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No. 7/17/67-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension, Part II

AS

New Delhi-3
Dated the 14th October, 1967.

To

The Chairman and the
Members of the National
Commission on Labour.

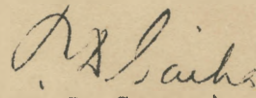
Subject:- Programme of visit of the National Commission
on Labour to Jammu and Kashmir State - Record of
discussions.

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Sir,

In continuation of the Commission's letter of
even number dated the 10th October, 1967, I am directed to
forward a copy of the record of discussions of the Commission
at Srinagar in Jammu & Kashmir State on 25th and 26th September,
1967, as approved by the Chairman.

Yours faithfully,


(P. D. Gaiha)
Joint Director

Encls: as above

NATIONAL RESERVE CENTRE OF LABOUR
INFORMATION & DOCUMENTATION
V. K. JAIN
NOIDA

ACC. No. C-181
DATE 2-2-99

NATIONAL COMMISSION ON LABOUR
(CAMP: SRINAGAR (25.9.1967))

JAMMU AND KASHMIR

11.45 A.M. to 1.00 P.M.

Record of discussions with the following Heads of Departments and Representatives of State Public Sector Undertakings:-

1. Mr. L.S. Titus,
Secretary,
Industries & Commerce.
2. Mr. J.S. Janwal,
Director, Government
Transport Undertaking.
3. Mr. Gulam Rasool Ashai,
Government Transport
Undertaking.
4. Qazi M. Afzal,
Chief Engineer, P.W.D.
(R&B), Kashmir.
5. Mr. G.M. Mir,
Director, Food and
Supplies.
6. Mr. J.M. Mengi,
Joint Director,
Industries.
7. Mr. S.M. Aga,
Managing Director,
J&K Industries Ltd.) (Vide. our Ref.No.NCL-JK-IV.4)
8. Mr. H.N. Tikku,
Administrative Officer,
J & K Industries Ltd.)
9. Mr. K.K. Madan,
General Manager,
Woollen Mills (Unit JKI))
10. Mr. J.L. Sazawal,
Manager, Government Spinning
Mills, (Unit JKI))
11. Mr. G.H.Lone,
Government Woollen Mills,
J & K Industries Ltd.)
12. Mr. S. Ali Rashid,
Govt. Silk Weaving Factory,
Srinagar (J&K Industries Ltd.))

13. Mr. B. Karim,
Managing Director,
J&K Minerals Ltd. } (Vide our Ref.No.NCL-JK-IV.7)
14. Mr. Q.R. Singhal,
Assistant Personnel
Officer, J & K Minerals Ltd. }
15. Mr. G. Qadir,
Manager, Government Joinery
Mills, Pampore.
16. Mr. A.L. Mengi,
Manager, Government Silk
Weaving Factory, Rajbagh,
Srinagar.
17. Mr. G.L. Nabi,
Manager, Sericulture,
Kashmir.

Mr. S.M. Aga

1. J & K Industries Ltd. came into existence in October, 1963, as a public sector undertaking. It comprises 16 units which were previously run departmentally. They have a total labour force of 8,756.
2. They have Unit-wise unions, all affiliated to the State Central Labour Union with branches both at Srinagar and Jammu.
3. Multiplicity of unions would give rise to clashes and rivalries. Multiplicity may be somewhat advantageous to workers but it would create problems. It would be better for trade unions to get affiliated to Federations in India but for the management it might create difficulties.
4. The union elections when necessary are generally conducted by show of hands.
5. Works Committees are in existence and have been recently activated; meetings are held every month. With little more experience, they are likely to play a useful role. They help in educating workers and have made them more responsible.
6. Joint Management Councils are functioning in three Units.
7. Standing Orders are being processed. The Standing Orders Act was passed in 1960 but Rules thereunder were framed only in 1966. They have prepared draft rules but an amendment in the

Act is necessary for enforcing them. Government has already been moved therefor. The procedure followed would be the same as in the rest of India.

8. There is paucity of foreign exchange. Imports of raw materials are allowed on a pro-rata basis. Supplies are made to them according to their quota at controlled prices; rest of their raw material requirements are bought from open market at high rates.

9. N.P.C. (National Productivity Council) Schemes have received poor response from workers due to lack of education. Workers are not productivity conscious. Productivity has not kept pace with rise in wages.

10. Dearness Allowance is fixed on ad hoc basis and is not linked to cost of living index. J & K has no C.P.I. series. Whenever ad hoc increases are allowed to State Government employees, a similar increase is made in their establishments as well; workers feel discontented if increases similar to Government employees are not granted to them.

11. The present average wage ranges from Rs. 3.10 to 5.40 and is within the capacity of the industry to pay. Future increases in wage must be related to this factor. The units are unable to meet any further demands as the price of end products cannot be increased beyond a certain limit.

12. Workers from Punjab who are usually better skilled, get proportionately more by way of wages. Their presence does not create any special problem.

13. Workers have subsidiary sources of income from vocations like embroidery work, one or two looms of their own, pan shops, tobacco shops or a small piece of land of their own.

14. The Public Sector should be a model employer.

15. All industrial laws apply to public sector.

16. The management-labour relations are satisfactory. In the last four years only one case was referred to tribunal. Tribunal's award (re-instatement and payment of arrears of wages) was respected by the management. The re-instated worker was taken out in a procession but thereafter the things settled down and there was no bad effect on discipline.

17. Rations for everyone within the municipal limits of Srinagar and Jammu, are subsidised; the amount of subsidy is Rs. 10 to 11 per person. Each individual gets 11 kgs per month and the selling price of rice is Rs. 33 per quintal.

18. Consequent on demand from workers, dormitories were set up but workers actually live in their own houses. Imported labour from Punjab, however, lives in dormitories.

19. Powers to appoint Tribunals in J & K vest with the Law Department. The personnel to man tribunals are selected from Judicial Cadre; either District or Sessions Judges are selected.

20. There were complaints about the quantity and quality of imported raw material sanctioned. Government allows the import of wool for exporting end products. In some cases the end product is a shawl which does not have an export market. The shawls and carpets are, however, sold at the counter and when purchases are made by foreigners they pay in rupees. Such rupee transactions do not entitle the seller any import entitlement.

21. For importing machinery, while foreign exchange was sanctioned by Government, they were not allowed to have credit from the country preferred by them.

22. Another difficulty experienced was about letters of credit and furnishing of security. (A reference was made to the dispute between them and the State Bank of India in regard to furnishing of the guarantee. State Bank insisted on the guarantee being countersigned by the Government of India and it took 18 months to reach a settlement. Meanwhile, the suppliers could not wait and in the process company lost the credit. Now they have been assured by the Government of India of some free foreign exchange.)

23. Machinery in woollen textile mills is 37 years old; it was old enough even at the time of purchase. This coupled with the indifference on the part of labour, has adversely affected efficiency. Blame for this could not be apportioned.

24. Taking together all the constituent units of the Corporation, they have been running at a loss.

25. There is not much casual labour. There is, however, surplus labour in every unit. The question of rationalisation is under consideration. Some of the workers have offered to go provided they were given adequate compensation in the form of gratuity etc. They would be able to weed out the surplus labour in consultation with the union.

26. After harvesting is over and during winter months, workers from rural areas usually go to Punjab, U.P. and Himachal Pradesh.

27. Registered unions are recognised by them.

28. The influence of the politicians on trade unions should be eliminated.
29. Power breakdowns mostly occur in winter when the hydro system suffers freeze. No advance notice is given to establishments about power breakdown. (Electrical Engineer observed that once the Thermal Power Station is commissioned, continuous supply would be maintained).
30. Works Committees and J.M. Councils hold meetings every month and the Management and Unions meet every quarter. Both the parties are satisfied with the arrangements.

J & K Minerals Ltd.

1. While accepting the role that collective bargaining can play, they would prefer the system of adjudication. They think that it is more conducive to industrial peace.
2. They have not experienced a spirit of insubordination among their workers; at times, workers have no doubt become rough. Basically industrial relationship is more a matter of human relationship.
3. It would be better if politicians leave to management and workers to settle their affairs amongst themselves. There was considerable exploitation by outside leaders and politicians. Some issues which are not germane, came up because of outsiders.
4. There were two or three token strikes in their concern and these lasted only for half an hour; there was no other strike in the public sector. One of the strikes was in regard to the appointment of a sole agent. The Agent was appointed by inviting tenders. The displaced agent who came to know about the decision, felt aggrieved and he bribed workers to stage a strike. When the matter was personally explained to workers, the strike was withdrawn. The other token strike was for the grant of Dearness Allowance from a particular date.

State Transport Undertaking.

1. The question of temporary workmen has been under the consideration of Government for more than 3 years.
2. Normally, a worker has to work only for 8 hours a day. In case drivers are put on longer routes, and are required to work for longer periods, they are paid for it.
3. Their trade union is quite vocal.
4. The State Central Labour Union occupies the same position that the INTUC in India enjoyed before the 1967 elections. There is

no obligation on the part of unions at the plant level to get themselves affiliated to State Central Labour Union. However, a moral persuasion is there for plant level unions to get themselves affiliated only to State Central Labour Union.

5. There are no Standing Orders in operation in the concern, at present.

6. On an average, a transport worker of the State gets Rs. 150/- p.m. besides his trip money which according to their calculations generally works out at Rs. 100 to 150 p.m. The salary of a transport employee in the J&K is better than that obtaining in sister undertakings in the rest of India. (Statement giving the number of drivers, number of those doing extra trips, wheel duty hours and spread-over will be supplied).

7. The Transport Workers Act is not applicable in the J & K nor are the Minimum Wages Act and the Bonus Act.

Food Department.

Workers are appointed departmentally on permanent basis. They get roundabout Rs. 93/- p.m. They have other occupations.

NATIONAL COMMISSION ON LABOUR
(CALP: SRINAGAR (25.9.1967))

JAMMU AND KASHMIR

3.00 P.M. to 5.00 P.M.

Record of discussions with Employers represented by:-

1. Mr. Ram Gopal, (Vide our Ref.No.NCL-JK-VII.17)
Kapoor Silk Mills,
(with one).
2. Miss Nora,)
President, Kashmir)
Carpet Manufacturers')
Association.)
3. Mr. Gulam Rasool Khan, (Vide our Ref.No.NCL-JK-V.16)
Secretary, Kashmir)
Carpet Manufacturers')
Association.)
4. Mr. Ali Mohammad,)
Kashmir Carpet)
Manufacturers')
Association.)
5. Mr. Gulam Mohammad,)
President, Kashmir)
Hotel and Restaurant)
Owners' Association.) (Vide our Ref.No.NCL-JK-V.17)
6. Mr. Mohammad Sultan,)
Secretary, Kashmir)
Hotel and Restaurant)
Owners' Association,)
(with three others).)
7. Mr. D.S. Soni,
President, Kashmir Chamber
of Commerce & Industry,
(with one).
8. Mr. Shambu Nath,
Secretary, Silk
Manufacturers' Association.

Kapoor Silk Mills

1. Kapoor Silk Mills employ about 175 workers. Some are on daily wages and some on contract.

2. Two to three workers are charge-sheeted daily for improper work, spoiling cloth etc. Workers invariably overlook such charge-sheets. The management, under the law, is not authorised to give any punishment. It becomes very difficult for the employer to discharge his worker. Labour Commissioner also backs labour and the union formed by labour. There has been no case of dismissal in the past two years.
3. Workers normally work on contract basis (piece-rate basis) and are paid according to the yardage they weave.
4. Works Committee with 3 representatives of management and an equal number from the union, is in existence. Matters relating to dismissal, indiscipline etc. are also discussed in the Committee but it does not help the management. While management has to abide by settlements arrived at in the meetings, there seems to be no obligation on labour to honour them. Generally, employers have to take work out of labour according to its inclinations.
5. Absenteeism in the factory - in the case of workers on daily wage - ranges from 20-25 per cent. To absent themselves without any reason has become second nature with workers. Alternative sources of income are partly responsible for this.
6. On an average, a worker gets Rs. 60/- p.m. plus Rs. 30/- as D.A. Weavers get about Rs. 100/- to Rs. 175/-. Wages obtainable in J & K in real terms are higher than those paid in other parts of India for similar work. (A statement in respect of wage rates operating in the concern will be supplied).
7. There are no Standing Orders in the concern.
8. Since most of the workers have their own piece of land to work on, they do not care for their job.
9. Procuring raw materials has been difficult. Employers have to depend on quotas allotted by Government.
10. Profits in the concern have declined.
11. There is no child labour working.

Kashmir Carpet Manufacturers' Association.

1. Workmen are satisfied in some respects. Workers are indisciplined and non-cooperative.
2. If workers earn what they consider to be enough, they do not want to work more. Wages have been increased every year but of this attitude increased wage rate has resulted in decline in productivity. /because

3. The profits have been dwindling; the carpet industry is, therefore, in bad shape. Some ways have to be found to stabilise the industry. Sales Tax, as proposed, is heavy on carpets as compared to the rest of India.
4. The labour laws are onerous. Particularly, the provisions in regard to timings go against the production programme set up by management.
5. The industry has been urging Government to keep the Factories Act in abeyance in so far as child labour is concerned.
6. The minimum earnings of a carpet weaver amount to Rs. 7/- a day; he works for about five hours. Wages constitute practically 60% to 65% of the cost of production. (A statement showing the break-up of total cost into its main components including labour will be supplied).
7. Dearth of skilled labour and paucity of raw material are mainly responsible for under-utilisation of installed capacity.
8. The weavers employ their mates or apprentices. Children of 6-7 years are also employed. The child labour has to learn the art right from tender age because it is considered to be a highly specialised job and fingers have to be trained for it since childhood.
9. To combine elementary education with training in the art of carpet weaving, for children has so far been difficult. The Employers will explore the possibility of combining education with work as suggested by the Chairman - three hours work and three hours education. State Government will be approached for providing facilities for education.
10. In Iran the industry is in the hands of girls and young ladies. Problem of education of young boys suffering does not arise there.
11. Since there is dearth of skilled labour, the members of the Association are facing competition from the self-employed in the trade.
12. Within the members of the same association, there is absence of any competition or higher bidding to attract labour. Advancing money free of interest is the novel practice followed by every employer.
13. They have a training scheme and take apprentices for designing and script writing. Stipends are paid to these apprentices. With the cooperation of Government it will be possible to train girls and older workers who have given up the craft for some time.
14. Cheap ration has introduced an incentive for absenteeism.

Kashmir Hotel And Restzurant Owners Association

1. The employment ranges from 10 to 15 workers in an average hotel. Small hotels have a smaller contingent.
2. Business is seasonal.

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Kashmir Chamber of Commerce & Industry

The Chamber has been asked to furnish a Memorandum to the Commission with special reference to Labour problems and the effect of State Labour Laws on the functioning of units which are members of the Chamber.

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NATIONAL COMMISSION ON LABOUR
CAMP: SRINAGAR (26.9.1967)

JAMMU & KASHMIR

10.30 A.M. to 12.15 P.M.

Record of discussions with the Workers' Unions,
represented by:-

STATE CENTRAL LABOUR UNION (and Unions affiliated
thereto)

1. Mr. Pyare Lal Kaechalu, (Vide our Ref.No.NCL-JK-VI.17)
President,
State Central Labour Union.
2. Mr. Jailal Tameri,
Organiser,
State Central Labour Union.
3. Mr. Mohd. Shaban,
President,
Food Central Labour Union.
4. Mr. Gulam Rasul,
Secretary,
Food Central Labour Union.
5. Mr. Gulam Ahmed Mir,
President,
Landloom Weavers' Union.
6. Mr. Mohd. Yusuf,
President,
Yapur Silk Mills Union.
7. Mr. Mohd. Abba Dar,
President,
Government Silk Factory Workers
Union.
8. Mr. Khizar Mohd. Dar,
President,
Government Woollen Mills' Labour Union.
9. Mr. Akbbar Bhat,
President,
Match & Sauronium Factories
Workers' Union.

10. Mr. Ali Mohd. Sidici,
Secretary,
Supplies Hamalan Union.
11. Mr. Gulam Ahmed Pathan,
President,
Nanchabal Centre Workers' Union,
Govt. Arts Emporium.
12. Mr. Mohd. Sidici,
President,
Carpet Weavers' Union.
13. Mr. Shanbu Nath,
Secretary,
State Central Labour Union,
Govt. Silk Weaving Factory Union.
14. Mr. Gulam Ahmed Mukur,
President,
Govt. Joinery Mill Union.
15. Mr. Souder Gul Majid,
President,
Govt. Transport Drivers &
Cleaners' Union.
16. Mr. Assadullah Bhat,
President,
Govt. Handloom Factory Union.
17. Mr. Gul. Ahmed Khanza,
Secretary,
Central Labour Union &
President, Govt. Spinning Mill Union.
18. Mr. Azim Din,
Joint Secretary,
State Central Labour Union./
Secretary, Govt. Woollen Mills Union.
19. Mr. Abdul Samad,
President,
Hamalan Supplies Union.
20. Mr. Mohd. Ismail Bhat,
President,
Food Central Workers' Union.

21. Mr. Gulam Mohd.,
President, Govt. Brick &
Tile Factory Union.
22. Mr. Gul Ahmad Bhat,
President,
Water Workers & Cashier, Central
Labour Union.
23. Mr. Mohd. Subhan,
President,
Govt. Silk Weaving Factory Union.
24. Mr. Gulam Mohd. Baghat,
Secretary,
Govt. Silk Weaving Factory Union.
25. Mr. Habibullah Malik,
Cashier,
Govt. Silk Weaving Factory Union.

Posts & Telegraphs Trade Unions (Vide our Ref.No.
NCL-JK-VI.28)

26. Mr. P.N. Kaul.
27. Mr. C.L. Lami.
28. Mr. O.N. Wali.
29. Mr. J.R. Gupta.
30. Mr. C.L. Ganju.
31. Mr. S.N. Kachru.

All J & K Minerals Workers' Union (Vide our Ref. No.
NCL-JK-VI.25)

32. Mr. M.L. Tikoo.
33. Mr. M.N. Kaul.
34. Mr. Manohar Nath.

All J & K Bank Employees Federation (Vide our Ref.No.
NCL-JK-VI.19)

35. Mr. C.L. Kichru.
36. Mr. V.K. Gurhu.
37. Mr. A.K. Kaul.
38. Mr. Krishan Lal.
39. Mr. M.N. Kaul.

.....4/-

State Central Labour Union.

1. The fall in the number of Unions from 147 to 85 in 1967 has been due to the withdrawal of Central Government employees unions. 85 unions at present have a membership of about 20,000.
2. The State Labour Department is guided by the Law Department in regard to reference of cases to adjudication. Even adjudication proceedings are influenced by Law Department. The dispute in NEDCOE's Hotel is the case on the point. The Hotel was transferred by the old employer to the present employers. The transfer documents show Rs. 40,000/- as liability to Workers. The workers filed a civil suit under the Trusts Act but the suit was dismissed last year. The case was then referred to the Labour Department. Till today, it has not been referred to adjudication. The Law Department is of the view that the case is time-barred though there is no limitation provided under the Act. In another case in which dismissal of a worker was involved and conciliation failed, adjudication was demanded. It is still pending with the Law Secretary though the original complaint was made in the year 1963.
3. Unions preferred the setting up of a permanent industrial tribunal. They would not like to have civil judges as Presiding Officers because they take a long time to settle the cases.
4. There should be a provision in the Act which enables Union/employers to take the case to tribunals direct. In the alternative, the Labour Department should be empowered to refer the cases to the tribunals for adjudication without delay and without any formal reference to the Law Department.
5. Landless labour is not organised. Some unions of 'Kashthars' were set up but at present they are non-existent. Generally workers are paid Rs. 2 to 3 in addition to one time tea and one meal a day.
6. There should be some law to protect the interests of the forest labour. It would be quite difficult for unions to reach such workers.
7. Exploitation of forests by Government could be a remedy.

....5/-

8. The problems of workers in the carpet weaving industry are quite complicated. A worker is supposed to work from 6 A.M. to sun-set and that too in unfair working conditions.

9. Money earnings of a carpet weaver were higher during the Second World War period than what they are today. (The Union will supply details)

10. With increase in wages, the employer is demanding better work from workers and the number of persons per loom is also being reduced.

11. Children are not indispensable to Carpet industry. They should be trained as artisans but at the same time, elementary education should not be neglected. They should be allowed to work for a few hours and provision for elementary education should be made jointly by employers and State Government.

12. Even if the ideology of different workers differs, there is one union at the plant level and the arrangement is working well.

13. The State Central Labour Union has decided that without being a part of the Congress Organisation, the Union may lend its support to that Organisation. The decision has been taken by it independently of the political parties. This is because affiliation to any political party may disrupt their organisation.

14. On the above basis negotiations are going on about affiliating the State Central Labour Union to one of the All India Federations of Employees.

15. Unions at plant level normally collect 50 paise per worker per month and out of this the affiliates pay 10 paise per worker to the State Central Labour Union. Efforts are being made by the Central Organisation to get the subscription at plant level reduced.

16. In the Drugs Research Laboratory there were 2 Unions registered and recognised. After some years, Government closed down the Laboratory. Later it was re-opened. Most of the earlier workers were re-employed. Thereafter the administration of the Drugs Research Laboratory was transferred to C.S.I.R. with a view to developing it into a National Laboratory. But as soon as the new Administrative Officer came on the scene, they opposed the formation of Union. The workers are not allowed to submit

joint representations and whenever any representation was sent, it was not responded to. Workers are threatened if they do not sever connections with the union. Some of them were transferred to Jammu by way of punitive action, but on some plea.

(A statement giving details of these cases will be supplied by the Union).

17. Workers want the Central Laws to be made applicable to the State; also to the Drugs Research Laboratory.

18. In the Ordnance Depot, under the Army Rules, no Union can be formed. However, Officers welcome informal talks with the Union.

19. Wages may be paid in kind. In working out the money off-set subsidised rates should be taken into account. There can be a limited wage freeze if there are similar curbs elsewhere.

20. There have been instances of victimisation of office bearers. A State Transport Undertaking where not only the union president was suspended but was actually imprisoned was cited. The Labour Minister and Deputy Minister wanted the president to be removed. The case was settled only with the intervention of the Chief Minister.

21. In the experience of labour representatives, though adjudication is demanded, the demand is seldom met.

22. Election of office bearers takes place after every three years. In some places it is done by secret ballot when demanded by workers or by show of hands. There is no interference from the Government side.

23. Except two office bearers, all others are from the rank and file of the workers.

24. An attempt was made by the Labour Minister to disrupt their unity on the eve of Commission's visit but it failed.

(Mr. Tamiri will send a note in this regard)

All J. & K. Bank Employees Federation.

1. Bank employees should be covered under the Industrial Disputes Act, 1947.

2. Awards applicable to the rest of India should be enforced in J. & K.

3. Normally, the conciliation proceedings take a long time. They want the entire proceedings to be over in 14 days. (Two cases - one referred on 2-9-1966 and the other in the year 1961 which are still pending were cited to prove the point).

Contd-----7

4. All Central Acts should be extended to J. & K. The District Judges should be empowered to decide workmen's compensation cases.
5. Rules under many of the Labour Laws have not been framed.

All J. & K. Minerals Workers' Union.

1. No Labour Laws have been made applicable to this sector. Conditions in the mines are far from satisfactory. Unions are not recognised; union leaders are not permitted to visit mines; representations to the Labour Department remain unreplied. Matters are, however, settled with the intervention of the Chief Minister.
2. They referred that the rules under the Employees Employment (Standing Orders) Act, 1963 were framed in 1967. As such the Act could not be given effect to earlier. Another difficulty in the implementation of the Act came in because the Certifying Officers were not appointed within six months and the Law Department then held the view that the Act has become infructuous. It is thus a case of Government delay coming in the way of workers getting statutory benefit (Labour Commissioner will supply a note on this point).
3. The J. & K. Minerals Ltd. is a new Corporation and officers have been drafted from India Government. They also are unsympathetic towards implementation of Central Rules in J. & K.
4. Unions are finding recognition difficult, If any representation is strongly worded by a union, it is debarred from getting recognition.

Posts and Telegraphs Trade Unions.

1. The union is affiliated to the P & T Federation.
2. The assurances given by Ministers on the floor of the Parliament are not fulfilled. "Go-Slow" resorted to by the P&T employees recently and its consequences were cited as example. When the dispute was resolved and "Go-slow" withdrawn, the Minister had given an assurance that for anything done in the course of the agitation, no action will be taken. The Department had taken action against some employees by penal transfers but despite the assurance given by the Minister, they were not being re-transferred.

(Statement regarding such like cases will be furnished)

3. There are no quarters for the workers except a dormitory which is in a very bad condition.

4. Condition of casual labour in the P&T is pitiable. A large number of casual workers, who have already put in 4 years service, are still temporary. There is no justification in keeping such a large contingent as temporary particularly when the work taken from them is of a permanent character. When the question of declaring them permanent comes up, prescribed qualifications come in their way. In actual practice, they perform the same work as is being done by permanent lines-men. In such cases, something should be done to revise the qualifications laid down. The qualifications for new entrants should be waived if persons already working were found fit for the job.

5. The persons working outside Srinagar do not get food at subsidised rates and have to buy it at exorbitant rates.

State Central Labour Union.

1. In the Electricity Department many workers were in employment for the last 15 years as 'badlis'. Though the job done by them is of a permanent nature, they continue to be called 'badlis' and are also denied the right of D.A. etc.

2. Workers get some D.A. in the private sector where the unions are strong but the practice in the government owned factories is to pay D.A. whenever Government sanctions D.A. to the State Government employees. Such orders are seldom issued simultaneously.

3. To improve employment opportunities, Central Government should take a more active part in providing new industries in the State.

4. No Act is applicable to the transport workers. They have to work for many hours, depending upon the routes on which they are put. At times, it is from 6 A.M. to 12 night. Fixed trip money is paid irrespective of the number of days of halt. This works adversely on the transport workers. A driver is put in the grade of Rs. 70-130. In addition, he gets a meagre sum of Rs. 30/- as D.A. This amount is very low as compared with other States. The Bonus Act is not applicable to them. After a general strike, they were successful in getting one month's bonus. The workers are deprived of Sundays invariably.

NATIONAL COMMISSION ON LABOUR
CAMP: SRINAGAR (26.9.1967)

JAMMU & KASHMIR

12.15 P.M. to 1.00 P.M.

Record of discussions with:

1. Mr. G.M. Ishrat,
M.L.A., Kishtwar.
 2. Mr. Jagat Ram Aryan,
M.L.A., Bhaderwah.
 3. Mr. Sonallah,
M.L.C., Bannihal.
-) (Vide our Ref.No.NCL-JK-VI.24)

representing unorganised labour in Doda District.

1. Forest and construction labour in the State exceeds one lakh.
2. Central Rules and Regulations should be made applicable to the State.
3. Workers are taken for work to far off distances even outside the State. At times they meet with fatal accidents. Families of the deceased do not get any compensation, as it is not possible for them to pursue compensation cases at the place of accident. The place for initiating action in case of death of a migratory labourer should, therefore, be the place of worker's normal residence and not at the place of accident. The Commission should explore the suggestion that it should be made obligatory on the part of contractors to take out an insurance policy on the life of a worker.

Labour Commissioner has no power to give relief to the employees. He forwards the claim to the Labour Minister, who sends it to the Forest Department.

4. According to present provision, if an injured employee is cured within 7 days, he is not entitled to any compensation whereas in other parts of the country the period for eligibility to get compensation has already been reduced to 3 days. The period in Jammu & Kashmir should also be reduced to 3 days.
5. Worker is often denied compensation for injuries sustained on the plea that the accident took place on account of negligence of the worker. For effective and objective implementation of the provisions of the Workmen's Compensation Act, a suitable authority should be created.

6. While a claim for compensation under the State Act is considered time-barred after one year, under the Central Act, the period is two years. The State Act should be brought in line with the Central Act.

7. Forest labour has to work 18 hours a day and their month for purposes of payment, comprises 32 days. There is no direct contact between him and the lessee. The worker is not aware of the amount that the sub-contractor earmarks for him in his arrangement with the lessee.

8. Intermediaries take away a substantial amount which should normally accrue to the worker. Some procedure be evolved so that the workers come to know about their wage rates and the middle-man is not allowed a wide margin.

(Same is the case with pony drivers. They are also being exploited by the middle-man).

9. Forest labour gets Rs.1.50 a day. Four years back they were also provided with subsidised ration by the contractor but now this facility has been withdrawn and wages have remained the same.

10. Work opportunities are open to the workers only during summer, i.e., for 6 months in a year. Some arrangements should be made so that labour could get work throughout the year and the forest wealth could be adequately utilised.

11. Industrial development is necessary because in addition to workers already engaged, there are an equal number of those who are without work.

12. There are two bills on the anvil of State legislature - one relating to labour relief; and the other regarding provision of third party risk in case of accident..

13. All problems might be solved if Central Labour Acts are extended to the State.

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NATIONAL COMMISSION ON LABOUR
CAMP: SRINAGAR (26.9.1967)

JAMMU & KASHMIR

4.00 P.M. to 5.00 P.M.

Record of discussions with Jammu & Kashmir State Government represented by:

1. Mr. Giasuddin,
Minister for Industries,
Power and Labour.
2. Mr. P.N. Kaul,
Secretary,
Labour & Health.
3. Mr. S.Y. Andrabi,
Labour Commissioner.
4. Mr. Ghanshyam Sharma,
Deputy Labour Commissioner.
5. Mr. A.A. Bhat,
Deputy Labour Commissioner.

1. As desired by the Commission, Labour Secretary read out the relevant clause in the sale deed in the Nedoe's Hotel case. An amount of Rs.40,000 was shown in the deed as liability to the employees but the specific nature of this liability was not indicated. Employees went to a Civil Court under the Trust Act, but the suit was dismissed. Towards the end of 1966 or early 1967, the employees approached Government and the case is under consideration. Before making a reference to adjudication, Government may have to find out the purpose for which the amount shown as liability to employees was shown in the deed, and whether, at all, the matter could be covered by the Industrial Disputes Act, 1947.

2. Two dismissal cases were pending. A Board of Conciliation was appointed. A legal lacuna in the constitution of the said Board was noticed in the notification issued by the Law Department. A reference number was given but not the date. The date was important because the Board had to give its findings within 2 months. The Board could not give its findings on the main issue and the reference was null and void because of the omission of the date. Another Board was constituted but the notification for it met the same fate. A tribunal has now been set up.

Mr. Giasuddin

1. Whenever an application is made to the Ministry, the Labour Minister is not guided by the Law Minister as alleged.
2. Since the date of commencement was not mentioned in the Standing Orders Act, the date on which it was notified, has been taken as its date of commencement.
3. Under Section 3 of the Standing Orders Act, there is a provision that within 6 months from the date on which the Act becomes applicable, an employer has to submit to the certifying officer, 5 copies of the Standing Orders for obtaining necessary certificate. As certifying officers were not appointed within 6 months, the Law Department took the view that the Act could not be made applicable. (When the Commission pointed out that workers should not be deprived of a benefit because of lapse on Government's part in appointing an officer, the Minister observed that the matter is already under Government's consideration from this view point).
4. It is not correct to suggest that the Labour Ministry is not respected and is treated as a minor Ministry. In labour matters, the last word is that of the Labour Minister.
5. There is a controversy as to whether trade union movement should be divorced from political parties. The Minister felt that the movement should develop on independent lines, though as in the rest of India the present situation is due to the peculiar history of the development of Indian trade unions.

The trade unions in Jammu & Kashmir started in 1942 when the National Conference came to the rescue of workers against victimisation by employers supported by the mighty administration of the Maharaja. In 1949, unsuccessful efforts were made to eliminate political influence from trade unions. (As a result thereof the present Minister was thrown out of the National Conference). The unions consequently became a prop of the National Conference; independence was only for show. The situation remained like this upto 1964. Then Mr. Kassim made it clear that trade union movement should be independent and not a part of the political organisation. While in time to come a change may take place, the present trade union leadership has come from the National Conference/Congress and still has close ties with it.
6. The technique of carpet weaving is transferred from father to son and is confined with certain families in Kashmir. These families do not want the technique to be widely dispersed. Children in these are necessarily trained in the art of weaving from the tender age. If child labour

is prohibited, the industry may come to a standstill. In any recommendations in this regard, this special aspect requires to be kept in mind.

7. The problem of education of these children has been agitating Government also for some time. Government will take steps to give education to them. In doing so Government will also see that in the process the family earnings will not suffer. (The Chairman suggested that institutions be started where education and training be combined. The Government will consider the suggestion).

8. Two centres have been opened where girls are trained in the art of carpet weaving. They are paid stipends. These girls belong to families having a tradition in the art of carpet weaving.

9. Government will get the problems of forest labour examined and send a report to the Commission within 6 months.

10. Forest lessee exploits labour. Nationalisation of forests would be a bold step but a beginning may have to be made.

11. Government will explore the possibility in incorporating a clause in the contract that the lessee should pay a specified amount direct to the labour.

12. In his policy statement on assumption of charge as Chief Minister, Mr. G.M. Sadiq, has assured that all Central Laws will be made applicable in the State. Jammu & Kashmir Government has moved in the matter. Reminders after reminders have been sent to the Government of India, but no reply has so far been received. The Labour Minister will consult the Chief Minister on this point and write to the Chairman so that the Chairman could take up the matter with the Government of India at the highest level.

13. As the Labour Department is not adequately organised, there is conflict between the Department of Food, Labour, and Planning in the actual preparation of Cost of Living Index. The State Government will avail of the technical assistance of Labour Bureau, Simla, in initiating suitable inquiries. A formal request to the Union Labour Ministry in this regard will be made.

14. The question of a Labour Code for Jammu & Kashmir is under consideration. There will be a conference in the

- 4 -

second week of October to discuss the issue. (The outcome of the Conference will be made known to the Commission).

15. The Government will have no objection to the appointments to labour tribunals being made in consultation with the High Court. The suggestion that the tribunal should be manned by a sitting or a retired Judge, with fixity of tenure and no extension, was agreed to.

16. The State will constitute a Minimum Wages advisory Board, with an independent Chairman and representatives of employers and employees.

17. Industrial development in Jammu & Kashmir is still in a handicraft and cottage industries stage. When electric power from the thermal plant becomes available in the next 2 years development of industries may gain a tempo.

18. Means of communications require to be improved. Transport difficulties are faced both for import of raw materials and export of finished goods.

19. There should be a qualitative cadre in the trade union movement. Before Independence, the quality of trade union workers was better. With the increase in industrial labour since Independence trade union strength has increased numerically but not so the strength of union organisers. In the process, the quality of unions has suffered.

20. In the Indian context, trade unions should not be divorced from the sense of national values. Mere agitation on economic grounds without relation to realities will harm the movement.

21. There should be growth of trade union movement as such without the props provided by political parties.

22. There should be a labour front with representatives of all parties with minimum common programme even though their political affiliations may be different. In the years to come, it may be possible to have a united labour front.

G. RAMANUJAM

Camp: 4, Ferozeshah Road,
New Delhi.

September 29, 1967

Dear Shri Datar,

During our visit to the Government Silk Weaving
Factory at Srinagar, we observed :

- 1) that children of tender age, even less than
14 years of age, were employed in the Winding
Section;
- 2) that the lighting was very inadequate;
- 3) that the roof was leaking at certain places;
- 4) the flooring was uneven and slippery; and
- 5) no place is provided to the employees to take
their lunch.

Workers complained that due to lack of proper
lighting, their eye-sight was being effected. The
workers in the Weaving Department complained of stomach
and kidney trouble. We did not understand how the
silk weaver could develop kidney and stomach trouble
as an occupational disease, but several of them did
complain to that effect.

I am just writing this to keep you informed of
the report to us during our visit to that factory.

With regards,

Yours sincerely,

Sd/-
(G. Ramanujam)

Shri B.N. Datar,
Member-Secretary,
National Commission on Labour,
D-27, South Extension,
Part II,
New Delhi-16.

NCL file



No. 7/17/67-NCL.(C)
Government of India
National Commission on Labour

D-27, South Extension, Part-II,
New Delhi-3, dated the 10th Oct., 1967.

To

The Chairman and the Members of the
Commission.

Subject:- Programme of visit of the National Commission
on Labour to Jammu & Kashmir State- Record of
discussions.

Sir,

I am directed to forward herewith a copy of record of
discussions of the Commission with parties in Jammu and observation
notes prepared by Member-Secretary. For a part of the discussion and
observation visits Shri Manohar Kotwal was with Member-Secretary.

Yours faithfully,

P.D. Gaiha
(P.D. Gaiha)
Joint Director

Encl: As above.

PL

NATIONAL COMMISSION ON LABOUR
(CAMP: JAMMU - 28.9.1967)

JAMMU AND KASHMIR

3. P.M. to 4 P.M.

Record of discussions with Employers' Organisations:

1. Chamber of Commerce; represented by:

- (1) Mr. C.L.Uppal,
President.
 - (2) Mr. Prishna Kant,
General Secretary.
- (Vide our ref.No.J&K-V.19)

2. Industrial Estate Manufacturers' Association, Jammu-Tawi, represented by:-

- (1) Mr. O.P.Modi,
President.
 - (2) Mr. K.R.Dogra,
General Secretary.
 - (3) Mr. Jitendra Aul,
Member, Executive Committee.
 - (4) Mr. Kulbhushan Gupta,
Member, Executive Committee.
- (Vide our Ref. No.J&K.V.20)

Chamber of Commerce

1. There is existence of inter-union and intra-union rivalry. Chenab Textile Mills was the case on the point.

Workers in the Mill have been drawn from Kangra, Jullundur and local areas. Workers go on strike without any attempt at settlement. They have the backing and support of political parties.

2. There was an instance of 'Gherao' in the Chenab Textile Mills. This was the first of its kind in Jammu and Kashmir. There is, however, a danger of 'Gherao' extending to other units as well.

3. Workers are divided and the division is more on political lines.

4. The Jammu and Kashmir Trade Union Act provides for the compulsory recognition of unions. The matter of recognition should be left entirely to the discretion of management.

5. The Trade Union Act gives rise to multiplicity of Unions.

-+22):-

6. For recognition of unions, 'secret ballot' was preferred.

7. The extension of all Central Labour Laws to Jammu and Kashmir was preferred.

Industrial Estate Manufacturers' Association.

The procedure for the submission of returns under the various Acts should be simplified and the number of such forms reduced.

- (1) Mr. G.P. Singh, President
- (2) Mr. K. Singh, General Secretary
- (3) Mr. G. Singh, Member, Executive Committee
- (4) Mr. K. Singh, Member, Executive Committee

Chamber of Commerce

- 1. There is existence of inter-union and intra-union...
workers in the Mill have been...
any attempt of settlement...
support of political parties.
- 2. There was an instance of 'gharab' in the...
Textile Mills. This was the first of its kind in Jammu...
and... there is, however, a number of 'gharab'...
extending to other units as well.
- 3. Workers are divided and the division is more on...
political lines.
- 4. The Jammu and Kashmir Trade Union Act provides for...
the compulsory recognition of unions. The matter of...
recognition should be left entirely to the discretion of...
management.
- 5. The Trade Union Act gives rise to multiplicity of...
unions.

-:(3):-

NATIONAL COMMISSION OF LABOUR
(CALP: JAMMU -28.9.1967)

JAMMU AND KASHMIR

4. P.M. to 6 P.M.

Record of discussions with the following Employees' Organisations:-

1. Industrial Estate Workers' Union,
represented by:-

(1) Mr. Jaswant Singh,
President.

(2) Mr. M.R.Narula,
General Secretary.

(Vide our Ref. No.
JK.VI.33)

2. Trade Employees' Association,
Jammu, represented by:

(1) Mr. Ram Chand Khajuria,
General Secretary.

(2) Mr. Prem Nath,
Secretary.

(3) Mr. Mahi Ram Gandotra,
President.

(4) Mr. Som Dutt,
Organiser.

(Vide our Ref.
No. JK.VI:34)

3. State Central Labour Union,
Jammu Branch, represented by:

(1) Mr. Bhagar Ram,
President.

(2) Mr. Om Prakash Mullick,
Organiser.

(3) Mr. Dev Dutt,
Secretary.

(4) Mr. Manga Ram,
Vice-President.

(5) Eight other representatives.

(Vide our Ref.
No. JK.VI.32)

Industrial Estate Workers' Union

1. Points which were generally taken up in the Srinagar sitting of the Commission, were not allowed to be discussed. Also points which were included in the Memorandum and of

which clarification was not needed were not taken up for discussion.

2. The responsibility for implementation of Workmen's Compensation Act and Payment of Wages Act devolves on the Revenue Authority. Since they are busy with other routine but important work, cases arising out of labour Acts get unduly delayed. While promotion of revenue officials will depend on the maintenance strictly of the time table laid down for it, the additional responsibility for labour will not be so appreciated. Ways and means should be found for the expeditious disposal of such cases.

3. To a suggestion that the workers be insured and entire insurance premium should be contributed by employers, it was pointed out that concept of insurance and the practice followed in other parts of India were different. Workers did not press the point.

4. All workers, irrespective of their area of residence should be given subsidised ration.

5. Conciliation Boards should include accredited labour representatives. The work 'accredited labour representative', according to them meant a person who enjoys workers' confidence.

6. The Bonus Act should be made applicable to Jammu and Kashmir State as well and the limit of workers prescribed in the Act should be lowered.

7. Non-availability of the copies of the labour laws was complained against. In view of the contemplated extension of all Central Labour Laws to J & K, the Deputy Labour Commissioner explained the Government are going slow with the publication of J & K Labour Acts.

8. All Central Labour Acts should be made applicable to Jammu and Kashmir also.

9. There were complaints about delay and inefficiency etc. in Jammu Labour Office. (It was mentioned by the Deputy Labour Commissioner that the machinery was designed for a limited purpose and is over-loaded with work. This is also the case with the rest of India.)

Trade Employees' Association

1. Rules under some of the Acts have not been framed.

2. Since the State Industrial Disputes Act provides that a case can be taken cognizance of only when a

majority of workers are affected, it works to the disadvantage of individual workers. (The Deputy Labour Commissioner explained that when the Central Labour Laws are extended to the State, the above difficulties would be over.)

3. Powers of the Works Committee and rights of unions should be prescribed in order to make these two institutions function efficiently.

4. Rules under the J & K Shops and Establishments Act, 1966, should be framed and the spread-over should be limited to 10 hours a day. Not only this, the provisions at present obtaining viz., that any establishment can declare a weekly off on a day of his choice, need a change. Two definite days should be specified and out of these establishments may be given the choice. (The matter is under consideration of the Government.)

5. For child labour the spread-over of duty should be prescribed. (This matter is also under consideration of the Government)

6. Some of the Public Sector Undertakings are yet to be registered under the Factories Act. In some cases workers have not received wages for 3-4 months. (A statement giving the specific nature of complaints has been called for.)

7. For the coverage of any establishment under the Factories Act, there should be no minimum limit on number of workers employed.

8. For the purpose of coverage, the ceiling of Rs. 200/- per month prescribed under the Payment of Wages Act, may be raised to Rs. 300/- per month. (This matter is under consideration of the State Government.)

9. In case of P.W.D. construction labour and forest labour, no law or rule to protect the rights of workers exists. (Union will furnish its suggestions to improve the lot of workers engaged in these sectors.)

10. Implementation of labour laws by the Department of Labour is ineffective and improper. (The Deputy Labour Commissioner, explained that the Department is shortly going to be re-organised)

11. Mobile magistrates to try cases on the spot should be appointed for a proper implementation of the Shops and Establishments Act, 1966.

State Central Labour Union, Jammu Branch.

1. Under the Payment of Wages Act, a payment becomes time-barred after one year. This time limit should be extended to 2 years.
2. The rate of compensation prescribed under the Workmen's Compensation Act, in Jammu and Kashmir, should be brought on par with the Central Act. All Central Labour Acts be made applicable.
3. Since forest labour is generally paid on piece-rate basis, the authorities should have powers to check the contractors' godowns to ensure that the out-turn of a worker is properly assessed.
4. Cases of victimization of forest labour were referred to. (A statement of complaints has been called for.)
5. There is a wide margin in the selling price of the various products and the actual cost of production. Such margins are usually at the cost of the workers.
6. Mechanisation has resulted in unemployment.
7. The contract system in the forest area should be abolished. Workers should be educated and organised and aided to form Cooperative Societies. The forest contracts should be given to such Cooperative Societies.
8. A fair wage clause in the contract, though it will not meet the requirements of labour in full, may help. However, a proper implementation of the clause when inserted may have to be ensured.
9. In Government Transport Undertaking, there are about 5,000 to 5,500 employees. The duty hours are generally from 6 A.M. to 8 P.M. and they are not paid any over-time. The above is true in respect of the City Bus Service as well.
10. No compensation is paid in case of accident. Drivers are put in the grade of Rs.70-6-130. In addition, they get Rs.30/- as D.A. There is no uniform. A trip allowance paid to them is Rs.12/- only for journeys irrespective of the number of days they are required to halt.
11. No medical aid is available.
12. Canteen and recreation clubs are badly maintained.
13. Drivers' licence fee should be brought down.
14. Some of the passenger buses are not insured.

15. Ways and means should be found to keep workers employed in the Food and Civil Supplies Department, in a permanent capacity. In case a worker becomes vocal, he is dismissed without any charge-sheet. Instances were cited where the President and Secretary of the Union were victimized.
16. There is no regulation, no bonus and no uniform allowance etc. to workers in civil transport (departmentally run). There is no security of service either.
17. The minimum wages are Rs.60/- per month. Special efforts are made to keep the workers temporary. There are instances where the workers have not received their wages for 3-4 months.
18. Transport workers engaged in the Geological Department are discharged even if they have put in 3 years service.
19. In the P.W.D., there are cases where workers have put in 15 years of service, but are treated as casual labour. Some workers are being retrenched without payment of any compensation and the rule of seniority has been overlooked. In case of accidents, there is no provision for any relief.
20. Representatives of the H.M.S. who joined the proceedings very late, were asked to furnish a Memorandum in regard to J & K Minerals.

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OBSERVATION VISITS

By Shri B.N. DATAR on 27.9.1967.

1. Departure from Srinagar to Jammu by road at 7.45 A.M.

Construction workers.

1. On way to Ramban - about 10 kilometres from Bannihal - 4 workers on the road building site were interviewed. They did not belong to any Government Department. Two of them appeared to be just teenagers but could not tell their exact age. The workers are kept generally under the charge of a Mate who is a recruiting agent for the contractor (a sub-contractor). In many cases, a sub-contractor supplies 20-30 workers. He is also responsible for the discipline of workers. Workers generally come from far off places for duty on road construction. A temporary hut set near the site of work is constructed and when the work at one site is over, another kotha is put up at the new site of work.

2. Workers, irrespective of their age, receive Rs.90/- per month. Their rations are not subsidised. The nearest market from the actual place of work is about 10 kms. Workers have to go once a week, tracking practically 10 kms. to obtain their rations and other requirements.

3. There was no arrangement for medical aid and not even the first-aid box was provided with. One of the boys working was handling his tools with some difficulty because his fingers had been bleeding out of injury.

4. Working hours are 7 A.M. to 12 noon and 3 P.M. to 6 P.M.

5. Supervision was slack - the work was at a slow pace.

Forest workers (Peeda forest area)

The organisational set up for work is a bit complicated. The relationship between workers and forest lessee is not direct. The lessee takes the contract from Government for the exploitation of the forest of his area. He appoints in turn a sub-contractor/s - their number depending upon the value of the contract. A lessee or sub-contractor was not there at the time of our visit. The sub-contractor was represented by a manager, who is supposed to look after the actual delivery of the forest goods (in this case railway sleepers). The Munshi/Mate a nominee of the sub-contractor was also present. His job was to keep an account of the actual turn-over by the workers.

2. Recruitment of workers is done through a local agency, called a Mate. He is supposed to provide 20-30 workers. He gets commission for the job. He is also responsible for the discipline of the workers supplied by him. Every season, the sub-contractor through the Mate, advances a sum ranging from Rs.100/- to 300/- per worker to meet the contingencies of workers during the off season. This sum is adjustable against the workers' dues from the sub-contractor for the work performed by them during the season. The season lasts generally for 3 months. It was mentioned to us that the accounts are so arranged that at the end of the season the worker still owes to the sub-contractor almost the amount initially advanced.

3. The Mate who brings workers, gets a commission of 12 paise per rupee, calculated on the basis of the total wages earned by all the workers brought by him. It was not quite clear whether this Commission which the sub-contractor is supposed to pay to the mate is actually deducted from the wages earned by workers. It appeared, however, that it was deducted from workers dues.

Working conditions

4. 20-30 workers live in a temporary hut (kotha) at the site of the work, constructed out of the sleepers. The kotha at the site visited was just 20' x 10' with two tier arrangements for sleeping.

5. A boy aged 13-14 years was observed to be cooking for the workers engaged. The normal practice is to appoint a boy to look after the cooking for 20-30 workers. The Munshi, maintains the account of earnings and expenditure of these workers, which on scrutiny was found to have been most improperly maintained. On checking the accounts with the statements made to us by workers in the presence of the manager it was clear that manipulations were made about the amount of work to the disadvantage of workers.

6. There is no fixity of working hours. The work starts from 7 A.M. and goes on till sun-set. In between, the workers take time off, for meals etc. Since the wages are on piece-rates, this rest is at his cost. No paid holiday is given.

7. No First Aid Box was found on the spot. On enquiry, it was revealed that the First Aid Box was kept in the Office, which happened to be about 3 miles away from the place of duty. In a mountaneous region, this distance has its significance. No transport arrangements are available to shift an injured worker in case of emergency. Workers who get injured or are otherwise disabled are

normally turned out of the job. There is no question of payment of compensation. In a year, on an average, 10-12 accidents occur. The nature of work appeared to be hazardous. It consisted of hauling at a time about 10 to 12 10' sleepers on an incline formed by sleepers (PATHERU). They can be slippery after rains. Workers lose wages on such days and those who venture to work have to be extra cautious. The speed of haulage has to be so adjusted that the load does not come down faster to hit the worker who is usually down the incline. This is what makes the work prone to accident.

serious

8. A worker is paid 20 paise per plank for bringing down the plank through the "Pathru". Out of this 20 paise, 2 paise is deducted arbitrarily for maintenance of "Pathru" and other incidental charges. A worker is not aware of the rates of wages nor can he himself make out anything about his income or expenditure, from the ledger maintained by the Munshi. Generally, a worker is in position to make three trips carrying about 10 planks in each time. The number of days when he can actually work is restricted by bad weather etc. On an average, his income amounts to Rs.55/- to 60/- p.m.

9. The ration provided is not on subsidised rates. Most of the earnings of a worker go in maintaining himself. Accounts of a worker's income, expenditure, advance given to him etc. are settled once a year. This is another source for manipulation of workers earnings. There is no knowing what entries are made, what rate is allowed and the total earnings per day so far as the worker is concerned.

Patni Top Forest Area

1. The discussions were confined with the employer only as the workers could not be contacted. The inference of the local officers was that as a result of the nature

* It was interesting to notice that the initial reaction of manager was somewhat hostile to our questions. This went on for some time till some questions were asked to him about his own relations with the sub-contractor. When we said to him that he was himself poorly paid and his working conditions were also within our purview, the manager came out with a host of stories against the sub-contractor. He accepted that the work was hazardous. In the end we could discuss with him the merits of family planning even in cases of his type where there were three daughters and no son.

of our questioning a word may have gone round to make the workers scarce. The employer explained the organisational set up obtaining in his forest area. The employer has taken 3 or 4 contracts and is living near the site. Contractors coming in for such work were now on the decline. Contracts are risky for various reasons. He has 3 types of organisational set up -

- (i) He has some permanent labour who work directly under his supervision;
- (ii) In case of workers recruited locally but temporary, for supervision he is assisted by a manager;
- (iii) He has appointed sub-contractors also. Organisational set up for this is the same as obtaining in Peeda Forest Area.

2. Workers are given subsidised ration. (The representative of the Labour Department who accompanied us disputed the statement)

3. The contractor's main complaint was that workers who take advances from him or from sub-contractors and sometimes leave them without accounting for it. There is no law to recover such advances. (We put it to him that the Indian worker was God fearing and would not normally run away in this manner because he was afraid of the loss of job the next season. In any case in tendering for the contract, the contractor will take into account such eventualities. His answer for the latter point was that a contractor may not get the contract if he made such fine calculations. There was an apparent contradiction in this statement and the one made earlier that contractors are running away from tendering for forest work.)

4. Labour in forests is in short supply; there is a keen competition between different contractors/ sub-contractors. Mates, at times, exploit the situation by taking the advances from more than one party and actually working for none.

5. The employer was not against amelioration of the working and living conditions of workers - be it through legislation or otherwise but he wanted the reciprocal protection for the contractors/sub-contractors for recovery of the advances in case of default by Mates or workers.

J A M M U

Observation visits to factories on 28.9.1967 and 29.9.1967.

7 factories were covered of which three were in public sector:-

(1) Government Sericulture - employment 500.

(2) Rosin Turpentine - Employment 148.

(3) Tanneries - Employment 99.

All these were constituents of J & K Industries Pvt. Ltd. The other four factories were:

(1) Kashmir Breweries - Employment -100.

(2) Industrial Estate - Employment about 300
(Generally a unit in the estate engaged from 5-25 workers. 3 factories covered in the Industrial Estate were engaged in the manufacture of:

(i) rifles.

(ii) electrical ancillaries - stampings and

(iii) cloth from synthetic fibre.

Government Sericulture (Vide our Ref. No. J.K-IV.8)

1. Only spinning work was undertaken. Out of 500 employees, 100 are women workers. They are mostly widows and some of them have put in over 20 years of service in the same concern. Most of the women workers are employed in the sorting Department. With experience they have become experts in sorting the cocoons according to quality.

2. Wages in the sorting department are from Rs.2.50 to 3.00 per day and they are expected to sort out about 7 to 8 kilograms of cocoons every day.

3. There is no paid weekly off but workers are entitled to 15 days leave with wages in a year.

4. In the spinning department, in each unit 3 workers are on the job on an average. On the more modern equipment only two are employed per unit. The cook is the least-paid worker and gets from Rs.2.50 to 3.00 a day inclusive of dearness allowance. ^{women} Workers were also observed working.

5. Promotion is based on seniority-cum-merit.

6. Though the dispensary, creches, and canteen appeared to have been dressed up for the occasion, there was not much of complaints about working conditions.

7. The process of extracting threads from the cocoons consists of the worker regularly dipping his hands in uncomfortably hot water, and alternately in cold. Unless the thread is taken from a cooked cocoon when it is hot the thread refuses to yield to workers' stick. The process gives rise to sore-fingers though it is not classified as an occupational disease - (discomfort). This is the most taxing of the operation.

8. On the whole the general impression was one of good upkeep and contented labour. One boy was working in the packing department. He was underage. On being asked he came out with his sad story. He was the eldest son of the factory watchman who had expired about 3 months back. He had to discontinue his education to support the family.

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Rosin Turpentine. (Vide our Ref. No. J.K.IV.9)

1. Workers could not be contacted as it was lunch-break for them. The employer was interviewed and on interrogation it was found that the total consumption of raw materials and production had remained constant for the last so many years but labour force went up from 98 to 148. The explanation was that before partition the railway siding was near the factory and the administrative work pertaining to the factory was being looked after by a constituent unit of J & K Industries. Even so, the factory cannot be considered to have improved efficiency as it should have.

2. In the carpentry section workers observed that in case of accidents, prompt medical aid was not available and the local hospital from where a worker is supposed to receive treatment was about 3-4 miles from the site of the factory. During our short stay in the factory we noticed a boy hurting his fingers and searching for first aid.

3. Provident Fund scheme is in existence.

Tanneries.

1. Absenteeism is not a problem.

2. Workers are not usually discharged.
3. Some of the skilled workers have been imported from Punjab because of the social prejudices obtaining among the local people; they do not come forward to man some dirtier operations in the plant. They prefer at times to work on skins but not on hides, particularly, when they are cow hides.
4. Children aged about 12-14 were also working.
5. Wages of an unskilled worker range from Rs.2.50 to Rs.3.00 per day.
6. Skilled workers are paid upto Rs.5-7 a day.
7. No weekly off with wages is given.
8. Works Committee is functioning satisfactorily. On the Works Committee, 5 workers and the manager are represented. These representatives were invited for discussion. They informed us that works committee meetings are held regularly every month. In the last 2 or 3 meetings, subjects like bonus, housing, provision of ration at subsidised rates, canteen arrangements, etc. were discussed. There appeared to be no bitterness in the statement of workers but they complained about the non-availability of rations at subsidised rates. The manager explained and the workers corroborated the fact that this was an issue with the whole population outside Jammu and Srinagar areas. They have taken up the case with the authorities many times. But since the factory was located outside the municipal limits, it was not possible for the authorities to extend the facility. The distinction appears to be rather artificial.
9. The matter regarding establishment of a housing colony for workers is already pending with the Board.
10. The manager informed us that there is a proposal to start a workers' welfare fund out of the contributions of workers. The main purpose as visualised by them will be to give advances to workers in times of need and to arrange certain welfare amenities for workers. (It was suggested that in due course when the fund became sizeable it should be possible to take over the running of the canteen.)

Kashmir Breweries and Industrial Estates.

As these factories were established recently, no particular problem was noticed.