

Paper 1
ORGANISATIONS AND FUNCTIONS OF STATE LABOUR
DEPARTMENT

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1. Establishment:- Labour Department first came into existence in 1949 after the integration of various States. Before this, there was no separate Department to look after the interests of labour. In the covenanting States, hardly any labour laws were enforced.

2. The present organisational set-up:-

Labour Minister is in charge of the Departments of Labour and Employment. There is also a Deputy Minister for Labour.

Labour Secretary is in charge of the Department at the Secretariat level. At present there is no Deputy Secretary and Assistant Secretary. Labour Commissioner works as ex-officio Deputy Secretary to the Government in the Labour Department.

Labour Commissioner is the Head of the Department. He is assisted by four senior officers at the Headquarters:-

- (i) Joint Labour Commissioner (1)
- (ii) Chief Inspector of Factories & Boilers (1)
- (iii) Deputy Labour Commissioners (2)

From 1st August 1967, the post of Labour-Commissioner has been filled in from an Officer from Rajasthan Labour Service. Till then, the post of Labour Commissioner was filled in by an officer of I.A.S /R.A.S.

Field Officers:-

Rajasthan is divided in 8 Regional offices- each under the charge of a Regional Assistant Labour Commissioner. These offices are situated at Jaipur, Ajmer, Jodhpur, Bikaner, Bharatpur, Kota, Bhilwara and Udaipur. There are 13 Sub-offices each under the charge of Labour Inspector. Besides this, there are 23 Government run Labour Welfare Centres.

Organisational Chart of the Department is given in Appendix 'A'.

In all, the following is the strength of the Labour Department at present:-

<u>Category of Post:</u>	<u>Number:</u>	<u>Pay-scale:</u>
Labour Commissioner	1	Rs.900/- 1800/- with a start of 1360/-
Joint Labour Commissioner.	1	Rs.900 - 1500. with a start of 1050/-
Deputy Labour - Commissioners	2	Rs.550 - 1100 With a start of 640/-
Assistant Labour- Commissioners.	8	Rs.285 - 800 With a start of 335/-
Labour Welfare Officers	6	Rs.225 - 640 (Including 3 posts of Leave Reserve)
Labour Inspectors (Including xxxx Bonus Inspectors)	45	Rs.176 - 400

Inspectorate of Factories and Boilers:

Chief Inspector of Factories & Boilers.	1	Rs. 1500/- - 1600/-
Senior Inspector of Factories & Boilers.	1	Rs. 550 - 1100
Inspectors of Factories and Boilers.	7	Rs. 285 - 800

Government has also recently decided to bring the posts of Labour Officers/Labour Welfare Officers/Personnel Officers in the Departments like Printing and Stationery, P.W.B.(B&R), P.W.D.(Health), Irrigation and Agriculture on the cadre of Rajasthan Labour Service.

3. Important duties performed by various categories of Officers are briefly as follows:-

Labour Commissioner: He is class I Head of Department. He acts as Conciliation Officer for the State as a whole, Certifying Officer under the Industrial Employment (Standing Orders) Act, 1946, Chairman, Mica Mines Labour Welfare Fund Rajasthan, Appellate Authority under the Fair Wages Clause and Rajasthan P.W.D. Contractors Labour Regulations.

Joint Labour Commissioner:

He acts as Conciliation Officer for the State as a whole and Certifying Officer under the Industrial Employment (Standing Orders) Act, 1946. He is responsible for looking after Industrial Relations, enforcement of Labour Laws, Research and Statistics Section.

Chief Inspector of Factories & Boilers and Inspector of Factories and Boilers.

They are responsible for enforcement of Factories Act and Rules, Boilers Act, Payment of Wages Act, Employment of Children Act and Maternity Benefit Act.

Dy. Labour Commissioner I:

He acts Conciliation Officer for the entire State, and Registrar, Representative Trade Unions. He looks after the work pertaining to Minimum Wages Act, Bonus Act and Industrial Housing Schemes.

Dy. Labour Commissioner II:

He acts as Conciliation Officer for the entire State He is also in charge of Establishment, ~~and~~ Plan and Welfare Sections. He also works as Registrar Trade Unions and Chief Inspector under the Motor Transport Workers Act, 1961.

Regional Assistant Labour Commissioners:

They act as Conciliation Officer within their respective jurisdictions. They also work as workmen's Compensation Commissioners, Authority under the Payment of Wages Act, Authority under the Minimum wages Act and Additional Inspector of Factories. They are responsible for enforcement of labour laws and maintenance of industrial peace besides doing administrative and welfare work in their area.

Labour Welfare Officer (Research)

He is in charge of Labour Statistics, Research and Implementation & Evaluation Section.

Labour Welfare Officers:

They supervise the working of Labour Welfare Centres and Industrial Housing Schemes.

Labour Inspectors:
(Non-gazetted Post)

They work as Inspectors under Minimum Wages Act, Payment of Wages Act (excluding factories), Payment of Bonus Act, Motor Transport Workers Act and Conciliation Officers for their respective areas. They generally conciliate in cases of individual nature and less important disputes. Some of them also look after Labour Welfare Centres & Housing Colonies.

Work of enforcement of Rajasthan Shops and Commercial Establishment Act, 1958 is looked after by Weights and Measures Inspectors, who work under the Department of Industries. This has been introduced as a economy measure by the State Government.

Senior Officers of the Department are also required to periodically inspect the Regional and Sub-offices and work of the Inspectors.

4. Functions of Labour Department:

The primary functions of the Labour Department are:

- (i) Effective administration and enforcement of labour laws;
- (ii) To maintain industrial peace through conciliation and mediation in industrial disputes;
- (iii) Implementation of Code of Discipline and Industrial Truce Resolution;
- (iv) Promotion of Health, safety and welfare of labour;
- (v) Administration of Labour Welfare Centres and Industrial Housing Schemes.

5. Labour Laws and their enforcement:-

The State Labour Department is entrusted with the enforcement of the following Central and State Labour enactments:-

1. Indian Factories Act, 1948.
2. Indian Boilers Act, 1923.
3. Motor Transport Workers Act, 1961.
4. Payment of Wages Act, 1936.
5. Minimum Wages Act, 1948.
6. Mica Mines Labour Welfare Fund Act, 1946.
7. Coal Mines Labour Welfare Fund Act, 1947.
8. Iron Ore Mines Labour Welfare Cess Act, 1961.
9. Workmens Compensation Act, 1923.
10. Employers Liability Act, 1939.

11. The Employees' State Insurance Act, 1948.
 12. Coal Mines Provident Fund & Bonus, Schemes, Act, 1948.
 13. Employees Provident Fund Act, 1952.
 14. Maternity Benefit Act, 1961.
 15. Personal Injuries (Compensation Insurance) Act, 1963.
 16. Indian Trade Unions Act, 1926.
 17. Industrial Employment (Standing Orders) Act, 1946.
 18. Industrial Disputes Act, 1947.
 19. Working Journalists (Conditions of Services and Misc. Provisions) Act, 1955.
 20. Working Journalists (Fixation of Rates of Wages) Act, 1956.
 21. The Children (PLedging of Labour) Act, 1933.
 22. Employment of Children Act, 1938.
 23. Employment Exchange (Compulsory Notification of Vacancies) Act, 1959.
 24. Collection of Statistics Act, 1953.
 25. Apprentices Act, 1961.
 26. Payment of Bonus Act, 1965.
 27. Rajasthan Shops and Commercial Establishments Act, 1958.
 28. Industrial Disputes (Rajasthan Amendment) Act, 1958
 29. Rajasthan Maternity Benefit Act, 1953.
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LABOUR DEPARTMENT RAJASTHAN JAIPUR

Organisational set-up of the Department as on 1-10-1967.

LABOUR COMMISSIONER

Dy. Labour Commissioner (II) ↓ Asstt. Accounts Officer (1) Labour Inspector (1)	Dy. Labour Commissioner (I) ↓ Labour Welfare Officer (1) Labour Inspector (1)	Joint Labour Commissioner. ↓ Labour Inspector (Headquarter) (1) Labour Welfare Officer (Research) (1) Investigators. (2)	Chief Inspector of Factories & Boilers. ↓ Inspector of Factories & Boilers (Headquarter) (1)
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Divisional set up

<u>R.A.L.C. Jaipur.</u>	<u>R.A.L.C. Jodhpur.</u>	<u>R.A.L.C. Ajmer.</u>	<u>R.A.L.C. Bhilwara.</u>	<u>R.A.L.C. Bharatpur.</u>	<u>R.A.L.C. Udaipur.</u>	<u>R.A.L.C. Bikaner.</u>	<u>R.A.L.C. Kota.</u>
1. Labour Welfare Officer (1) Jaipur 2. Labour Inspector City. (1) 2. Labour Inspector Welfare Distt. (1) 3. Labour Inspector, Tonk. (1)	1. Labour Inspector, Jodhpur (1) 2. Labour Inspector II (1) 3. Labour Inspector (Wel) Jodhpur. (1) 4. Labour Inspector, Nagaur (1) 5. Labour Inspector, Pali (1) 6. Labour Inspector, Jalore (1) 7. Labour Inspector (Wel), Pali. (1)	1. Labour Inspector, Ajmer (1) 2. Labour Inspector (W), Ajmer. (1) 3. Labour Inspector, Beawar (1) 4. Labour Inspector, Sikar (1)	1. Labour Inspector, Bhilwara (1) 2. Labour Inspector (Wel), Bhilwara. (1) 3. Labour Inspector, Chittorgarh (1)	1. Labour Inspector, Bharatpur. (1) 2. Labour Inspector, Sawai Madhopur. (1) 3. Labour Inspector (Wel), Sawai Madhopur. (1) 4. Labour Inspector, Alwar (1)	1. Labour Inspector, Udaipur. (1) 2. Labour Inspector (Wel), Udaipur. (1) 3. Labour Inspector, Dungarpur. (1)	1. Labour Inspector, Bikaner. (1) 2. Labour Inspector (Wel), Bikaner. (1) 3. Labour Inspector, Sri-Ganganagar (1) 4. Labour Inspector (W) Sri-Ganganagar (1).	1. Labour Welfare Inspector (1) Kota. 2. Labour Inspector (Wel), Kota. (1) 3. Labour Inspector, Kota. (1) 4. Labour Inspector, Bundi. 4. Labour Inspector, Jawar

INSPECTORATE OF FACTORIES & BOILERS

Jaipur. (1)	Jodhpur. (1)	Kota. (1)	Bikaner (1)	Bhilwara (1)	Beawar (1)	Sri Ganganagar. (1)
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Administering Authorities under various Labour Laws

Name of the Act Administered.	Administering Authority.	Other officers appointed for administration & enforcement.
1. Indian Trade Unions Act, 1926.	Dy. Labour Commissioner (II) is functioning as Registrar of Trade Unions Rajasthan.	
2. Industrial Employment (Standing Orders) Act, 1946.	Labour Commissioner and Joint Labour Commissioners are functioning as Certifying Officers, Rajasthan.	Labour Court is the Appellate Authority.
3. Minimum Wages Act, 1948.	1. Deputy Labour Commissioner (I). 2. Regional Assistant Labour Commissioners.	1. Labour Inspectors in their respective jurisdictions are Inspectors under the Act. 2. Regional Assistant Labour Commissioners are authorities to hear claims under the Act. All District Magistrates and other 1st Class Magistrates are also authorities for the purpose.
4. Payment of Wages Act, 1936.	Chief Inspector of Factories & Boilers.	Regional Assistant Labour Commissioner are authorities to hear claims under the Act. All District Magistrates and other 1st Class Magistrates are also authorities for the purpose.
5. Indian Factories Act, 1948.	Chief Inspector of Factories & Boilers.	Factory Inspectors at Jaipur, Bikaner, Kota, Jodhpur, Bikaner, Ganganagar & Bhilwar.
6. Indian Boilers Act, 1923.	-do-	-do-
7. Rajasthan Maternity Benefit Act, 1953.	-do-	-do-
8. Employment of Children Act, 1936.	-do-	-do-
9. Workmen's Compensation Act, 1923.	1. Regional Assistant Labour Commissioners act as Workmen's Compensation Commissioners in their respective jurisdiction.	
10. Rajasthan Shops & Commercial Establishments Act, 1958.	Dy. Director Industries (Weight & Measures) works as Dy. Labour Commissioner (Ex-officio).	Weight & Measures Inspectors are Inspectors under Shops & Commercial Establishments Act. (They work under Industries Department).

1	2	3
11. Working Journalists (Conditions of Service & Miscellaneous Provisions) Act, 1955.	Deputy Labour Commissioner(I), as xx	All Regional Assistant Labour Commissioners.
12. Industrial Disputes (Rajasthan Amendment) Act, 1958.	Deputy Labour Commissioner(I) as Registrar of Representative Trade Unions, Rajasthan.	Industrial Tribunal is the appellate authority.
13. Payment of Bonus Act, 1965.	Joint Labour Commissioner and Deputy Labour Commissioner.	Bonus Inspectors in their respective areas.
14. Motor Transport Workers Act, 1961.	Deputy Labour Commissioner(II) works as Chief Inspector under the act.	All Labour Inspectors in work as Inspectors under that act.
15. Industrial Disputes Act, 1947.	Labour Commissioner and Joint Labour Commissioner.	Labour Commissioner, Joint Labour Commissioner, Dy. Labour Commissioners, Regional Assistant Labour Commissioners and Labour Inspectors work as Conciliation Officers.

INDUSTRIAL RELATIONS

WORKERS AND EMPLOYERS ORGANISATIONS.

I. Historical Background:

The Indian Trade Unions Act, 1926 was made applicable to this State in 1948. After the formation of Rajasthan and the setting up of the Labour Department on systematic footings, the formation of the trade unions got incentive and a large number of trade unions were formed in the State. In 1948-1949, there were only ³ registered trade unions in Rajasthan with a membership of 1348. Against this there are now 762 unions, with a membership of 1,18,124.

II. Central Organisations:

Trade Unions in Rajasthan are also organised on the same lines as have been done in other parts of the country. Most of them are affiliated to one of the Central Organisation of Trade Unions i.e. INTUC, AITUC, HMS and UTUC. The first three organisations have got a State-branch of the Central Organisation, which looks after the affiliation of the trade unions with the Central Organisation. The figures of latest verified membership of unions affiliated to various trade union organisation is given in Table I. Recently the Bhartiya Mazdoor Sangh and Hind Mazdoor Panchayat have also ^{come} into existence in the State and a number of unions are affiliated to these organisations also, though these organisations are still to be recognised at the Central or State Level. Three Central Organisations through their State-branches are recognized by the State Government for the purpose of nominations on the Labour Advisory Board and other Tripartite Bodies.

TABLE I

<u>Year</u>	<u>INTUC</u>	<u>AITUC</u>	<u>HMS</u>
1953	11,188	N.A.	N.A.
1954	5,731	N.A.	N.A.
1955	5,258	3,769	279
1956	3,572	1,740	N.A.
1957	5,297	N.A.	277
1958	4,384	1,739	669
1959	9,076	8,094	740
1960	12,924	6,936	678
1961	Verification not done due to General Elections.		
1962	Verification not done due to declaration of emergency.		
1963	14,894	4,175	480
1964 *	25,202	5,025	852

*(Based on the returns for the year 1963-64)

N.A.= Not available.

The above statement shows that INTUC is the most representative trade union organisation in the State.

The unions are also organised on the basis of industry and some federations have been set-up for co-ordinating the activities of the industry-wise unions. Such Federations have been set-up for Electricity workers, P.W.D., Irrigation, Municipal Bodies, Textile Industry and Printing Presses. There are also some independent unions working in the State, which are not affiliated to any Central Organisations.

III. Trade Union Development and Statistics:

The Statement in Appendix 'I' shows the rapid growth of trade unions in Rajasthan beginning from 1956-1957 to 1965-66. During the last 10 years, the number of trade unions has increased five times and the membership more than three times. The statement also gives the number of unions whose registrations have been cancelled due to various reasons like,

non-submission of annual returns. The number of new unions registered every year is also increasing since 1963-64. During the last year i.e. 1966-67, 210 new unions were registered. The industry-wise classification of the unions registered during the last ^{five} years is given in Appendix 'II'.

These statistics show that inspite of rapid growth of trade unions in the State, the unions cover only a small section of total labour force. The movement is mainly confined to urban areas and there are very few unions in agriculture sector.

IV. Trade Union Legislation:

There is no separate law in Rajasthan for the registration of trade unions nor any amendment has been made by the State Government in the Trade Unions Act, 1926. The State Government has, however, formed Regulations under the Act known as Rajasthan Trade Union Regulations, 1958. These Regulations lay down the forms for annual returns, procedure and fees for registration of the union etc.

Cancellation of registration of a large number of trade union in the State every year shows that they are not properly organised and suffer from lack of good leadership.

V. Problem of Recognition:

The Code of Discipline has laid down certain criteria for the voluntary recognition of trade unions. Under the Industrial Disputes (Rajasthan Amendment) Act, 1958, there is provision for registration of the representative

unions, if certain conditions are satisfied. If there is only one union in the industry having 15% or more membership, it can be registered as a representative union. If there are two unions or more, then the union having a larger membership, will be registered as representative union. The rights of the representative trade unions have, however, not been defined. Since there are legal provisions for the registration of representative trade unions, both the systems are adopted in the State. Those who want to give voluntary recognition to the unions are free to do so, but in most cases the unions apply for the registration as representative union under the Industrial Disputes (Rajasthan Amendment) Act, 1958 for getting certificate of representative union.

There is, however, some difference in the criteria prescribed under the Code of Discipline and that adopted in Rajasthan. These are :-

- i) Rajasthan Law does not lay down any minimum period for which a union must function after registration before it can claim registration as a representative union, but under Clause 1 of the criteria appended to the Code of Discipline, a union claiming recognition should have functioned for atleast one year after registration.
- ii) Rajasthan Law does not lay down a minimum time limit before a union can be de-recognized, after once getting recognition. But in the criteria laid down in the Code of Discipline, two years minimum time has been prescribed during which the union once recognized cannot be de-recognized.

iii) Rajasthan Law only lays down 15% membership for recognition of a union in a unit of an industry. No provision has been made for recognition of industry-wise unions, as provided in the criteria laid down under the Code of Discipline.

iv) Rajasthan Law takes only period of three months preceding the date of application for counting membership of a union, while the Code of Discipline refers to a period of three months during the period of six months immediately preceding the counting.

The State Government is, however, contemplating to amend the existing law to bring it in line with the criteria laid down under the Code of Discipline.

VI. State of Trade Union Finances:

The financial position of the trade unions is very weak. Table in Annexure 'III' gives an assessment of the financial position of the registered trade unions which submitted annual returns during the financial years 1962-63, 1963-64 & 1964-65. These figures show that average annual income of a trade union is about Rs. 1200/- per year i.e. about Rs. 100/- per month.

A major portion of their income is spent on allowances, salaries of the office bearers or office staff and fighting legal cases. Very little amount is spent on social and welfare activities.

VII. INTER-UNION AND INTRA-UNION RIVALRY:

This State is also not free from inter-union rivalries, as elsewhere in the country. Multiplicity of unions in an industry and even in a unit has been responsible for many strikes or unhappy labour situations. Internal disputes between the same unions are not infrequent. This has retarded healthy growth
...6.

of trade unions. Since Registrar of Trade Unions has no clear powers to intervene in such disputes under the present law, it is suggested that the Act may be suitably amended to give powers to the Registrar in such disputes.

VIII. Employer's Organisations:

With the growth of trade unions and particularly with the establishment of industry-wise unions/federations, employers have also realized the importance of forming associations to safeguard their interests. The number of employer's associations registered under the Trade Unions Act is 16. There are, however, some state level employers' organisations, which are not registered under the Trade Unions Act but under the Societies Act. Important organisations of employers in the State are :-

1. Rajasthan Chamber of Commerce and Industry.
2. Employers' Association of Rajasthan.
3. Rajasthan Textile Mill Owners' Association.
4. Rajasthan Udyog and Vyapar Mandal.
5. Federation of Small Scale Industries' Association.
6. Rajasthan Management Association.
7. Rajasthan Industrial and Mining Association.
8. Rajasthan Biri Nirwata Sangh.

Besides these, employers' have also their associations at district or divisional levels e.g. at Jaipur, Jodhpur, Kota, Bhilwara etc.

One interesting feature of organising of these Associations is that they have some advocates on their Executive Committees, with a view to enable them to appear before the Labour Court/Tribunal as an officer of the association, to circumvent

the provisions of Section 36 of the Industrial Disputes Act, 1947.

IX. Work Committees:

Section 3 of the Industrial Disputes Act provides for the constitution of Works Committees in Industrial Establishments employing 100 or more workers to promote measures for securing and preserving harmony and good relations between employers and workmen and to that end to comment upon the matters of common interest or concern and to endeavour to compose material difference of opinion in respect of such matters.

83 Industrial Establishments were required to constitute Works Committees by the end of 1966 in this State. 64 Works Committees were functioning at the beginning of the year and 5 were constituted during the year 1966. 8 Works Committees ceased to function during the year. Thus 61 Works Committees were functioning at the close of the year 1966.

Adequate steps both by persuasion and/or legal action are taken by the Department to require employers to form works Committees. It is however felt that their role has not been very effective, primarily because they are merely advisory in character and their decisions are not seriously taken.

X. Tripartite Committees.

(1) Labour Advisory Board.

All the industrially developed countries of the world have recognized the importance of the principles of tripartite deliberations in the

field of Labour. It has been realised that tripartite collaborations help in bringing about settlements over points of disagreement, besides promoting harmonious industrial relations. Generally such deliberations play an important part in moulding the labour policy of the State.

The State Government has, therefore, constituted a Tripartite body known as the Rajasthan State Labour Advisory Board. This Board was first constituted in 1953 and has recently been reconstituted.

Representation to all important interests is given on the Board. At present it consists of 38 members. State Labour Minister is the Chairman of the Board. A meeting of the Board is held almost every year and so far 12 meetings have been held. Important matters relating to labour policy in the State are discussed in the meeting and the deliberations of the meeting are circulated amongst all concerned for their implementation.

Important decisions of the Board, which had far reaching effect on the State labour policy are:-

1. Grant of seven paid holidays for national & festival days in a year.
2. Incorporation of Fair Wages Clause in Contractors agreements.
3. Linking of D.M. with Consumer Price Indices.
4. Delegation of the function of the works Committees.
5. Industrial Truce during Chinese and Pakistani aggressions, etc.

(2) Standing Labour Committees.

Besides the State Labour Advisory Board, there is a smaller tripartite body (on the lines of Standing Labour Committee at the Centre) which considers the matters referred to it by the State Labour Advisory Board or the State Government. Its functions are also the same as that of the State Labour Advisory Board.

There is another Tripartite Committee known as Standing Committee for Industrial Truce Resolution. This Committee also works under the Chairmanship of Labour Minister. It reviews the labour situation in the State from time to time and examines the cases where ^{is a} there is breach of Industrial Truce Resolution. The Committee was able to check many situations of industrial unrest in the State.

(3) Implementation and Evaluation Committees:

A tripartite committee known as State Implementation & Evaluation Committee has also been set up in the State under the Chairmanship of the State Labour Minister to examine cases of breaches of Code of Discipline, awards, settlements & agreements.

Eight local level tripartite committees have also been set up for implementation and evaluation of Code of Discipline etc., under the Chairmanship of Regional Assistant Labour Commissioners.

(4) Minimum Advisory Board.

The Rajasthan Minimum Wages Advisory Board is another tripartite body, which has

been constituted under Section 7 of the Minimum Wages Act, 1948. Labour Secretary is the Chairman of this Committee. So far 8 meetings of the Board have been held.

XI. Machinery for Prevention and Settlement of Disputes.

(1) Legal arrangements.

The Industrial Disputes Act, 1947 is in operation in the State since 26th January, 1950 when it was adopted under the adaptation of Central Laws Ordinance 1950. The State Government amended this Act by the Industrial Disputes (Rajasthan Amendment) Act, 1958 (Act No. XXXIV of 1958), which came into force from 1.7.60. The amended Act provides for registration of unions as representative unions and arbitration of disputes. The definition of the term 'employer' and 'workmen' has been further widened so as to include therein independent Contractors and contract labour.

The State Government framed rules under the Industrial Disputes Act and brought them in force the same in the year 1958 with effect from 1.12.1958.

(2) Conciliation Machinery:

The following Officers of Labour Department have been appointed as Conciliation Officers under Section 4 of the Act :-

1. Labour Commissioner For whole of Rajasthan.
2. Joint Labour Commissioner, & Dy. Labour Commissioners. -10-
3. Eight Regional Assistant Labour Commissioners. For their respective areas.
4. Labour Inspectors as Conciliation Officers. For their respective areas.

The Regional Assistant Labour Commissioners have been empowered under Section 3 of the Industrial Disputes Act, 1947 by the State Government to order dissolution of Works Committees and their reconstitution. The State Government has appointed Deputy Labour Commissioner(I) as a Registrar of Representative Unions for the purpose of Rajasthan Industrial Disputes (Amendment) Act, 1958 for whole of Rajasthan, to register Trade Unions as representative unions and also to register and publish submissions made to him for reference of disputes to arbitration.

The State Government has also published a panel of arbitrators for the purpose of selecting arbitrators by the disputant parties in case they do not select common arbitrator by choice. This list includes 26 names of retired judicial officers and other persons in public life. The State Government has directed the Conciliation Officers to ask the parties at dispute to agree to voluntary arbitration in cases where individual disputes are involved. Only 22 cases have so far been referred to arbitration. This clearly shows that employers have not sincerely agreed to this mode of settlement of disputes inspite of their ratification of the Code of Discipline.

(3) Arbitration:

The State Government has substituted Section 10B in place of Section 10A of the Central Act which provides for settlement of disputes through arbitration. Under the State

amendment certain provisions of Arbitration Act, 1940 have been made applicable in case of arbitration under the Act, though under the Central Act, provisions of Arbitration Act, 1940 are not applicable.

(4) Adjudication:

In Rajasthan, one Industrial Tribunal and one Labour Court have been constituted by the State Government for adjudication of disputes referred to them by the State Government. Cases referred and disposed off by Labour Court and Industrial Tribunal in Rajasthan during last 2 years are given in Appendices IV and V.

XII. STANDING ORDERS:

The Industrial Employment Standing Orders Act, 1946 was first brought into force by the State Government from 26th January, 1950 under the Rajasthan Adaptation of Central Laws Ordinance 1950. Joint Labour Commissioner, Rajasthan has been appointed as Certifying Officer under the Act for whole of Rajasthan and he does this work through Labour Commissioner is also the Certifying Officer under the Act.

The Labour Court Rajasthan has been made an appellate authority under the Act to hear appeals against the Orders of the Certifying Officer.

The Labour Court also functions as Authority specified by the Government under Section 13A of the said Act in respect of questions referred to it for the purpose of application or interpretation of Standing Orders certified under the Act.

The State Government has framed rules to carry out the purpose of this Act in accordance with sub-section 1 of section 15 of the aforesaid Act and Model Standing Orders. These rules come into force in the year 1964.

The State Government has included in the Schedule I following additional matters, in exercise of the powers under clause (a) of sub-section (2) of Section 15.

1. Procedure for recruitment of Badli works.
2. Conditions for abolition of posts.
3. Conditions for promotion of workmen. (whether on permanent or temporary basis).

The total number of industrial establishments in the State which have certified Standing Orders is 72 at the end of the year 1966, out of 97 establishments, which are obliged to get the Standing Orders certified. 19 applications are pending for certification & modifications.

XIII. Code of Discipline.

Code of Discipline has been adopted by the State Labour Advisory Board in which public and private sector undertakings and organisations of labour affiliated to the Central Labour Organisation are represented. As a general practice, all trade unions at the time of registration, are asked to ratify the Code of Discipline.

The industrial relations in the State are broadly based on the Code of Discipline and Industrial Truce Resolution. Stress has been laid on the avoidance of work stoppages and settlement of disputes by arbitration.

Independent employers generally do not bind themselves to the Code. Since there is a specific provision for registration of unions as representative union under the Industrial Disputes (Rajasthan Amendment) Act, 1958, the unions generally take recourse of making application under the law, rather than getting voluntary recognition under the Code of Discipline.

Code of Discipline had good effect in the beginning but lately its impact has slackened. Neither the employers, nor the workers are now serious about its implementation.

XIV. Implementation & Evaluation Machinery.

There exists a State Level Committee for implementation & evaluation : . The Labour Minister is Chairman of this Committee. Besides this, there are Local Level Committees for implementation & evaluation work at local level. These Committees have not been successful, because of non-cooperation of employers and also because sanctions under the Code are not enforced by the Central employers or workers' organisations against their members for breach of the Code.

So separate machinery has been provided by the State Government for looking after the implementation of Code of Discipline. Joint Labour Commissioner has been appointed as Implementation & Evaluation Officer for whole of the State. Due to inadequacy of implementation machinery, not much work has been ^{done} in this State.

XV. Workers' Education.

The Workers' Education programme has

been sponsored by the Government of India in 1958. In 1962, a Sub-Regional centre was started in this State at Bhilwara. In March 1965, this centre became the Regional Centre. By the end of July, 1967 this centre has trained 286 worker teachers. At present 54 unit level classes are functioning and about 12000 workers have been trained.

The purpose of this scheme is to make workers more responsible towards Nation, Industry and Organisation. The worker teachers receive training for 3 months and their wages & allowances are paid by their respective employers. These worker teachers after 3 months training go back to their concerns and start primary classes for the rank and file among workers. The unit level classes have not made significant impact, because the ~~xxxx~~ intelligence and educational level of 'worker-teachers' is usually low and they are not able to communicate, what they have learnt properly to the workers at the unit level.

The Government of Rajasthan has also issued circulars for giving 'time off' concessions for the trainees participating in the training at the primary level.

During the course of their training, educational tours are organised with a view to impart practical knowledge and to know how the working of the various departments of different industries. The response of majority of employers and workers is encouraging, who have appreciated the utility of the scheme.

XVI. Joint Management Councils:

The Government aims to establish Joint Management Councils in large number of units in the State with a view to effect easy communication between the labour and the management and create feeling among workers' for participation in the management.

Joint Management Councils are functioning in the following four public sector undertakings in the State at present, but none exists in the private sector :-

1. Rajasthan State Electricity Board.
2. Government Press, Jodhpur.
3. Ganganagar Sugar Mills.
4. Water Works, Jaipur.

Private Sector is not enthusiastic in setting up Joint Management Councils. There are very few industries where necessary conditions for setting up such councils exist.

XVII. Labour Situation.

Labour situation in the State can be judged by the figures of man-days lost. Figures of 'Man-days lost' is like a barometer, which gives readings of situation of industrial unrest in the State indicated by strikes or lockouts within any given period. The position of work stoppages from 1959 to 1966 is given in Appendix 'VI'.

The statement shows that 1962 and 1964 were the worst years from the labour relations point of view. The periods during the Chinese and Pakistani aggression were of comparatively

better industrial peace. The figures also show that industrial unrest has shown signs of increase during the last two years.

Disputes, generally, before being admitted as industrial dispute, are regarded as 'complaints' and are disposed of as such by persuasion of the Conciliation Officer. An assessment of complaints received and disposed of from 1956 to 1966 is given in Appendix VII and VIII. These statements show that the number of complaints is increasing. They also show that largest number of disputes are for wages and allowances, discharge, and dismissals.

Besides disposing of complaints, the Conciliation Officers also admit industrial disputes under Section 12 of the Industrial Disputes Act, 1947, in conciliation and start regular conciliation proceedings, which results either in settlement or failure. A statement showing the number of disputes admitted in conciliation and disposed of, resulting either in settlement or failure of conciliation is given in Appendix IX. The statement shows that ~~per cent-~~ ~~33.6~~, of cases of failure of conciliation are on the increase. In 1966, out of the total number of disputes received, about 48.8% resulted in failure of conciliation. This is due to the fact that now a tendency is developing among the employers of not being serious in settling the dispute at conciliation stage. Many do not even attend the conciliation proceedings.

A statement showing the number of disputes which have been referred to adjudication, separately for public and private sector is given in Appendix X A&B. It will show that during the last 3 years, average percentage of disputes, out of the disputes where failure report has been received, referred to adjudication is 86% in Private Sector & 67% in Public Sector.

STATEMENT SHOWING GROWTH OF TRADE UNIONS IN THE STATE.

Year.	At the beginning of the year.		During the year				At the close of the year.	
	Total No. of registered Trade Unions.	Total membership.	Total No. of unions registered.	Member-ship.	No. of cancelled unions.	Member-ship.	Total No. of Trade Unions.	Total membership.
1	2	3	4	5	6	7	8	9
1956-57	151	31255	66	14525	-	-	219 [@]	45780
1957-58	219	45780	86	11443	92	18783	213	38440
1958-59	213	38440	138	26544	100	16573	251	48411
1959-60	251	48411	137	19767	86	9554	302	58624
1960-61	302	58624	106	21440	107	14987	301	65077
1961-62	301	65187	85	16224	128	27323	258	53978
1962-63	258	53978	73	6039	63	4730	268	55287
1963-64	268	55287	116	16655	61	9961	323	61981
1964-65	323	61981	135	14676	70	12497	388	64160
1965-66	388	64160	164 **	18650	-	- *	552	82310
1966-67	552	82310	210	28358	-	- *	762	111168

* Show cause notice for cancellation of registrations have now been issued to about 500 unions.

** Excluding 3 federations.

@ Including 2 Federations.

TABLE SHOWING INDUSTRY-WISE TRADE UNIONS REGISTERED DURING EACH YEAR.

Industrial Group.	Unions Registered during									
	1962-63	Member-ship.	1963-64	Member-ship.	1964-65	Member-ship.	1965-66	Member-ship.	1966-67	Member-ship.
Agriculture & allied activities.	3	281	4	645	4	390	6	909	11	850
Mining and Quarrying.	2	326	10	4841	7	4746	6	801	8	2243
Manufacturing.	20	1545	28	1779	43	3893	51	9205	53	4480
Construction.	6	781	9	1114	13	1500	11	1385	24	6065
Electricity, Gas, Water, Sanitary.	25	1298	26	1988	32	1925	29	1834	59	5903
Commerce.	4	238	8	804	2	32	11	833	10	701
Transport, Storage.	8	495	15	1213	17	1173	16	1320	18	1135
Services.	4	75	10	587	12	758	20	1541	21	1785
Miscellaneous.	-	-	6	684	5	259	14	822	6	5196
TOTAL	73	5039	116	16655	135	14676	164	18650	210	28358

APPENDIX 'III'

INCOME & EXPENDITURE OF TRADE UNIONS WHICH SUBMITTED ANNUAL RETURNS.

	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65
Number of trade unions submitted returns.	117	169	181	197	220	261
Total income.	175331=20	201225=10	222751=29	212621=76	275039=14	324006=06
Total expenditure.	151561=34	124192=12	196153=33	154210=53	150966=16	292597=92
Average income.	1192= 7	1190= 6	1230= 6	1079=29	1250=18	1241=10
Average expenditure.	1031=02	731=05	1086= 72	782=79	686=20	1121=06

STATEMENT SHOWING THE CASES INSTITUTED AND DISPOSED OF
BY THE INDUSTRIAL TRIBUNAL DURING 1964 AND 1965.

Sl. No.	Description.	Opening balance on		Instituted during the year		Total		Disposed of during the year		Closing balance as on 31.12.65.	
		1964	1965	1964	1965	1964	1965	1964	1965	1964	1965
1.	References U/S 10.	50	54	25	47	75	101	21	31	54	70
2.	Complaints U/S 33-A.	37	28	38	82	75	110	46	64	29	46
3.	Misc. Cases U/S 33(2)(b)	23	2	12	10	35	12	31	5	4	7
4.	Central Government cases.	-	1	3	14	3	15	2	7	1	8
5.	Central Government. 33-A.	-	-	-	2	-	-	-	-	-	2
6.	Central Government. 33(2)(b).	-	-	-	4	-	4	-	1	-	3
7.	T. U. Appeal U/S 9.	-	-	-	1	-	1	-	-	-	1
Total:-		110	85	78	160	188	243	100	108	88	137

APPENDIX - V

STATEMENT SHOWING THE CASES INSTITUTED AND DISPOSED OF
BY THE LABOUR COURT, RAJASTHAN, J A I P U R.

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S.No.	Description.	Opening balance on		Instituted during the year		Total		Disposed off during the year		Closing balance as on 31.12.65.	
		1964	1965	1964	1965	1964	1965	1964	1965	1964	1965
1.	References U/S 10.	20	30	34	88	54	118	24	27	30	91
2.	Complaints U/S 33-A.	1	5	5	28	6	33	4	5	2	28
3.	Misc. cases 33 and 33(2)(b).	-	24	27	6	27	30	3	22	24	8
4.	Misc. Appeals U/S 33-C.	31	65	111	223	142	288	78	68	64	226
5.	Central Govt. cases 33-C.	11	26	31	229	42	255	16	48	26	207
6.	S.O. Appeal U/S 6.	2	1	1	4	3	5	2	1	1	4
7.	Misc. cases U/S 13-A of Standing Orders.	7	-	3	-	10	-	10	-	-	-
Total:-		72	151	212	578	284	729	137	171	147	558

STATEMENT SHOWING MANDAYS LOST DUE TO WORK STOPPAGES.

Year	No. of strikes/ lockouts.	Workers involved.	Mandays lost.	Wages lost.
1959	15	6285	103642	263126.13
1960	10	5516	14532	12830.50
1961	13	4735	5061	126243.00
1962	12	12120	106983	308847.34
1963	12	3622	21311	55706.76
1964	73	23815	191407	642522.72
1965	31	4912	23779	105977.00
1966	25	8243	41730	77456.45

APPENDIX VII

STATEMENT OF COMPLAINTS RECEIVED BY CONCILIATION OFFICERS

Year.	Pending at the beginning.	Wages, Allowance, Bonus.	Retrenchment.	Working conditions.	Personnel.	Others.	Causes not known.	Grand total received.
1956	94	216	244	62	133	87	-	336
1957	85	209	45	42	200	279	8	868
1958	64	194	26	13	191	112	3	603
1959	81	113	19	8	104	135	6	466
1960	82	125	42	21	163	112	3	548
1961	95	168	32	21	157	123	-	596
1962	92	231	43	19	234	233	-	882
1963	67	116	81	30	226	388	-	911
1964	118	188	184	13	214	440	9	1166
1965	194	232	117	16	122	411	5	1097
1966	159*	330	253	32	151	349	6	1783

* Revised figures as per R.A.L.C., Jaipur.

STATEMENT OF COMPLAINTS DISPOSED OFF BY CONCILIATION OFFICERS.

Year.	Favour	Against	Rejected	Transferred	Filed	Total	Total pending at the end of the year.
1956	374	91	107	50	129	751	85
1957	319	80	100	81	224	804	64
1958	251	59	23	43	146	522	81
1959	171	37	13	59	102	302	82
1960	170	28	9	74	172	543	95
1961	198	29	21	55	201	504	92
1962	225	59	38	112	331	815	67
1963	130	50	23	75	165	793	118
1964	254	97	16	114	491	972	194
1965	202	79	6	153	557	997	100
1966	404	64	7	307	657	1419	334

STATEMENT OF INDUSTRIAL DISPUTES
REFERRED TO CONCILIATION.

Year	Number of disputes admitted in conciliation.	Number of cases settled by conciliation.	Number of disputes in which failure report submitted.	Number referred to arbitration.	Cases disposed in other ways e.g. withdrawal by parties or pending etc	% of cases in which conciliation failed.
1963	372	132	52	8	180	13.9 %
1964	610	176	116	10	278	23.9 %
1965	553	117	150	3	284	27.1 %
1966	413	166	202	2	43	48.8 %

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POSITION OF INDUSTRIAL DISPUTES
REFERRED TO ADJUDICATION.

1965.

Total failure report/ dispute received.	150
Number of disputes referred.	122
Number of disputes not found fit for reference.	16
Pending disputes.	12

1966.

Total failure report/ disputes received.	202
Number of disputes referred.	154
Number of disputes not found fit for reference.	33
Pending disputes.	15

1967 (Upto 31-8-1967)

Total failure report/ disputes received.	248
Number of disputes referred.	134
Number of disputes not found fit for reference.	32
Pending disputes.	82

(DISTRIBUTION AMONG PUBLIC AND PRIVATE SECTORS)

	Public Sector			Private Sector			Total		
	1965	1966	31-3-1967	1965	1966	31-8-67.	1965	1966	31-3-1967
1. Failure reports received.	48	69	37	102	133	151	150	202	248
2. Number of disputes referred.	33	31	16	89	120	118	122	151	134
3. Number of disputes not found fit for reference.	5	21	11	11	12	18	16	33	32
4. Pending disputes.	10	14	57	2	1	25	12	15	32

LABOUR INTELLIGENCE AND RESEARCH

1. There is a Statistical Section in the Labour Department which collects statistical data on the working of the various labour enactments and in reference to particular labour situations. The information so collected is tabulated and presented in the form of fortnightly, monthly, quarterly, half yearly and yearly reports for the use of the State Government, Government of India, Labour Bureau and Directorate of Economics and Statistics, Rajasthan.

2. Most of the labour statistics being collected at present are a bye-product of labour legislation. These are compiled on the following main heads:-

1. Industrial Disputes and Strikes, Lock-outs, Mandays lost;
2. Industrial Accidents;
3. Trade Unions;
4. Compensation for Industrial Injuries;
5. Industrial Awards, Agreements, Settlements;
6. Inspections and Prosecutions under various Labour Laws;
7. Works Committees;
8. Standing Orders;
9. Wages and Deductions.

3. These statistics however suffer from certain limitations arising out of lack of uniformity in concepts, coverage and frequency of collection. Collection of Statistics Act, 1953 is merely on paper. Rules regarding collection of statistics on work stoppages, strikes, lockouts etc. under the Act are now being finalized. This would help in improving the collection of labour statistics to some extent.

There is also dual responsibility in this State regarding collection of Labour Statistics.

Director of Economics and Statistics works as the Statistical Authority under the Act and is ultimately responsible for collection, compilation and publication of all statistics. Due to this, proper attention has not been paid to the work of collection of labour statistics, their proper compilation etc. The entire work of labour statistics should be under the control and direction of the Labour Department.

4. Besides collecting the statistical data on the items mentioned above, the Labour Department has also conducted surveys ^{regarding} the conditions of labour in various establishments and industries. Such surveys have been conducted so far in the following industries and establishments:-

1. Printing Presses;
2. Sugar Industry;
3. Cotton Ginning and Bailing Industry;
4. Wool Cleaning Industry;
5. Biri Industry;
6. Glass Factory;
7. Gota Kinari Industry;
8. Salt Industry;
9. Mica Mines;
10. Iron Ore Mines;
11. Cinemas;
12. Saw Mills;
13. Waste Cotton Mills; and
14. Absenteeism in particular units.

5. These survey reports have been useful in giving an idea about the working conditions, terms of employment of the workers engaged in such employments and in shaping labour policy to ensure better conditions of work including provisions for labour welfare etc., for them.

6. The work pertaining to Consumer Price Indices is being carried on by the Director of Economics and Statistics and the price collection work is also being done by his office.

7. There is no publication of the Department for disseminating the data and information pertaining to the Department. A proposal is already under consideration of the Government to publish a monthly Labour Journal for making available to employers, labour and other interested persons, information regarding Laws, Rules, Notification, Statistical data and other labour intelligence.

8. There is at present no suitable machinery in the Department for collection, compilation and analysis of labour statistics on accurate basis. There is also wide time-lag in the submission of various reports/returns to Government of India and other agencies, due to inaccuracy of returns, lack of response from primary units and inadequacy of trained staff. The Government of India agreed to share expenditure on the staff to be appointed for collection and improvement of labour statistics. This staff has been appointed very recently and it is hoped that this Section will now be properly organised and ^{more accurate} Statistical data on labour matters will be collected.

9. Labour Research- The importance of research on labour matters cannot be over emphasized. Research studies on various labour problems are necessary from time to time as there are a number of gaps in the present data

relating to labour problems. Due to paucity of funds, nothing tangible has been done so far in this direction. However, the work has been re-organised with the help of existing staff given for collection of labour statistics, and one Labour Welfare Officer at the headquarters has been made in-charge of Research Cell.

10. It is necessary to promote labour research on an increasing scale for which suitable personnel and general guide lines should be made available by the Central Government. Central Government should also share expenditure on labour research undertaken by the State Governments.

PART IV
SOCIAL SECURITY

Functioning of E.S.I. Scheme in Rajasthan State.

1. The provisions of the E.S.I. Act, 1948 were implemented in Rajasthan State with effect from February, 1952 simultaneously with the introduction of the Scheme in other States throughout India. The Scheme was administered from the Regional Office, Delhi till the year 1957. Consequent to the re-organisation of regions on state-wise basis, Rajasthan State was constituted a separate region with effect from June, 1957.

2. Benefit provisions of the Scheme were implemented in this State for the first time from February, 1957 when 6 industrial centres namely ~~Jodhpur, Jodhpur, Pali, Bhilwara, Lakhari~~ and Bikaner were brought under the Scheme. The Scheme was thereafter gradually extended to 6 more centres before the end of 1960. By 31.3.67, approximately, 65,000 industrial workers were availing of cash and medical benefits under the E.S.I. Scheme at 15 industrial centres in the State.

3. For the disbursement of cash benefits and other allied work, there is a cash office at each of the centres. 4 of the offices are Local Offices each under the charge of a Manager, 7 are Sub-Local Offices, and 4 are only Pay Offices. The size of the offices has been determined by the Corporation according to the size of the insurable population. To administer the Scheme throughout the State,

There is a Regional Office under the charge of a Regional Director at Jaipur.

4. During the period from 1-4-66 to 31-3-67, the total amount of cash benefits disbursed to insured persons and their families was Rs.8,16,388.68p. in this State. Out of this, the Sickness Benefit alone accounted for Rs.4,84,472.77p. The amount of Maternity Benefit paid to 228 insured women was Rs.44,071.01 during the above period. As regards disablement benefits, 3,593 accident reports were received from the covered factories and an amount of Rs.82,049.17 was paid as Temporary Disablement Benefit during 1966-67.

5. There are 9 Medical Boards constituted by the State Government for various centres for assessment of loss of earning capacity. The Chairman of each board is a Senior Medical Officer. The permanent disablement benefit can be commuted in one lump sum if the rate of disablement does not exceed 50 paise per day. So far, more than 154 insured persons had been paid commuted value of permanent disablement benefit.

6. In the case of Dependents' Benefit, 115 dependants of 39 insured persons who met with fatal Employment Injury accidents, are being paid dependants benefit. The insured persons are also referred to the Artificial Limb Centre, Poona by the Corporation for the supply and fitting of artificial limbs at the

sole cost of the Corporation.

7. The total number of payments made during the period 1-4-66 to 31-3-67 was Rs.72,642 and the total number of benefit days was 3,99,959.

8. The medical benefit under the E.S.I. Scheme is being administered by the State Government. A full time Dy. Director of the Medical Directorate is in charge of the medical benefit under the E.S.I. Scheme. There are 21 whole time E.S.I. Dispensaries run exclusively for the use of the insured persons and their family members. Out of these, 6 dispensaries are at Jaipur, 2 at Kota and 1 each at the remaining 13 centres. Under the E.S.I. Scheme, the insured persons and their families are entitled to full scale medical benefit which includes out-door treatment at the E.S.I. dispensaries, Specialist treatment, Laboratory-tests, X-Rays, domiciliary visits, hospitalization (for insured persons only) etc. All types of drugs, medicines, dressings as may be considered necessary by the doctors, are issued free of charge to the insured persons and their family members. To facilitate movement of patients, mobile vans have been provided at Jaipur, Beawar, Sewai-Madhapur and Kota and arrangements to provide the same at Pali and Udaipur are in hand. For hospitalization of insured persons, annexes exclusively for the use of the insured persons have been constructed at Jaipur, Bhilwara, Udaipur, Pali, Bharatpur and Bari in the existing hospitals. A central hospital providing 113 beds may shortly go under construction at Jaipur on Ajmer road near

the Labour welfare Centre. It is proposed to increase the number of beds to more than 600 in the State so that the insured persons and in due course, their families can avail of the indoor treatment without any difficulty.

9. In order to associate intimately the industrial workers, employers and other official and non-official interests with the functioning of the E.S.I. Scheme, a Regional Board has been constituted for Rajasthan State. The Labour Minister is the Chairman of the Board, and the Health Minister is the Vice Chairman. It has employers and workers' representatives also. The Secretary, Labour and Medical, and the Director, Medical and Health Services, Rajasthan, are also members of the Board. The Regional Director of the Rajasthan State acts as the Secretary to the Board. The Board holds periodical meetings at Jaipur to review working of the E.S.I. scheme in the State.

10. Local Committees have also been constituted for 8 centres namely Jaipur, Jodhpur, Pali, Bhilwara, Beawar, Sawai-Madhopur and Lakhori. The nominees of the employees' Unions, the employers' associations, medical side, Labour Department and the E.S.I. Corporation, are represented on the Local Committees. These Committees meet frequently to review the working of the Scheme at their respective centres and to make recommendations and suggestions wherever necessary.

11. Except for 6 small industrial centres namely Ramganj Mandi, Bhowani Mandi, Bijay Nagar, Palna, Alwar and Jable Nagar (Alnia-Kota), the benefit provisions of the scheme have already been made applicable to the industrial workers at all other centres with an insurable population of 500 and above. The Scheme is likely to be extended at an early date to the remaining centres.

12. The State Government have recommended to the D.S.I. Corporation that during the currency of the Fourth Five Year Plan, the provisions of the D.S.I. Act may be extended to new projects such as those factories and establishments which employ more than 19 persons but do not use power in the manufacturing process and those with 10 or more employees but using power.

13. Though, the working of the Scheme in the State on the whole has been satisfactory, there are complaints regarding the shortage of medical personnel, supply of medicines to be dispensed by specialists, non-availability of ambulance, etc., and difficulties in hospital treatment of the insured workers. The present system of medical benefit requires substantial improvement to create greater confidence of the workers in the Scheme.

Maternity Benefit Act.

14. With a view to regulate the employment of women in factories for certain period before and after the child birth and to provide for the payment of wages during this period, Rajasthan Maternity Benefit Act, 1953 was in force in Rajasthan. In order to bring about uniformity in the country and to provide for certain improvements in the existing facilities for the payment of maternity benefit etc., to women workers, the Central Government has enacted the Maternity Benefit Act, 1961. This Act has been brought into force in Rajasthan from 1st January, 1967 and the Rules under this Act are being framed.

15. The working of the Maternity Benefit Act in the State does not carry much significance, because most of the female workers are employed in factories covered under the Employees' State Insurance Scheme which provides for giving of maternity benefit to female workers. The industries where female workers are generally employed are Cotton, Textile Mills, Cotton Ginning and Pressing Factories, Rice, Dal and Flour Mills etc. Workmen's Compensation Act, 1923.

16. The Workmen's Compensation Act, 1923 provides for payment of compensation to workers in the case of injury or death caused on account of accidents arising out of and in the course of employment. The Act also provides for the payment of compensation on

account of occupational diseases. The Government of Rajasthan has also framed Rajasthan Workmens' Compensation (Occupational Disease) Rules, 1965 with a view to regulate the payment of compensation in case of occupational diseases e.g. silicosis, etc. These Rules have come into force from the 30th September, 1965.

17. The State Government has appointed all the Regional Assistant Labour Commissioners as Workmen's Compensation Commissioners under the Act in their respective jurisdictions. This system has worked well as these Officers are able to decide the cases more expeditiously than the ordinary Civil Courts which are busy with other multifarious work. The Table below gives the number of cases and amount paid to the dependents of the deceased or the injured workmen under the Act, during the last 5 years:-

T A B L E

Year.	No. of cases decided.	Amount paid
1962-63	235	Rs. 1.60 lacs.
1963-64	145	Rs. 1.04 lacs.
1964-65	174	Rs. 1.95 lacs.
1965-66	207	Rs. 1.78 lacs.
1966-67	238	Rs. 4.29 lacs.

18. The State Government has also specified Labour Inspectors under Section 22 of the Workmen's Compensation Act to appear in cases under the workmen's Compensation

Act before the Workmen's Compensation Commissioners, whenever requested by a workman or his dependants. This has helped those persons who are unable to fight cases in a proper manner before the Workmen's Compensation Commissioners.

19. With the extension of the Employees State Insurance Scheme to more places and towns, payment of disablement benefit in the case of injured workmen and dependants' benefit in case of dependants of deceased workmen are being regulated by the E.S.I. Act.

Employees' Provident Fund Act, 1952.

20. The Employees' Provident Funds Act applies to 102 classes of establishments. The Employees Provident Funds Act has been applied to 1147 (including 23 exempted establishments) establishments in Rajasthan State upto 31.5.1967 affording the benefit of provident fund to 96355 employees. The total number of employees in these establishments who have been enjoying the benefit of provident fund is 60141. An amount of Rs. 8.98 lakhs has been contributed to the Fund by all the unexempted establishments and .88 lakhs by Exempted establishments during the month.

During the month a sum of Rs. 1.65 lakhs has been paid out to 407 outgoing members on final settlement of their accounts and a sum of Rs. 243.50 was paid

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as an extra benefit out of the Death Relief Fund to the nominees in one death case, where the amount due for payment was less than Rs.500/- in each case.

A sum of Rs.1200 was advanced to 14 members for construction/purchasing of dwelling house. 101 members were paid the advance of Rs.4,505 for making payment of life insurance premia.

An amount of Rs.6.93 lakhs stands as provident fund arrears in respect of 203 defaulting establishments.

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PAPER - V

WAGES, EARNINGS AND PRODUCTIVITY

1. Payment of Wages Act, 1936:

1. The Payment of Wages Act, 1936 is applicable to all factories registered under the Factories Act and industrial establishments as defined under the Act. It also applies to the employments given in the Schedule under the Minimum Wages Act, 1948 and those added to the Schedule under Section 27 of the Act.. The Act has also been made applicable to the Shops & Commercial Establishments at 23 places in the State, which have a population of 25,000 or more:

2. No separate inspection machinery is provided for the enforcement of this Act. The Inspectors of Factories and Boilers work as efficient Inspectors under the Payment of Wages Act also. The Labour Inspectors, who have been notified as Inspectors under the Minimum Wages Act, 1948 also exercise powers of the Inspectors under the Payment of Wages Act only for the employments ^{mentioned} or added to the Schedule under the Minimum Wages Act, 1948.

3. The number of inspections made under the Act were 266 during 1964-1965, 278 during 1965-66 and 181 during 1966-67.

4. Lately there have been ^{more} complaints of non-payment and delayed payment of wages.

In such cases the trade union or the Inspector files the claims under Section 15

of the Act before the Authority under the Payment of Wages Act. In case, the employer defies the order of the Authority, recovery proceedings through the courts take long time. It is, therefore, necessary to simplify the procedure for recovery by amendment of Act. This question was discussed in the recent meeting of Standing Labour Committee and certain amendments were proposed by the Government of India. These amendments should be expedited and penalty for non-payment and delayed payments should be made more deterrent.

5. The State Government have appointed recently Regional Assistant Labour Commissioners in their respective regions as Authority under Section 15 of the Payment of Wages Act to hear claim applications for non-payment or delayed payment of wages. All District Magistrates, Sub-Divisional Magistrates and First Class Magistrates have also been given powers of Authorities under the Payment of Wages Act. However, cases are mostly filed before the Regional Assistant Labour Commissioners working as Authority under the Act. This is perhaps the only State where such Authority has been given to Senior Officers of the Labour Department, who also work as Workmen's Compensation Commissioners. ^{From} 1st January 1966 to 30th June, 1967, 2007 claim applications have been filed before the Regional Assistant Labour Commissioners under Section 15 of the Act.

II. Minimum wages Act:

6. The introduction of the Minimum Wages Act in the State and fixation of minimum rates of wages in the employments included in the Schedule of the Act from time to time has been welcomed by the workers. The ~~minimum~~ ^{were} rates of wages first fixed by the State Government for employments covered in Part I of the Schedule, but these were invalidated by a decision of the Rajasthan High Court in August 1956. Fresh notification to fix minimum wages could not be issued till 1959. However, ~~minimum~~ ^{were} rates of wages in operation in the area covered by the erstwhile state of Ajmer, which merged in Rajasthan from 1-1-1956. The employments for which minimum wages have been notified, the year in which these were first fixed and the year in which they were revised have been mentioned in the Table given below. The minimum wages have been fixed usually by forming a Tripartite Advisory Committee under the Act and in consultation with the Rajasthan Minimum Wages Advisory Board :-

T A B L E

S.No.	Name of the Scheduled Employment.	Date from which the rated fixed came into force.	Date of revision.
1.	2.	3.	4.
1.	Employment in Woollen Carpet Making or Shawl Weaving Establishments:	7-7-59.	Under consideration. (Report of the Advisory Committee received).
2.	Employment in Rice, Flour or Dal Mills.	15-3-59.	20-4-1966.
3.	Employment in Tobacco (including bidi making) Manufactory.	7-7-59.	14-7-1963. (Second revision under consideration).

4. Employment in Mica works so far as it relates to Mica Mines.	7-7-59.	1-8-1965.
5. Employment in Stone Breaking or Stone Crushing.	7-7-59.	1-5-1965.
6. Employment in Oil Mill.	23-6-59.	1-4-1967.
7. Employment on the Construction or Maintenance of Roads or in Building Operations.	7-7-59.	1-5-65.
8. Employment in Public Motor Transport.	7-7-59.	1-5-65.
9. Employment under any Local Authority.	9-9-59.	1-9-65.
10. Employment in any Mica Mica Works other than Mica Mines.	7-7-59	28-4-66
*11. Employment in Salt Industry.	20-9-63	Revision under consideration.
*12. Employment in Cotton, Ginning, Bailing and Pressing Establishments.	20-4-66.	-
*13. Employment in Wool Cleaning & Pressing Factories.	20-4-66.	-
*14. Employment in Printing Presses.	1-7-66.	-
15. Employment in Agriculture. July, 1953.	28-8-63 and	1-12-66

(* Added to the Schedule under Section 27 of the Act.)

When the wages were first fixed, they were Rs.45 per month or Rs.1.50 per day for male workers and Rs.37.50 per month or Rs.1.25 per day for female workers. At the time of revision, the lowest category has been ensured minimum wage of Rs.60/- per month, except in Agriculture where it is Rs.52.50 per month. Besides this, minimum rates of wages have also been separately fixed for

semi-skilled and skilled categories of workers.

For semi-skilled category, the minimum rates of wages are Rs.85/- per month and for skilled workmen Rs.100/- per month. In some of the industries like, Bidi industry, minimum rates of wages have been fixed on piece rate basis also. There is no provision for automatic linking of D.A. with Consumer Price Indices. All wages fixed are consolidated wages including D.A. Where the workers are daily paid, the daily rates of wages will be arrived at by dividing the monthly rates of wages by 26. If any worker is getting higher wages ~~which~~ ~~that has been fixed by the Government~~ ~~at the~~ ~~date~~ of the coming into force of the revised rates, such higher wages shall be regarded as minimum rates of wages fixed in respect of him.

7. Recently the State Government has issued a notification exempting employment under local authorities from all provisions of the Minimum Wages Act, 1948 for a period of one year.

8. For enforcement of minimum wages, 34 Labour Inspectors have been appointed as Inspectors under this Act. All the Regional Assistant Labour Commissioners have been appointed as the authority to hear claims under Section 20 of the Minimum wages Act. The Table below gives statistical information about the inspections conducted by the Minimum Wages Inspectors and the cases of prosecution

for breach of the Act not filed by them :-

T A B L E

Year.	Number of inspections.	No. of prosecutions filed.	No. of Convictions.	cases decided Acqui-ttal.	Total.	Pending at the end.
1963-64.	3344	231	133	-	133	98
1964-65.	2747	172	103	-	103	69
1965-66.	1890	121	43	8	51	70
1966-67.	2141	211	77	33	110	101

9. By and large, provisions of the Minimum wages Act are being complied with and the wages paid are also generally more than those fixed under the Act, except at a very few places.

10. Enforcement of the Act in the employment of Agriculture has not been practicable because of scattered nature of employment and inadequacy of the enforcement machinery. Administrative instructions have, therefore, been given to the staff to inspect only large and mechanised farms, in the first instance.

Need for a National Minimum Wage.

11. Time is not yet ripe for fixing a national minimum wage, as the standard of living in different parts of the country considerably differs. However, there is need for a State level minimum wage below which no worker should be paid as many industries and employments are paying even less than the minimum rates of wages fixed for Scheduled employments.

III. Wage Statistics:

12. Wage statistics at present collected are compiled from the annual returns which the employers have to send under the Minimum Wages Act and the Payment of Wages Act. These wage statistics are mentioned in the annual reports on the working of the Minimum Wages Act and Payment of Wages Act. According to the latest available statistics, per capita daily earnings of factory employees earning less than Rs.400 per month was Rs.4.95 in 1965, as against Rs.4.41 in 1964. However, these statistics are not very reliable, because they are unverified. The data supplied by the employers is accepted as such, except where the discrepancy is obvious.

13. There is need for a regular wage survey being conducted in the State and have reliable wage statistics. This has not been possible so far due to inadequacy of staff.

IV. Dearness Allowance:

14. Industries which have covered by the recommendations of the Central Wage Boards e.g. Cotton Textile, Cement and Sugar, there is a system of separate D.A. linked with the Consumer Price Indices. In the case of Cotton Textile Industry, dearness allowance of the workers is linked with Consumer Price Indices of Beawar on base 1951-52 = 100. The additional D.A. is paid for rise of every point in the Beawar Index over 105 @ 34 paise per point. This formula was decided by a Committee consisting of an Independent Expert, workers'

and employers' representatives. Under this formula only 70% neutralisation was given for rise/fall in the cost of living, as indicated by the rise/fall in Consumer Price Indices. In the case of Sugar and Cement Industry, the system for linking of D.A. with Consumer Price Indices is the same as recommended by the Central Wage Boards for these industries.

15. The Government of Rajasthan has accepted the principle of linking of dearness allowance with Consumer Price Indices. Dearness allowance paid to the workers in the Government industrial undertakings (other than those covered by Wage Board decisions), Public Sector Departments and other autonomous bodies like, Rajasthan State Electricity Board and Rajasthan State Road Transport Corporation is also regulated in the same manner as the dearness allowance paid to the State Government employees. A statement showing the rates of dearness allowance paid to lowest paid State Government employees is given in Appendix 'A'. It is now at par with the Central Government employees.

16. In the case of Engineering Industries also, some factories have agreed to link the dearness allowance with Consumer Price Indices subject to its adjustment with the interim or final recommendations of the Engineering Wage Board.

17. An important development in the State was the appointment of an Expert Committee under the Chairmanship of Prof. M.V. Mathur

(at present Vice Chancellor of the Rajasthan University) for "recommended whether in reference to any particular or all industries in Rajasthan; linking of D.A. with Consumer Price Indices would be feasible in the present circumstances, and if so in what manner the linking can be given effect to". This Committee submitted its report in September, 1964. The main recommendations of the Committee are:-

1. At the level of the minimum of the statutory minimum wages, the neutralisation in the rise of the Consumer Price Indices should be 100% and this centpercent neutralisation should be available to all workers at the level of the minimum of the statutory minimum wages covered under the Minimum Wages Act, 1948 and workers covered under the Factories Act receiving wages at the level of the minimum of the statutory minimum wages.
2. The total pay-packet of no workers at any time should be less than the minimum of the statutory minimum wages plus variable dearness allowance available at that time.
3. In case of other workers getting wages above the level of minimum wages, the manner and the degree of neutralisation should be decided mutually between the workers and employers with the active co-operation of the Government, taking into consideration the productivity of the workers, capacity of industry to pay, etc..
4. Variable D.A. to be paid in accordance with the recommendations of this Committee should be worked out for the period July to December, 1964 on the basis of the rise of the average Index Numbers for January to June, 1964 over the Average Index Number of 1963. For future, the Dearness Allowance should be adjusted every six months on 1st January and 1st July every year on the basis of the average of the Index numbers of previous six months. Adjustment should be made for every point rise in the average Index and the dearness allowance should be paid at this rate for the next six months.

18. Government decision on the above said recommendations is given below :-

The Government accepts the principle of linking of D.A. with Consumer Price Indices. The Government in this connection has given careful consideration to the reports of the Mathur Committee and the "Feasibility" Committee and after the due consideration agrees that:-

1. In the case of Government Industrial Undertakings and Public Sector Undertakings of the State Government, other than those covered by Wage Board decisions, orders of the Government to link D.A. with the Price Index has already been issued.
2. In the case of private sector Industries, where the D.A. is already linked with Consumer Price Indices in pursuance of the recommendations of the Central Wage Board, the existing system will continue.
3. In case of these private sector industries, where the Wage Boards have been appointed, but the recommendations have not yet been made, an increase in D.A. given as a result of the application of the principle of linking will be deemed as an interim and adhoc increase, which will be adjusted (both ways) when the recommendations of the Wage Board are applied in case of such Units.
4. The principle of linking of D.A. with the Consumer Price Indices should be made applicable to Motor Transport Undertakings employing 20 or more workers and in other private sector Industries employing 50 or more employees. In case of smaller units the matter may be deferred one year or so and examined thereafter.
5. For the purpose of linking D.A. with Consumer Price Indices, the average of the Consumer Price Index (New series) of Jaipur and Ajmer with base year 1960=100 should be taken into account and the base period for calculation of D.A. shall be the calendar year 1963 when the average index was 109.
6. The linking of D.A. with the Consumer Price Index Number should be six monthly and should be paid for rise or fall of every point in the index number. D.A. will be determined w.e.f. 1st April, and 1st October every year on the base of price indices for the periods July to December and January to June respectively.

7. Cent percent neutralisation should be given to workers at the level of the minimum Statutory wage of Rs.60/-p.m. For one point rise or fall over the index of 100 the D.A. would increase or fall by 60 paise and D.A. at this rate shall apply uniformly upto a salary of Rs.250/- p.m.
8. For workers drawing salary over Rs.250/-p.m. the rate of neutralisation & linking of D.A. with Consumer Price Index should be left to the employers and the workmen for a negotiated settlement.
9. The linking formula should be implemented with effect from 1st April, 1966 i.e. current financial year.
10. Regarding the question of linking of D.A. with Consumer Price Indices in the concerns paying more than Minimum Wage of Rs.60/- in the base period, every worker getting a salary up to Rs.250/- per month should get an increase in the D.A. at the rate of 60 paise per point rise in the Index, over the wage plus D.A. he was getting in the base period. Any increase in wage or D.A. already given since the base period will be adjusted against the increase to be given as a result of these recommendations. The linking of D.A. with price Index will not be notified by Government under Section 4 of the Minimum Wages Act, but the Government expects negotiated settlement between employers and employees in the private sector in all industries, whether covered by Minimum Wages Act or not, on the basis of principles laid above."

19. Since the Government decided that these recommendations should be implemented by the employers through negotiated settlements, on the persuasion by the Labour Department about 25 establishments in the Private Sector, have voluntarily agreed to link D.A. of their workers with Consumer Price Indices on the basis of the above formula. Wherever, the employers did not agree to link D.A. with Consumer Price Indices and disputes were raised, the matter was taken up in conciliation and on receipt of reports

of failure of conciliation, Government referred about 30 such cases to the Industrial Tribunal for adjudication.

20. It would thus appear that majority of big industries in Rajasthan are paying D.A. linked with Consumer Price Indices.

V. Consumer Price Indices:

21. In Rajasthan, Consumer Price Indices are being compiled for Ajmer and Jaipur on base 1960. Old series have been discontinued. Consumer Price Index is also being compiled for Beawar on base 1951-52. A statement showing the Index numbers of these places from 1965 and All India Consumer Price Index Number for the sake of comparison is given in Appendix 'B'.

VI. Bonus:

22. The Payment of Bonus Act, 1965 was brought into force in this State from 29th May, 1965. The State Government in the beginning appointed Regional Assistant Labour Commissioners and Labour Officers as Inspectors under the Act, but subsequently four separate Inspectors have been appointed as Bonus Inspectors for the enforcement of this Act. According to the survey carried out, the number of establishments covered under the Act is 775 out of which 669 were registered factories and the rest were other establishments, and the approximate number of workmen employed in these establishments was about 46,000. Out of these, 376 establishments have paid bonus. 68 were new establishments

running in losses and 261 did not pay bonus. Legal action has been taken against about 152 establishments. However, most of the big establishments paid bonus, as a result of which about 80% of workers have received bonus for the years 1964-65 and 1965-66. Public Sector Undertakings e.g. Rajasthan State Electricity Board, Ganganagar Sugar Mills and Small Scale Industries Corporation have also paid bonus. The Rajasthan State Road Transport Corporation also paid ex-gratia bonus.

VII. Productivity and Payment by Results:

23. In some industries particularly the Engineering Industry like, National Engineering Industries Ltd., Jaipur, Jaipur Metals and Electricals Ltd., Jaipur, the system of payment by results and incentive schemes have been adopted. In Cotton textile Industry also, payment on some jobs is made on piece-rate basis. The workers, however, are still not enthusiastic about such schemes, because most of these schemes have been started without agreement with the unions without taking the workers into confidence.

APPENDIX 'A'

Statement showing rate of Dearness Allowance
paid to State Government Employees.

<u>Date of increase in D.A.</u>	<u>Slab of pay.</u>	<u>Rate of D.A.</u>	<u>Date of increase in D.A. with effect from</u>	<u>Date of increase in D.A. with effect from</u>	<u>Date of increase in D.A. with effect from</u>
			<u>1.3.64</u>	<u>1.8.64.</u>	
<u>1.9.1961.</u>	Below Rs. 150/-	Rs. 10/-	Rs. 15/-	Rs. 20/-	
	Rs. 150/- to Rs. 300/-	Rs. 20/-	Rs. 25/-	Rs. 30/-	
			<u>1.10.66</u>	<u>1.1.67.</u>	<u>1.10.67.</u>
	Below Rs. 70/-	Rs. 33/-	Rs. 35/-	Rs. 47/-	Rs. 59/-
	Rs. 70/- to Rs. 109/-	Rs. 36/-	Rs. 41/-	Rs. 47/-	Rs. 59/-
	Rs. 110/- to Rs. 149/-	Rs. 43/-	Rs. 50/-	Rs. 70/-	Rs. 84/-
	Rs. 150/- to Rs. 209/-	Rs. 60/-	Rs. 69/-	Rs. 90/-	Rs. 106/-
	Rs. 210/- to Rs. 380/-	Rs. 65/-	Rs. 76/-	Rs. 110/-	Rs. 128/-

APPENDIX 'B'

Statement showing the Consumer Price Index Numbers
in Rajasthan (Jaipur, Ajmer and Beawar).

Month & Year.	Jaipur 1960=100	Ajmer 1960=100	Beawar Aug., 51-July 52=100	All India Index 1949=100
<u>1965</u>				
January.	138	130	141	165
February.	136	123	135	162
March	131	124	132	159
April	131	125	137	160
May	134	126	136	161
June	133	127	136	163
Yearly ave.	134	126	136	161
July	135	130	133	168
August	140	131	144	170
September	141	132	143	172
October.	140	133	145	172
November	141	135	143	173
December	141	135	145	173
II Half yearly ave.	139	133	144	171
Yearly average	136	129	140	166
<u>1966</u>				
January	141	136	144	173
February	142	135	141	174
March	143	139	147	174
April	146	139	149	175
May	154	144	157	181
June	154	147	151	185
Half yearly ave.	147	140	150	177
July	160	151	165	183
August	161	153	163	190
September	162	153	170	191
October	161	151	171	192
November	164	157	170	194
December	171	160	176	197
II Half yearly ave.	163	155	170	192
Yearly average	155	147	160	184
<u>1967</u>				
January	172	163	173	197
February	173	173	182	198
March	173	172	183	200
April	179	175	185	202
May	182	177	189	206
June	180(P)	172(P)	190	211
Half yearly ave.	173(P)	172(P)	184	202

P = Provisional.

PAPER VI

CONDITIONS OF WORK-HEALTH, SAFETY & WELFARE

I. Conditions of work, health, safety and welfare of workers employed in the factories, motor transport undertakings and Shops and Commercial Establishments are regulated by the Factories Act, 1948, Motor Transport Workers Act, 1961 and Rajasthan Shops and Commercial Establishments Act, 1958 respectively. These Acts provide inter-alia, for hours of work, weekly holidays, compensatory holidays, rest intervals, ~~payment of over time wages, leave with wages e-tc.~~ Assessment about the working of these Acts is given below:-

1. Factories Act, 1948:

2. The number of registered factories in the State is steadily rising. The Table below gives the number of registered factories and number of workers employed during the last six years :-

T A B L E

<u>Year.</u>	<u>No. of registered factories.</u>	<u>Number of workers employed.</u>
1961	1222	61,453
1962	1422	63,902
1963	1688	66,620
1964	1942	72,567
1965	2068	75,270
1966	2200	76,559

3. The statement shows that the number of factories has almost doubled during the last six years.

4. Enforcement Machinery:

The Factories Act, 1948 is enforced by the Chief Inspector of Factories, one Senior Inspector and seven other Inspectors of Factories. The Government has also appointed all Conciliation Officers e.g. Deputy Labour Commissioners, Assistant Labour Commissioners and Labour Inspectors as Additional Inspectors of Factories for all purposes of this Act except for safety provisions. These powers have been given with a view to investigating those demands and complaints pertaining to the Factories Act, which arise during the ~~course of conciliation proceedings.~~

5. According to the ~~recommendations of the~~ 16th Labour Ministers' Conference, there should be one Inspector for 150 factories, but the State Government has not been able to provide adequate inspecting machinery due to financial reasons and also because suitable technical personnel is not available for these posts.

Inspections & prosecutions under the Act:

6. The Table below gives the figures of inspections made by the Inspectors of Factories and prosecutions launched by them for breach of the Act and Rules made thereunder.

Year	No. of units inspected	P r o s e c u t i o n s					No. of cases pending at the end.	
		No. of cases pending at the beginning of the year.	Prose- cutions launched during the year.	Total col. 3&4	No. of cases decided.	Con- Acqu- To- tal. vic- itt- tal.		
1	2	3	4	5	6	7	8	9
1962-64 1960		42	54	97	42	16	58	39
1964-65	1496	39	42	81	36	9	45	36
1965-66	1228	36	47	83	25	9	34	49
1966-67	1055	49	36	85	20	15	35	50

The decrease in the number of inspections is due to three sanctioned posts of Inspectors of Factories lying vacant.

7. Accidents: The number of accidents reported in the factories during the last five years is given in the Table given below :-

T A B L E

Year	Average No. of workers employed.	A c c i d e n t s .			No. of accidents per 100 workes.
		Fatal	Non-fatal	Total	
1962	63,902	16	2401	2417	3.7
1963	66,620	17	2751	2768	4.1
1964	72,567	18	2773	2791	3.8
1965	75,270	18	3234	3252	4.3
1966	76,559	16	3446	3462	4.5

8. The above Table shows that the number of accidents is increasing every year.

Frequency rate of accidents per 100 workers

has also increased slightly. One of the reasons for increase in the accidents is the establishment of more factories with complicated automatic machines. Largest number of accidents occurred in the Engineering Workshops, followed by Cotton Textile Mills, Cement Industries and Metal and Electrical Industries.

9. Safety in Factories:

The Factories Act, 1948 lays down provisions for protection and safety of workers. Safety, however, depends in practice as much on education and voluntary ~~efforts of the employers and the workers as upon safety regulations. Only safety regulations~~ are not enough for accident prevention. There is a need of voluntary education ~~campaign.~~ The Inspectorate should enquire into safety regulation of machines, designs and specifications, circulate expert advice by personal exhortation and encourage the appointment of Work Safety Committees. Training for safety is an important factor in the safety drive. The prevention of accidents in the factory is an essential part of a good management. The employers have a moral responsibility for the safety of those whom they employ and a duty in common law to take reasonable care for the safety of the employees in the course of their employment. However, the organisation

of works safety cannot be fully effective without the close cooperation between the workmen and the management. There must, therefore, be effective means of securing and retaining the full support and necessary cooperation of the workers both in framing and in implementing the safety policy. There should also be effective arrangements for consultation between the management and the workers on safety matters.

10. Holidays and Leave with Wages:

~~Leave with wages is provided under Section 79 of the Factories Act. In addition to these,~~ a number of national and festival holidays are also given to the workers. The number of national and festival holidays with wages given by the different establishments varies from 3 to 10 in a year. Most of the employers are, however, giving seven national and festival holidays on the recommendations of the Rajasthan Labour Advisory Board. In most of the public sector undertakings, the number of such holidays is 10 in a year. The State Government is contemplating to bring a legislation namely, the Rajasthan Industrial Establishments (Observance of National and Festival Holidays) Bill. This Bill makes provision for the grant of seven national and festival holidays in a year and also payment of wages for

holidays declared on account of death of high dignitaries by the State Government to be a paid holiday for all workers.

11. Health and Sanitation:

The Factories Act also makes provisions regarding health and sanitation of the workers employed in the factories. Rules have also been made to enforce these provisions. However, these provisions are not strictly enforced due to various difficulties. The standard of construction of latrines and urinals is generally poor and regular cleaning is not done. In old factories, the working conditions with regard to spacing of machines, ventilation ~~etc. are not very good~~ but in factories which have been constructed during the last few years, the working conditions are usually satisfactory.

12. Hours of Work:- The prescribed hours of work are generally observed by the factories. The complaints regarding overtime work are generally received but when the management is prosecuted for overtime work or non-payment of overtime wages, the workers do not come forward for giving evidence against the employers due to which the cases usually fail.

13. It is felt that implementation of the Factories Act can be further improved,

if adequate inspection machinery is provided. The punishment provided under Sections 92, 94 and 97 of the Factories Act should also be enhanced, so that it becomes more deterrent.

14. Indian Boilers Act: The inspections of Boilers is also done in this State by the Inspectors of Factories, who are designated as Inspectors of Factories and Boilers. There are 360 registered boilers in the State. The number of inspections carried out every year by the Inspectors was as follows:-

1963-64	--	389
1964-65	--	439
1965-66	--	370
1966-67	--	384

Motor Transport Workers' Act:

15. The Motor Transport Workers Act, 1961 provides for hours of work, leave, holidays and welfare of the workers employed in a Motor Transport Undertaking. The Act was brought into force in this State from 1st February, 1962. One of the Deputy Labour Commissioners acts as Chief Inspector under this Act while, all the Labour Inspectors have been notified as the Inspectors under the Act. The number of establishments registered under this Act upto the end of 1966 was 337. Inspections are being carried out by the Inspectors to watch the enforcement of the various provisions of the Act.

Difficulties, however, arise in regulating hours of work of the employees particularly those employed as truck drivers. Difficulties also arise in giving a weekly holiday and ~~grant of national and festival holidays to~~ operating staff. ~~Since the Act applies to~~ those establishments which employ 5 or more workers, the employers try to evade the law by getting different vehicles registered under different ownership, so that the number of workmen employed by them becomes less than five. The question of applying the Act to the establishments employing two or more workers is therefore under consideration of the State Government.

Rajasthan Shops & Commercial Establishments Act, 1958:

16. The Rajasthan Shops and Commercial Establishments Act, 1958 was brought into force from 1st June, 1959. The Act was first made applicable to 60 cities and towns having a population of 10,000 or more, but later on the Act was made applicable only to the cities and towns having a population of 25,000 or more. From April, 1965, only part in provisions of the Act namely, Sections 4, 5, 6, 12 and 33 were made applicable to 38 more towns, having a population of 10,000 or more.

17. Separate enforcement machinery was provided for the enforcement of this Act in the beginning but later on these posts were abolished and the work was entrusted to the

Weights and Measures Inspectors under the Directorate of Industries. General supervision and control in the matter of enforcement of the Act is still under general guidance of the Labour Commissioner. The Controller of Weights and Measures has been designated as Ex-officio Deputy Labour Commissioner for the purpose of the enforcement of this Act.

18. During the year 1965-66, about Rs. 1.93 Lacs was received as revenue from ~~the Shops and Commercial Establishments.~~ The total number of Shops and Commercial Establishments registered under the Act was about 85,000. The number of inspections made by the Inspectors was 14,892. The Inspectors also launched 8,042 prosecutions for breach of this Act, out of which 1,800 resulted in conviction.

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PAPER VII

RURAL AND OTHER UN-ORGANISED LABOUR

1. Agricultural Labour:

1. Not much has been done to improve the conditions of work and life of agricultural labour. The enforcement of the Minimum Wages Act on such labour did not make much impact. The problem is so immense that it requires huge machinery to implement any scheme for improving the conditions of agricultural labour.

Construction and other un-organised workers:

2. Another large sector of industry where the labour is un-organised and neglected is the Building and Construction Industry. There is also problem of contractor labour working in Construction and Building Industry. The existing Municipal bye laws and P.W.D. procedures do not afford such labour much protection. A comprehensive legislation is, therefore, necessary for regulating conditions of work of this large labour force. The Central Government should take-up question of enacting suitable legislation for such labour.

Conditions of Labour in Beeri Industry

3. In Rajasthan, Beeri Industry is an important industry. There are about 791 units engaged in Beeri manufacture, employing about 9,848 workers. Beeri making is not confined to any one part, region or area but is

scattered through-out the State. There is, however, certain amount of localisation around the towns where leaves are available in abundance in Rajasthan. The important centres of Beeri making are Kota, Bundi, Baran, Ajmer, Tonk, Jodhpur, Jaipur and Sawaimadhopur.

4. The Beeri making process is carried on in the State under three different systems: (i) Workshop or Factory System; (ii) Contract System; (iii) Ghar Khata or home work system. Under the Factory System the workers are allowed to sit in the factory in a particular premises for rolling of Biries. Under Ghar-Khata System, the workers take Zarda and leaves to their homes and roll them into beeries in their own houses and return the prepared beeries to the owner. At home, women workers and other members of the family also help in preparing the beeries. The manufacture of beeries does not involve any complicated system. The raw material required is also quite ordinary and includes tobacco mixture, wrapper leaf and thread to give it a final shape. The wrapper leaves are first soaked in water in order to make them soft. They are then cut into rectangular shapes of various sizes. The average dimensions of their shape vary from factory to factory. Each worker is given a required quantity of tobacco mixture with a required number of leaves. Wrapper is then rolled with a swift

movement of fingers. The top or broad end is closed by bending it over the wrapper with the fingers. The other end of beeri is tied with a piece of white or coloured cotton thread. The beeries are then grouped into bundles and then wrapped up in a thin coloured paper on which the trade mark of the concern is printed.

5. The Factories Act, 1948 was applied to beeri making establishments, where 20 or more workers were employed. The State Government had also further extended the scope of the Act in this industry by applying Section 85 of the Factories Act, whereby all factories even employing less than 20 workers came under the purview of the Factories Act. The beeri owners, however, took the stand that beeri rollers are not 'workers' as defined under Section 2 of the Factories Act, 1948. In some cases, where prosecutions for non-registration under the Factories Act were filed against some beeri factory owners, they failed as the courts relied on various judgements of the Supreme^{ma}Court. It has been held by the Supreme Court that person who works on a piece rate basis and over whose work the owner has no control or supervision is not a "worker" and is not entitled to the benefits given under the Act. (Shanker Balaj Waje Vs. State of Maharashtra A.I.R. 1962 S.C.517). It was, therefore, decided not to enforce

the Factories Act on the beeri establishments. The arguments of the employers was that there is no control or supervision over the persons who roll beeries and therefore there was no relationship of the employer and the employee between the beeri roller and the manufacturer. The courts have held that whether or not a person was a worker within the meaning of the Factories Act depended on the facts of each case. Due to this, most of the workers engaged in beeri manufacturing establishments do not get benefits under the Factories Act. Government of India, therefore, decided to enact another legislation to safeguard the interests of beeri labour.

6. The system of payment in the Beeri Industry is wholly on piece rate basis except in the case of workers like wrappers, labellers and sorters, who are normally employed on monthly rate basis. The mode of payment in the industry is on proportion of 1000 beeries, while in the case of wrapper-s and labellers it is on the basis of 1 lakh beeries. The minimum rates of wages have been fixed by the State Government in 1963 at the rate of Rs.1.59 per thousand beeries. In certain places, however, the rates are more than Rs.1.59 per one thousand beeries. The wårkers are paid even upto Rs.2/- per thousand beeries. The minimum wages in this employment expected to be revised soon.

An assessment of the actual earnings of the workers has shown that the average production of beeries is between one thousand to 1.5 thousand beeries per day by a male worker and from 800 to 1,000 beeries per day by a female worker.

7. Deductions from wages in the Beeri Industry are ^{at} very frequent and are of various types. Wages are deducted for preparation of bad beeries, mis-use of leaves, shortage of tobacco etc. After the beeries are prepared, they are inspected by the Manager, who has right to reject as many beeries as he likes, and no payment is made for the rejected beeries, though they are also sold in the market.

8. The working conditions in the factories are miserable. Most of the factories are ill-ventilated and workers are accommodated in a congested place. Improper ventilation and insufficient lighting arrangements adversely tell upon the health of the workers. There are no fixed hours of work in these establishments. Some workers work whole day and even late in the night. A weekly holiday is usually given to the workers. The workers generally carry raw materials at home and work on holidays to increase their meagre earnings.

9. There is hardly any action by the employers in the Beeri Industry, which can

be called a welfare activity by the employer, though some of the factories are large ones, employing even 500 or more workers.

10. The workers in the Beeri Industry have not been able to get much relief from the labour laws because of the controversy whether they can be termed as 'workers' and whether the relationship of master and servant exists between the manufacturer and the workers. Another important feature was that most of the workers work at home and bring the berries back to the manufacturer. In such cases, the enforcement of law is very difficult. However, where the work is carried on in a particular premises, hours of work should be fixed and other facilities should also be available to the workers.

11. The Beeri and Cigar Workers (Conditions of Employment) Act, 1966 provides for the welfare of the workers in Beeri and Cigar Establishments and regulates the conditions of their work and the matters connected therewith. This Act has not yet come into force. The definition of 'employee' under this Act is very wide and covers a person employed directly or through any agency, whether for wages or not, in any establishment to do any work skilled, un-skilled, manual or clerical and also includes homemaker or a worker employed through a contractor. This Act will certainly give

considerable relief to the beeri workers.

Conditions of Labour in Wool Carpet making
and Stone Quarry:

A separate note will be submitted to the Commission on conditions of labour in Wool Carpet making and Stone Quarries, as the survey is still in process regarding these industries.

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