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ENFORCEMENT OF THE WELFARE PROVISIONS OF THE FACTORIES ACT, 1948 IN IRON FOUNDRIES AND ENGINEERING INDUSTRIES OF AGRA DIVISION

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ABSTRACT:

The Factories Act, 1948 was enacted to consolidate and amend the law regulating labour in factories in India. It lays down the detailed provisions regarding health, safety and welfare measures. The chapter V of the Factories Act, 1948 contains the welfare provision from sections 42 to 50. This survey study appraises the enforcement of welfare provisions of the Factories Act, 1948 in 100 factories (57 iron foundries and 43 engineering industries) of Agra, Mathura, Firozabad and Mainpuri districts of Agra divisions of Uttar Pradesh state of India. 500 workers-05 workers from each factory, were interviewed through an Interview Schedule. Observation Schedule was used to collect facts from factories. Interview Guide was used to gather information from owners, occupiers, lawyers, trade union leaders and labour officers. This study makes empirical conclusions about level of enforcement of welfare provisions such as facilities for washing, storing and drying cloths; facilities for first-aid, canteen, shelter, rest room and lunch room; and appointment of welfare officer, medical officer, nursing staff and canteen management committee.

KEYWORD :

Welfare; Welfare Officer; Canteen; First-Aid; Factory; Enforcement.

INTRODUCTION:

In India, Labour is a common subject between the Centre and the States. Article 246(4) of the Constitution of India empowers the Union and the States to jointly legislate on issues relating to trade union, industrial and labour disputes, social security and social insurance, employment and unemployment, welfare of labour including conditions of work, provident funds, employers' liability, employees compensation, invalidity, old age pension and maternity benefits.

The Factories Act, 1948 was enacted by the Parliament of India to consolidate and amend the law regulating labour in factories. It is a labour welfare enactment codified with a view to regulating working conditions in the factories and to provide with the health, safety and welfare measures in factories so that the workers may feel interest and charm in going to factories and devote their time and labour in the manufacturing process of the factory without being afraid of bodily strain and without fear and danger of infection and accidents.

The welfare measures are contained in chapter V of the Factories Act, 1948. Sections 42 to 48 deal with washing facilities, facilities for storing and drying clothing, facilities for sitting, first aid appliances, canteens, shelter, rest rooms, lunch rooms and crèches. Section 49 deals with the appointment of welfare officer in the factory. Section 50 empowers the State Government to make rules to supplement chapter V of the Act. This survey research empirically studies the enforcement of the welfare provisions of the Factories

Act. 1948 in iron foundries and engineering industries of Agra division of U.P. state of India.

Kennedy (1966) stated that in view of the vastness of labour legislation in India and the absence of proper emphasis on its enforcement, it can be said that many of the actual practices are in conflict with avowed goals and are also not attuned to the realities of unionism and labour relations.

Giri (1970) stated that wherever inspecting officers have been appointed, they have been overburdened with a variety of duties and responsibilities spread over a wide area. Some inspectors appointed under the provisions of the Factories Act are unable to finish even one round of routine inspection of the industrial units coming under their jurisdiction during the course of one year. It is therefore, needless to speak of the fate of important cases referred to them for quick disposal after proper inquiry, many irregular methods and practices, therefore, continue undetected.

Sonarikar (1976) found that modifications in purpose occur at the implementation level, not at the law-making level. Sometimes, unintended consequences arise from legislation which cannot or in any event is not fully implemented and insufficient attention has been paid to this question in our labour policy. The low importance attached to the implementation of laws has procreated many problems which have impeded the success of legislation. There has been in our set-up a natural and necessary emphasis more on what the proper content of legislation should be, than on its enforcement.

Ram (1984) studied the forms and extent to which the provisions of different labour legislations specifically concerned with the women labour in industrial setting are being violated in industries.

Inspectorate (1989) in its research found that the sanitary and hygiene conditions in most of the canteens were found to be unsatisfactory. The nutrition value of the food supplied was found to be less than the standard set by the Nutrition Advisory Committee in most of the canteens except at the port of Tuticorn. The food consumption pattern in most cases indicate much less calorie intake and the food is not balanced.

Sharma (1991) described that the workers were partly satisfied with the available facilities of housing, education, medical and training programmes. However, the existing facilities needed expansion quantitatively and qualitatively. Industrial relations also need improvement. He also suggested some measures to ensure labour welfare. i.e. incentive schemes may be taken up so that the workers may be motivated to increase the productivity. In order to keep the congenial Industrial Relations, Workers' Participation should be encouraged.

Rao (1992) in her study found that workers are generally ignorant about health, safety and welfare provisions. The facts indicate that provision of safety measures is not sufficient. Management was generally found apathetic towards health and welfare facilities for workers. There is general lack of interest on the part of labour welfare officer about the welfare of the workers. Workers are not satisfied about the role of unions in the matter of welfare.

MATHODOLOGY

This empirical survey study was conducted in Agra, Mathura, Firozabad and Mainpuri districts of Agra division of U.P. state of India in which data were collected from 100 factories (57 iron foundries and 43 engineering industries). The respondent factories were chosen through convenience sampling. 05 respondents were selected from each factory through random sampling technique. Observation Schedule was used to gather facts from factories. Interview Schedule and Interview Guide were used to record responses from owners, occupiers, workers, trade union leaders, lawyers and officers of the labour department of U.P. Government.

ANALYSIS AND INTERPRETATION

Table 1: Arrangements For Washing Facilities

S.No.	Arrangements	Foundrie	%	Engg. Ind.	%	Total
1.	Adequate and suitable washing facilities	30	65.2	16	34.8	46
2.	Soap/detergent provided for washing	11	57.9	08	42.1	19
3.	Conveniently located and accessible	17	63.0	10	37.0	27
4.	Kept in a clean and orderly condition	09	64.3	05	35.7	14
5.	Trough with taps provided	28	71.8	11	28.2	39
6.	Wash-basin connected with taps	28	71.8	11	28.2	39
7.	Taps on stand-pipes	30	75.0	10	25.0	40
8.	Showers controlled by taps	08	66.7	04	33.3	12
9.	Circular troughs of the fountain type	00	00.0	02	100.0	02
10.	Separate washing facilities for females	01	50.0	01	50.0	02
11	Six gallons of water a day for each person supplied for washing	18	66.7	09	33.3	27

Section 42 of the Factories Act, 1948 provides for adequate and suitable washing facilities for workers. Table 1 shows that adequate and suitable washing facilities were provided in 46% of the factories, of which foundries were in majority. Taps on stand pipes were found in 40% of the total industries surveyed, in which 75% were iron foundries. Troughs with taps and wash-basins connected with taps were available in 39% of the factories, of which more than 70% of the industries were foundries. Washing facilities were conveniently located and easily accessible in 27% of the industries, of which 63% were foundries and 37% were engineering industries. Soaps/detergent powders were provided in 19% of the factories, consisting of 57.9% foundries and 42.1% engineering units. Six gallons of water a day for each worker was supplied for washing in 27% of the factories, of which foundries were 66.7% and the rest 33.3% were engineering industries. Showers were controlled by taps in 12% of the factories. Circular troughs of the fountain type and separate washing facilities for females were provided in only 2% of the total industries covered in this study.

Table 2 shows that arrangements for drying wet clothes were made in 57% of the surveyed factories, of which 64.9% were engineering units and 35.1% were iron foundries. Suitable places were provided for keeping clothing not worn during working hours in 52% of the industries, of which 67.3% were engineering industries whereas 32.7% were iron foundries. Hangers, pegs and/or lockers were available in 48% of the factories comprising of 66.7% engineering units and 33.3% foundries.

Table 2: Facilities For Storing And Drying Clothes.

S. No.	Facilities	Foundries	%	Engg. Ind.	%	Total
1.	Suitable places for keeping clothing not worn during working hours	17	32.7	35	67.3	52
2.	Separate room(s)	02	22.2	07	77.8	09
3.	Hangers, pegs and/or lockers	16	33.3	32	66.7	48
4	Arrangements for drying wet clothes	20	35.1	37	64.9	57

However, separate rooms for storing and drying clothes were provided only in 9% of the factories, of which 77.8% were engineering industries and 22.2% were foundries. Data in the table 5.23 clearly shows that compliance of requirements as laid down in Section 43 of the Factories Act, 1948 and rules made thereunder, relating to facilities for storing and drying clothes was better found in engineering industries than in iron foundries.

Table 3:Facilities For Sitting.

S. No.	Arrangements	Foundries	%	Engg. Ind.	%	Total
1.	Arrangements of sitting for workers working in a standing position	05	29.4	12	70.6	17
2.	Seating arrangement for workers working in a sitting position	07	31.8	15	68.2	22
	Total	12		27		39

Section 44 of the Factories Act and rules prescribed by the Govt, of U.P. provide for suitable facilities for sitting to all the workers in the factories. Table 3 depicts that facilities for sitting were provided only in 39% of the industries surveyed in this study. Seating arrangements were made for workers who were obliged to work in a sitting position in 22% of the factories, of which 68.2% were engineering industries and 31.8% were foundries. Facilities for sitting were provided for workers obliged to work in a standing position in 17% of the factories, of which 70.6% were engineering units whereas 29.4% were foundries. Facilities for sitting were provided in comparatively higher number of engineering industries than in foundries.

First-aid appliances are required to be provided under Section 45 of the Factories Act, 1948 and rules made thereunder. Table 5.25 shows that first-aid boxes or cupboards were provided in 68% factories, of which 58.8% were foundries and 41.2% were engineering industries. These were kept under the charge of a certified person in 3% of the factories only. Ambulance room was not provided in any of the factories surveyed. As far as prescribed contents of the First-Aid boxes or cupboards are concerned, snakebite lancets were not provided in any First-aid box or cupboard.

Table 4: Availability of First-Aid Facilities.

S.No.	First-aid facilities	Foundries	%	Engg. Ind.	%	Total
1.	First-aid box or cupboard	40	58.8	28	41.2	68
2.	Kept in charge of a certified person	02	66.7	01	33.3	03
3.	Sterilized dressings	04	33.3	08	66.7	12
4.	Sterilized burn dressings	04	36.4	07	63.6	11
5.	Sterilized cotton wool	04	33.3	08	66.7	12
6.	Alcoholic solution of iodine	03	30.0	07	70.0	10
7.	Bottle of sal-volatile	05	50.0	05	50.0	10
8.	Adhesive plaster	04	33.3	08	66.7	12
9.	Snake-bite lancet	00	00.0	00	00.0	00
10.	Bottle of potassium-per manganate crystals	04	44.4	05	55.6	09
11.	Pair of scissors	03	27.3	08	72.7	11
12.	Copy of the first-aid leaflet	04	33.3	08	66.7	12
13.	Bandages	06	42.9	08	47.1	14
14.	Safety pins	07	53.8	06	56.2	13
15.	Suitable splints	07	53.8	06	56.2	13
16.	Tournequet	05	31.2	11	68.8	16
17.	Ambulance room	00	00.0	00	00.0	00

Prescribed contents were provided in the factories between 9 and 14% of the total. Prescribed contents were provided in more number of engineering units than iron foundries. Under Section 46 of the Factories Act, 1948 and Rules made thereunder, Canteen(s) are required to be provided in the Factories wherein more than two hundred and fifty workers are ordinarily employed. Approved Canteen accommodations were provided in all the four industries which were required under the Act to provide for the same. Dinning halls were not partitioned off and reserved for women workers in any of the factories. There was adequate ventilation in all the canteens. And sufficient utensils, crockery, cutlery, furniture and other equipments were also available in all the canteens.

Dinning hall, kitchen, store room, pantry and working places were separate for canteen workers and utensils in 3 out of 4 canteens. Canteens were sufficiently lighted and their doors and windows were of fly-proof construction in 75% of the canteens. Walls, ceilings, passages and staircases were lime or colour-washed regularly in 75% of the canteens. Hot water was supplied for cleaning of the utensils and equipments in 3 out of 4 canteens. Charges for canteen facility were realised at market price in 3 canteens and subsidised charges below market rates were realised from workers only in one canteen. 50% of the canteens were situated beyond fifty feet from latrine, urine, source of dust, smoke or obnoxious fumes; and their floors were made of smooth and impervious material. In similar number (50%) of the factories, wood work, internal structure of iron or steelwork was varnished or painted as required under the Act and Rules. There were sufficient chairs and benches in 50% of the canteens; and precincts of these canteens were maintained in a clean and sanitary condition.

Table 5: Showing Canteen Facilities in the Factories.

S. No.	Particulars of canteen facility	Foundries	%	Engg. Ind.	%	Total
1.	Approved canteen accommodation	03	75.0	01	25.0	04
2	Situated beyond fifty feet from latrine, urinal, source of dust, smoke, obnoxious fumes	01	50.0	01	50.0	02
3	Dinning hall, kitchen, store room, pantry' and working places separate for canteen workers and utensils	02	66.7	01	33.3	03
4.	Floor made of smooth and impervious material	02	100.0	00	00	02
5.	Doors and windows of fly proof construction	02	66.7	01	33.3	03
6.	Adequate ventilation	03	66.7	01	33.3	04
7.	Sufficiently lighted	02	66.7	01	33.3	03
8	Walls, ceilings, passages and staircases lime or colour washed regularly	02	66.7	01	33.3	03
9.	Wood work varnished or painted	01	50.0	01	50.0	02
10.	Clean and sanitary condition	01	50.0	01	50.0	02
11.	Internal structure of iron or steel work varnished or painted	01	50.0	01	50.0	02
12	Dinning hall can accommodate 20% of workers at a time	00	00.0	00	00.0	00
13.	Dinning hall partitioned off and reserved for women workers	00	00.0	00	00.0	00
14.	Sufficient chairs and benches	01	50.0	01	50.0	02
15.	Sufficient utensils, crockery, cutlery, furniture and other Equipments	03	75.0	01	25.0	04
16	Furniture, utensils and other equipments maintained in a clean and hygienic condition	01	50.0	01	50.0	02
17.	Hot water for cleaning utensils and equipments	02	66.7	01	33.3	03
18	Suitable clean clothes for canteen workers	01	100.0	00	00.0	01
19.	Charges at market price	02	66.7	01	33.3	03
20	Subsidised charges	01	100.	00	00.0	01

Besides, furniture, utensils and other equipments also were maintained in a clean and hygienic condition in 50% of the canteens. Suitable clean clothes were provided for canteen workers only in 01 out of 04 canteens. Better canteen facilities were provided in more number of iron foundries.

Table 6: Facilities of Shelter(s), Rest-Rooms and Lunch Rooms

S. No.	Facilities	Foundries	%	Engg. Ind.	%	Total
1.	Shelter(s), rest room(s) and lunch room(s) provided with provision of drinking water	05	62.5	03	37.5	08
2.	Building(s) of shelter(s), rest room(s) and lunch room(s) soundly constructed	03	50.0	03	50.0	06
3.	Water-proof and heat-resisting walls and roofs	03	60.0	02	40.0	05
4.	Floor of smooth, hard and impervious surface	02	50.0	02	50.0	04
5.	Adequate ventilation	02	50.0	02	50.0	04
6.	Sufficiently lighted	02	66.7	01	33.3	03
7.	Chairs/benches with back-rests provided	02	50.0	02	50.0	04
8.	Maintained in a cool, clean and tidy condition	03	60.0	02	40.0	05
9.	Workers eat their food in the lunchroom(s) only	02	50.0	02	50.0	04

Under Section 47 of the Factories Act, 1948 and Rules made by the State Govt., of U.P., shelter(s), rest room(s) and lunch room(s) are required in every factory wherein more than one hundred and fifty workers are ordinarily employed. Table 6 indicates that shelter(s), restroom(s) and lunch room(s) were

provided with provision of drinking water in only 8% of the factories, of which 62.5% were foundries and 37.5% were engineering industries. Buildings of shelter(s), rest room(s) and lunch rooms were soundly constructed in 6 out of 8 factories, comprising of equal number of foundries and engineering industries. Walls and roofs of these shelter(s), restroom(s) and lunch room(s) were heat-resisting and water proof in 5 out of 8 and they were maintained in a cool, clean and tidy condition. Floors of 50% of them were of smooth, hard and impervious surface and they were adequately lighted and ventilated. Chairs/benches with back-rests were provided in 50% of these shelter(s), rest-room(s) and lunch- room(s).

Table 7 contains data on various reasons for not providing welfare facilities such as washing; storing and drying clothes; sitting; first-aid appliances; canteen; shelters; restrooms; lunch rooms; crèches etc. 81% of the respondents said that non-compliance of various welfare provisions did not make any difference to enforcement authorities, in which 55.6% foundries and 44.4% engineering industries were included. 74% of the informants - belonging to 67.6% foundries and 32.4% engineering units- said that there was no need of such facilities at all. 38% of the factories - 68.4% engineering industries and 31.6 foundries-could not provide welfare facilities because of lack of financial resources. 17% of the respondents said that workers did not like and utilise these facilities.

Table 7: Reasons for Not Providing Welfare Facilities

S. No.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Facilities not needed	50	67.6	24	32.4	74
2.	Lack of financial resources	12	31.6	26	68.4	38
3.	Non-availability of space	02	25.0	06	75.0	08
4.	Workers don't like	07	41.2	10	58.2	17
5.	Doesn't make difference to authorities	45	55.6	36	44.4	81
6.	Productivity of workers goes down	03	75.0	01	25.0	04
7.	Cause of unnecessary Problems	03	42.9	04	57.1	07
8.	Workers hail from adjoining localities	05	31.3	11	68.7	16

And 16% of the occupiers did not provide certain facilities because workers hailed from adjoining localities therefore, they did not need. Non-availability of space was the reason for 8% of the factories. And for 7% of the industries, provision of welfare facilities caused unnecessary problems. In a minimum (4%) of the factories, occupiers did not provide welfare facilities for the fear that productivity of workers might go down.

Table 8: Showing Employment of Welfare Officer in the Factories

S.N.	Response	Foundries	%	Engg. Ind	%	Total
1.	Yes	04	57.1	03	42.9	07
2.	No	00	00.0	00	00.0	00
3.	N.A.	54	56.3	42	43.7	96

Under Section 49 of the Factories Act, 1948, Welfare Officer(s) are required to be employed in every factory wherein five hundred or more workers are ordinarily employed. Table 8 shows that Welfare Officers were not required to be employed in 96% of the total industries surveyed in this study. However, 3 additional number of factories-2 engineering industries and one foundry employed Welfare Officers even if their workers' number fell below five hundred. Thus, implementation of provision relating to employment of Welfare Officer was highly satisfactorily complied with in both the types of industries.

Table 9: Showing Employment of Medical/ Nursing Staff

S.N.	Response	Foundries	%	Engg. Ind	%	Total
1.	Yes	01(1.7)	50.0	01(2.3)	50.0	02
2.	No.	01(1.7)	50.0	01(2.3)	50.0	02
	Total	57(100.0)		43(100.0)		100

Data in table 9 depicts that medical or nursing staff was not required under the Act in 96% of the factories surveyed. Out of 4% of the factories, wherein such a staff was required, 50% of such industries (i.e. 2 industries) employed medical/nursing staff whereas, an equal number of factories did not employ medical/nursing staff.

Table 10: Reasons for Not Employing Medical/ Nursing staff

S.N.	Reasons	Foundries	%	Engg. Ind	%	Total
1.	Ambulance room or dispensary not provided	01	50.0	01	50.0	02
2.	E.S.I. Medical facilities available	01	50.0	01	50.0	02
3.	Pvt. clinics nearby factory	01	100.0	00	00.0	01
4.	Workers employed by contractor, hence medical staff not provided by employer	01	50.0	01	50.0	02
5.	Accidents are very rare	01	50.0	01	50.0	02

Section 45(4) of The Factories Act, 1948 and Rule 67 of the U.P. Factories Rules, 1950 require that in every factory wherein more than 500 workers are employed, there shall be provided and maintained an ambulance room or dispensary which shall be in charge of qualified medical/nursing staff. All the factories which did not employ medical/nursing staff disclosed that very rare occurrence of accidents; non-availability of ambulance room or dispensary; availability of E.S.I. medical facilities and contractual employment of workers were the prime reasons for not employing medical/nursing staff. One respondent said that his factory did not employ such staff because private clinics of doctors were available nearby factory.

Table 11: Constitution of Canteen Managing Committee.

S.N.	Response	Foundries	%	Engg. Ind.	%	Total
1.	Yes	01(1.7)	100.	00(00)	00.0	01
2.	No.	02(3.5)	66.7	01(2.3)	33.3	03
3.	N.A.	54(94.8)	56.3	42(97.1)	43.7	96
	Total	57(100.0)		43(100.0)		100

Under Section 46 of the Act and corresponding rules for Canteen Managing Committee, data in table 11 shows that out of 4 industries, only one industry constituted the Canteen Managing Committee and 3 out of 4 factories did not constitute any Canteen Managing Committee. In 96% of the factories, Canteen Managing Committees were not required as there was provided no Canteen.

For all the factories which did not constitute the Canteen Managing Committee, the reasons cited were: that such Committee was not needed; workers' representatives misused the canteen and management managed the canteen properly. 50% of the respondents (i.e.2) said that workers had no special knowledge to manage the Canteen and one respondent told that workers were unable to elect their representatives for Canteen Managing Committee.

Table 12: Reasons for Not Constituting Canteen Managing Committee.

S.N.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Such Committee not needed	02	66.7	01	33.6	03
2.	Workers don't co-operate	01	66.7	01	50.0	02
3.	Workers' representatives misuse the canteen	02	66.7	01	33.6	03
4.	Management manages properly	02	66.7	01	33.3	03
5.	Workers have no special knowledge	01	50.0	01	50.0	02
6.	Workers unable to elect representatives	01	100.0	00	100.0	01

CONCLUSIONS

1. Adequate and suitable washing facilities were provided in 46% of the factories whereas soap or/and detergent was provided only in 19% of the factories. Taps on stand-pipes were provided in 40% of the factories and trough with taps and wash-basin connected with taps were provided in 39% factories.

2. Arrangements for washing facilities were made better in higher number of iron foundries than engineering establishments. Arrangements for drying wet clothes were made in 57% factories whereas suitable places were provided to the workers for keeping clothing not worn during working hours in 52% of the total factories. Hangers, pegs and/or lockers were provided in 48% factories and separate rooms for storing and drying clothes were provided in 9% factories. Facilities for storing and drying clothes were provided in greater number of engineering industries than iron foundries.

3. Sitting arrangements were provided for workers obliged to work in standing position in 17% industries and seats were provided to the workers working in sitting position in 22% factories. Facilities for sitting were provided in majority of the factories.
4. First-aid boxes or cupboards were provided in 68% of the factories but the prescribed contents of these boxes or cupboards were not available in more than 90% factories. Prescribed contents were provided in more number of engineering units than iron foundries.
5. Canteen facilities were provided in 04% industries and better canteen facilities were provided in greater number of iron foundries.
6. Facilities of shelters, rest rooms and lunch rooms were satisfactorily provided in only 8% of the factories.
7. The reasons for not providing welfare facilities were (i) it did not make difference to authorities (81%); (ii) facilities not needed (74%); (iii) lack of financial resources (38%); (iv) workers did not like the facilities (17%); (v) non-availability of space (8%); (vi) cause of unnecessary problems (7%); and (vii) productivity of workers goes down (04%).
8. Welfare Officer was employed in 07% factories. Some industrial establishments employed Welfare Officer even if the numerical strength of workers was below 500.
9. Medical or nursing staff was employed in 2% of the factories which was 50% of the factories wherein such medical nursing staff was required under the Act.
10. Reasons for not employing medical or nursing staff were: (i) E. S. I. medical facilities were available (2%); (ii) contractual nature of workers (2%); (iii) very rare occurrence of accidents (2%); and (vi) private clinics were nearby factory.
11. Only one out of 4 establishments constituted Canteen Managing Committee. Reasons for not constituting Canteen Managing Committee included: (i) no need of such committee (3%); (ii) misuse of canteen(s) by workers' representatives (3%); (iii) management manages properly (3%); (vi) workers don't co-operate (2%); (v) workers have no special knowledge (2%); and (iv) workers were unable to elect their representatives (1%).

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