

IMPORTANT CLAUSES FROM THE CONSTITUTION OF
RAJASTHAN MINERAL & STONE QUARRIES MAZDOOR UNION,

(Affiliated to A.I.T.U.C.)
Head Office, Somani Buildings, Station Road,
Jaipur, (Rajasthan)

THIS IS ONLY ABSTRACT TRANSLATION.

Original Hindi Constitution will be sent soon.
and employees mines & qu
Workers/employed in all Mineral & Stone/Quarries and their
Associated Factories in Rajasthan, can become a member of this
Union. There can be honorary members too. Victimized workers
who are currently not in employment can also become members
and about their membership subscription the Union Working
Committee can decide if they deem fit. Honorary members can be
elected by only State Delegates Conference.

DISQUALIFICATION FROM MEMBERSHIP.

The membership of the union can be removed from the Union for the
following disqualifications :-

1. If tenders resignation.
2. If fails to pay his membership subscription for a period
of more than six months.
3. For act of indiscipline and breaking, violating, disobeying
any rules, ideals, or any orders of the union.
4. For any act of his which may harm the workers employed in
above industries, or the interest of the Union.
5. Before removing any member from membership of the Union,
he will have to be served with a notice asking show cause
why he should not be removed from the Union's membership,
mentioning therein specific acts of defaults, and will be
given an opportunity to be heard.

REQUALIFICATION FOR THE MEMBERSHIP BY THE WORKERS WHO ARE
DISQUALIFIED AS ABOVE-

1. By paying full outstanding subscription amount.
2. The case of requalification can be only decided by the
State Working Committee of the Union, in respect of all the
workers who were removed from the membership for defaults, of
serious nature as stated above.
3. The cases of those members who had acted against working class
interest, and against the interest of the Union, can be decided
only by the State Delegates Conference.
4. Every worker so removed from membership will have a right to appeal
the State Delegates Conference against the decision of State
working Committee of the Union.

ORGANIZATION.

DISTRICT BRANCHES; Ordinary members of any district in the State
of Rajasthan can organise a District Branch of the Union in their
District, and in their annual conference can elect their District
Working Committee. The District Branch Working Committee will con-
sist of the President, One Secretary, One Treasurer and maximum
12 members.

(2) The District Branch Working Committees will be constituted as under:-

Upto 1000 ordinary membership.	9 members.
do 2000 do do	11 do
do 3000 do do	13 do
Above 3000 do do	15 do.

(3) The District Branches in their annual conferences will
elect delegates to the State Conference at the ratio of one
delegate for every 50 ordinary membership.

(4) 50% of the amount of membership subscription will be retained by the District Branch, and remaining 50% sent to the Provincial Head Office, at Jaipur. The district Branches will forward their annual accounts upto 31st March and also budget for the new year for the sanction from the State Working Committee.

(5) The State Working Committee will have the powers to make rules & bye laws for smooth working of the District Branches.

(6) The State Working Committee will have powers to open a New District Branch, appoint provisional working committee, and dissolve those district working committees who violate the rules & bye laws of the Union.

STATE DELEGATE CONFERENCE:

(1) The State Delegates Conference will consist of the elected delegates in the District Conferences and the members of the State Working Committee. This conference will meet once in a year to consider the following subjects:

- (a) To hear the report of the General Secretary.
- (b) To Elect State Working Committee.
- (c) To pass the accounts.
- (d) To appoint Auditors.
- (e) Other resolutions.

(2) The place and Time of the Annual State Delegates Conference will be decided by the State Working Committee.

STATE COUNCIL:-

(1) The State Council will comprise of the State Working Committee & District Working Committee Members.

(2) The State Council will meet twice in a year.

(3) The State Council will decide a policy matter in regard to the problems facing the workers.

STATE WORKING COMMITTEE:

(1) The State Working Committee will be responsible for the smooth management of the Union. Maximum membership of this Committee Will be 25.

(2) The following will be office bearers of the State Working Committee: One President, Two Vice Presidents, One General Secretary, Five Joint Secretaries, One Treasurer, rest maximum 15 members..

(3) The State Working Committee will be elected by the annual State Delegates Conference. Quorum of the S.W.C. will be 1/3.

(4) The S.W.C. will meet once in 3 months, but the President or General Secretary can call a special meeting if necessity arises.

(5) The State Working Committee can also meet at the written request of 1/3 of its members.

(6) If any member of the State Working Committee remains continuously absent in 3 meetings he will be liable to removal but on submitting satisfactory explanation the S.W.C. can coopt him again.

(7) The S.W.C. will have the powers to coopt any member to fill up any vacancy in the Committee till the next elections.

DUTIES OF THE OFFICE BEARERS OF STATE WORKING COMMITTEE.

PRESIDENT: Will preside over all Committee and Conference meetings, and to supervise the management of the Union, strengthen the Union organisationally, and to call when necessary the meetings of S.W.C., State Council, State Delegates Conference, by issuing one week's prior Notice.

VICE PRESIDENT: To act as President in the latter's absence. If the President & both vice presidents are absent, the S.W.C, or the State Council may elect one of their members to preside over the meeting.

General Secretary: To act according to and execute decisions of the Union. To maintain records and correct statements and accounts as per auditors instructions, to take minutes of the meetings, and prepare and submit quarterly & annual reports.

Joint Secretaries: Joint secretaries will assist the General Secretary in his work, and will be fully responsible to carry out the duties and responsibilities of the General Secretary in the latter's absence.

TREASURER: Treasurer will collect the Unions Funds and maintain complete accounts. He will handle the funds as per the provisions of the constitution and decisions of State Delegates Conference State Working Committee, and State Council.

ACCOUNTS.

(1) The Union's Accounts will be maintained under the supervision of the General Secretary and Treasurer, and submitted in the quarterly meetings of the S.W.C, with a purpose to get it passed.

(2) The accounts of the Union will be got audited every year by some auditors elected by the State Delegates Conference.

(3) Every member of the Union, and any officer so appointed by the Government for the purpose, can see the accounts, but they will have to give one week's prior notice for this purpose. The records can be shown only in the Union's Office.

(4) The funds of the Union will be kept in a Bank or post office or at such a place which the S.W.C. may decide.

(5) The Union's Funds will remain with the Treasurer and he will deposit the same as per decisions of the S.W.C. as stated in (4).

(6) The Treasurer can keep in his hands Rs.50/- for day to day needs, but to keep any amount in excess of this permission of the S.W.C. will be required.

(7) The Funds will be deposited in the Bank of Post Office, and the accounts will be operated under joint signatures of the Treasurer and General Secretary.

(8) To withdraw the amounts deposited in Banks or Post Office permission from the S.W.C. is necessary.

(9) The President & General Secretary will have the power to incur an expenditure of emergency nature not amounting to more than Rs.50/-, And such an expenditure will have to be got sanctioned in the next meeting of S.W.C.

(10) The S.W.C. can sanction an expenditure not amounting more than 200/-.

(11) Any emergency expenditure amounting more than 200/- only the State Delegates Conference can sanction.

Only the State Delegates Conference will have the powers to dispose off the property of the Union.

STRIKES.

(1) The decision regarding any local or district wide strike, can be taken only by the District Working Committees. Decision regarding State Wide strike can be taken by the State Council only.

(2) After the decision regarding the strike is taken, the concerned committees will serve a 15 days notice on the Parties, persons, officers or authorities concerned.

(3) The responsibility for conducting the strikes will be that of concerned Working Committees, but if felt necessary Action Committees may also be formed.

CORUM.

Corum for District & State Working Committee and State Council meetings will be 1/3, and decisions will be made by simple majority.

AMENDMENTS IN UNION'S CONSTITUTION.

To amend the constitution the power would lie with only the State Delegates Conference, and amendments can be passed only by 2/3 majority.

ANNUAL PERIOD OF THE UNION.

The annual period of the Union will commence from 1st April of every year and terminate with 31st March of the next year.

DISSOLUTION OF THE UNION.

The Union can be dissolved only by a special session of the State Delegates Conference, called specially for the purpose and by 3/4 majority.

The above is an English translation of important clauses and provisions of the Constitution of the Rajasthan Minerals & Stone Quarries Mazdoor Union. This is being made available for the purpose of immediate information of those comrades who may be interested in organising Branches and local membership of Mine and quarry workers of all kinds of Mines and quarries including stone quarries and associated factories of the Industry in Rajasthan.

A FEW WORDS OF ABOUT THIS UNION.

Dear Comrades,

There had been 10 unions with a total membership of about 2000 in Rajasthan, whose field of operation was all kinds of mineral mines and stone quarries, affiliated to A.I.T.U.C. Since long comrades working on this field were feeling the necessity of a Provincial Central Organisation, for better organisation of a vast number of workers employed in Mining Industry. It may be pointed out that in Rajasthan, next to Government employment, the only Industry which can provide greatest amount of employment is Mining Industry. This State is very rich with Mineral Resources. But we are moving through a greatest paradoxical times, so far this industry is concerned. On one hand the Mining Industry of Rajasthan, though very potential, is most undeveloped in the sense that even the ordinary statutory Laws passed by the Central Parliament are not being enforced properly by the authorities, with the excuse of some kind of flaw in the Procedural actions either of the State or the Central Government. Comrades, you know there are two kinds of natural resources, which the Human beings of all countries can exploit. First the human food and Mineral Raw materials from the earth. The present times have proved the vital necessity of exploiting the mineral resources to their utmost capacity by every country. The Paradoxical situation in Rajasthan is that though our mineral industry is developed to a very little extent, there lie potentialities of Extensive and very fast development. Another peculiarity of Mining Industry is that The State Government holds the rights to give only Prospecting Licenses and Leases for the minerals found in the State, & but the operation of the Mines are governed by the Central Acts and Rules as well as regulations. Hence, the operational part is a Central subject. Our affiliated small unions were found quite incapable to meet the organisational problems of the present times. Hence a necessity was felt by the comrades working in the field of Mine workers, to get organised under one State Wide organisation. The matter was considered over for a long time and in many conferences and committees. Ultimately the 2nd Conference of Rajasthan State Committee of A.I.T.U.C. held at Udaipur on 23-26th April 1960, took the Decision to form Provincial Union, and the Union thus came into being was "RAJASTHAN MINERAL & STONE QUARRIES MAZDOOR UNION". The State Committee of A.I.T.U.C. and the State 2nd Conference have asked all the affiliated Units of A.I.T.U.C. to merge with this new Union, and strengthen it with all their efforts.

So, Comrades, on behalf of this Union I request of you to please be cooperative and help the State Working Committee of this union to enroll membership in your area & district, and strengthen the cause for which this Union stands for.

With Greetings,

IMPORTANT ACTS & RULES & REGULATIONS APPLICABLE AND ENFORCEABLE
ON ALL KINDS OF MINES AND QUARRIES.

1. Indian Mines Act, 1952, with modifications.
2. Indian Mine Rules (General) 1956 with modifications.
3. Indian Metalleferous and non-metalleferous mines Regulations, as the case may be.
4. Industrial Employment (Standing Orders) Act 1947, where 100 or more workers are employed.
5. Industrial Employment (Standing Orders) Control Rules 1946, on above mines.
6. Payment of Wages Act, 1936, with amendments.
7. Payment of Wages (Procedure) Rules 1937.
8. Payment of Wages (Mines) Rules 1949.
9. Minimum Wages Act 1948, with amendments.
10. Minimum Wages (Central) Rules 1950.
11. Workmen's Compensation Act, 1923.
12. Workmen's Compensation Rules 1924.
13. Industrial Dispute Act 1947 (as amended by the Industrial Dispute (Amendment) Act 1956 & Industrial Disputes (Amendment and Miscellaneous Provisions) Act 1956.)
14. Industrial Disputes (Central) Rules 1947.
15. Indian Trade Unions Act 1926.
16. Indian Trade Unions (Amendment) Act, 1947.
17. Maternity Benefit Act (Mines)
18. Mines Maternity Benefit Rules.

The above list is not comprehensive.

A FEW WORDS REGARDING PROCEDURE OF ENROLLMENT OF MEMBERSHIP OF
THIS UNION.

MEMBERSHIP ENROLLMENT FORM :- This form is divided in 3 parts. 1st Part is the membership application to be signed of thumb impression to be taken of the worker applying for membership. 2nd part to be filled up by the Branch Secretary, and 3rd part will be returned by the Head Office of the Union, when his membership is accepted.

Subscription Receipt Books: These books are in triple foils. The First foil to be given after receipt of payment by the Enrolling Comrades. The 2nd foil to be sent to Head Office of the Union along with membership enrollment form. 3rd foil to be kept by the Branches for their records.

After receipt of the Membership enrollment form and the Receipt Foil, the Head Office will make entry of same in their records, and the 3rd part of the enrollment form will be returned, to the concerned Branch, for delivery to the concerned member.

Monthly membership subscription is 25 paise, which will be collected in Yearly, Half Yearly, or quarterly instalments. Half of the amount so collected will be retained by the Branches and half will be sent to Head Office from time to time.

WE SHALL BE PLEASED TO FURNISH ANY OTHER INFORMATION IF ASKED FOR.

RAJASTHAN MINERAL & STONE QUARRIES
MAZDOOR UNION.

SOMANI BUILDINGS, STATION ROAD,
JAIPUR.

22nd November 1960,

25 FEB 1960

क्रमांक 29/26 फोरसे मंत्री स्टोन

श्री राज गज मंत्री (कोटा)
दि 25 फरवरी 1960

275-A

शेवती

श्री इन्वर्ज जस्टिस साहब
रुमो सिपेट्स हॉल इन्वर्ज (कोटा)
लिपेट्स रामगंज मंडी राजस्थान

विषय: कोटिया से चल रहे शिवाग्रीवा तथा ठेकेदारों का झगडा

मान्यता

शुभर पास वा. 23-2-60 को शेवती राम आलाज आलाजा के इमान से कार्य करने वाले
श्रीमती श्री दरख्वास्त आई है जिससे प्रमाणित है कि आपके ठेकेदार श्रीमती
कोटिया सरा नाजम काटते पड़े है वया कई श्रीमती से नाजम का बकाया धक्के युक्त
आवेधा जा रहा है जो मरी इमान का विषय है।

मैं आपसे यह प्रमाण प्रस्तुत करता हूँ

की जो रें राजस्थान सरकार से प्रसारित वक्त आगम हुई है उसने सिद्ध होना
मजहूर है वय हुई है। नोटिफिकेशन के अनुसार आपको लिखे वक्त के सिद्ध इत्यर्थ
खड़े रहकर काठ करने कार्य करने को आवेधा है। इस सम्बन्ध में श्रीमती से कार्य
की पाबन्दी आताका मजहूर देते वया उससे आपसे ठेकेदारों द्वारा निर्धारित कार्य
होने पर वक्त से बन्द करे वया झगडा करने का कोई शकनी आवेधा नहीं है।
जो आपकी शक्ती में किया जा रहा है वयोकी वक्त की पाबन्दी आप उन्ही के
लिखे वक्त सक्ती है। जिनको मजहूर ठेकेसे वय हुई है। मैं यह झगडा आपकी शक्ती
में मुन्दीया कुलिया तथा ठेकेदारों के बीच राज सुन रहा हूँ।

मैं आपसे यह सुनोद्य करता हूँ कि आपने

कामनी इन्वर्ज के लिखे राजस्थान सरकार तथा केन्डी सरकार से इस प्रकार का
कोटिया से कार्य लेने का नोटिफिकेशन वाला लिखा है वो सत्य वय वय
नोटिफिकेशन वय लाल गजदिया गावे। जिससे हम इस झगडे के सम्बन्धों
लिखा वय सक्ती। सम्बन्ध समा इस प्रकार आपसे ठेकेदारों वय मुन्दीया
द्वारा दे जाते वय वय कोटिया का श्रीमती पर सक्ती नहीं वय वय तथा इस सम्ब-
न्ध में जो भी झगडा होगा उधरसे जिम्मेदारी आपकी होगी।

प्रतिलिखी सूचना के सिद्ध उक्त की प्राप्ति के

भवदीय

- (1) श्री दिगन्त लाल व्यास (साहब सेवक) जयपुर मंत्री
- (2) क. प्र. सेवक श्री साहब सेवक अजमेर स्टोन
- (3) दिगन्त लाल जस्टिस साहब कोटा रामगंज मंडी (कोटा)
- (4) आरिजल आरिजल दे सुनीया कोटिया

कोटिया से आई दरख्वास्त आपका सत्य नक्की है

संवाले

श्रीमान मन्त्रीजी स्थान प्रेसीडेंट

भजद्वर सभा राम गजपती (कोटा)

संवाले

निवेदन है कि प्रायः यान इसी समय स्थान इन्डियन की कुम्भ कोट
 स्थान पर कार्य करते हैं। जो आज ठेकेदार सोनी शम्भू ने काम से बन्द
 कर दिया है वजह यह है कि ठेकेदार हमसे एक सप्ताह पॉन्च होनेकी
 कोडिमें डबवाला चाहता है किन्तु हमसे दिन भर कार्य करने पर भी
 नहीं होती है ठेकेदार और ज्यादा कार्य करते पर कोडिमें काम कर देता
 है जिससे पुरा नहीं है कामकी कम्पनी का काम राजान्य आठ बजे
 लगता है किन्तु आज कोई सरकारी कार्पेसोर आरहा है जिससे
 भजद्वर को पुरा करने के लिए सात बजे ही काम लगा दिया गया है
 इस ठेकेदार पर काम पर गये लेकिन हमें काम पर नहीं लिया और
 स्थान से बहार निकाल दिया इस पर हम अपने देरा को जाने लगे तो
 हमें कम्पनी का पेशगी के बहाने पकड़ लिया है यह हमें बहर जाने
 देता है और न काम पर लगता है तथा हमारे साथ बजा बवहार किया
 जा रहा है अतः हम अपने अनुरोध करते हैं कि हम विदेशी लोग हैं
 और कम्पनी ने यहाँ हमें मुसीबत डाल दिया है इसलिये हमारा फंसला
 करवाने का व्यवस्था करेगी

पावेसिमान

- १ नि. अ. मांगी लाल रथ अ. धनी बाई
- ३ नि. अ. रत्नशाम ४ नि. अ. हरि लाल ५ नि. अ. कंवर लाल अ. अ. अ. अ. अ.
- ७ नि. अ. मोती ८ नि. अ. लखुमान ९ नि. अ. कंवर लाल १० नि. अ. शम्भू ११ नि. अ.
- अरदा १२ नि. अ. बदरी १३ नि. अ. शम्भू बाई १४ नि. अ. नरबही बाई १५
- निशानी अ. गोरी बाई १६ नि. अ. मांगी लाल १७ नि. अ. मांगी लाल
- १८ नि. अ. गौरी बाई १९ नि. अ. हरि लाल २०-२३-२-६०

1
2 - AUG 1960

Rajasthan Mineral & Stone Quarries
Mazdoor Union (Regd. No. 70/60)
Somani Building, Station Road,
Jaipur, Rajasthan.

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Jaipur. 1st August 1960.

The Secretary,
A.I.T.U.C.,
New Delhi.

Periodical Report of our Union Activities.

Ramganjmandi:- Com. Punamia had already informed you about the steps he had taken here at Jaipur in regard to the dispute of Ramganjmandi workers. So far as State Government is concerned the position remains as under:-

Factory workers' demands:- About 9 months back by mutual consent the demands were referred to an Arbitration, the then S.D.O. Ramganjmandi was appointed the Arbitrator, but the Government of Rajasthan did not publish the declaration of appointment of Arbitrator in the official gazette as required by the law, in time. In the mean time the Union had withdrawn from the arbitration and had gone on the strike, which had commenced from 1st June 1960 along with Mine workers' strike. During the strike 21 workers were dismissed. On 9th July 60 the new S.D.O. was called at Kotah by the Collector to get first hand information about the strike position. He also called the Labour Officer Kotah who had recently taken over the charge, and with instructions to intervene in the dispute the S.D.O. & Labour Officer were sent to Ramganjmandi on 11th July 60. The Labour Officer had also powers to conciliate in regard to the demands of Mine workers also. In the presence of S.P., Labour Officer, & Labour Inspector, Kotah and S.D.O. Ramganjmandi, the Employers had agreed to participate in the Conciliation Proceedings, promising to take back all workers of Factory & Mines on work immediately except 21st workers who were dismissed during the strike whose case he had promised to consider favourably during the conciliation proceedings to be held on 13-7-60 at Kotah. Only he wanted to save his face, hence such was the arrangement, which meant that he would agree to take back the dismissed 21st workers on 13/7/60. Under promises of the Labour Officer and other officers that they would all do their best to get an amicable settlement arrived at, the hunger strike and strike was withdrawn on 11th evening. The strike had prolonged for a very long time, and from 11th night All India Government Employees strike was to start. Under the circumstances it was considered best to withdraw the struggle.

Thereafter I attend the conciliation proceedings at Kotah, but the employers failed to attend it nor they agreed to take back 21st dismissed workers. Hence it was decided by the Labour Officer to forward the file to Jaipur with recommendation to refer the demands and dismissed worker's case to tribunal. Thereafter on 17th I returned back to Jaipur.

Now the position remains this. On secretariate level it has been decided to refer the factory cases to tribunal. The papers have been sent back to Labour Officer Kotah, to try once again to conciliate, failing which to formulate issued for reference to the Tribunal. The matter is being attended to.

As regards mine workers:- The State Government has strict instructions from the Central Government that they should not interfere in any respect so far as Mines are concerned as it is a central subject. Only Central Government can enforce labour laws on the mines. But I learnt from Com. Punamia that on 9th or 10th July, the Labour Ministry of the State has addressed a communication to the Central Labour Ministry informing the illegality of the cowrie system pre-

prevalent on the Mines, and also about the dispute, requesting them to take appropriate steps in the matter.

In the mean time I have received ~~your~~ copy of your letter dated 26th July addressed to the Secretary, Stone Quarries Mazdoor Sabha, Ramganjmandi, along with other enclosures, from which We learn the Central Government have refused to refer the demands to tribunal.

Now I give below our comments in reply to No.22/6/60 -LR11 of Government of India Ministry of Labour & Employment letter dated 22nd July 1960.

Demand No.1:- Weekly day of rest with pay. The Government of Rajasthan published in Rajasthan Raj Patra dated 7-5-59 at page 92, a notification bearing No.F.1(92)/Lab./58, in which it has fixed the Minimum wages for employment in "Stone-Breaking & Stone Crushing Industry". I am enclosing herewith a copy of said notification for your perusal. It was to come into force from 7th July 1959. Further The State Government also published its Minimum wages Rules which came into force from 15th October 1959. In the rules Rule 23. reads as under:-

Rule 23. Weekly holidays: (1) Unless otherwise permitted by the State Government no worker shall be required or allowed to work in a scheduled employment on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the three days immediately before or after the said day, for which he shall receive payment equal to his average daily wages during the preceding week.

Provided that the weekly holidays may be substituted by another day.

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

The Central Minimum wage Rules 23 also reads same except "Central Government" is substituted for "State Government" and in place of "one of the three days immediately before or after the said day" the Central rule reads "~~one of the~~ on one of the five days immediately before or after the said day".

The Central Government had directed the State Government to fix minimum wages under the Act, but so far its enforcement is concernment, it is only the Central Government which can do it because 'Mines' is a central subject.

Therefore though the State Government has fixed the minimum wages, and payment for weekly day of rest has been provided for by State Rules as well as Central Rules, it is enforceable by Central Government only so far as Mines are concerned.

Now here is a flaw or atleast it is said so, that the Notification fixing the Minimum wage is defective.

Minimum rates of wages per day for adult male & female worker is 1/8/- & for male & female child worker 1/4/- "exclusive of weekly days of rest" and for monthly adult male & female workers 45/- and male and child workers 37/8/- "inclusive of weekly days of rest"

Now this line "exclusive of weekly days of rest", is interpreted meaning no weekly days with pay are provided for daily rated workers. Therefore the Central Government Inspectors express their inability to force the employers for the payment of weekly days of rest.

The correct interpretation should be that

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"Exclusive of weekly days of rest" means this rate of 1/8/- per day does not include the payment of weekly days of rest, which should be calculated separately over and above this. Similarly "Inclusive of weekly days of rest" means this rate of 45/- per month includes the payment for weekly days of rest, hence no separate payment for weekly days of rest should be made.

But the Central Labour Inspectors at Ratlam whose jurisdiction falls at Ramganjmandi, and Central Labour Inspector Bhilwara, whose jurisdiction falls at Bhilwara, take the stand that they have instructions from the Central Government to the effect that the Minimum Wage Notification is defective hence it should not be enforced. Hence the following points come to the forefront:-

1. Whether the Central Government, which is the appropriate Government for the Mines for fixing the minimum rates of wages under Section 3 of Minimum Wages Act 1948, has the right to delegate its powers to any State Government to fix the minimum rates under the act for the Mines which is a central subject? Because the rates fixed are by the State Government under instructions from Central Government, so it is said.
2. If the State Government so fixes the rate as is the case with Rajasthan, is it necessary to approve the same by the Central Government? & publish it in the Gazette of India as is required by the Act being the appropriate Government for the Mines? If so has the Government of India published it in Gazette of India? What is the stand Government of India takes so far as the minimum wages fixed by Rajasthan Govt for "Stone Breaking & Stone Crushing" Industry is concerned?
3. "Stone Breaking & Stone Crushing" has a vast meaning attached it. On every mine there is stone breaking. ~~In~~ in Judgement on petition No.476 of 1956 decided on 25th October 1957 by the High Court of Bombay, the judges have taken the view that the word "Stone" should be taken in its General Meaning as defined in a dictionary "a piece of rock or hard mineral substance". "a piece of stone containing some quantity of metal or mineral" does not cease to be a stone. Therefore they have viewed that manganese ore is a stone. As per this view, All the mining operations come under "stone breaking & stone crushing" irrespective of the mineral worked out. What stand Government of India takes in regard to this point? i.e. Do the mines come under "Stone breaking & Stone Crushing Industry"? According to us and according to the view taken by judges in abovesited judgement the Mines do come.
4. Has the Government of India instructed its Labour Inspectors of Ratlam & Bhilwara not to enforce minimum wages Act, because the notification is defective? If not on this point, on what point the Government has issued such instructions?
5. If the Notification is defective then what steps the Government of India has taken or intend to take to remedy this defect. *So far the Central Govt has not intervened. Req. Govt the notification being defective.*

ix Demand No.2:- Fixation of wages for different categories of workers:- Here again the point arises that the appropriate Government to fix wages for different categories of workers working on the mines, is the Central Government, and not the State Government. So any wages fixed by Rajasthan Government, would be enforceable on the Mines?

Demand No.4.:- Noted and will do the needful.

Demand Nos 5,15, & 17:- Noted. nothing to comment.

Demand No.6:- Abolition of "cowrie" system. It is stated that "under cowrie system, a female worker is assured of a

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is assured of a guaranteed wage". This is absolutely wrong. Nor it is a piece rate. In this respect I have to make the following points.

1. A piece rated worker is that worker, whose rate of wages is fixed for a certain ~~ax~~ unit of quantum of work. In an industry where minimum wages are fixed, that worker whether he finishes or not those units of quantum of work within the normal working day of 8 hours, is entitled to get that minimum wage fixed for the normal working day, but if the said worker puts up more units of quantum of work within the normal working day, than is required ~~ax~~ him to earn that minimum wage fixed for the day, he will be entitled to get proportionately more amount of wages for the extra units of quantum of work put up by him within the said normal working day. Under these circumstances only the Government would have been justified to say "under cowrie system a female worker is assured of a guaranteed wage". But such is not the case here.
2. The State Government has fixed ~~max~~ Minimum rates of wages per day, and not minimum rates of wages for piece work. Under the circumstances if any employer compels any worker to put up a minimum quantum of work within the period of a normal working day to enable him to earn that minimum wage wage fixed up for him for the normal working day, such action of the employer will be illegal. An employer cannot do this.
3. The cowrie system as prevalent on the Mines of M/s. Associated Stone Industries (Kotah) Ltd, Ramganjmandi, has no sanction of law behind it. Because neither under the Minimum wages act minimum rates of wages are fixed for piece work, nor the Company's STANDING ORDERS contain any provisions for maintaining such a system of work. The standing orders contain 'periods and hours of work' and not quantum of work or unit of quantum of work.
4. The Under Secretary in his letter under reply further states that "It is felt that the conversion of the cowrie system (piece rate system) into the daily rate will encourage idleness and indiscipline". As I have already mentioned above the cowrie system as prevalent on the mines has no legal sanction behind it. It is an arbitrary action on the part of the employers. Firstly because no minimum wages are fixed for piece work under minimum wages Act. Secondly because the Company's Standing orders do not contain any provision for maintaining such a system. Thirdly because the workload under cowrie system is neither fixed by mutual agreement between the Employers and the workmen nor under an award of any Industrial Tribunal. Fourthly because this cowrie system as prevalent is 'undefined'. The employers have no where defined as to what that system means, or what are its implications. As such it is no 'system' at all, in its literal meaning. No where it is stated by the employers as to how many cowries will be given against how much load carried per trip, and how much distance the load should be carried in order to get certain number of cowries, and how many trips the loader should make in a working day of 8 hours. These things are not 'fixed', by any understanding between Employers and their workmen by mutual agreement or by an award of an Industrial tribunal, or by any other way having the sanction of the Law, nor even by any order by the employers exhibited on the notice board. All this is carried out by verbal instructions, and at the will of the employers, single sided. It depends on the will & wishes of the employers as to how many cowries should be given, to how much load, and to which worker, and to what distance. All that the workers know is that a certain lady who happens to be a relation of the petty Contractors, sits at a certain place, and distributes cowries to the workers according to her whims & wishes.

Such an unsystematic 'systeme', is bound to be a subject matter dispute under Industrial disputes Act, and as such the Government has no justification in refusing to refer the matter to an Industrial Tribunal.

5. Under Regulation 41 B of Non metalleferous Mines Regulations The Inspector of Mines can prevent the employers from compelling the workers to carry a load which will be unhealthy and detrimental to the health of female workers. The chief Inspector of Mines is the authority to define what can be a healthy load. But when the Inspector of Mines visits the Mines only half a maund load is given to the female worker per trip and the workers are asked to move with a normal speed. But at other times double the ordinary load is given and the workers are made to run so as to complete the number of trips within ~~per~~ the period of normal working day, thus causing deterioration of health of female workers.
6. ~~Index~~ No such cowrie systeme prevelent on any other mines. On no other mines quantum of work is fixed for the male or female loaders. As such the Government ~~is~~ has no justification in making the statement " It is felt that the conversion of the cowrie systeme (piece rate systeme) into the daily rate will encourage idleness and indiscipline". On the contrary when our deputation along with Com.Srivastava had gone to see the under Secretary Government of India on 16-6-1960, the latter had agree this systeme to be illegal and had asked Com.Srivastava to address him a seperate letter asking for abolition of the Cowrie systeme, so that Government may take immediate steps in the matter, as they had done it at another instance on some other mine.
7. The Rajasthan State Labour Department officers were fully convinced about the illegality of cowrie systeme under the Minimum wages Act, but the enforcement of it on the Mines being the Central subject they have expressed their inability to do anything in the matter.
8. Thus under the Minimum Wages Act the Government of India should either forcably abolish this systeme, or if they cannot do it under this act, or under any other statutory laws, then they should refer the matter to an Industrial Tribunal under Industrial Disputes Act.

Demand No.7 Claim of payment for lay off: We are making a study of this and will let you know if we find any difficulty.

Demand No.8 Grant of Festival Holidays:- Of course these were covered by the Memorandum of settlement dated 12th September 1956, but were never paid in practice. In letter No.LRII-22 (9)/59 dated 3rd October 1959, Mr.Pyare Lal Gupta the under Secretary to the Ministry of Labour & Employment, Government of India writes that " the Memorandum of settlement dated 12th Sept.1956 ... which is still inforce and binding on the parties". In this respect we have to point out this agreement is no more in force, as we understand another agreement has been entered into by and between M/s.Associated Stone Industries and Rashtriya Mazdoor Sangh some time in the last quarter of 1959 whereby the previous agreement is revoked. This new agreement is no exhibited on notice board of the company's office or Mine Office. Nor the State & the Central Government have any copies of same. Therefore the Central Government should be approached to get a copy of this new agreement and furnish us the same. On receipt of the copy of this new agreement along we shall be able to furnish you our comments on the same.

Demands No.9,10 11 & 12:- Noted. On these demands we do not wish to stretch any further.

Demand No.13:- The demand was for attendance Cards and not for wage slips. The purpose of demanding attendance cards was that if the management makes any mischief -P.T.O.

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any mischief in making day to day attendance of the workers, they may come to know about it there & then so that in case of such a mischief they may point out without delay and try to get it remedied. This is a very imperative demand, because the employers practically play mischief every day. If the workers fail to make up minimum quantum of work, the employers ~~may~~ mark the attendance less on their register though the workers have worked for 8 hours i.e. full day. Such tactics can be stopped only when the workers get attendance cards.

We have tried to give above our comments in as clear terms as was possible to us, but in case anything is not clear, I will personally come to Delhi to do the needful. That of course if needed.

Dagota Khan Mazdoor Union, Dausa:- A dispute has arisen between the workers of Dagota Mines, and M/s. Jaipur Mineral Syndicate, owned by Golechas. Golechas are the biggest producers of Soap Stone in India. Till few years back they were monopoly producers for this mineral which is also known as Steetite, Talk etc. They have Big pulverising plants at Dausa, Bhilwara, Udaipur, Neem-ka-thana etc in Rajasthan, and Soap Stone mines at Dagota, Khemli, Devpura, Bhungapta, Devla, Neem-ka-thana etc in Rajasthan. This Union ~~was~~ is affiliated to our organisation ~~the~~ and the STUC was requested to represent the workers case in the conciliation proceedings. So on 31st July I visited Dausa, and on behalf of STUC the matter is being attended by me. We shall let you know the out come in due course of time.

Rajasthan Mineral workers Union, Bhilwara. In the month of October 59 the workers of M/s. Rai Bahadur Seth Moolchand Nemichand, Mandal, had gone on strike to get bonus and other demands. The conciliation officer had declared the strike to be illegal, and 3 workers were dismissed subsequently. But through the efforts of STUC now the Labour Commission Rajasthan, has declared the strike to be legal, and has forwarded the file back to Labour Officer, Bhilwara, to rehold the conciliation proceedings. When the date for conciliation will be fixed at Bhilwara, I will proceed there to take part in the same. It is hoped something good will come out of this, now that the position is changed. You will be kept informed from time to time. During my visit to Bhilwara, other organisational matters will also be attended to and report will be forwarded to you.

With greetings,

Encl. 1.

Yours fraternally,



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TRUE COPY.

GOVERNMENT OF RAJASTHAN.

INDUSTRIES 'C' DEPARTMENT

(LABOUR SECTION)

(Published in Rajasthan Raj-patra dated 7-5-59 at page 92 part I
().)

No.F.1(92)/Lab./58

Dated Jaipur, the 5th February 1959

NOTIFICATION.

Whereas the Government of Rajasthan published the proposals of the Minimum Rates of Wages in respect of employment in Stone-breaking or Stone-crushing industry by Notification No.F.1(92)/Lab./57, dated the 3rd December, 1957, in the Rajasthan Raj-patra of the 22nd January, 1958.

And whereas representations received in respect of the said proposals have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Act No.11 of 1948), the Government of Rajasthan hereby fixes the Minimum Rates of wages in respect of the employment in the aforesaid Establishment as specified in Schedule below.

This notification shall come into force on the expiry of two months from the date of its publication in the Official Gazette.

SCHEDULE

S.No.	Category of worker.	Minimum rates of wages per day.	per Month.
1.	2.	3.	4.
1.	Adult Male worker.	Rs.1/8/-	Exclu- Rs.45/- Inclu-
2.	Adult Female worker	Rs.1/8/-	sive of Rs.45/- sive of
3.	Child Male worker.	Rs.1/4/-	weekly Rs.37/8/ weekly
4.	Child Female worker.	Rs.1/4/-	days of Rs.37/8/ days of
		rest.	rest.

~~Notwithstanding~~ Notwithstanding anything contained herein, if, on the day of the aforesaid rates come into force, the wages of an employee in the said employment exceed such rates, the wages actually received by the employee on the said day shall be the minimum rates of wages in respect of him.

By order of the Governor.

A.K.Roy,
Secretary to the Government.