biswas, as Treasurer.

### FLASH NEWS

Central Government vide Gazette Notification No. S. O. 1217(E) Enhanced Gratuity ceiling from existing 3.5 lack to 10 lack rupees with effect from 24<sup>th</sup> May 2010

**EDITORIAL****SAVE THE NATION FROM CORRUPTION**

In our country corruption is so rampant that the people, including the elite section of the society have started to speculate rate whether the system can survive. The Spectrum scam, the 20/20 cricket scams are the latest entries in the countless list of scams which involve political also. Match fixing we have been hearing for many years. Thousands and thousands of crores of rupees are involved in the scams. Investigating agencies, it is apprehend are not allowed to complete their investigations at the influence of politicians and big business, for their survival. The recent press conference of the prime Minister and his comment that he would not retire, cannot be ignored as a section of the big business and politician might be working overtime to change the government, a well planned conspiracy.

Within a couple of years of India's independences, It had its constitution, brought universal adult franchise

into practice and the people got the right. to vote, irrespective of religion, caste, education, wealth and sex. India is the largest democracy of the world with a parliament typically diverse, complex and clamorous.

We are a nation fought against colonialism and continue our struggle against hunger and poverty, unemployment and price hike. The exorbitant rise in prices of food articles have made the poor people lose faith in the government. This is a danger to the functioning of democracy, The nation cannot and will not tolerate the corruption which is weakening our democracy, destroying our economy and our cultural heritage. Here we recall what swami Vivckananda said " That society is the greatest, where the highest truths, become practical," And consciously or unconsciously, that exactly has been India's endeavor. □□□

**IS IT THE POLICY OF VIGILANCE DEPARTMENT OF UNITED INDIA? WILL MANAGEMENT STOP UNCHECKED LOOTING OF THE COMPANY?**

It has been brought to our notice that one bogus JPA claim Settlement under claim No. 161208/47/02/0146 of-Loss of eye sight under policy No. 161208/47/96/001146 period 28.2.1997 to 28.2.2007 has been paid to Shri.P.S.Padval for Rs.250000/- on the basis of FAKE MEDICAL CERTIFICATE at Solapur DO. This matter was referred to vigilance department HO & Pune RO in 2005. In spite of reporting at various times, the then CVO has not taken any action against the wrong doers. Hence complaint was registered on 2.9.2009 with CVC New Delhi vide complaint no. 1307/09/3 by the union, with a letter proof got under RTI Act from particular Government Civil hospital of alleged FAKE MEDICAL CERTIFICATE.

In reply CVC New Delhi ordered United India CVO to investigate the case within 3 months. □□□

Surprisingly it is noted that in spite of such instructions by CVC New Delhi, United India has kept mum so far. Should we smell a rat in it? The management is trying to protect the culprits & allow the corruption free hand. The conscious, vigilant watch dogs who are reporting against such irregularities are frustrated by inactions of the management.

In spite of time frame strict order of CVC New Delhi to investigate the case within 3 months why NO ACTIONS?

IS THIS NOT TOTAL INSENSITIVENESS OF CVO & UNITED INDIA MANAGEMENT ALLOWING THE LOOTING OF PUBLIC SECTOR GENERAL INSURANCE COMPANIES?

WHO WILL TAKE STERN ACTIONS AGAINST ERRING OFFICIALS & THE CULPRITS? □□□

**DONATION**

VIMASATHI acknowledge the following donations with thanks. We take due note of love and affection of the comrades for GIEAIA. The donations will go long way to serve the cause of General Insurance Employees and the working class.

| NAME                         | COMPANY            | AMT. (Rs.) |
|------------------------------|--------------------|------------|
| COM.RAMESH KANKI, Sr.Asstt.  | ORIENTAL-SOLAPUR   | Rs. 2121/- |
| COM.DEVENDRA GOKHALE, Asstt. | ORIENTAL-KHAMGAON  | Rs. 3001/- |
| COM.DEELIP NAVRE, Asstt      | ORIENTAL- AMRAVATI | Rs. 3001/- |

□□□

## Communication

Date : 3<sup>rd</sup> May 2010

To,  
Dr. R. K. KAUL,  
Chairman Cum Managing Director,  
Oriental Insurance Co. Ltd., New Delhi.

Dear Sir,

Re. Structured meeting held on 28/4/2010 at H.O New Delhi.

As per your invitation we have attended the meeting on 28/4/2010 at HO Delhi. Thanks for calling us to discuss the Agenda as submitted by us. Though there were 33 points, we would like to confirm the discussion mainly on policy related matters which are as follows:-

- i) Recognition of GIEAIA :- On our demand General Manager (P) informed us that process has already been started and some decision will be taken in due course of time. We once again request you to speed up the process to recognize GIEAIA the only Check Off Qualified Union in Class III/IV.
- ii) Promotion Policy:- On this subject when we pointed out the deficiency in the promotion policy, you were kind enough to advise us to give the details of deficiency along with our suggestions in writing. Very shortly we will submit our observations and suggestions for your consideration and taking up with GIPSA.
- iii) Transfer And Mobility Policy:- You agreed that there should not be mechanical transfer and the same was already informed to all Regional In-charges. When we pointed out that there were communication gap while implementation of TMP on this we requested you to provide us copy of instruction, you assured us that from next year onwards all such instruction given to RO in- charges will be made available on Company's Website and copy will be provided to GIEAIA. You also confirmed before implementation of TMP all RO in-charges will be advised to call Check Off qualified Trade Unions for discussion to avoid complications. Besides this you informed us that there should be a formal or informal meeting with the Trade Unions every fortnight at HO/RO level to develop good understanding and create good working atmosphere.
- iv) Outsourcing of staff in class III/IV:- You straightway informed us that class IV is a Run off cadre and at present recruitment was not possible. On our pointing out the details you informed in future it may be reviewed. When we pointed the deficit of Assistant Cadre you agreed the need of recruitment in Assistant Cadre You also informed us that you would take up this issue with GIPSA companies to arrive for consensus on the issue and recruitment would start at the earliest.
- v) Promotional vacancies of Sr. Asst./Asst /AO and postings:- You informed us that there would be informal

meeting before implementation of promotion policy. You also agreed to impress upon GIPSA to increase the number of Assistant and Senior Assistant vacancies. We are awaiting your invitation for the said meeting.

- vi) On opening of offices on Saturday /Sundays on regular basis:- You had shown your displeasure on the issue and also informed us that instructions were already given to the Regional in-charges. On our pointing out that RO in-charges were not following the instructions you informed us that fresh reminder would be issued and if found necessary actions would be taken against the in-charge.
  - vii) Guest House / Transit camp:- On our demand to open GH/TC at every RO level you agreed to do so and also agreed to keep one/two room vacant to provide the same to needy employees,
  - viii) Delay in commencement of Pension on Retirement:- You assured us to look in to the matter and try to clear the pension within a month after retirement.
  - ix) Discontinue TPA and introduce in house settlement:- In this regard you informed us that there was a proposal to have our own TPA for the 4 public sector General Insurance Companies to minimize the losses particularly in medical expenses head for the effective working of this TPA we will have a joint venture where services of experts will be utilized. We have suggested that to keep a control on TPA and to minimize the losses there should be regular Audit of the files. You appreciated our suggestion and assured to take necessary steps in this regard.
  - x) Exemption from IMP : At present there is a exemption available to those who have completed the age of 57 years, on our demand that the employees who have completed 55 years of age should be exempted from TMP. On this you informed us that after introduction of TMP period of 3 years is over and we may review the policy and suggested us to take up the issue with the GIPSA to have fruitful discussion on the issue.
  - xi) Inlias : On this issue, before starting the discussion you called IT in-charge and in his presence a fruitful discussion was held. On our queries he provides us the detail information. You appreciated and happily said that the GIEAIA was taking such a issue which is related with the betterment of chiential services.
  - xii) Increase in eligibility of mediclaim sum insured: On our demand you agreed that the eligibility amount available in the scheme is very meager due to the increased cost of medical treatment, and needs appropriate increase in these amounts. You assured us to refer the matter with GIPSA, to obtain their approval.
- The above were the main points, there was a discussion on other points also, after completing this formal meeting we met the GMP (P) on the individual issues. While appreciating your gesture, we are confident in future there will be structure meeting at regular intervals. Thanking you and assuring you of our best co-operation.

**(Lalit Suvarna)**  
**General Secretary**

□□□

Date : 24<sup>th</sup> May 2010

To,  
The Chariman  
General Insurers' Public Sector Association,  
3rd Floor, Jeevan Vihar (Rear Portion),  
Sansad Marg, New Delhi - 110001

Dear Sir,

Re. Queries and views placed by GIEAIA in regard to Wage Revision offer made by GIPSA for the employees of Public Sector General Insurance Industry during negotiation session on Wage Revision talks held on 8th May 2010 at Mumbai..

In regards to above we would like to refer to the advice made by your goodself to communicate our queries and views placed in the above mentioned negotiation session in writing addressed to your good Office, so that those may be duly responded in writing from your end.

Accordingly we would like to convey the following queries and views on record for your kind response with unambiguous clarification for the proper understanding of our employees.

#### QUERIES:

- I During the negotiation we had the frequent reference of 9 (nine) Managerial conditions which had been officially communicated by your good Office to every checked-off Trade Unions and Associations participating in the on going Wage negotiation with the financial package. Whether those conditions are also included in the revised wage offer with those financial packages?
- II If so, i.e., if according to the understanding and intention of your good Office those 9 conditions are included in your wage offer - what is the legal implication of accepting the financial package offered by you?
- III Whether acceptance of those financial offer by any individual employee or a group of employees, your Managerial conditions become some inevitable legal bindings for those employees?
- IV. In your proposal of "Mandatory passing of examinations" implication of the term "Mandatory" is absolutely undisclosed. Please clarify what kind of "mandate" it demands and to what extent?

#### VIEWS.

- I. GIEAIA in clear terms opposed your all proposals of TMP and extension of TMP. We find your good Office in proposing the extension of TMP, conveniently has taken the plea of "Need of the Industry" as one of the conditions. It is a great fallacy

that this very aspect of "Need of the Industry", though in clear terms provided in the relevant Scheme, has been unethically ignored and flouted in all earlier phase of execution of TMPs, thus has created damage and mess in normal operation of this Industry. So we insist to discard TMP in its totality.

- II. GIEAIA opposed your proposal of "Outsourcing" also. This we believe a mindless caricature of some models pursued in affluent Western world. Succumbed to some illusion of success, we used to go for hiring those models in a most irrational way, thus contribution to irreparable damages and mess for the future generation in turn.

We fail to recognize the reality that character of human resources, social environment and financial security is entirely different than those of affluent western countries. Experience of TPA is a glaring example.

TPA is the largest area in our Industry where in spite of stiff opposition of GIEAIA, authority is rather arrogantly outsourced some core job in our Industry. But the experience of Industry on TPA has only endorsed the vision and caution of GIEAIA.

Now we know GIPSA Management is seriously thinking of coming back to the square. It has already decided to replace the present outsourced machinery of private TPAs with some sponsored TPA Company with strong Public Sector participation. So we firmly repeat the caution and opposition against outsourcing, that too in a mindless fashion.

- III. The Managerial conditions like Compulsory Retirement Scheme proposed by your good Office which are mere corollary and extension of the agenda of "outsourcing" threatening the security of service of any employees or inflict undeserving uncertainties in their employment. Here GIEAIA is to register their uncompromising opposition to those Managerial conditions.
- IV. Here we find very pertinent to question the mind of the concerned authority. They are so keen to hire the concept of "Outsourcing" and its different corollary from the Western world, in the name of following footsteps of their so called success and glamour. Then why they are so stiff and reluctant to adopt the other concept of the same affluent Western world which is committed to provide some kind of social security to their employees. Just these could be observed, here in our case, by allowing another pension option to the employees. In this relation we would be just surprised to witness that when everyone of us engaged in this industry are legally and ethically committed to go by the provisions of relevant gazette in our every decision and action, we find, in utter violation of all provisions of 1995 Pension Scheme,

there are official attempt of snatching away of rights of Pension of the new entrants who joined this Industry on or after 1st January 2004. Official order has been given to the relevant Departments to hand over the Pension Fund money of those new entrants to the outside Fund Manager. This is unbelievable. GIEAIA demands immediate and all out withdrawal and reversal of that order and all related initiatives to that effect.

- V GIEAIA has never any problem to accept any Code of Conduct which is meaningfully discussed and both sided, and also in resonance with the spirit of Indian Constitution, rather than arbitrary, unilateral and one sided one. There is a very prominent provision that in any industry, any Trade Union enjoys the support of more than 50% of the workers, Management will provide the status of recognized Trade Union to it. By that status of recognition this Trade Union automatically comes under Code of Conduct of Trade Unions. But surprisingly, here in this industry, in spite of GIEAIA's demand for last 40 years Management has been ignoring the issue of recognition to the Trade Unions in the Industry, which is in complete violation of the spirit of Constitution of India.

Here we fail to find any reason why by-passing the fair route of introducing the Code of Conduct for Trade Unions in this Industry, Management is pursuing this back door arrangement to impose an unilateral and one sided Code of Conduct for Trade Union. Here lies the justification of vis-a-vis introduction of Code of Conduct for Management in this Industry. GIEAIA is reiterating its demand for it.

- VI. Incidentally we place our one of the most important demands to your good Office i.e., the demand for another option for Pension in line with 1995 Pension Scheme.

In regards to any Managerial conditions which are in favour of improvement of discipline in this Industry, heightened the level of moral and professional ethics of work force, effective to curb the corruption level in the Industry, GIEAIA is here to register its firm commitments to stand by all those efforts.

We look forward for your unambiguous and decisive response at your earliest well before the next round of discussions on Wage Revision so that as a responsible Trade Union we can reach into some meaningful settlement.

Thanking you for everything you would be doing in this regard.

Yours faithfully,  
- KUSAL NAG  
SECRETARY GIEAIA

□□□

Date : 24<sup>th</sup> May 2010

To,  
Shri M. Ramdoss,  
Chairman,  
General Insurers' Public Sector Association,  
3rd Floor, Jeevan Vihar (Rear Portion),  
Sansad Marg, New Delhi - 110001

Dear Sir,

Re. Inadequate Assistant vacancies declared by the companies

We would like to mention here once again the management of 4 PSU companies have declared vacancies for Assistants which is in total dismay to the aspirations of employees.

Even after our repeated request to increase the vacancies by looking in to aspiration of the employees the same old pattern was used to declare the minimum vacancies in Assistant post. Accordingly the vacancies declared by the companies are very less in numbers. The employees are very much unhappy and agitated for the same.

In this regard we would like to mention here that there is no recruitment in cadre of Assistant for last 15 years, we therefore request you to declare more vacancies in parity with promotion to the other class.

Further we would like to mention here that the maximum employees under the Record Clerk and Sub Staff cadre have reached to the maximum in the scale. In view of less vacancies declared in the Assistants cadre they are not able to get promotions due to various reasons. It was agreed in the earlier GIPSA meeting that the running scale of next higher cadre will be provided to those employees. We regret so far no notification has been issued by the management hence we request you to immediately notify the same and release the running scale as agreed.

To avoid unrest amongst the employees to provide impetus we request you to intervene in the matter and direct the respective companies to declare more vacancies and fulfill the aspirations of the employees.

Thanking You, Yours faithfully,

— LALIT S. SUVARNA  
GENERAL SECRETARY, GIEAIA

□□□

## DISCUSSIONS ON WAGE REVISION ON 8<sup>th</sup> MAY 2010 AT MUMBAI WITH GIPSA MANAGEMENT

You are well aware GIPSA Management has invited GIEAIA in the Joint Meeting of all the check off qualified Unions / Association of employees on 8th May, 2010 at Mumbai to participate in the Sixth Round of discussions on Wage Revision.

GIEAIA was represented by Corns. Lalit S. Suvarna, General Secretary and Kusal Nag, Secretary. CMDs of four Companies including Chairman of GIPSA along with Chairman of GIC represented the team of management in the session. They are also accompanied by GM (P) s of four companies and some other senior officials of personnel departments of the companies. Meeting started with the introductory address by Sri.A.K.Singhal, CE, GIPSA that followed by the address of GIPSA Chairman on the main agenda of Wage Revision. Neither any improved offer nor any further elaboration of earlier offers has been provided. Both of them in their deliberations tried to project an unfavorable projection of financial climate of the industry, so that their inability to offer any improvement either in regards to Pay package or in regards to another option of Pension may acquire its justification. Regarding tagging of Managerial agenda with revised pay package, Management was very much secretive and try to bye-pass their real game plan of mandatory implementation of the same. But, our representatives have forcibly taken all those issues including another option for Pension, Immediate recruitment in Class III and IV cadres, Absorption of all the PTS into FTS. We have also demanded restoration of all lost benefits, Implementation of Running Scale and strongly objected to the move of management to snatch away the rights of Pension of new comers, who joined the industry after 1st April, 2004. As a result Management agreed to come with detailed of proposal of Pay structure very soon and invite us for another round of full session discussion over it. Management also gave a patient hearing to our demand of full session of discussion on various issues relating to pension. About Managerial agenda, though they avoided any detailed discussion in the meeting, but requested us to e-mail our organization's view on those issues and agreed to convey their proper response over it.

GIPSA Chief Executive orally conveyed the possible Pay Scales including Stagnation Increments of all the Classes as follows:

| CADRE                      | Possible Pay Scales @ 2944 points |
|----------------------------|-----------------------------------|
| Sub-Staff                  | 6150 - 13700                      |
| Driver                     | 7000 - 15900                      |
| Record Clerk               | 7000 - 18450                      |
| Assistant                  | 7500 - 25300                      |
| Senior Assistant           | 10300 - 29400                     |
| Development Officer Gr. I  | 11750 - 31550                     |
| Development Officer Gr. II | 8100 - 12050                      |
| Scale I Officer            | 16600 - 33000                     |
| Scale II Officer           | 22300 - 36400                     |
| Scale III Officer          | 27000 - 38800                     |
| Scale IV Officer           | 33000 - 39850                     |
| Scale V Officer            | 38800 - 44000                     |
| Scale VI Officer           | 42900 - 48750                     |
| Scale VII Officer          | 47500 - 54000                     |

DA payable @ 0.15% for every four points over and above 2944 points.

After the meeting, the Secretariat very cautiously taken a stock of the entire situation and decided to give an immediate alert call to every corner of the industry to get everybody prepared for deeply committed struggle joining the entire force of General Insurance Employees irrespective of Class and Cadre in the coming days to achieve the desired goal and protection of our hard earned rights.

GIEAIA Secretariat after thread-bar discussions came to firm conclusion that vigorous movement of employees can only change the attitude of GIPSA management & Government to achieve our demands. The detailed joint programme of agitation is being chalked out in consultation with all other Trade unions / Associations.

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## Manipulation in promotion exercise - 2008 by National Management

Central Information Commission - New Delhi

### MANIPULATION IN PROMOTION EXERCISE - 2008 BY NATIONAL MANAGEMENT

Shri.R.P.Singh, Allahabad made RTI application seeking marks obtained for the promotion exercise. We reproduced hereunder the copy of the decision from the commissioner which is self explanatory to expose the manipulation of National Management.

- *Decision reproduce*

Appeal No. CICA VB/Ay2009/000907-DS

Appellant : Shri R. P. Singh, Allahabad

Public Authority : National Insurance Company Ltd.,  
Lucknow  
(through Shri R.K. Goyal, Regional  
Manager/AA, Shri A.K. Khandelwal,  
Regional Manager; & Shri A.K. Sharma,  
Deputy Manager/CPIO)

Date of Hearing : 19/02/2010

Date of Decision : 19/02/2010

#### Facts:-

- The appellant Shri R.P. Singh made an RTI application dated 13/01/2009 seeking marks obtained, during the selection process, by him and the last candidate selected for promotion to AO Grade I officers scale during the years 2001, 2002 and 2003 under the following heads, namely, seniority, qualification, work record and interview.
- Since he did not receive information for over 60 days, he wrote to the Kolkata Office vide letter of 05/03/2009 and was directed by them vide their letter of 10/03/2009 to make an appeal before Shri R.K. Goyal, Regional Manager and the first AA at Lucknow. Kolkata Office also forwarded the appellant's letter of 05/03/2009 to the first AA at Lucknow on 24/03/2009.
- The appellant went in first appeal on 01/04/2009 and then moved the Central Information Commission vide letters of 17/04/2009, 06/05/2009 and 21/05/2009.
- The appellant also sought ranking list of all candidates who appeared for the selection process for the above posts during 2001, 2002, 2003 & 2008.
- The matter was heard today. The appellant was present. The respondents were represented by the officers as above. The respondents stated that the CPIO, on receiving the RTI application of 03/01/2009, responded to the appellant vide letter of 13/01/2009, informing him that the information was being collected and would be supplied to him. Subsequently, the information was received by him or. 23/09/2009 from the Personnel Department. During the interim, he reminded the Personnel Department on three occasions to expedite the same. Having received the information on 23/09/2009, he forwarded the same to the appellant on 15/12/2009.
- The Appellate Authority, Shri R.K. Goyal, submitted before the Commission that he received a copy of first appeal made by the appellant from Kolkata Office on 24/03/2009 and couriered his order dated 26/03/2009 to the appellant on the same day. However, courier agency returned the same to the dispatch department of the National Insurance Company Limited, as they could not find the address, which fact came to his notice much later and the letter was redespached on 08/05/2009. The appellant averred that on learning that he had moved the Central Information Commission in this matter, the first Appellate Authority provided additional information to him, which was already available on their notice board, vide their letter, on 15/12/2009.
- The Commission has taken note of the statements made by the appellant and the respondents and directs that:-
  - The marks obtained by the last candidates selected for promotion as Scale 1 officers during the years 2001, 2002, 2003 & 2008, under the heads seniority, qualification, work-record and interview, be provided to the appellant without indicating the name of the candidate.
  - Also, the marks obtained by the appellant under these four heads for these years may also be provided to him. This decision is in keeping with earlier decisions of the Commission wherein transparency and fairness in examinations for appointments and promotions have been supported through disclosure.
  - The appellant may be provided this information within two weeks of receipt of this order.
  - As regards the delay in responding to the RTI application, the Commission is constrained to observe that the CPIO and the A A have both shown a complete disregard for the responsibilities cast on them by the RTI Act and have failed to respond as per the provisions of the Act which clearly lays down the specific time period for responding to RTI applications by the CPIO and the AA. While it is noted that the CPIO made an effort to obtain the information from the Personnel Department, he showed no urgency in the matter and, in fact, held up the information from 23/09/2009 to 15/12/2009 for which he was not been able to provide any convincing reasons before the Commission. He also failed in his duty to provide the appellant with the name of the first AA to which he could prefer an appeal.
  - The Commission considers this a fit case for awarding penalty under section 20(1) of the RTI Act and directs that the CPIO may Show Cause, within 02 weeks of receipt of this order, as to why a penalty of Rs.14,250/- not be imposed on the CPIO on account of delayed in providing the information.
  - The first Appellate Authority too has been derelict in performing the duties/obligations cast upon him by the RTI Act. It is true that the complainant has suffered considerable detriment on account of the failure of the respondents to provide to him timely information. He had to make efforts to move both the appellate Authority and then the CIC in order to assert and establish his right to receive the information.

13. It is necessary that under Section 19(8)(b) of the RTI Act, the complainant is compensated for the harassment and detriment which he has undergone. It is, therefore, directed that the head of the public authority, i.e. Chairman of National Insurance Company Ltd. shall within two weeks of the receipt of this order, pay to the complainant, Shri R. P. Singh of Allahabad a sum of Rs. 5000/- (Rupees five thousand only) as compensation under section 19(8)(b) of the Act. The head of the public authority shall be free to recover the above amount from officers whose actions might have resulted in delay in transmitting information to the complainant. Head of the public authority is further directed that within one week of the payment of the compensation amount, he shall intimate this fact to the Commission.
14. Ordered as above.

| <b>ALL INDIA CONSUMER PRICE INDEX<br/>FOR INDUSTRIAL WORKERS</b> |                 |                 |            |
|--|-----------------|-----------------|------------|
| <b>BASE YEAR</b>   |                 |                 |            |
| <b>2009</b>  | <b>2001=100</b> | <b>1960=100</b> | <b>M</b>   |
| <b>JULY</b>  | <b>160</b>      | <b>3652.14</b>  |            |
| <b>AUGUST</b>  | <b>162</b>      | <b>3697.79</b>  |            |
| <b>SEPTEMBER</b>   | <b>163</b>      | <b>3720.62</b>  |            |
| <b>AVERAGE = 3690.18</b>   |                 |                 | <b>340</b> |
| <b>OCTOBER</b>   | <b>165</b>      | <b>3766.27</b>  |            |
| <b>NOVEMBER</b>  | <b>168</b>      | <b>3834.75</b>  |            |
| <b>DECEMBER</b>  | <b>169</b>      | <b>3857.57</b>  |            |
| <b>AVERAGE = 3819.53</b>   |                 |                 | <b>372</b> |
| <b>2010</b>  |                 |                 |            |
| <b>JANUARY</b>   | <b>172</b>      | <b>3926.05</b>  |            |
| <b>FEBRUARY</b>  | <b>170</b>      | <b>3880.40</b>  |            |
| <b>MARCH</b>   | <b>170</b>      | <b>3880.40</b>  |            |
| <b>AVERAGE = 3894.61</b>   |                 |                 | <b>391</b> |

The new series of the Consumer Price Index Nos. for industrial workers on base 2001=100 has been released with effect from January 2006 by the labour bureau. The linking factor for the conversion of new series index to previous series of 1982=100 is 4.63. Further the linking factor for conversion from 1982=100 to previous series of 1960=100 is 4.93.

CONSEQUENT UPON INCREASE IN THE CURRENT PRICE INDEX NUMBERS BASE 2001 = 100 FOR THE QUARTER ENDED MARCH-2010, THE DEARNESS ALLOWANCE TO ALL THE EMPLOYEES HAS BEEN INCREASED BY 19 SLABS i e M=391 W.E.F. 1<sup>ST</sup> MAY, 2010. THE INCREASED D.A. HAS BEEN PAID ALONGWITH THE SALARY OF MAY 2010.

□□□

## INSURANCE BUSINESS

### ENVIRONMENT - AN OVERVIEW

H. Ansari, Ex-General Manager Oriental Insurance Co. Ltd.

(In continuation of May 2010 Vimasathi Issue)

- **Laws dealing with Insurance** : Motor Vehicle Act 1939 and 1988  
The MV Act 1939 incorporated Chapter VIII which became effective from 1st July 1946. This chapter provided for compulsory insurance of motor vehicles. The motor policy issued is required to cover insured's liability in respect of death and bodily injuries to Third parties and damage to property of the Third parties. The limits of liability required to be covered are also prescribed in the Act.
- The MV Act 1938 was amended in 1956 to provide for the constitution of Motor Accident Claims Tribunals (MACT) by State Governments. The object of this amendment was to ensure speedy settlement of claims of persons involved in Motor Vehicle Accidents .
- The modified MV Act 1988 introduced further changes which have far reaching consequences. The changes effect TP liability arising out of the use of motor vehicle in a public place.
- The has Produced section 140(1) and which Provide for the concept of No Fault Liability with payment restricted to Rs. 25,000/- in case of permanent disablement and Rs. 50 0007-m the case of death of the Third Party resulting from an accident arising out of the use of Motor Vehicle.
- The right to claim compensation on the basis of no fault liability is in addition to any other right that the victim may have under any other provisions of the Act or any other law for the time being in force.
- Section 163 of the Act provides for establishment of a fund known as Solatium Fund by the Central Govt. to be utilized for paying compensation in respect of death or grievous hurt to persons resulting from "Hit and Run" Motor Accidents. The Solatium Fund comprises of contribution from the General Insurance Industry, the State Government and the Central Government. The compensation payable for death claim is fixed at Rs. 25,000/- and in respect of grievous hurt Rs. 12,500/-
- The 1988 MV Act was further amended in 1994 to introduce a new concept of "payment of compensation on structured formula basis". In other words, it implies payment of fixed compensation to victims of fatal injuries in motor vehicle accidents based on their age, income and dependency.
- **Workmen's compensation Act 1923** :  
This Act came into force on 1st July, 1924 and has been amended time to time. With the growing complexity of industry and consequently more use of machinery, the workmen are more exposed to danger of accidents. The Act provides for compensation for accidental injury or death of a workman out of and in the course of employment. The compensation is payable by the employer based on multiplier factors incorporated in the Act.
- Factor-multiplier system was introduced by way of amendment of Sec. 4 (1) of the WC Act 1923. The actual amount of compensation is arrived at as follows :
- For Death - an amount equal to 50% of the monthly wages of the deceased workman multiplied by

relevant factor or Rs. 80,000/-, whichever is more.

- For permanent total disability - an amount equal to 60% of monthly wages multiplied by relevant factor or Rs. 90,000/-whichever is more.
- Half monthly compensation is payable where the disablement is temporary partial or total. Where the monthly wages of the workman is more than Rs. 4000/- his monthly wages would be taken as Rs. 4000/- only for the purpose of computation. Section 3(2) of the Act fastens liability upon the employer to pay compensation to the workmen for certain occupational diseases also, stating "contracting of the diseases shall be deemed to have arisen out of and in the course of employment.
- **Employee's State Insurance Act, 1948 :-**  
This Act provides for certain benefits in case (of sickness, maternity and employment injury) to the employees whose monthly wages do not exceed Rs. 6500/- (since revised). The scheme is applicable to industrial employees as defined in the Act and extends to the whole of India. Under the scheme, a fund is maintained consisting of contributions from the employees, employers and the Government.
- Following expenses are met from the fund :
  - ✦ Sickness benefits, maternity benefit, disablement benefit, dependent's benefit (death) and medical treatment.
  - ✦ Establishment and Maintenance of hospitals, dispensaries etc. for the benefit of the insured persons and their families.
  - ✦ Administration of the scheme.
- **Marine Insurance Act, 1963 :** A contract of Marine Insurance is an agreement whereby the insurer undertakes to indemnify the assured, in the manner and to the extent thereby agreed, against Marine losses, that is to say, the losses incidental to marine adventure.
- The Marine Insurance Act, 1963 closely follows the U.K. Marine Insurance Act, 1906. The Act codifies the laws relating to marine insurance in India. Different sections of the Act are kept under the following headings :
  - ✦ Marine Insurance
  - ✦ Insurable Value
  - ✦ Disclosure and Representations
  - ✦ The Policy
  - ✦ Warranties Etc.
  - ✦ Assignment of Policy
  - ✦ Loss and abandonment
  - ✦ Partial Losses (Including salvage and General Average and Particular charges)
  - ✦ Measure of indemnity
  - ✦ Rights of Insurers on payments
  - ✦ Return of Premium
  - ✦ Schedule (of the policy)
- The Indian Stamp Act, 1918
  - ✦ Insurable Interest
  - ✦ Double Insurance
  - ✦ The Voyage
  - ✦ The Premium
  - ✦ Supplemental
- The Indian Stamp Act, 1918
  - ✦ The stamp duties are taxes on \ transaction. The taxes are levied in the shape of stamps on the instruments. Article 47 of the Act deals with the amount of duty chargeable on the policies of insurance. The Article divides entire insurance business in six parts as follows :
    - ✦ Sea Insurance
    - ✦ Fire and other classes of insurance not included

elsewhere in the article.

- ✦ Insurance by way of indemnity against liability under WC Act 1923.
- ✦ Life Insurance, Group Insurances, other insurances not specifically provided for Reinsurance
- The Consumer Protection Act, 1986  
The Act provides for setting up of
  - a) The Central Consumer Protection Council.
  - b) The State Consumer Protection Council.
  - c) Consumer Disputes Redressal Agencies.
- The Central state Consumer Protection council are vested with the responsibility of protecting rights of consumers. A three-tier system of consumer Disputes Redressed Machinery has been established for the purpose of this act, namely, District Forum, State commission and Nation commission. These For a established under Act are quasi-judicial authorities. The Act operates in addition to and not in derogation of any other law for the time being in force.
- **CURRENT MARKET SCENARIO**
  - ✦ Market opened in the second half of 2000. Lart from the 5 existing Insurers and the GIC Miich is designated as the Indian Remsurer, 40 Inore licenses have been issued so far. The Current position is -
    - ✦ 23 for Life, 22 for Non-Life, 1 for Re-Insurance.
    - ✦ Overall current total is 46.
    - ✦ More players will seek registration in coming days.
    - ✦ By the end of 2010-11, we may have another 2-3 additional new players.
    - ✦ The new companies are gradually settling down - By the end of 2010-11, the competition will really intensify.
    - ✦ Existing Insurers on the Non-Life side will be required to become more customer sensitive.
    - ✦ LIC's performance up to 2002 was exceptional and a challenge to the new entrants. They however did not do so well in the subsequent years. In the last three Financial Years namely- 2004-2005, 2005-2006 and 2006-2007 they have again improved their position. However, 2008-09 did not go well for LIC. 2009-10 has been better.
    - ✦ The Intermediaries namely Agents, Corporate Agents, Brokers, Bank-assurers will become more professional in the coming days.
    - \* The next five years would witness rise of independent financial intermediaries, selling insurance like in other developed markets.
    - ✦ The approved Information Technology Act would pave the way for recognition of digital signature thus enabling Insurance products to be sold on the Internet.
    - ✦ Maximum selling of Insurance products however, would continue to be done through independent traditional Agents.
    - ✦ Pension is going to be a key area.
    - ✦ The Regulatory Authority had submitted its report and a Road map for Pensions. The Finance Minister in his Budget speech of 2004 had announced the formation of an Independent Pension I Regulatory and Development Authority. ✦ The OASIS Report of Dr. Dave earlier and other experts had suggested I appointment of Pension Fund Managers.
    - ✦ There should be no Cap on Fund Managers.

However the capital requirements should be stringent -could be Rs. 100 crores.

- ◆ The Government is expected to come out with more details about Pension Regulatory and Development Authority and Fund Managers in due course once the Bill is moved and approved by Parliament.
- The Brokers Regulations have been notified by the IRDA on 16th October 2000. According to the same, the Brokers can be categorized under the following three heads :
  - ◆ **Category 1 - Direct Insurance Broker**
  - ◆ **Category 2 - Reinsurance Broker**
  - ◆ **Category 3 - Composite Broker**
- The Authority has also specified the capital adequacy requirements for the three categories alongwith the

procedures for licensing. The capital requirements are as under:

- ◆ Direct Broker - Rs.50 lacs
- ◆ Reinsurance Broker - Rs. 200 lacs
- ◆ Composite Broker - Rs. 250 lacs
- Over and above a very comprehensive code of conduct has been specified in the Regulations for Insurance Brokers along with certain professional qualifications.
- The basic idea is that all Intermediary channels who are interacting with the clients and are also handling transaction on behalf of the Insured/insurer, should be regulated in such a manner that the consumer is not left in the lurch.
- In the case of Brokers, it has even been suggested that they should have an Error and Omission Policy.

...(will be continue in the next issue of Vimasathi) □□□

## सुरक्षा से समझौता?

बैंकिंग उद्योग में अनिश्चितता के भंवर में भटकते वेतन समझौता को आखिरकार किनारा मिल ही गया। १७.५% की वेतन वृद्धि एवं पेंशन योजना में शामिल होने का एक और अवसर प्रदान करने पर 'इंडियन बैंक एसोसिएशन' (IBA) एवं 'युनाइटेड फोरम ऑफ बैंक यूनियनस' (UFBU) के बीच सहमति बन गयी है। बैंक कर्मियों के संघर्ष और उससे प्राप्त सफलता पर 'जेनरल इन्श्योरेंस इम्प्लाइज आल इंडिया एसोसिएशन' (GIEAIA) उन्हें बधाई देता है।

जीवन बीमा एवं साधारण बीमा। जीवन बीमा में माँग-पत्र पर वार्ता में प्रबंधन का प्रस्ताव समझौता के गले की हड्डी बना हुआ है। 'आउटसेंसिंग, छुट्टियों में कटौती जैसे कई मसलों पर एवं १७.५% के वेतन वृद्धि के प्रस्ताव पर प्रबंधन एवं संगठनों में असहमति बरकरार है। गतिरोध समाप्त होने के बदले बढ़ता नजर आता है। निकट भविष्य में अगले दौर की वार्ता होने की सम्भावना से इंकार नहीं किया जा सकता है।

बैंक में समझौता हो जाने के बाद ८ मई को मुम्बई में बुलायी गयी वार्ता को लेकर बीमाकर्मी काफी उत्साहित एवं आशान्वित थे, परंतु प्रबंधन के अमानवीय रुख एवं मौखिक प्रस्ताव ने उनकी आशाओं पर तुषारापात कर दिया। जिप्सा एवं कम्पनी प्रबंधक लिखित के बदले मौखिक कहा है कि-महंगाई भत्ता का २९४४ अंक वेतन में समायोजन कर स्टैगनेशन इंड्रिमेंट के साथ नया वेतन मान इस प्रकार का होगा : सब-स्टाफ रु. ६१५०-१३७००, ड्राइवर रु. ७०००-१५९००, रेकर्ड क्लर्क रु. ७०००-१८४५०, सहायक रु. ७५००-२५३०० एवं वरीय सहायक रु. १०३००-२९४०० तथा महंगाई भत्ता में २९४४ अंक से प्रत्येक चार अंको की बढ़ोतरी पर ०.१५% की दर से महंगाई भत्ता मिलेगा। प्रबंधन अपने नवरत्नों (प्रस्तावित नौ सूत्री कार्यसूची) को वेतन से जोड़कर बड़ी धूर्तता से इसे एक तरफा लागू करने के लिए प्रयत्नशील है। GIEAIA प्रतिनिधियों ने पेंशन योजना में शामिल होने का एक और मौका, अबिलम्ब वर्ग III एवं IV कर्मियों की बहाली पी.टी.एस. (P.T.S.) को एफ. टी. एस. (FTS) बनाने जैसे मुद्दों को जोरदार ढंग से उठाया। छीन लिये गये सुविधाओं की वापसी एवं रनिंग स्केल (Running Scale) लागू करने की माँग भी GIEAIA प्रतिनिधियों द्वारा प्रभावी ढंग से उठाया गया। पहली अप्रैल, २००४ से बहाल हुए बीमा कर्मियों को पेंशन योजना के लाभ से बंचित रखने के (वर्तमान में ओरियंटल) प्रयास की कटु आलोचना करते हुए उसमें यथावत स्थिती बहाल करने एवं प्रबंधन के

प्रस्ताव पर खुली वार्ता करने पर अपनी सहमति (GIEAIA) ने सहमति जताया। खुली वार्ता से बचते हुए जिप्सा प्रबंधन ने (GIEAIA) से प्रबंधन की कार्य सूची पर संगठन के बिचारों को ई-मेल से सूचित करने का अनुरोध करते हुए तथा अगली बैठक में वेतन ढाँचा पर विस्तृत प्रस्ताव पेश करने का आश्वासन भी मिला।

पिछले वेतन समझौता के माध्यम से प्राप्त सुविधाओं में कटौती से बड़े प्रबंधक के मनोबल को रोकना होगा। इससे पहले कि उंगुली पकड़ने बाला हाथ गर्दन तक पहुँचे उसे रास्ते में मरोड़ देना उचित है। प्रबंधन यह अच्छी तरह जानता है कि GIEAIA उसके प्रस्तावित नौ सूत्री कार्यसूची पर अपनी सहमति नहीं प्रदान करेगा और शीर्ष का संगठन होने के कारण उसकी उपेक्षा प्रबंधन को भारी पड़ सकती है। परन्तु अपनी जिदद एवं हठधर्मिता के कारण प्रबंधन वास्तविकता से मुँह मोड़े हुए है।

माँगें अनुदान नहीं हैं जो खैरात में मिल जाए। बैंककर्मियों के बाद अब साधारण बीमाकर्मियों को कुछ कर दिखाने की बारी है। अपनी माँगों को हासिल करने के लिए साधारण बीमाकर्मियों को अपने आन्दोलन को और धारदार एवं प्रखर बनाना होगा। GIEAIA के सही समय पर उचित एवं माकूल मार्गदर्शन में संघर्ष एवं आंदोलन के रास्तों पर चलकर हम आज तक सुविधाएँ हासिल करते रहे हैं और आगे भी करेंगे। आनेवाला दिन संघर्षमय प्रतीत होता है। सम्मानजनक एवं 'Higher than the Highest' का नारा ही नहीं, लाभ दिलाने वाला GIEAIA अपने अनुभवों एवं अपने बलबूते पर छोटे वेतन समझौता में भी इतिहास दुहरायेगा।

प्रबंधन एक हाथ से जितना देने की बात कर रहा है दूसरे हाथ से उससे कहीं छीन लेना चाहता है। टी.एम.पी में भौगोलिक सीमा में छूट, नौकरी से निकालने का अधिकार, प्रशिक्षण के उपरान्त आयोजित परीक्षा में पास करने की अनिवार्यता, संगठनों के लिए आचार-संहिता जैसी प्रबंधन की नौ सूत्री कार्यसूची बीमाकर्मियों को गुलामी के रास्ते पर ले जाने के लिए ही नहीं बल्कि उनका समूल नाश करने के लिए इजाजत किये गये हैं। बैंक एवं साधारण बीमा में अलग-अलग तरह का वेतनमान एवं महंगाई भत्ता के समायोजन में फर्क डालकर प्रबंधन वित्तीय संस्थानों के कामगारों की एकता को तोड़ना चाहता है।

भ्रामक प्रचारों का बाजार पहले की तरह इस बार भी गर्म है। हर बार 'स्पासी आइटम Spicy Item) बाजार में उतारना कुछ संगठनों की पुरानी आदत है।

□□□



## EARN MORE INTEREST

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(Figures in lakhs)

|                           |   |          |
|---------------------------|---|----------|
| 1. PAID UP SHARE CAPITAL  | : | 678.68   |
| 2. RESERVES & OTHER FUNDS | : | 767.96   |
| 3. DEPOSITS               | : | 11778.56 |
| 4. LOANS AND ADVANCES     | : | 9207.66  |
| 5. WORKING CAPITAL        | : | 14246.28 |

**GOVERNMENT AUDIT CLASSIFICATION - "A" CLASS FOR 2007-08**

**Shri R. R. PARDHI**  
Chairman

**Shri R. V. BHAT**  
Vice-Chairman

## 13<sup>TH</sup> MAY - A CRY OF THE DAY - MERGER OF THE PUBLIC SECTOR GENERAL INSURANCE COMPANIES IN ONE CORPORATION



*Members of EZGIEU, Bihar Jharkhand Regional assembled to celebrate the 40 the auspicious anniversary of 'NATIONALISATION' at Union Office, Patna during lunch hour defying record temperature of 43 degree. Sweets were distributed and the importance of the Day was briefed to the gathering.*

As directed by GIEAIA the General Insurance Employees celebrated, 13th May 2010 as a takeover day with renewed commitment to promote & protect the public sector General Insurance companies, to continue their dominant role for the National building.

The General Insurance Employees are proud to celebrate the 40th Anniversary of take over a day in typical way to STRENGTHEN THE PUBLIC SECTOR

GENERAL INSURANCE COMPANIES TO PLAY THEIR IMPRESSIVE ROLE IN Insurance market with strong commitment of customer service and consolidation of all resources in ONE CORPORATION.

In this changing environment Public Sector General Insurance Companies have to be responsive to the changes. The insurance market itself has undergone deep changes. The emergence of the powerful customer class and their high expectation can be met only with the gearing up of the operating apparatus. This is stupendous task. The Public Sector General Insurance companies need tremendous capacity to resources to face the new challenges in new situation. The restructuring of Public Sector General Insurance Companies in ONE SINGLE MONOLITHIC STATUTORY CORPORATION is the CRY OF THE DAY.

In order to increase the efficiency by introducing clear objective and performance criteria with more vibrant organisation ONE SINGLE CORPORATION only should be there. The General Insurance Industry should develop according to the market requirement and on the basis of prudential norms with customer orientation. Fragmented organisation set up hampers sound growth. The united one single corporation will mean strong capital base, easy facility to implement its policy, saving wasteful expenses, infusing a sense of confidence among the insured and overall accountable administration.

□□□

### ORIENTAL INSURANCE PROVIDENT FUND DECLARES ADDITIONAL INTEREST OF 0.25%

The Oriental Insurance Company's Trustees in their meeting held on the 3rd May 2010 at Mumbai Declared an Additional Interest over and above 8.50% p.a. in view of higher surplus earned by the Trust in 2009-2010. The initiative to announce additional interest came forth from the Elected Trustees of the company, to which all the Trustees agreed and an Additional Interest of 0.25% was declared. And accordingly the PF Department was directed to credit the members own contribution's account in opening balance as on 01/04/2010 (a) 0.25%.

□□□

### OPENING OF HOLIDAY HOME AT KATRA

With reference to the news item appeared in the last issue of VIMASATHI-May 2010, we would like to clarify that the holiday home at KATRA is opened by **Oriental Insurance Employee's Welfare Society** and the facility is available to OIEWS Employee's members. In last issue by mistake the second line of the heading "Oriental Insurance Employee's Welfare Society is not printed".

We regret the mistake.

□□□