A CRITICAL STUDY OF INDUSTRIAL RELATIONS
IN THE PUBLIC SECTOR UNITS OF KASHMIR

ABSTRACT

Thesis Submitted for the
DEGREE OF DOCTOR OF PHILOSOPHY
IN
COMMERCE

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In the present work: "A Critical Study of Industrial Relations in the Public Sector Units of Kashmir", the author has made an analytical study of the problem as operating in the public sector units of Kashmir. In the absence of any viable entrepreneurial class, public sector alone has to accomplish the task of industrialization in the State of Jammu and Kashmir which is a backward State both economically and socially. Under the impact of planning, public sector has emerged as the biggest employer. Out of a total of 228 units in the organized sector, 34 fall in public sector employing 5,732 workers as against 194 units in the private sector employing 6,057 workers. While the success of public sector depends on varied factors, good industrial relations are bound to reflect on the achievements of the public sector undertakings. All economic indicators are interlinked with good human relations. Thus for the continuous development public sector has to emerge as a pace setter and model employer in the State of Jammu and Kashmir.

Industrial organisations in all democratic countries envisage the active participation of both labour and management, working in a climate of mutual trust and confidence. Prof. Robson of the U.K, a staunch supporter of public ownership of industries regards the public sector as "the gateway to a new society, in which there would be greater plenty and less hardship for the toiling masses, in which cooperation would supplant competition." The success of public enterprise depends, in large measure, on the degree, to which employees can be induced to work, better than they would under capitalist enterprise.

Development of industrial relations is closely linked with the process of industrial growth. As the tempo of industrial activity increases, the system of industrial relations should assume new dimensions. This calls for an adoption of a policy that should be evolved after careful thought keeping in view the local conditions and stage of economic growth of the State.

Enactment of suitable labour legislation provides a good apparatus for dealing with the problem of industrial relations. To this end very little enthusiasm

was shown both by the despotic and democratic rulers. The passage of labour laws was kept in abeyance on one pretext or the other. While some acts were passed in 1953 but the real beginning in this direction was made in 1971 when 13 Central Labour Laws were extended to the State for the first time. Mere passing of laws is not enough unless the same are implemented in letter and spirit.

The economic disabilities of the wage earner and the inability of the State to give him complete protection are the social justification for the development of trade unions. Viewed in this background trade union movement of the State has a chequered history. It grew and developed along with the political movement. Subsequently movement became a target of political upheavals and was exploited by the leaders for their own political and personal ends. As a consequence of which it did not grow as a separate entity and became ineffective and weak, both financially, structurally and organisationally. However, it has evolved some good traditions which need to be preserved and encouraged.
A defective wage policy is a constant threat to the stability of industrial peace. The distorted, irrational and unscientific system of the wage structure, based on the rule of thumb has more often than not spoiled the harmonious relations in the public sector units of Kashmir. Nepotism, favouritism and personal influence have been the contributory factors for wage hikes. They have not been based on index numbers and rising trend of prices.

The Industrial Wage Committee set up in 1972 reviewed the whole question and recommended certain norms for putting the wage structure on sound and scientific basis. As a consequence of which wages were revised, dearness allowance was merged with basic pay and weekly off were given to the workers for the first time.

In all stages of development of the system of industrial relations, the government has a dominant role to play. Indifference towards this will only suppress the movement and postpone the evil day. A sound industrial relations system will be the lever to progress of the public sector. The case study lends support for a rational system of industrial relations particularly in respect of employment, recruitment, hours of work, maintenance of personnel and labour-management relations etc.
To meet the specific needs of public sector it is essential to revitalize the works committees and Joint Management Councils. This will speed up the introduction of workers participation in management for which the government has already taken a decision. It needs effective implementation in all public undertakings.

In the final analysis it is noted that the sound system of industrial relations is essential for the development of public sector enterprises in the State of Jammu and Kashmir. A well-satisfied labour force will ultimately increase productivity and set pace for self-generating economy.
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In the end I must confess that I alone take the responsibility of any lapses in this work. No one else shares this burden. I shall be amply rewarded if this work puts the labour movement of Kashmir in its right perspective and raises human dignity and destiny.

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March 11, 1976.
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INTRODUCTION

The public sector in India is widening its horizons and is moving forward covering larger and larger areas of economic activity. It has been repeatedly emphasised by the policy statements of the Government of India that the public sector should promote public good. It should be a model employer and should supply quality goods and services. This thesis entitled "A Critical Study of Industrial Relation In The Public Sector Units of Kashmir" is an endeavour to solve the problem of industrial relations of public enterprises of Jammu and Kashmir State which is backward both economically and socially. If the public sector of Jammu and Kashmir State does not come up to the expectations of its poverty struck population there would fail the best hope of socio-economic revolution not only in this state but of the country as a whole.

To achieve industrial growth of the State all the bottlenecks that have hitherto impeded the process of industrialization should be removed. Accordingly the requisite infrastructural facilities are being provided with a view to bringing a socio-economic transformation
through the medium of public sector enterprises. In the absence of any viable entrepreneurial class, public sector, alone has to accomplish this task. Industrial organisations in all democratic countries envisage the active participation of both labour and management, working in a climate of mutual trust and confidence. Public sector enterprises have been ideologically regarded "as the gateway to a new society, in which there would be greater plenty and less hardship for the toiling masses in which co-operation would supplant competition." ¹

This thesis has concerned itself chiefly to the industrial relations in the 'Public Sector Units of Kashmir'. It underlines that for the healthy development of the public sector sound industrial relations are most essential. The subject matter has been divided into seven chapters.

Chapter I traces the development of industrial relations against the background of industrial development of the State. It examines in detail the factors that retarded the growth of industrial relations. It has been noted that the development of industrial relations is inextricably linked with the process of industrial growth. As the tempo of industrial activity increases, the system

of industrial relations should assume new dimensions. At this evolutionary stage of the system the State can learn a lot from the experiences of other public enterprises of the country in shaping and moulding the policies, care must, however, be taken to avoid the wholesale imitation of the methods and procedures of others without first examining them in detail in the light of local conditions and stage of economic growth of the State.

Chapter second is devoted to the development of labour legislation in the State of Jammu and Kashmir. References have been given to trace the basis of the development under different social and political situations. The study portrays the attitude of the rulers both despotic as well as democrats towards the need for enforcing and implementing the labour laws. Enactment of labour laws was kept in abeyance under some pretext or the other. Real beginning however, in this direction was made only in 1971 when some thirteen labour laws in the State were passed for the first time. But mere passing of the laws is not enough unless the same are implemented in letter and spirit which has not been done so far.
Chapter third traces the origin and growth of Trade Union Movement in the State in different periods of history. The conclusion which emerges from the study reveals that the movement is an offshoot of the political movement of the State which mostly remained a puppet in the hands of the political leaders. Efforts to put the movement on sound lines were not made seriously because of political expediency. The study shows that the role of unions is not effective because of being weak financially, structurally and organisationally. The analysis however indicates that during the course of time the movement has evolved some good traditions which need to be preserved and encouraged.

Chapter fourth brings to light the distorted, irrational and unscientific picture of the wage structure which is based on the rule of thumb. It reveals that workers have not been remunerated for their efficiency but favouritism, nepotism and personal influence have been the contributory factors for wage hikes. As a consequence of which both management and the labour could not increase the productivity to the desired and due to this arbitrary character of wage fixation rules. There is no participation of labour in management. However, an Industrial Wage Committee was set up in December, 1972, to review the existing wage structure of industrial workers of the public sector enterprises.
Following the committee recommendations, basic wages of the industrial workers in the public sector were revised, dearness allowance which had become the component of basic wage was merged into it, and for the first time the labour was given paid-weekly offs. Some other outstanding recommendations of the Wage Committee are as follows:

(a) Reconsideration of the order whereby only 10 per cent of the basic wages was granted as interim relief to workers.

(b) Work Studies by National Productivity Council teams or any other agency to settle the norms of production.

(c) Socio-economic survey to assess the extent of land holding, subsidiary occupations and consumption patterns of working class families.

(d) Introduction of incentive schemes and the introduction of standard wage, normal wage and the minimum guaranteed wage.

The recommendations of the committee are commendable and it is gratifying to note that the government has started taking action in this behalf:

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Chapter fifth analyses the role of the State in the context of its responsibility for establishing a socialist pattern of society free from all kinds of exploitation. Since labour relations in the public sector enterprises, can not be judged with reference to the number of man-days lost but from the fact whether developments for healthy relations are taking place in the right direction or not. To assess the situation from this standard the chapter deals with the efforts which are being made to develop a sense of partnership among the workers and to create congenial atmosphere conducive for productive work. To create a sense of belonging with the organisation the worker must be made to feel that he is not only the servant but also the master of the enterprise in which he works. For developing a feeling of partnership in the workers joint consultation committees be introduced and there must be workers participation in management at all levels.

In the light of the findings of the thesis, chapter sixth has been devoted to a case study of Government Silk Factory at Srinagar which is a premier unit of the Jammu and Kashmir Industries Limited. It has examined the impact of the existing system of industrial relations on the labour force, their employment and recruitment policies, hours of work, wages, maintenance of personnel
labour and management relations have been studied in detail. Though the sample survey could not be large enough due to various limitations of the author, its revelations are significant in respect of the unit functioning in the public sector of the State. The study reveals that there is enough scope for building healthy tradition of industrial relations which calls for a change in the outlook of the government, the management, and above all in labour itself. If the public sector in the State is to deliver goods to the people it should not merely be criticised on ideological basis but it should be given all managerial tools to increase its gains. Since labour is an important input of production, labour relations should be improved on the lines indicated in this thesis.

Though the conclusions have been given at the end of each chapter, yet the need has been felt to sum up the main findings in chapter seventh for a critical review of the system of industrial relations as operating in the public sector units of Jammu and Kashmir. Since the public sector in Jammu and Kashmir is in an evolutionary stage, no attempt should be made to rush through the venture. It should be developed on scientific lines. On the over all plane the public sector enterprises should be judged on human relations prevailing in each unit which
should be assessed in relation to accepted indicators of economic growth. They are namely, i) investment ii) turn-over, (iii) gross profit or loss before interest and tax, (iv) net profit or loss before tax and after tax (v) internal resource generated by means of reserves and depreciation (vi) welfare schemes of employees, (vii) expenditure on wages etc.

This can form the subject matter of other thesis on the subject. The author has reasons to believe that good industrial relations will reflect on the achievements of the public sector on all economic indicators.
Chapter I

DEVELOPMENT OF INDUSTRIAL RELATIONS IN JAMMU AND KASHMIR

Jammu and Kashmir is one of the largest states of the Indian Union with a total population of 46,15,176 according to 1971 census. The heavy concentration estimated at 81.74 per cent is in the rural areas of the State. The rural bias of the population distribution indicates that people for their economic pursuits largely depend upon agriculture. Despite the fact that nature has endowed the State with immense scenic grandeur, the State remained industrially one of the least developed states of India. Inadequacy of infrastructure and the topographical factors seriously handicap the industrial growth.

The process of industrial relations is intimately linked to the institutional pattern which gives shape and content to the socio-economic policies at a given time. Industrial labour of Jammu and Kashmir State is of recent origin. It is mostly drawn from the source of traditional labour engaged in handicraft industries. The emerging labour force is yet to evolve a definite pattern of industrial relations.

(1)
Problem of industrial relations is an outcome of industrialization, which itself is a social process in which each unit, factory, industry, state or country evolves its own pattern of industrial relations according to its stage of development.

The importance of harmonious relations has immensely increased in recent years with the change in the concepts of industry, labour and industrial relations. The modern concept of industry rightly regards it as a cooperative venture with the ultimate aim of service to the community wherein all agents of production are profitably used through the active participation of labour.

The cry to protect the labour from womb to tomb is the real need of the day. Capital and management without labour would be sterile and labour without capital and management would be disorganised, ill-equipped and ineffective. In this background an attempt has been made in this chapter to examine the development of industrial relations in Jammu and Kashmir State.

INDUSTRIAL RELATIONS IN THE TRADITIONAL SECTOR

Industrial relations are as old as industry and, being inherent to industry, will always remain an

important feature of industrial life. In medieval times, although industry was of a small and often domestic scale, relations had to be adjusted in accordance with the need to organising the work as well as paying the worker.

As stated above the concept of industrial relations could not develop in the state of Jammu and Kashmir because of belated start of modern factory system. The state economy predominantly reflects the subsistence agricultural characteristics. The only industrial activity which state can boast of, is its famous handicraft household industry. Kashmir handicrafts have been enjoying worldwide name and fame for their fine workmanship and exquisite designs. Kashmir shawl has been a treat in Europe even in the days of Napoleon and it lent distinction to the lady who wore it. Even today the demand for Kashmir handicrafts is on the increase and over 60,000 people are engaged in the production of various articles of ornate and utilitarian type.

Kashmir produces shawls, carpets, crewel, embroidery, chainstitch rugs, numdhas, papier mache, wood-carving etc. for over 5 crores of rupees. Goods worth over 2 crores are exported outside the country.

3. Ibid., p. 11.
Relations in the handicraft industry were more direct in contrast with the complex network of hierarchical relations in the modern factory system; employing thousands of work people. Most of the workers in the handicraft industry come into personal contact with their employers or with the owners of the capital. Workmen frequently owned the simple instruments which they needed for their work.

Under the traditional system the means of production were simple and involved small investment. The craftsmen combined in themselves the functions of entrepreneurs, financiers, managers and workers. The work was done in the homes of the master craftsmen with the aid of family members and a few apprentices. The master craftsman had full appreciation of the aims and aspirations of his workmen on one hand, and their requirements and difficulties on the other. His paternalistic approach towards the worker's problems kept the industrial atmosphere free from turmoil and strife. Disputes and differences mostly revolving round wages were settled mutually and by direct negotiations, without taking recourse to modern methods of settling industrial disputes.

Thus, the evolution of industrial relations in the household industry of Kashmir followed the medieval British pattern where "relations were more direct and
personal in contrast with the complex problems of modern factories. The feature of the industrial revolution has been the use of great factory buildings and costly machines and the concentration of their ownership and control in the hands, not of the workers but of the employer or the capitalist.

The fact that today the industrial relations in Britain and other industrial countries are largely determined by the conditions of industrial revolution clearly reflects that its development is closely linked with the pace of industrialisation.

As the tempo of industrial activity remained halting the concept of industrial relations did not emerge under the household industry system. Although a microscopic section of factory workers were engaged in the industrial concerns like Match and Pharmaceutical works, Kashmir willows, Rosen and Turpentine Silk weaving etc. before 1947, yet they failed to give a push to the system. This is so because these units were run by the Government as departmentally managed concerns. Under the circumstances the question of raising any industrial problem was to invite the wrath of despotic rulers. Consequently industrial peace remained unaffected and the concept of industrial relations received no recognition, till the process of industrialization started with the achievement of freedom.

1. Richardson J. Henry. An Introduction to the Study of Industrial Relations. George Allen and Unwin Ltd.
INDUSTRIAL DEVELOPMENT

Prior to 1947, the picture presented by the state was one of allround misery, squalor and poverty of the people who had struggled for long for emancipation from feudal rule. The achievement of political victory marked the culmination of the freedom movement in the state. It unfolded new opportunities to the masses to give a correct shape to their ideals of democracy and economic progress enunciated in their radical socio-economic blue-print of 'Naya-Kashmir' which they had adopted as back as in 1934.¹

Kashmir's dense forests, temperate green valleys and scenic waterways provided keys to the economic future and accordingly steps were taken to put the state on the industrial map of the country. Thus planning was started in 1951 and for the first time industrial policy was given a shape, though a vague one, in 1960.² As a consequence of this, steps were taken to remove the multiple inhabiting factors for the growth of industries through the planned process. Thus the development of power potential, roads and transport, financial assistance and the like received highest priority.

With a view to giving a purposeful direction to the economic development of the state, substantial investment has been made under the state plans during the last two decades. The following table reveals the structure of public investment made in different sectors under planned development from 1950-51 to 1972-73.

**Table No. 1.1**

*Structure of Public Investment in different Sectors*

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>TOTAL INVESTMENT (Rs. in Crores.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, C.D. and Cooperation</td>
<td>54.88</td>
</tr>
<tr>
<td>Irrigation &amp; Power</td>
<td>85.70</td>
</tr>
<tr>
<td>Industry &amp; Mining</td>
<td>21.17</td>
</tr>
<tr>
<td>Transport &amp; Communication</td>
<td>51.30</td>
</tr>
<tr>
<td>Social Services</td>
<td>69.81</td>
</tr>
</tbody>
</table>


As a consequence of this investment the state income at 1955-56 prices has increased from Rs.55.54 crores in 1950-51 to Rs. 122.74 crores in 1969-70 and Rs.135.68 crores in 1972-73. The average annual rate of growth of the state income during the first four years of the Fourth Plan has been about 4 per cent.

Under the impact of planned investment the structure of the state income has also undergone a change which is revealed by the following table:

Table No. 1.2
At 1955-56 Prices
(Rupees in Crores)
Structure of State Income

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>1968-69</th>
<th>1969-70</th>
<th>1972-73</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>45.88</td>
<td>48.08</td>
<td>48.71</td>
</tr>
<tr>
<td>Industry &amp; Mining</td>
<td>24.97</td>
<td>25.49</td>
<td>27.05</td>
</tr>
<tr>
<td>Transport &amp; Communication</td>
<td>9.43</td>
<td>9.62</td>
<td>10.00</td>
</tr>
<tr>
<td>Other services</td>
<td>37.03</td>
<td>39.55</td>
<td>49.92</td>
</tr>
<tr>
<td>Total</td>
<td>117.21</td>
<td>122.74</td>
<td>135.68</td>
</tr>
</tbody>
</table>


Thus under the impact of planning, appreciable progress was registered in all spheres of economic life. Power potential inhibiting the pace of industrial development, increased from 4 MWs in 1947 to 1970 MWs by 1972. Besides a number of projects were started and the central government has also been involved in one of the projects namely Salal the most prestigious of all power projects in the state. This is expected to generate 340 MWs.

2. Ibid p. 52.
The state's economy has suffered owing to inadequate means of communication. In the absence of railways, roads continue to be the sole means of communication. Accordingly an appreciable sum of Rs. 35 crores has been invested for the development of this sector during a period of two decades. However, the present intensity of all kinds of roads is 4.6 kilometers of surfaced roads per hundred square kilometers at the beginning of 4th plan (1st April, 1969).1

One of important factors responsible for economic development is remarkable expansion in road and transport development of the state after the achievement of freedom. Consequently there has resulted a great economic mix among the different sectors as well as the regions of the economy. The role played by Government Transport Undertaking (A State Enterprise) which though apparently commendable needs to be more dynamic and effective. An outlay of Rs. 300 lakhs for the development of this sector proposed in the draft 5th Five Year Plan of the State augurs well for the development of industries. A sound infrastructure alone will lead the State to the threshold of industrial activity. This, in turn, will result in the evolution of a system called the Industrial Relations System in the industrial jurisprudence.

As a result of multi-dimensional changes, the industrial climate is building up. The number of registered factories is increasing and consequently the organised labour force is multiplying numerically though, at a slow pace, as is reflected by the following table:

Table No. 1.3

Employment in the Registered Factories in Jammu & Kashmir State

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NO. OF REGISTERED FACTORIES</th>
<th>TOTAL EMPLOYMENT (THOUSANDS)</th>
<th>AVERAGE DAILY IN FACTORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>107</td>
<td>5,482</td>
<td>51.23</td>
</tr>
<tr>
<td>1965</td>
<td>191</td>
<td>9,360</td>
<td>51.62</td>
</tr>
<tr>
<td>1966</td>
<td>190</td>
<td>9,023</td>
<td>47.49</td>
</tr>
<tr>
<td>1967</td>
<td>186</td>
<td>9,864</td>
<td>53.03</td>
</tr>
<tr>
<td>1968</td>
<td>189</td>
<td>9,640</td>
<td>51.00</td>
</tr>
<tr>
<td>1969</td>
<td>193</td>
<td>9,580</td>
<td>49.64</td>
</tr>
<tr>
<td>1970</td>
<td>213</td>
<td>11,899</td>
<td>55.86</td>
</tr>
<tr>
<td>1971</td>
<td>220</td>
<td>11,862</td>
<td>53.01</td>
</tr>
<tr>
<td>1972</td>
<td>228</td>
<td>11,789</td>
<td>51.70</td>
</tr>
<tr>
<td>1973</td>
<td>286</td>
<td>12,197</td>
<td>42.64</td>
</tr>
</tbody>
</table>

SOURCE: Compiled by the author on the basis of information supplied by the Labour Commissioner.
From the above table it becomes evident that the number of registered factories showed an increase over the first five years of 1961-66. The number had a marginal fall in the years 1966 and 1967. Since 1968 there has, however, been a steady increase in the number of such units. Inspite of the fall in the number of factories over the years 1961-67, the number of workers engaged in various units went on increasing. However, the years 1968, 1969 and 1971 show a marginal decrease in the number of workers. The average employment in these factories oscillated between 47.49 in 1968 to 55.86 in 1970. On the whole the tendency observable is one of the development of industry and growth of employment potential in the state in the framework of planned economy. Among other things this new development was bound to throw into high relief the question of industrial relations.

ROLE OF PRIVATE SECTOR

The above statement registers the gradual and sometimes halting progress of industry. The fact is that private sector has not been able to play an effective role in the field. With a view to giving a purposeful direction to the pace of industrial development the existence of a viable entrepreneurial class is a must. Unfortunately the state is poor in having an enlightened private sector. Its role in the development of industries
is not thrilling. Despite the multi-dimensional socio-economic changes the merchant class which constitutes the private sector has failed to exhibit the interest in the industrial development of the state. The reasons are obvious. General backwardness of the state combined with widespread illiteracy helped only to keep the pace of industrial development in abeyance. The small number of industrial units established in the state were only in the public sector and even these were set up with the technical know-how and skill imposed from outside the state. Moreover, the topography of the state coupled with rigour of the winter months were congenial to none but the slow moving craftsman and artisan who worked in the warmth of his home. Lastly, the lack of adequate means of communication and transport, which often come to a standstill during many months of frost and snow only thwarted the growth of industrial skill in the modern sense of the term. Under these circumstances, it is inconceivable to expect any type of entrepreneurial activity to have grown and flourished.

However; it is gratifying to note, that the private entrepreneurs from rest of the country have lately shown increasing interest towards extending their industrial activities to the Jammu and Kashmir state. This is the result of sustained efforts by the
government to create a conducive atmosphere for growth of industries here. As a consequence of this a number of projects are coming up in this sector. These include rayon grade pulp manufacturing complex, electronic components and television manufacturing plants, a brewery and distilling unit and establishment of walnut timber industry.

Since the scope for large scale industry in the state is limited, owing to its geographical conditions, absence of industrial entrepreneurship, lack of skill, raw material etc. the government, with a view to overcoming these hurdles, has announced a package of incentives to prospective entrepreneurs. Thus the provision of land on concessional terms, refund of toll tax on raw materials and finished goods, provision of transport subsidy, a price preference in the matter of government purchases, will go a long way in involving the private sector in the economic reconstruction of the state.

In spite of all the facilities now being provided by the state government, the role of the private sector appears to be one not destined to play an effective part in the industrial development of the state. This has made the entire task of industrialization a difficult one.

one. Consequently the whole responsibility falls on the shoulders of the government to take the programme of industrialization in a big way.

**GROWTH OF PUBLIC SECTOR**

The concept of state participation in industry and commerce is not new to the state. In fact, the government has played a prominent role in the industrialization of the state much before the other states had thought about it. In the field of industry, the growth of public sector in the state may be traced as back as 1892 when the silk industry was taken over by the government under its own control. Since that year, the state is having a monopolistic control over the industry. State trading in food started in 1921 when the Food Control Department was established with a view to providing food grains at cheaper rates to the public. Food problems in Kashmir is an old one and has since long been managed by the administration. The State participation in the field of public utility concerns is also an old fact. Generation and supply of electricity, provision of irrigational facilities and schemes like water supply etc. have been the main concerns of the state government.

Partition of the country had an adverse effect on the economy of the state. Therefore, the government's indulgence and active participation became imperative.

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to meet the challenge thrown by the partition and subsequent invasion on the state. Moreover the people of the state had adopted "Naya-Kashmir" as their programme in 1944, envisaging a socialist transformation of the economy. This was to be achieved with the directive principles of the state constitution which provided "That economy of the state shall develop in a planned manner, the productive forces of the country with a view to enriching the material and cultural life of the people and foster and protect the public sector where the means of production are owned by the state."  

The need to grow and expand the public sector provided an effective way to overcome the problems created by the weak and famished infrastructural facilities. It is encouraging to note that the government accepted the responsibility of accelerating the pace of industrial development. Since the past experience had shown that the traditional form of managing the concerns as government departmental concerns proved ineffective, efforts were made accordingly to run and manage public sector units in the form of government companies, particularly after 1960. This form of management was found effective for dealing with the gigantic task of industrialising the state. As a consequence of this, a number of corporations appeared on the industrial scene of the state as is reflected from the accompanying table.

### Table No. 1.4

**List of Government Companies functioning as on 31st March, 1973.**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the Corporation</th>
<th>Date of Incorporation</th>
<th>Authorised Capital</th>
<th>Government investment in lakhs of Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>The Jammu &amp; Kashmir Agro-Industries Development Corporation Ltd.</td>
<td>January 1970.</td>
<td>Rs. 200.00 lakh.</td>
<td>59.23 lakhs State Govt and Rs. 50.00 lakhs Central Govt.</td>
</tr>
<tr>
<td>7.</td>
<td>The Jammu &amp; Kashmir Tourism Development Corporation Ltd.</td>
<td>February 1970.</td>
<td>Rs. 200.00 lakh.</td>
<td>15.00 lakhs.</td>
</tr>
<tr>
<td>8.</td>
<td>The Jammu &amp; Kashmir Handicrafts (S &amp; E) Corporation Ltd.</td>
<td>June, 1970.</td>
<td>Rs. 100.00 lakh.</td>
<td>12.25 lakhs</td>
</tr>
</tbody>
</table>

**SOURCE:** Report of the Comptroller and Auditor General of India for the year 1970-71 p. 68.

*Since the authorised capital was Rs.800 lakhs only on that date therefore, excess amount of Rs. 13.00 lakhs paid by the government is treated as loan.*
The table reveals the financial commitment of the government in these public undertakings. Thus, on March 31, 1971, the investment in these corporations stood at Rs.1,772.66 lakhs out of which a sum of Rs. 1,438.49 lakhs represents the amount of government investment in three corporations namely J&K State Industrial Development Corporation Limited, J & K Industries Limited and J & K Minerals Limited. All the three are primarily responsible for the growth of medium and large scale industries and control 25 units out of a total of 32 in the public sector.¹

The table further indicates that it was during this decade that the need was felt to bring the state under the purview of Indian Companies Act of 1956, and accordingly on August 15, 1968 the Companies Act of 1956 was extended to the state of Jammu and Kashmir. This act repealed the old state Companies Act of 1977 (Svt) under which the first four companies shown in the table were incorporated.² The table further indicates that earnest efforts were made by the government to set up the programme of industrialization during the decade 1960-70 through the incorporation of public corporations. The state has only one statutory corporation namely J & K State Financial Corporation

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incorporated under the State Financial Corporations Act of 1951. Most of the companies are government companies. There are only three corporations which have assumed the role of raising the industrial tempo in the state. The corporations are J & K Industries Ltd, J & K Minerals Limited and J & K State Industrial Development Corporation. Of the three, the J & K Industries is the most important as it controls 16 industrial units out of a total of 34 falling under the control of state corporations, departmental undertakings and quasi-commercial concerns. The corporation was incorporated in October, 1963, with an authorised capital of Rs. 200.00 lakhs which was subsequently raised to 586.73 lakhs. All the existing industrial units were taken over by the corporation with a view to running them on commercial and economic lines. The creation of the corporation appears to be the result of the force of circumstances, as the industrial units become unviable units. The immediate aim of the corporation was to arrest the decline in the government industrial units. But the corporation has failed to cut much ice in the industrial field, though it is empowered to set up new industries. It is a matter of satisfaction to note that the corporation has emerged as the chief employer of organised labour force. It provides employment to 4135 workers on a daily average basis which forms more than 72 per cent of the total labour
force working in the government enterprises. Appendix No. I reveals the average employment and the nature of adventures of the units coming under the control of J&K Industries Ltd.

The disgusting feature of the corporation is that it has not been able to diversify its industrial activities. The appendix No. I shows that the Undertaking has mostly concentrated its activities in the field of textiles. A real programme of industrialization should aim at diversification, and towards this end the corporation should set up units in the field of engineering, chemical products, canning and preservation paper and paper products and the like for which the state is best suited. The corporation is destined to play an important role in the industrial field, and in order to make it more effective, dynamism should be brought in its working. The suggestions that the corporation should be amalgamated with J & K Minerals is sound one. This will reduce the overhead charges and enable the corporation to make best use of the available trained manpower. The amalgamated corporation should be broad based and take in its fold all public sector enterprises including agro-based industries. It should be organised in groups of inter connected manufacturing units, typical groups being textiles, forest based industries, agro-based industries etc. To enable the corporation to take up new venture, the share capital
should be increased. As the corporation has emerged as the chief employer, it would be useful to review in the following pages the labour force employed in the public sector.

EMERGENCE OF LABOUR FORCE

According to 1961 census, the population of the state was 35.61 lakhs which increased to 46.17 lakhs by 1971. The decennial growth thus works out to 29.65 per cent as against 24.80 per cent for the country as a whole between the period 1961-71. A distinct change has also taken place in the rural urban population ratio. The percentage of rural population has declined from 83.34 in 1961 to 81.41 in 1971. The higher growth of urban population thus indicates the growing urbanisation. The shift of population from the rural to the urban areas is thus the result of growing employment opportunities. The ratio of males and females was 1000 : 882 in the State as against 1000 : 920 for the country as a whole. The State is thus placed in the category very low (less than 900) in sex ratio among the States of India. Other States of India falling in this category are Bengal (892) U.P. (883), Haryana (875) Punjab (873) and Nagaland (872).
Among the industrial workers a big imbalance exists in the sex ratio in the Jammu region while a marginal imbalance exists in the Kashmir region. There are 534 males in the Jammu region and 502 in the Kashmir region for every 1000 of population.

The level of literacy in the State was 18.58 per cent as against 29.85 per cent at the National Level. A comparison of the level of literacy of the state with other states and union territories of India reveals that Jammu and Kashmir continues to be at the bottom in this field, being placed higher only to Dadra and Nagar Haveli. All the same, it is gratifying to note that the percentage of increase registered by the state in 1971 over what it was in 1961, is 65.91 which is the highest recorded for any other state of India during the decade; the percentage increase registered for the country as a whole being 22.14 per cent.

Education is not very popular among the industrial workers. Only 21.17 per cent in the Jammu region and 19.26 per cent in the Kashmir region are literates; the remaining are illiterates in both the regions of the State.

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WORK PARTICIPATION RATE:

The total number of workers in the state in 1971 was 13.74 lakhs giving a work participation rate of 29.76 per cent. The corresponding number of workers in 1961 was however, 15.23 lakhs as would be seen from the following table:

Table No. 1.5
Distribution of Population into Workers and Non-Workers:
Percentage of Workers

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons</td>
<td>46,15,176</td>
<td>13,85,116</td>
<td>42.8</td>
<td>30.00</td>
</tr>
<tr>
<td>Males</td>
<td>24,52,661</td>
<td>12,80,074</td>
<td>57.8</td>
<td>52.2</td>
</tr>
<tr>
<td>Females</td>
<td>21,62,515</td>
<td>1,05,044</td>
<td>25.6</td>
<td>4.9</td>
</tr>
</tbody>
</table>


The table makes interesting revelations:—proportion of working population has gone down. But the fall in the working force is mainly because of the revised definitions adopted in 1971 census. The purpose of doing so was to get a more realistic picture of participation of work. This is clearly reflected by the sharp fall in the proportion of female workers. The 1971 census constitutes primary workers only whereas the 1961 census included marginal workers as well.
Despite the fall in the overall proportion of workers, the number of male workers has increased from 10,96,940 in 1961 to 1,280,074 in 1971. Hence the drop in the proportion of workers in 1971 does not indicate contraction in the size of the working force as such. In order to achieve comparability an attempt has been made to bring the working force for 1961 census in conformity with the definitions adopted in 1971. The comparative picture is reflected in the following table sector-wise.

Table No. 1.6
Distribution of Population into different Sectors

<table>
<thead>
<tr>
<th>Sector</th>
<th>1961 Lakh Nos (Estimated)</th>
<th>1971 Lakh Nos</th>
<th>1973-74 Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>8.18</td>
<td>9.37</td>
<td>9.63</td>
</tr>
<tr>
<td>Livestock, Forestry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fishing and allied activities</td>
<td>0.31</td>
<td>0.67</td>
<td>0.78</td>
</tr>
<tr>
<td>Mining and Quarry</td>
<td>Nil</td>
<td>0.02</td>
<td>0.02</td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Processing and other household industry</td>
<td>0.55</td>
<td>0.72</td>
<td>0.76</td>
</tr>
<tr>
<td>Construction</td>
<td>0.08</td>
<td>0.31</td>
<td>0.40</td>
</tr>
<tr>
<td>Trade &amp; Commerce</td>
<td>0.03</td>
<td>0.63</td>
<td>0.71</td>
</tr>
<tr>
<td>Services and Others</td>
<td>1.46</td>
<td>2.02</td>
<td>2.18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10.91</strong></td>
<td><strong>13.74</strong></td>
<td><strong>14.46</strong></td>
</tr>
</tbody>
</table>

It will be observed from the table that there has been an annual increase of 2.33 per cent in working force between 1961 and 1971. In 1961, 74.98 per cent workers were engaged in Agricultural pursuits as against 68.19 per cent in 1971. In the case of manufacturing units falling in registered and un-registered sectors, there has been a marginal increase in labour force utilization during inter-censal period. The number of workers in tertiary sectors, has however, registered a significant increase. In construction industry, 2.26 per cent workers were engaged in 1971 as against 0.76 per cent in 1961. Similarly in Transport and Communication, the relative contribution to working force has gone up from 1.11 per cent in 1961 to 3.19 per cent in 1971. The number of workers in service sector has registered an annual increase of 3.35 between 1961 and 1971 and the percentage contribution has increased from 13.3 per cent in 1961 to 14.7 per cent in 1971. It follows, therefore, that there has occurred a marginal occupational pattern of the population and the economy of the state remains essentially agricultural in character. Notwithstanding this, there has been a transformation of the working population from agriculture to industry. The nature and extent of this shift is evident from the following table:
According to 1971 census, the total number of establishments in Jammu and Kashmir stood at 1,18,677 distributed as under:

<table>
<thead>
<tr>
<th>TYPES OF ESTABLISHMENT</th>
<th>No: (in absolute figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Registered Factories</td>
<td>372</td>
</tr>
<tr>
<td>2. Un-registered Factories</td>
<td>14,027</td>
</tr>
<tr>
<td>3. Household Industry</td>
<td>35,278</td>
</tr>
<tr>
<td>4. Trade and Business Establishments</td>
<td>45,856</td>
</tr>
<tr>
<td>5. Other Establishments</td>
<td>23,144</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,18,677</strong></td>
</tr>
</tbody>
</table>


The number includes manufacturing, servicing and repair works of all kinds and covers all activities connected with business and trade. Institutions though not contributing directly to economic production, like offices, religious institutions, schools, dispensaries etc. have also been included in these establishments.

The position in 1961 was that the number of industrial establishments stood at 41,889. This however, did not include the number of establishments falling within Trade and business and other establishments. The corresponding figure as per 1971 census showed that the
number has gone up to 49,677. This clearly indicates that the number of industrial establishments has registered a net increase of 7,788 in absolute figures, which is a hopeful sign and indicates that the state is gradually picking up in the industrial field. It is relevant here to mention that out of a total population of 46,16,632 persons in 1971 census, 13.7 lakhs have been returned as workers. Of these 9.3 lakhs are reported to be working as cultivators including agricultural labourers. Thus only 4.4 lakhs of workers are following pursuits other than agriculture. This figure is inflated and hence does not give the actual strength of the working force. The number of workers after excluding those who do not work in any establishment as for instance domestic servants, open hawkers, itinerant vendors etc., is just 2.66 lakhs as per the following distribution.

<table>
<thead>
<tr>
<th>Types of Establishments</th>
<th>No. of Persons Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Registered Factories</td>
<td>17,374</td>
</tr>
<tr>
<td>2. Un-registered Factories</td>
<td>28,587</td>
</tr>
<tr>
<td>3. Household Industry</td>
<td>46,264</td>
</tr>
<tr>
<td>4. Trade &amp; Business</td>
<td>66,689</td>
</tr>
<tr>
<td>5. Other Establishments</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>1,07,327</em></td>
</tr>
</tbody>
</table>

Total 2,66,241

From the figures given above, it is clear that other establishments which include Government offices, educational institutions, religious institutions, laundries, barber shops etc. claim the largest chunk of employment generated. As many as 1,07,327 persons have been put under this category. It is disgusting to find that the number of persons constituting the real base of economic production does not employ more than 1,58,914 persons. This further corroborates the view that the state is still backward in the field of industrialization.

LABOUR IN HOUSEHOLD INDUSTRY
(Traditional Sector)

Kashmir has enjoyed a world wide fame for its traditional skills. The number of units falling under this category is 35,278 which provide employment to as many as 46,264 artisans and others. A significant number of artisans is engaged in the production and manufacture of shawls, carpets, papier mache, chain stitch rugs, numdhas, wood carving etc. It is distressing to find that this class of workers is most exploited. The handicraft units suffer from many handicaps. Lack of capital, paucity of materials, poor-housing conditions, low wages etc. have seriously hampered their growth and development. The household industry, besides providing employment to 46,264 persons, is a big source of attraction for the tourists. In view of the fact that
the industry earns a sizeable foreign exchange of about Rs. 2 crores per year, efforts should be made to organise the industry on sound lines.

UN-ORGANISED SECTOR

Unorganised sector of the state of Jammu and Kashmir comprises unregistered workshops, household industries, small petty shops and other similar establishments. The number of such units operating in the state is 14,027 providing employment to 28,587 persons. Units falling under unregistered category are being run and managed by the Government, private, and cooperative agencies. Thus of the 14,027 units, 328 are under Government and Quasi Government control whereas the number falling under cooperatives is just 38. The highest number is claimed by the private sector.

Working conditions of this sector are awfully bad. The persons work under sweating conditions. Long working hours, low-wages, lack of basic amenities are very much common in these units. Employment of child and adolescent labour is also a common feature of this sector. There is an urgent need to protect the interests of the workers of this sector and to regulate their working conditions etc.
ORGANISED SECTOR

It has already been pointed out that the state continues to be industrially backward and consequently no organised labour force has emerged on the industrial scene of the state. Although there has been an increase of 18.59 per cent in the overall number of industrial establishments during 1961 to 1971, yet the percentage of real factories is less than one of the total number of manufacturing establishments. Increase in the number of industrial establishments is thus the result of inclusion of all household industries and unorganised small workshops in the total establishments.

The slow pace of industrial activity has proved too weak to give a fillip to the numerical strength of the organised labour force as is reflected by the following table:-

Table No. 1.7
Distribution of Working Population

<table>
<thead>
<tr>
<th>Persons</th>
<th>Total Working Population</th>
<th>Person to the total population labour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Working</td>
</tr>
<tr>
<td>Persons 4615176 1385118</td>
<td>42.8</td>
<td>30.0</td>
</tr>
<tr>
<td>Males 2452661 1280074</td>
<td>57.8</td>
<td>52.2</td>
</tr>
<tr>
<td>Females 2162515 1105044</td>
<td>25.6</td>
<td>4.9</td>
</tr>
</tbody>
</table>

The table indicates that the proportion of workers to total population in 1971 stood at 30.0 as against 42.8 per cent in 1961. The encouraging feature of the table is that it indicates a significant shift of the working population from cultivation to other pursuits. The percentage of workers engaged in secondary and tertiary pursuits like household industry, manufacturing, trade and commerce, transport and communication, professions and services etc. has gone up from 23.1 per cent in 1961 to 32.9 per cent in 1971. All this augurs well for the development of the State's economy which has been striving hard to come up steadily from its persistent subsistence level. It has already been pointed out that the organised sector of the state includes all the industrial establishments owned by the government, quasi-government cooperatives and the private sector. Apart from mining, quarrying, organised sector includes, 87 mills falling in the sphere of consumer goods. These mills employed 7,603 persons in 1958. In 1961 this figure increased to 139 raising the employment figure to 10,964.

It is gratifying to observe that the state is steadily marching towards the path of industrialisation as is reflected by the following table revealing the position of the public and private sectors and the rise of organised labour force:

2. Ibid.
Table No. 1.8

Rise of Labour Force in Registered Factories as on 31st December, 1972.

<table>
<thead>
<tr>
<th>Number of Workers</th>
<th>No. of Units</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public</td>
<td>Private</td>
</tr>
<tr>
<td>Between 1-24</td>
<td>8</td>
<td>122</td>
</tr>
<tr>
<td>25 - 40</td>
<td>6</td>
<td>40</td>
</tr>
<tr>
<td>50 - 99</td>
<td>3</td>
<td>23</td>
</tr>
<tr>
<td>100 - 149</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>150 - 199</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>200 - 249</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>250 - 299</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>300 - 399</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>400 - 499</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>500 - 599</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>600 - 699</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1000 - 1999</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>194</td>
</tr>
</tbody>
</table>


The table reflects that in 1972 the total number of registered factories was 228 out of which 34 belonged to the Government employing 5,732 workers which forms 48.6 per cent of the total organised labour force working in the registered
organised sector. As against this the number of factories in the private sector, though appears a convincing one, yet the labour employed in them is not proportionate to their numerical strength. More than 60 per cent of the units in the private sector employ less than 24 workers and as such may not be considered as modern industrial enterprises in any real sense of the term. The comparatively larger units are found in the field of textiles which further exhibits that the state has not so far witnessed a diversified industrial activity. Besides this, some of the concerns are such where no machinery is involved in the manufacturing process at all. Consequently very few units can be classified as real large units in both the sectors indicating that modern factories of gigantic nature providing employment to thousands of workers are yet to make a debut on the industrial scene of the state.

As a consequence of the weak organised sector; labour force remained underdeveloped and ineffective. With a view to govern the relations in this sector, Maharaja's government had passed some laws, namely Factory Act of 1942, Children's (Pledging of) Labour Act of 1943, Workmen's Compensation Act of 1943,
Employees Act of 1945 etc. but no action under these was ever taken, as no rules under them were passed. The trade unionism was weak and the Government showed no interest in labour welfare activities. Consequently industrial relations remained mostly as administrative matter. The concept did not flourish even after the achievement of freedom, as the unions themselves were not serious about the implementation of the laws. They only wanted their immediate problems to be settled.

Thus it shows that the feeble attempts were made to put the system of industrial relations to a serious test. Provisions of the Acts governing the relations in the industry were never invoked. It has already been pointed out, that all the public sector units were being run and managed by the government as departmental undertakings policy of regulating the relations in these units was therefore, greatly influenced by the administrative thinking of the government.

LABOUR IN PUBLIC SECTOR

From table No:1.8 it is evident that the public sector emerged the biggest employer. Out of a total of 228 units; 34 fell under this category and those employed 5,732 workers.

Real manufacturing concerns are only 21 and the number of workers employed in them is depicted by the following table:—
<table>
<thead>
<tr>
<th>Industry Group/Line</th>
<th>No. of Manufacture</th>
<th>As on 31-3-1973</th>
<th>As on 31-3-1974</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DRUGS AND CHEMICALS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Rosin and Turpentine</td>
<td>1</td>
<td>148</td>
<td>161</td>
</tr>
<tr>
<td>b. Santonin</td>
<td>1</td>
<td>32</td>
<td>35</td>
</tr>
<tr>
<td>c. Matches</td>
<td>1</td>
<td>85</td>
<td>84</td>
</tr>
<tr>
<td>2. LEATHER INDUSTRIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Tanned/Hides/Skins</td>
<td>2</td>
<td>2013</td>
<td>2024</td>
</tr>
<tr>
<td>3. TEXTILES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Raw Silk</td>
<td>2</td>
<td>663</td>
<td>684</td>
</tr>
<tr>
<td>b. Silk Fabrics</td>
<td>2</td>
<td>592</td>
<td>497</td>
</tr>
<tr>
<td>c. Woollen Fabrics</td>
<td>1</td>
<td>26</td>
<td>29</td>
</tr>
<tr>
<td>d. Hosiery Goods</td>
<td>1</td>
<td>190</td>
<td>184</td>
</tr>
<tr>
<td>4. WOOD INDUSTRIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Joinery Articles</td>
<td>1</td>
<td>427</td>
<td>659</td>
</tr>
<tr>
<td>b. Furniture</td>
<td>1</td>
<td>37</td>
<td>38</td>
</tr>
<tr>
<td>c. Cricket Bats</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. MINERALS BASED INDUSTRIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Cement</td>
<td>1</td>
<td>333</td>
<td>236</td>
</tr>
<tr>
<td>b. Concrete Poles, Spun pipes etc.</td>
<td>2</td>
<td>291</td>
<td>338</td>
</tr>
<tr>
<td>c. Bricks</td>
<td>1</td>
<td>147</td>
<td>165</td>
</tr>
<tr>
<td>d. Briquettes</td>
<td>1</td>
<td>N.A.</td>
<td>N.A.</td>
</tr>
<tr>
<td>6. MISCELLANEOUS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Handicraft items</td>
<td>1</td>
<td>363</td>
<td>301</td>
</tr>
<tr>
<td>(Arts Emporium)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total (Jammu & Kashmir State) 21 5677 21 5727

All the 21 concerns are being controlled by three major corporations namely Jammu and Kashmir Industries Limited, Jammu and Kashmir Minerals Limited and Jammu and Kashmir Handicrafts (S&E) Corporation. As stated earlier these corporations are primarily charged with the task of industrial development of the state.

Of the 21 units as many as 15 units are located in Kashmir Division. They provide employment to 4700 workers which forms over 82 per cent of the total labour force engaged in Public Sector units of Jammu and Kashmir.

The reasons for concentration of manufacturing units in Kashmir are not far to seek. The raw materials needed for manufacturing of finished products in Joinery Mill, Cement Factory, Textiles, Silk and woollen both and Match factory were available in Kashmir. Secondly, the skilled labour required for processing and manufacturing of the goods were locally available. However, the imbalance in the growth of Public Sector units between the two divisions of the state is being sought to be eradicated and a few big concerns are being set up in Jammu Division like Cigarette manufacture, Scooter manufacture, Wool Combing etc.

"The labour force in the Public enterprises of State is not yet a "Committed" one i.e. entirely identified with urbanised industrial way of life. The 'Village nexus' is still very strong - most of them live in villages, and
a number of them have subsidiary occupations there. This cultural context has potentials for a happy socio-economic development and should be regarded as a source of strength rather than weakness.  

RELATIONS IN PUBLIC SECTOR

Public Sector undertakings today differ considerably from those of the private sector. Not only is the ownership pattern different, but in size, nature of technology used, and also in administrative practices they offer a more complex picture than do private firms. But in the matter of industrial relations public sector should not expect immunity or concessions of any kind. They should be rather model employers. Problems of labour relations in public sector are no different from labour relations in any other industry. Prof. Hobson of the l.k. a great believer in public ownership of industries, has rightly said that ideologically public ownership was regarded as the gateway to a new society, in which there would be greater plenty and less hardship for the toiling masses, in which cooperation would supplant competition.

The success of Public undertakings depends in large measure, on the degree to which employees can be induced to work better than they would under capitalist enterprise.

2. LOKABYOG: Public Enterprise Vol. III April 1969 No. 1 P. 33
It is disheartening to observe that the state government as well as the management has failed to appreciate this truism. They have failed to evolve sound traditions of labour relations and have bought the industrial peace through small concessions. Unions of the workers too have generally rallied round this policy of the government and as a consequence of this the process of evolving a sound tradition of labour relations has been delayed.

The method of operation of industrial relations is that "unions come up with demands and send copies of their demands to everybody that counts in the state from Chief Minister to M.L.A.'s, Secretaries to Government and to Public leaders holding different opinions. This is followed up by telegrams justifying their demands. Through this method a kind of moral and psychological pressure is built up and very rarely a strike notice is served. Because of this pressure, the Chief Minister or some such authority announces at a public meeting the grant of additional dearness allowance or a hike in basic pay or grant of bonus etc."\(^1\)

In pursuance of this policy, very few industrial disputes have occurred on the industrial scene of the state as would be seen from the following table:

Table No: 1.10

Industrial Disputes

<table>
<thead>
<tr>
<th>S. No</th>
<th>Year</th>
<th>No. of Disputes</th>
<th>No. of Workers involved</th>
<th>No. of man-days lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1961</td>
<td>1</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>2.</td>
<td>1968</td>
<td>-</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>3.</td>
<td>1969</td>
<td>1</td>
<td>436</td>
<td>1149</td>
</tr>
<tr>
<td>4.</td>
<td>1970</td>
<td>4</td>
<td>9112</td>
<td>28161</td>
</tr>
<tr>
<td>5.</td>
<td>1971</td>
<td>9</td>
<td>260</td>
<td>507</td>
</tr>
<tr>
<td>6.</td>
<td>1972</td>
<td>6</td>
<td>140</td>
<td>346</td>
</tr>
<tr>
<td>7.</td>
<td>1973</td>
<td>4</td>
<td>270</td>
<td>2126</td>
</tr>
</tbody>
</table>


The table reveals that the government succeeded in implementing its principle or 'no strikes at any cost' in the public sector, but this does not mean that all is well with these units. Nor does it absolve the government of responsibility to evolve a sound industrial policy. In this connection it has rightly been remarked:--

"Freedom from strikes and lockouts is no reliable index of good relations. It is well known that work people employed under bad conditions are often too ill organised to demand improvements. In such circumstances absence of unrests is a measure of misery. Sometimes it marks denial.
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"Freedom from strikes and lockouts is no reliable index of good relations. It is well known that work people employed under bad conditions are often too ill organised to demand improvements. In such circumstances absence of unrests is a measure of misery. Sometimes it marks denial"
of freedom, as it did in Nazi Germany, Fascist Italy."¹

CONCLUSION:

The analytical study of the development of industrial relations in J & K State reveals that the concept of industrial relations is still in embryonic state in the State, for the obvious reasons that the required temperament for industrial development has not been built up and as a consequence an organised labour force has yet to emerge from the traditional labour force of handicrafts. Industrial backwardness of the state is further aggravated by the structural predominance of the low income generating household industries. The contribution from this sector has been estimated at Rs. 27.05 crores forming 19.03 per cent of the State income in 1972-73. Of this amount only Rs. 2.02 crores come from the organised sector whereas Rs. 24.34 crores is contributed by the unregistered sector.² The relative inflexibility of the per capita advances from the commercial banks coupled with the fact of small percentage of licenses issued under (Industrial Development and Regulations) Act of 1951 by the Government of India during 1969-70, further lend support to the theory of industrial backwardness of the state.³

². 5th Five Year Plan (Draft) Department of Planning and Development J & K State 1973 p. (iv)
Problem of industrial relation is an outcome of the factory system of organisation and as such its growth and development is closely interlined with the growth of factories. As factory labour increased and the divorce of labour from the means of production becomes more pronounced, the labour problems start multiplying and a system called the industrial relations takes its birth.

It is gratifying to note that the number of registered factories and the workers engaged therein has nearly doubled during the past decade. In 1961 as many as 5482 workers were working in 107 registered factories as compared to 11,799 workers engaged in 210 registered units in 1971.¹

Growing realisation of the state rulers and their earnest efforts to accelerate the tempo of industrialisation through the medium of public sector undertakings will, in course of time, give a new dimension to the phenomenon of industrial relations. Since the task of industrialising the state has been entrusted to the public sector it must therefore, emerge as a model employer and evolve best traditions for maintaining good industrial relations. Public undertakings should serve as pace-setter both in the matter of accelerating the industrial tempo as well as laying down sound labour management relations.

Thus it becomes necessary at this stage to take stock of the existing labour legislation so that a sound system is evolved to deal with the labour management relations so vital for the socio-economic growth of the economy. Accordingly a detailed study of labour legislation in Jammu and Kashmir has been attempted in the following chapter.
Chapter-II

GROWTH OF INDUSTRIAL LEGISLATION

In the first chapter it has been pointed out that the present industrial labour force is recruited from traditional and Cottage industries. Owing to the slow pace of Industrial activity, the organised labour force emerged at a later stage on the industrial scene of the state. With the emergence of the public sector enterprises, labour force is increasing though at a slow speed. However, this trend can not continue for all times to come. It has also been noted that there have been lesser number of strikes in the public sector industries of Jammu and Kashmir state as compared with their counterparts in the rest of the country. The strikes, if any were called off through direct appeals to the Chief Minister of the state and other authorities.

Industrialisation brings in its wake varied socio-economic problems to which the workers become exposed. Thus, in order to protect their interests and save them against the exploitation and tyranny by the owners and managers,
enactment of suitable labour laws becomes the first and foremost task of any democratic government. Legislation in the field of labour has been undertaken all the world over as a consequence of the requirements of the working class.¹

Progressive labour legislation characterizes the industrial relations system of developing countries. State of Jammu and Kashmir is no exception. In this context an attempt has been made in the present chapter to examine the labour legislation in the state of Jammu and Kashmir and analyse how far it is compatible with the object of establishing a socialist pattern of society. The socialist pattern of society is expected to come about through planned economic development which breeds in an atmosphere free from all kinds of tensions, conflicts, disputes and other manifestations of the process of industrialization.

Peaceful and cordial industrial relations are a sine-qua-non of all economic development and to ensure this labour legislation has a special role to play. Adequate laws have to be enacted to provide a suitable machinery for resolving differences and disputes, grievances and conflicts, frictions and tensions, arising

as a result of divergent views of the labour and management. The process of enactment is a continuous one for the legislation has to be in tune with the changing concepts of society. Some of the Acts, therefore, need amendments and modifications, some need to be completely repealed and a host of others to be enacted afresh, keeping in view the peculiar conditions of a state.

INDUSTRIAL LEGISLATION PRIOR TO INDEPENDENCE

Prior to 1947, the picture presented by the state was one of round misery, squalor and poverty of the people who struggled for long for emancipation from feudal rule. Industrial activity was on its low ebb and the concept of public sector enterprise was non-existent. However, the existing state factories were being run as the government departments whose workers remained faithful government servants. The problems of industrial relation were treated as the administrative problems and resolved accordingly. 1

The private sector was predominated by house-hold industries and relations between the master and his craftsmen were generally cordial and well within the manageable proportions. Because of close touch and greater understanding between the two parties, disputes if any, were

1. By courtesy of Sir Yahya Siddiqi - Labour Leader of the state.
resolved amicably to the mutual satisfaction of the parties. As a consequence of this the importance of labour legislation was neither understood nor appreciated. Accordingly, the pace of labour legislation received a serious set-back. Thus the industrial workers of the state were deprived of those amenities and facilities which became available to them under the provisions of the Labour Acts. It is sad to note that while their counterparts in rest of the country were being protected and provided with basic amenities and facilities, labour in Kashmir remained in a lamentable state.

The laws passed during the Maharaja's regime are as under :-

(c). Jammu and Kashmir Industrial Disputes Act, 2006 (Svt)
(d). Jammu and Kashmir Children Pledging of Labour Act, 2002 (Svt)

1. By courtesy of Pir Yahya Siddiqi - Labour Leader of the state.
Despite the passing of the laws, whose analytical treatment is dealt with separately, no attempt was ever made to implement them for the welfare of the workers. Enforcement and implementation had become an impossible task in the absence of a suitable machinery or agency. Labour Department was conspicuous by its absence and the Director of Industries was looking after the labour affairs. As a consequence of this the laws remained confined to book of Statute and the employer was left scot free to use labour according to his own whim and preferences.

The failure of the Government to regard labour as a socio-economic problem, became thus a factor responsible for depriving the workers of their due amenities.

Labour movement was weak rather it was no movement of the organised workers in the true sense of the word. It was essentially a part and parcel of the political movement, under complete domination of political leaders who mixed labour issues with political issues just to exert pressure on the Maharaja's Government. Labour problems and grievances received no adequate attention from the political leaders as a result of which the

2. Ibid, p. 16
3. Ibid, p. 16
movement failed to make its impact felt on the Government machinery. The Government faced no resistance worth the name from the organised labour as its leaders were busy in political moves and did not compel the government to implement the labour laws in letter and spirit. As a consequence of the weak labour movement, coupled with the callous attitude of the Government, labour laws remained on paper only and no serious attempt was ever made to make rules thereunder. Under the circumstances passage of labour laws became an absolute necessity with the passage of time.\(^1\) While their implementation will always be a much greater necessity.

Besides non-implementation of the labour laws during the Maharaj's rule, the labour legislation was defective and out of date. Jammu and Kashmir Factories Act of 1999 (S) provided 54 hour week and restricted the working hours to 10 per day. Although some more provisions were there to protect the workers under this Act yet, except working hours (and that too in public sector), these provisions remained mostly in-operative due to lack of enforcement. Jammu and Kashmir Workmen's Compensation Act, was passed as early as in 2000 (S) on the pattern of British Law, passed in India in 1923, but no rules thereunder were framed and consequently no

\(^1\) Op. cit. p. 17
benefit was ever derived by any employee. The Jammu and Kashmir Children Pledging Act was passed in 2000 (5vt) which prohibited the pledging of children under the age of 15 years. This, however, covered the labour working only in factories and no provisions existed for those whose services were liable for termination on the week's notice. The Jammu and Kashmir Employer's Liability Act was also passed the same year. The Act provided no protection to the workers as it was argued that they accepted the hazard of the work on taking the employment. The Act was amended in 1952, but was never implemented.

Thus these Acts remained, by and large, inoperative and "nothing is on record to prove that these have ever benefited the labour for whose sake these had been enacted. The position remained as such till the dawn of freedom." ¹

POST INDEPENDENCE LEGISLATION:

With the advent of political freedom a new ray of hope was born in the mind of the working class. In the culmination of the despotic rule they saw an end to their miseries and misfortunes. Like other sections of society, labour was jubilant in particular for that magnificent

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¹ The Daily Mazdoor, Vol. 10, June 10, 1966, p. 3
(An Official organ of the State Central Labour Union) Srinagar.
role which they had played in the struggle for political liberation. Political freedom provided them an opportunity to consolidate their ranks and with aspirations they approached the government to take up the question of implementation, modification and introduction of the adequate provisions of the labour legislation. It is sad to note that workers' demand was laughed away and thus the labour became dejected and frustrated. They even failed to create a separate image for themselves because of the strong political grip. The popular government did nothing to encourage a separate labour movement, on the other hand it not only continued its domination but strengthened its hold on the movement too. The Kashmir Mazdoor Union which came into being in 1942 as a provincial committee of the National Conference, thus became weak and ineffective as the rulers took no interest in its development. However, it continued to work under the political leaders and launched a series of attempts to focus the attention of the government on the problems of labour. As a result of this Industrial Disputes Act and the Trade Unions Act were passed in 1950-51 on the analogy of the Central Acts. But the government took more than 2 years to frame the rules thereunder. No other Act was passed during this period for the obvious reason that the attitude of the government was hostile towards the labour. This is clearly

reflected from the statement made by the then industries minister looking after labour problems. "I have no faith in the labour laws and the state has no such problems as would warrant their implementation."¹

LABOUR LEGISLATION DURING THE PERIOD 1950-70

Labour movement which had been rendered ineffective after the achievement of political freedom, started getting impetus and encouragement particularly after 1953 and it was during this period that the working classes all over the state were brought under one banner which gave birth to a Central Labour Organisation namely the State Central Labour Union.² Industrial workers of the state obtained some concessions under the guidance of the Central Labour Union and a few token strikes were also organised. Annual labour conventions were held from 1953 in which demands were raised and resolutions passed for improving the lot of the workers. The Government was requested to introduce and implement labour laws and reforms. Resolutions were passed urging the Government to amend the existing labour laws and frame rules thereunder. The Second Labour Convention was held in August 1955 in Srinagar in which the Government's reactionary bureaucratic policy towards the labour was criticised and condemned. The Government's

¹ The Daily Nazdoor, Vol. 10 June 10, 1966, p. 3. Srinagar
² Ibid, p. 3-4.
policy particularly with regard to introduction and implementation and modification of labour laws came under a heavy fire and resolution was passed demanding among other things the following:-

1. "The state Factories Act be brought at par with the Central Factories Act."

2. The State Industrial Disputes Amended Act be further suitably amended with a view to making the works committees more powerful and purposeful.

3. The State Workmen’s Compensation Act be implemented in an effective manner.

4. Trade Employees Act be implemented and suitably amended so as to cover public sector undertakings.

5. Introduction of Workmen’s Amenities Act, including the Provident Fund and Profit Sharing Acts.

6. Introduction of Employees State Insurance Scheme.


8. Bringing the existing laws at par with those of the Central labour laws.

9. Creation of a separate department exclusively meant for handling labour problems and looking after its interests.

10. Appointment of powerful labour boards, Labour courts and Tribunals and Labour Welfare Officers.

11. Labour representation and involvement in the Committees set up to draft the industrial policy of the state."

These memoranda and resolutions appear to have had very little effect on the government machinery which continued to hold the same views on the labour problems of

the state as their predecessors prior to political change over in 1953. The new regime soon turned indifferent towards labour as is revealed by the contents of the letter addressed to the then Prime Minister of Jammu and Kashmir state by the Labour Secretary (National Conference):

"A perusal of the note must have convinced you that the demand made by our labour unions from time to time in regard to adequate labour laws and their implementation are by no means extravagant or utopian, as some reasonable authorities of your Government quickly dub them. In fact our position in regard to labour laws and their implementation is much worse than that of the Punjab and other states of India. Some officers and many employees are still playing with the lives of our poor workers. The management of Government Jointery Mill and Match Factories are the worst examples. They are no better than Syrus McCormick of the McCormick Paper Works of Chicago of 1886, whose tyranny gave birth to 1st May Day in the history of the International Labour Movement. The Government too has so far failed to appoint tribunals in regard to these disputes. You also know that retrenchments lay offs and discharges, without adequate reasons are still an order of the day, particularly in the private sector."

1. Copy of a letter dated 28-4-1956, to the address of the Prime Minister (Labour) of Jammu and Kashmir State, Srinagar, by the Labour Secretary, National Conference.
It was further held in government and official circles that the state being backward could not go with other states in the matter of labour legislation. This proved detrimental to the cause of labour and consequently delayed the course of labour legislation. It follows therefore that the policy was clearly in conflict with our ideals and negation to the object of establishing a socialist pattern of society. Under the pretext of the states backwardness, neglect of labour problem is a sad commentary of events and does not augur well for reaching the goal, for the achievement of which labour has paid a big price.

Although some of the labour problems of minor nature were resolved temporarily during this period only after great resistance put forth by the labour unions yet this brought no appreciable change in the lot of workers, whose cause continued to remain unrecognised in the eyes of the rulers who paid scanty attention towards the labour as such. Thus labour became restive and disappointed and with a view to giving vent to their grievances as also to focus the attention of the government on labour problems, an unparalleled token strike was observed by the workers on 20th May 1957, under the auspices of the State Central Labour Union. The labour amply demonstrated their dissatisfaction.

1. The Daily Kooch, 10th June, 1956, p. 3.
solidarity and threatened the government for their policy of inaction and carelessness towards the labour. Most of the demands raised and endorsed in the Second Labour Convention, were reiterated in 1957 convention. The labour union went on voicing their demands through all media including holding of meetings, discourses issuing of booklets and pamphlets. It is gratifying to note here that the modus operandi of Kashmir workers to press their demands was based on the cherished philosophy of Non-Violence as there is hardly any evidence to show that workers were involved in violent agitations during strikes. In fact they gave vent to their grievances in an orderly and peaceful manner by issuing pamphlet and booklets under submissive and touchy titles like विकार, लालाहिंग and उम्मीद etc. However, the voice of the labour did not go unheeded and the government, sensing this silent upsurge, took some steps which resulted in the extension to the state of a few central labour laws for the first time in the history of labour legislation of Kashmir.

A Labour Committee, was also constituted in 1954 to examine the charter of demands put forth by the labour in their first labour convention. This committee, however, was neither representative in character nor did it include any labour member. This was resented by the labour who demanded the inclusion of labour representative as also the labour leaders from Jammu province. The Government

readily acceded to their request and a committee consisting of 11 members was constituted. It is discouraging to observe that though the committee submitted its interim report to the Government within a period of 2 months, surprisingly enough the report of the committee was concealed even from the members of the committee. At any rate, it is commonly believed that the committee among other things made the following recommendations:

1. "Immediate implementation of Industrial Disputes Act after amending its section 3 pertaining to works committee.

ii. Establishment of an appropriate machinery to settle industrial disputes.

iii. Management of Public Sector units on cooperative basis.

IV. Constitution of a Labour Advisory Committee in the state.

V. Simplification of the provisions of the Workman's Compensation Act.

vi. Payment of bonus as a matter of right and not as an aid.

vii. Holding the management responsible in the event of loss incurred by the public sector concerns.

viii. Enhancement of basic wages and its linkage with the cost of living.

ix. Amendment to the Trade Employees Act.

x. Enactment of Unemployment Insurance Scheme."

1. Ibid, p. 7 (Srinagar).
The committee did not recommend some of the demands and deferred consideration on other issues. It is encouraging to observe that under the impact of this committee; some of the Central Labour Laws were introduced in the state for the first time.

With the increase in the tempo of industrial activity and as a result of the impact of the labour movement a separate Labour Department was established in 1958 in order to vouchsafe the interests of the workers. The department, was established initially as a wing of the Public Works Department but on the advice of the Central Union, a full-fledged Labour Department, under a Labour Commissioner was set up. The first task that faced the department on its establishment was to consolidate and bring up-to-date Labour Acts and to frame rules thereunder. However, this department proved ineffective as it was neither adequately staffed nor fully trained in handling the labour problems. It is a matter of satisfaction that the department with all its limitations went ahead with the task of consolidation of labour laws and consequently the following acts have been brought into force in the state of Jammu and Kashmir.

2. The Daily Jaddoor Srinagar, 10-6-1966, p. 3.
As pointed out earlier, the state had its own Factories Act of 1929 (Svt) which remained generally inoperative and thus with the passage of time, was repealed and replaced by the Factories Act, 1957. Interesting to note is that a comprehensive piece of legislation on these lines was introduced in rest of the country as early as 1948, whereas the Act came into force in the state with effect from 1-4-1957. The Act is more or less on the pattern of Central Factories Act, 1948, and regulates the working conditions of workers engaged in factories. The Act applies to a factory where 10 or more workers are working and manufacturing process is carried on with the aid of power and the factories employing 20 or more persons and which are run without the aid of the power. The employer is required to provide some basic amenities and facilities to the workers whose working hours have also been fixed at 48 a week with one weekly holiday. Protection to children has also been provided. For the administration of the Act, the labour commissioner has been appointed as Chief-Inspector of Factories. 1

1. Employment of children and women between

10 p.m. to 6 a.m. is prohibited. Factories engaging 200 or more workers are required to appoint Labour Welfare Officers. However, the Act differs from the Central Factories Act, 1948 and as a result of which the employers manage to escape from its provisions by showing less number of workers. The labour department helps fewer in this task. To make the provisions of the Act more effective, the labour unions have asked for suitable amendments in it.

(2) JAMMU AND KASHMIR INDUSTRIAL DISPUTES ACT, 2006 (Svt)

The Act came into force in 1954 and with a view to bringing it at par with the Central Act, it was amended in 1961. Till 1971, it was the only piece of labour legislation in force in the state for prevention and settlement of industrial disputes. The Act provides for the following machinery:

(a) Works Committees,
(b) Conciliation Officers
(c) Board of Conciliation
(d) Court of Inquiry
(e) Industrial Tribunal
(f) Voluntary arbitration

Every establishment employing 25 or more workers is required to set up a works committee, consisting of the representatives of the employers and employees with a view to promoting good and harmonious relations between the two.

1. The Daily Mazdoor, An official organ of the (State Central Labour Union), Srinagar p.5.
Conciliation is compulsory in all disputes in public utility services and optional in other cases. Strikes and lockouts without giving a notice in the prescribed manner is illegal in all public utility services. Conciliation Officers are appointed for mediating and promoting the settlement of industrial disputes. In case of failure to bring parties to settlement, the dispute is either referred to adjudication or rejected specifying reasons thereof. Further the Act provides for the three tier system of tribunals, labour courts, Industrial Tribunals and National Tribunals.

As regards voluntary arbitration the concept is not common in the state and all disputes are mostly settled at the conciliation level. However, very rare cases are referred to the board of conciliation and Industrial Tribunals. It has further been observed that the disputes are generally individual in character which is left out of the scope of the Act. All Assistant/Deputy and Labour Commissioners are appointed as conciliation officers within their respective local units of jurisdiction. The state and Central Act differs in respect of some provisions as would be observed from Annexure II.
This Act came into force on 24-5-1943 but rules under it were sanctioned in 1956. The Act provided for payment, by certain classes of employers, of compensation (ranging from Rs. 1400/- to Rs. 14,000/-) according to percentage of earning capacity lost) for injury by accidents arising out of and in course of their employment. It also covers payment of compensation for occupational diseases that arise during the course of employment. To prevent delay in making payment of compensation, suitable provisions have been made. The Government is also empowered to bring any other employment of hazardous nature within the scope of the Act. For the administration of the Act the Government have appointed Assistant Labour Commissioners as Commissioners under the Act in their respective areas of jurisdiction. The Act is more or less on the pattern of the Central Act of 1923, with slight modification suiting the conditions of the state. The difference between the two Acts is minor as would be observed from the Annexure II.

Payment of Wages Act was introduced in the state for the first time in 1956, but could not be implemented

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till as late as 1961 when rules under the Act were framed. The Act which has been brought on the pattern of the Central Wage payment Act, by the amending Act of 1961, has also widened its scope as compared to the Central Act, and many new concerns were brought under its purview.

The object of this Act is to regulate the payment of wages to classes of persons employed in industry who draw on an average less than Rs. 400/- a month. The regulation of the Act is of two types:

i. About the date of payment of wages and
ii. about deductions from wages whether as fine or otherwise.

The Act regulates the fixation of wage periods which should not be more than one month. Undertakings employing less than 1000 persons must pay wages before expiry of 7th day in other cases before expiry of 10th day after the wage period. All payments are to be made on a working day and in current legal tender.

The Act applies to persons employed in any factory and upon any railway who are in receipt of wages and salaries which average below Rs. 400/- per month. The Government is empowered to extend the provisions of this Act to any other class of persons after giving 3 months notice of doing so.
The Act came into force on 1-4-1958 and was amended in 1961, extending its application to the industrial establishments, like boats, forests and labour engaged in construction works etc. The rules under the Act have been sanctioned by Notification No: 320-Lab of 1961 dated 3.8.1961.

The State Government has appointed all Assistant Labour Commissioners within their respective jurisdiction as Inspectors who shall be responsible for enforcement of this Act.

5. JAMMU AND KASHMIR SHOPS AND ESTABLISHMENT ACT, 1966:

In order to regulate the hours of work, leave, overtime etc. of the workers working in shops and commercial establishments and not covered by the Factories Act, the Maharaja's Government had enacted Jammu and Kashmir Trade Employee's Act, 2002(5) but rules thereunder were made during the regime in 1951-52. It is however, sad to observe that the Act was not implemented for many years to come, as the enforcement machinery was weak and ill-staffed.

The non-enforcement of the Act is also the result of the weak movement of trade employees, who have not been fully organised. The position appears still worse in Kashmir.

However, the Act was amended a number of times and in 1959 the state Government gave the Act completely a new form which brought the Shops and Commercial Establishment Act 1966 into existence, and is on the pattern of Punjab Government Act, considered to be more comprehensive than the Central Weekly Holidays Act, 1942, which has now been suitably amended. The rules under the Act have been framed and draft submitted. The Act regulates conditions of work and employment in shops, Commercial establishments, residential hostels, restaurants eating houses, theaters and other places of public amusement or entertainment and other establishments. Opening and closing hours in respect of these concerns have also been fixed in addition to the provision of one weekly holiday. The Act also provides grant of privilege leave. Labour Commissioner has been appointed as Chief Inspector of shops and Establishments.


Trade Unions Act, 2006(S) has been amended on the recommendations of the Labour Committee and brought at par with the Central Trade Union Act 1966. The Act came into force on 1.7.1953. The scope of the Act was widened by the amending Act of 1961 which made it obligatory on the part of the employers to give recognition to the Trade Unions and laying down the procedure for such recognitions etc. The regulations under the Act, have
been made in the 2010(S), and subsequently amended by S.R.O. 223 dated 9-7-1964. The object of the Act, is to confer a legal and corporate status on registered trade unions. Any seven persons, who are engaged in trade, business or industry can form a trade union and apply for its registration to the Registrar of Trade Unions. The unions are also required to frame by-laws for conducting their business. The Registrar is empowered to cancel or withdraw registration of unions in case they are forced to violate any provisions of the Act. However, the state Act differs from the Central Act as is revealed by Annexure II.

7. JAMMU AND KASHMIR EMPLOYEES PROVIDENT FUND SCHMNE 1961

The industrial workers of the state were deprived of those facilities and amenities available to their counterparts in rest of the country under the provisions of Employees Provident Fund Act, it is encouraging to note that the labour unions have succeeded through their ceaseless efforts to get this type of Act enacted in the state. Consequently, on 31st March, 1961 this Act was introduced for the first time in the state of Jammu and Kashmir. In the first instance the Act was applicable only to the factories but after some time it was extended

to other establishments employing 10 or more workers. The Act is generally speaking, on the pattern of Employee's Provident Fund Act, 1952 and provides for framing of a Provident Fund Scheme for every person employed in industry or factory as mentioned in the schedule and where 10 or more persons are working. The fund is mainly derived from contributions from employers and employees. The members of the fund are granted advances to meet expenditures in their illness, marriage, construction repairs of house etc. Yearly interest is credited to the accounts of contributors.

The Labour Commissioner is appointed as Commissioner of Employee's Provident Fund under the Act. State Act varies from the Central Act as is shown in the Annexure II.


Prior to 1957, the state had no such Act on its statute book, that could define precisely the working conditions of service of workmen employed in an industrial establishment. Under the impact of the trade unions and with the increase in the industrial tempo, the Government was obliged to introduce this Act on the pattern of Central Industrial Employment (Standing Orders) Act, 1946 as amended in 1956. The Act came into force on 24-3-1960 but the Government took unduly long time to frame rules thereunder. It was only in 1966 that rules under SRO-94 dated 16.3.1966 were sanctioned.
A study of the Act shows that it is defective and hence needs amendment. It should be made applicable to any type of establishment employing 25 or more workers, as against 100 or more provided in the Central Act. Differences between the state and Central Acts is shown in Annexure II. The Government has been empowered to appoint a certifying officer under the Act and appellate authority.

With the passing of these Acts and framing of rules thereunder, the question of providing adequate machinery for their implementation has assumed great urgency and importance. Our past experience has led us to this dismal conclusion that the implementation of these Acts has been delayed due to the lack of suitable powerful machinery. To provide the workers relief and amenities under the provisions of these Acts, it is suggested that the implementation machinery be strengthened and stringent steps taken to ensure well meaning enforcement of the Acts. For this purpose the Labour department should be made more effective and persons possessing adequate knowledge and training of labour economics and laws be appointed. Though the Government has taken a right step in constituting an Evaluation and Implementation Committee, yet it is sad to find that this committee hardly meets to take stock of the position and when it does, the suggestions of labour are never recorded.

1. By courtesy of the State Central Labour Union Lal Chowk - Srinagar.
This attitude need to be changed and labour given full opportunity of free and frank discussions and their views honoured. Besides the Acts should be suitably amended to suit the local conditions and plug the loopholes.

**LEGISLATION AFTER 1970.**

A review of the labour laws now in force in the State of Jammu and Kashmir reveals that the industrial workers of the state are still deprived of facilities and amenities available to their counterparts in rest of the country. There is an urgent need on the part of the Government to look to this respect and introduce all other Acts presently in force in India. It is disheartening to observe that even after 23 years, our present legislation does not cover the entire field of directive principles of the Constitution. However, with the progressive integration of the state with the Indian Union in recent years certain measures were taken to bring the advantages of the democratic institutions to the common men in the state. The object of these measures has been to give a concrete shape to the aspirations of the people to participate in a fuller measure in the common task of building up a socialist and democratic India. One of these measures relates to the extension of Central Labour laws to the state in toto after duly amending the state constitution.
Viewed in this context September 1st 1971, is the red letter day in the history of labour legislation of Jammu and Kashmir. Following Acts were extended to the state on this day.

(b) Minimum Wages Act, 1948.
(c) Payment of Bonus Act, 1965.
(d) Maternity Benefit Act, 1961.
(e) Weekly Holiday Act, 1942.
(f) Employer's Liability Act, 1938.
(g) Employment of Children Act, 1938.
(h) Working Journalist (conditions of service) and miscellaneous provisions Act, 1965.
(j) Children (pledging of Labour) Act, 1933.
(k) Coal Mines Provident Fund and Bonus Scheme Act, 1948.
(m) Employment Exchange (Compulsory Notification of Vacancies) Act, 1950.

The object of these laws is to widen the scope of the legal rights provided to labour under the state laws and to make available to them the rights and facilities being enjoyed by labour in other parts of the country.

Despite the extension of these Acts to the state, rules thereunder have not been framed as yet. Further the Acts have been extended without making them to conform to the prevailing conditions of the state, though the Labour Committee had proposed suitable amendments. The government’s argument that the Acts will be amended in the light of the experience gained during their operation, does not appear to be convincing. Since no rules have been framed thereunder as yet, no review appears to be warranted.

CONCLUSION

From the above observations it can safely be concluded that the pace of labour legislation in the state remained not only slow but also suffered a serious set back.

Very few labour laws were enacted during the regime of Maharaja. The achievement of political freedom, culminated in the installation of popular ministries, but surprisingly enough the introduction of labour laws or their implementation was not encouraged. Contrary to the expectations of the workers, the political bosses argued that the state being backward could not go with other states in the matter of labour legislation. The political bosses brushed aside the issue by asserting that the state has no labour problems and hence no need to go into this futile exercise.

2. Ibid, p. 3.
The wishful thinking of the political leaders that
the state has no labour problems should in no way absolve
the government of its responsibility of ameliorating the
lot of the workers. Taking refuge under the pretext of
state's industrial backwardness, brushing aside labour
problems is a sad commentary of events and does not
auger well for establishing the goal of socialist pattern
of society for the achievement of which labour has paid a
big price. However, it is a matter of satisfaction to
note that the government has of late appreciated the
demand of the labour laws and accordingly steps were
taken to remove the constitutional bottlenecks. The
extension of entry 24 of the concurrent list of the
constitution over the state, paved the way of introducing
as many as 13 central labour laws with effect from 1st
September, 1971.

Were passing of the labour laws or by extending
their jurisdiction over the state, is not a sufficient
guarantee to improve the lot of the workers unless they
are rigorously implemented and enforced. In this
connection a great responsibility devolves upon the
workers themselves and their leaders who must play a
meaningful and decisive role. Because essentially it
is the function of labour leaders who through their
strong trade unions can make the government realize the

of Information, Jammu and Kashmir Government, Srinagar,
September, 1971, p. 17.
urgency of introducing and implementing labour laws. They must not feel handicapped because of poor numerical strength or weak labour movement. The need of the hour is to rise well to the occasion by using their democratic rights or else their aspirations which they found in "Naya-Kashmir" would remain unutilized in the absence of adequate labour legislation or its non-implementation.

Enactment of labour laws is a continuous process so as to keep it up-to-date and in conformity with the socio-economic changes. This can be better taken care of by our organised labour movement which is a sine-quo-non for improving the lot of workers, besides being an effective instrument of achieving or establishing harmonious relations between the labour and the management. With this in mind an attempt has been made in the third chapter to study the labour movement in the public sector units of Kashmir.
Chapter-III

DEVELOPMENT AND GROWTH OF TRADE UNIONISM

In the previous chapter it has been emphasised that a strong trade union movement alone will ensure the adequate protection to the workers against the exploitation of the employers or the management and thus help to maintain industrial peace which is also a pre-requisite for enhancing productivity. Again, without the help of a strong trade union the worker would continue to be economically at a grave disadvantage, despite the help he may receive from the Government. He remains one individual amongst many, having to make whatever bargain he can with the employer under disadvantageous circumstances. The economic disabilities of the wage earner and the inability of the State to give him complete protection are the social justification for the development of strong trade unions as instruments for promotion of social well being in a more positive way. Unionism is again important

in so far as it provides the only means by which the workers can ensure that the fruits of technical progress are passed on to them. It has been rightly said "that in the economic sphere well organised trade unions are essential for the fair treatment of labour. Without their existence it is impossible to maintain or to develop good industrial relations."¹

Trade unions are essentially associations of manual and non-manual workers, including professional grades, formed to safeguard the interests and improve the working conditions of their members and more generally to raise their status and promote their vocational interests. A trade union, in terms of Sidney and Beatrice Webbs' definition, is a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives.²

Modern trade unionism was born in Europe as a by-product of the factory system and it has grown in India in the wake of the same system. ³ But Trade Union Movement in the State of Jammu and Kashmir has peculiar features of its own. Since the nature, growth and functions of the trade unions play a great role in the development of a country or state, their proper analysis becomes necessary.

Despite the movement's young age it cannot be neglected at the cost of grave mistakes arising out of a wrong policy towards it. It is only reasonable here to examine, in some detail, the origin and growth of trade unionism in Jammu and Kashmir State.

**ORIGIN AND GROWTH**

The origin and growth of labour movement in Jammu and Kashmir State is traceable as far back as 1887, when the Shawl weavers of Srinagar organised themselves to revolt against their 'Karkhandars'. "They demanded the abolition of the monthly tax of two rupees imposed on each loom in addition to the levy of rupees four imposed on each worker. Chanting prayers, the weavers marched out in procession and collected at the ground near Zail Bagar a locality in Srinagar, to discuss how they should forward their petition to the authorities. But before the processionists had ended their deliberations, the cavalry swooped on them. The unarmed and helpless weavers defended themselves bravely but were unable to withstand the armed force. They retreated and were trapped over a bridge. It is stated that twenty-nine of them were drowned in the river below and four of their leaders were caught and imprisoned till their death."¹ The trade unionism was nipped in the bud.

While in rest of the country, factory system of organisation led to the creation of trade unionism, we find the situation altogether different in the case of Jammu and Kashmir State. Factory system though came late in India, but in Kashmir it is still to make an effective impact on the industrial scene. Again, the first feeble attempt to organise themselves, came from the craftsmen namely the chain-stitchers of Anantnag (Kashmir) who organised themselves during that despotic rule of Dogras. Since factory system took a very late start in the State no protest of organised workers was registered till 1927, when the first organised struggle was launched against the management in one of the Public Sector Units, that is, Silk Factory Srinagar. However, no organised trade union movement came into being; despite the attempts made by Shawl, Chain-Stitch workers and Silk Factory workers.

The Trade Union Movement in the State owes its origin to the Nationalist movement which came into being after 1938, when the general council of the Muslim Conference endorsed the decision to widen the base of the movement. National Conference in April 1939 marked a historic step forward in the struggle of workers. To strengthen the political movement the leaders of the

National Conference took the support of the workers and started organising them into unions. As a consequence of this, unions of the factory workers, sweepers, tongs and transport drivers were organised. The political leaders realized the power of the organised labour force and made further efforts to consolidate them on one platform. This led to the birth of Central Labour Union in the year 1942. However, the political leaders showed no interest in allowing the movement to grow as a separate organisation. On the other hand they continued to maintain their hold and grip on the labour movement. This is evident from the fact that the District President of the Srinagar District National Conference was the Union President as well, and the unions were really units of the National Conference, which even amended its constitution to treat them as ward committees with the Central Union as a Provisional Committee. The unions depended chiefly on the National Conference and were not authorised to introduce their own membership. The General Secretary of the National Conference was invariably the Chief Organiser of the Central Labour Union. The only task of these unions was to organise the workers to act as 'flower - pots' for the benefit of leaders in return for some small concessions.

1. A cyclostyled note submitted to the National Commission on labour by the State Central Labour Union, Srinagar, p.6.
2. Ibid., p. 3.
GROWTH AFTER 1947

By the time the Maharaja's rule ended after 1947, the Kashmir Mazdoor Union had become weak as most of the leaders of the National Conference were behind the bars. With their imprisonment, the movement stopped receiving support and guidance from these leaders and as a consequence of this, the movement, which was just taking its roots was left to its own fate.

Following the achievement of freedom, a new popular regime emerged in the State as well as at the Centre. But these Governments immediately found themselves involved in more complex problems which had arisen as a result of the partition of the country. The impact of partition was also visible in the State and had posed a big challenge to the new government. Their preoccupations with other important issues and problems left them with no time to devote to the cause of unions development. The position remained more or less the same till 1953. However the only significant achievement recorded in this period was the reorganisation of the Central Labour Union into a federation.

In August 1953, Sheikh Abdullah's Government was dismissed and a new regime - headed by Late Bakshi Ghulam Mohammad came into power. As a result of this political
change over the movement got a boost which further resulted in the creation of some more unions. Thus with the increase in union activity the jurisdiction of federation was also extended upto Jammu Province. Consequently the Central Organisation was changed and given a State wide character by re-christening it as the State Central Labour Union.

STATE CENTRAL LABOUR UNION

As stated above the Central Labour Union was reorganised into a State Central Labour Union and its constitution was passed in October 1955. By widening its jurisdiction over the entire State, the federation then started organising the labour on one platform. It became an apex body and sought no affiliation with any Central Trade Union like Indian National Trade Union Congress, All India Trade Union Congress, Hind Mazdoor Sabha and the United Trade Union Congress. As many as 120 unions are affiliated with the federation having a total membership of 80,000 workers of the State.

Despite its impressive numerical strength the federation has not proved very much effective in improving the lot of the workers because of its inherent weaknesses. Nonetheless the federation organised some strikes and obtained certain concessions like dearness allowances on ad-hoc basis, bonus in the form of recoverable advances etc. It also helped the workers in getting accident compensations when the same fell due. Barring this no attention was paid towards expanding the movement or consolidating it no more effective lines. On the contrary the movement continued to be in the grip of political leaders who even corrupted it as is reflected by the following, "The labour movement was, however, corrupted and its leadership was dominated by some who cared more for themselves and became rich at the cost of labour. Honest elements were discouraged and thrown to the background by the political regime which directly controlled the labour movement." The general atmosphere of corruption fostered among the people in general, affected trade union also. This leadership, was, however, thrown out of office as a result of the changes that took place after the temporary theft of the Holy Relic.¹

Under the impact of the theft of the Holy Relic in 1963,² a new regime emerged on the soil of the State.

1. Memo submitted to the National Commission on Labour by the State Central Labour Union P. 5.
2. Ibid.
The new political bosses were theoretically progressive but proved no better than their predecessors. Although National Conference merged into the mainstream of National Congress, yet it failed to provide any appreciable impetus to the labour movement of the State. However, it is noteworthy that the new leadership, for the first time, agreed to treat the labour movement as an independent entity, as a consequence of which no compulsion was laid on the unions to become organisation units of the ruling National Congress. This policy still continues though with lesser enthusiasm. This is so because some elements in the ruling group do not favour the idea of losing their grip on the movement, but on the contrary they want to perpetuate their hold on it and nourish the idea of keeping the movement subservient to the political party. They not only interfere in the unity of the trade unions but also use Governmental machinery to disrupt them. Office bearers of the unions must be of their choice or else they are victimized and forced to resign. It follows therefore, that this regime too utilized the unions and workers for their own political ends, and did not care much to shape the affairs of the labour movement in the State.

1. By courtesy of President, Government Silk Factory Workers Union, Srinagar, Kashmir.
LEGAL POSITION OF TRADE UNIONS:

Although Jammu and Kashmir Trade Unions Act, 2006 (Svt) was already there to govern the legal position of the Trade Unions, yet the same was not enforced till 1953, when it was amended and brought at par with the Central Trade Union Act of 1926. The scope of the Act was further widened by an amending Act of 1961, as a result of which it became obligatory on employers to accord recognition to the trade unions. The amended act also laid down a complete procedure for such recognition. The regulations under the Act have been made in the year 2010(Svt) and subsequently amended by S.R.O. 223 dated 9-7-1964. The object of the Act is to confer a legal and corporate status on registered trade unions. Any seven persons, who are engaged in trade, business or industry can form a trade union and apply for its registration to the Registrar of the Trade Unions. The unions are also required to frame by-laws for conducting their business. The Registrar is empowered to cancel or withdraw registration of unions in case they violate any provisions of the Act. The Act differs from the Central Act as would be seen from annexure II. The unions, find it difficult to act on certain provisions of the Act. For instance in the matter

2. Ibid., p. 6.
of submitting annual returns, the unions feel that the forms are complicated and consequently beyond their comprehension. In order to overcome this difficulty there is need to simplify the rules etc. keeping in view the uneducated mass of the workers. Under the provision of the Act, unions are also required to get their accounts audited. This provision, too is not being seriously implemented because of the inability to pay handsome fees to the auditors. It is, therefore, suggested that the Government should provide free audit to the unions, keeping in view their poor financial position. Moreover, the discrepancies between the State and Central Acts should also be removed.

With the enforcement of the Trade Union's Act in 1953, the labour movement of the State entered a new phase. It stimulated the movement by giving trade unions a status in the eyes of law and consequently their number went on increasing as would be seen from the following table.

**Table No. 3.1**

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Registered Unions</th>
<th>Total Membership</th>
<th>Average Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950-55</td>
<td>27</td>
<td>2,995</td>
<td>110</td>
</tr>
<tr>
<td>1956-61</td>
<td>47</td>
<td>8,661</td>
<td>284</td>
</tr>
<tr>
<td>1962-66</td>
<td>73</td>
<td>5,322</td>
<td>73</td>
</tr>
<tr>
<td>1967-70</td>
<td>178</td>
<td>9,064</td>
<td>51</td>
</tr>
</tbody>
</table>

The table makes some interesting revelations. While there has been a definite increase in the number of registered trade unions since 1955, but the corresponding membership has not kept pace with this increase. Rather, between the period 1962–66, there has occurred a considerable fall in its total membership. Another remarkable feature to note is that the average membership is also showing a downward trend. Moreover, from the list of registered trade unions provided by the Registrar of the Trade Unions given at annexure IV it would be seen that trade union activity mostly remained confined to general unions and those formed by the white-collar workers. Thus out of 178 registered trade unions, a negligible number of 14 unions can really be termed as industrial unions. The rest comprise mostly the skilled workers not connected with manufacturing industries, and those of white-collar workers working in banks, insurance companies, administrative offices of the public sector units etc. Industrial workers of the public sector units are, however, completely unionised and command a reasonable bargaining power. It is gratifying to note that the trade union movement in the State has a peculiar characteristic. There is one union at one plant. This has greatly helped in eradication of inter-union rivalry. The unions at the plant level play only a nominal role and voice their grievances either individually or through the State Central Labour Union—
A federation of all the labour unions of the State of Jammu and Kashmir.

A prime requirement in understanding and predicting the behaviour of any organisation is a knowledge of its objectives, what it is trying to do, and how does it help maintain industrial peace or work for its achievement. Objectives are formally stated in the constitution of a union, but their interpretation can vary from union to union and from time to time. The actual behaviour may have no or little relationship to the expressed aims of their organisations. A general idea of the objectives of trade union is also conveyed by the definition given to it either by the writers or legal experts. Thus, the Webbs definition reflects that the main objectives of the unions are, "to maintain or improve terms and conditions of employment, both, economical and physical. The legal definition suggests the prime aim to be the development of a system of regulated relationship between parties directly concerned in industries."¹

The bargaining power of an individual worker is weak and the desire to offset this advantage has been the prime objective of trade unions. It explains their methods of (membership) organisation and of conducting relationship with employers (collective bargaining).

OBJECTS OF THE UNION

According to the official records, the State Central Labour Union was established in 1942 by a small group of enthusiastic workers with the following among other objects:

(a). "To protect and improve the economic, social, cultural and political interests of the workers of the State.

(b). Try to bring coordination in the member unions of the workers and unite them for the struggle of their interests.

(c). Will strive to achieve the following rights for the members of the unions:

1. Freedom of cooperation
2. Freedom of association
3. Freedom of press and platform
4. Right of work and to maintenance
5. Right of social security
6. Right of strike
7. Right of workers participation in management.
8. Fight for the enforcement of labour laws.
9. Fight for rights and privileges being enjoyed by their counterparts in other parts of the world.

1. 'Ayeen' (An Urdu pamphlet, describing the Constitution of State Central Labour Union, Srinagar. p. 1.)
(d). Strive for the removal of the hardships of the workers and induce them to work with a sense of devotion.

(e). Organise the workers for the establishment of a system based on democratic, cooperative and secular principles.

(f). To take such other steps as may be necessary to ameliorate the social, economic, cultural and political conditions of the workers.

(g). Use of all democratic methods for achieving the rights and privileges.

It will be noticed that the objects of the State Central Labour Union indicate its infant character. While it is still engaged with the fight to achieve the basic privileges, some of the aims, however, are thought provoking. The union is not meant only for the workers of the State, its jurisdiction is intended to be wider both industrially and geographically. However, its activities are confined to a few unions operating in public sector units. Its non-affiliation with any National Federation has made the union parochial in its outlook and thought. The union has confined itself to the labour problems of the few units only.

Of all the unions operating in the public sector enterprises, the Silk Factory Workers Union has emerged most powerful and effective in handling the labour problems. However, it is high time for the unions to assume bigger responsibilities by broadening their objectives and directing operations in the following ways:

1. Improved terms of employment.
2. Improved physical environment at work.
3. Full employment and national prosperity.
5. Improved social security.
6. Fair share in national income and wealth.
7. Industrial democracy.
9. Improved public and social service.

The aforesaid objects convey the essence of modern trade unions and help maintain industrial peace. Since the Trade union movement in the state is a developing one it affords good scope to adopt the policies and help in the promotion and maintenance of harmonious labour-management relations.

MEMBERSHIP

(1) About the membership the constitution speaks that the State Central Labour Union will consist of all genuine representative trade unions which are federated with the Central Union in accordance with the due process of law. The aims and objectives of such unions should not be in conflict with the aims and objectives of the Central Union.

(ii) No one will be a direct individual member of the union.

(iii) Any labour union can become a member of the Central Union by giving a written application to the working committee, provided the union submits a copy of its aims and objectives etc.

As regards unions operating at the unit level, members are generally of two types, as in Government Silk Factory Workers Union the permanent members and the temporary members, working in or outside and in any section of the factory. Rule No. 14 of the bye-laws of the union stipulates as follows with regard to the membership of the workers.
"Workers coming under Rule 13 of the bye-laws are entitled to become members under rules provided; their request to this effect is acceded to by the working committee. Such member will have then to follow the rules and regulations of the union. Any worker coming under reduction scheme or dismissed on charges of seeking the just demands will continue to be the member of the union."¹ Under rule 15 of the constitution, even an outsider can become an honorary member of the union subject to his getting 3/4 votes in the General Council.² Such a member will have to pay membership fees and contribution to the fund. The number of such honorary members does not exceed two. Membership is also open to all the new workers recruited in the factory. All that the incoming worker has to do is to put up an application to the president which is considered by the working committee. A member who fails to pay the subscription for three months continuously ceases to be a member. He however, is entitled to join the union on paying his arrears and a fresh admission fees. But in actual practice there is considerable slackness in observing the rule.


2. Ibid. p. 4.
The unit level union functions through the following organs:

(a) General Body
(b) General Council
(c) Working Committee
(d) Section Committee

The management of the union is vested in a working committee consisting of a President, a Senior Vice-President, a Junior Vice-President, an Organising Secretary, a Secretary, a Joint Secretary, a Treasurer and 15 members. All the members of the working committee are elected by a show of hands or by secret ballot by general body of the members after every 3 years. The working committee for the year 1973-74 consisted of 21 members. A happy feature to note is that all of them are workers of the factory, and attend to their normal vocations. Generally the office-bearers are uneducated. Besides the working committee, there is also a General Council which consists of members elected by the General Body at one member for every 30 members which in a sense oversees the activities of the working committee. However, the Central Union has a different way of its working. It functions through the following organs:

1. 'Aleen' Rules and Regulations, Aims and Objects, Government Silk Factory Workers Union, Srinagar, July 1965 (Urdu)
1. General Body
2. General Council
3. Group Committees
4. District Committees
5. Provincial Committees
6. Central Committee
7. Working Committee

Like the unit level union the management of the Central Union is vested in the working committee with the following as its office bearers: President, Three Vice-Presidents out of which two will represent the two divisions of the State, Secretary, 2 Assistant Secretaries belonging to both the two divisions, Publicity Secretary, Treasurer, Chief Organiser and the Organiser. In addition to this it will include 15 members more who will be nominated by the President from each union.

FINANCE OF THE UNION

The main sources of the funds for the union are two viz; (1) subscription from member unions and (2) donations. Every union with a membership of 500 workers has to pay an affiliation fees of Rs.25.00 in the beginning. For every additional 100 workers an extra amount of Rs.10 is also payable by the member union. In addition to this

1. 'Aileen', State Central Labour Union Srinagar, (An Urdu publication of the State Central Labour Union, Srinagar) p. 10.
all the members of the member unions are required to pay 6 paisa per head per month.

In the case of unit level unions, as for example Kashmir Silk Factory workers union, every worker whether permanent or temporary has to pay 25 paisa per year as his annual subscription and 50 paisa per month as a regular monthly subscription. The latter is raised mainly from the contributions made by the members at a rate to be fixed by the working committee at the time of their annual bonus receipts. The collection of the subscriptions is not very regular. Since it is not done at the source by the management, but by section committee leaders at the factory, it is very difficult and unsatisfactory practice. The provision of three months arrears or six months' with the permission of the Working Committee tends to encourage irregular payments of subscriptions. The result is that, by and large, the union is financially weak and has no funds at all to undertake any social and welfare activities. As a matter of fact unions are not even in a position to have a wholetime paid clerk or an accountant. According to the General Fund Account Statement for the year ended 31st March, 1974, the total amounts of the subscription and donations received in the year were Rs. 1672 and 900 respectively. The amounts under both these heads in 1972 and 1973 amounted to about Rs. 1600/-
and 1470/- respectively. The total assets of the union are valued at about Rs. 20,000 and no investments have been made in securities etc. The Political Fund Account also showed a nil balance for the year 1972-74.

Position with regard to other unit level unions of the public sector enterprises is still bad, as their membership is also small as compared to the Silk Factory Workers Union. I have come to this conclusion that trade unions cannot undertake any welfare measures owing to their poor financial position. But there is ample scope for them to improve their financial position by increasing the rate of subscription and donation in view of the workers increased wages and quantum of bonus. Vigorous efforts should also be launched to realise the membership fees and donations in time. Those who fail should be warned and debarred from the membership.

FUNCTIONS OF THE UNION

Functions of trade unions follow fairly obviously from their objectives. Until recently, labour unions in India have been concentrating mostly on economic demands seeking for their members improvements in wage incomes, working and living conditions. While this would remain their major role, the objectives of achieving planned economic growth, demand that they should now be in a

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1. By courtesy of the Secretary Government Silk Factory Workers Union Srinagar.
position to assume larger responsibilities in making an increased contribution to national development and in shaping social policies and programmes.

An analysis of the objectives of the trade unions in the State enterprises reflects the same attitude which the unions initially have adopted in many developing countries of the world. They are still engaged in the fight for their basic demands. Their constitution speaks little about the role which they are supposed to play in the changed context. The state is striving hard to bring a socio-economic transformation and this calls for a change in the outlook and strategy of trade unions. It has been rightly said, "that the imperatives of economic development and social justice have altered the perspective of trade unions work.\(^1\) Committed to national cause, trade unions in the state, have now to participate in the planned programme of economic development and help promote a measure of economic and social justice throughout the country.

Viewed in this context the trade unions operating in the State Sector Enterprises do very little towards this end. The need of the hour is to enlist their support in shaping the affairs of the industrial units. Let the management realize this and seek the cooperation of the unions for the greater cause of economic and social transformation of the state.

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1. The Indian Worker, INTUC Silver Jubilee Number, May 1, 1972, p. 7.
Trade unions have played a significant role in the economic progress of the industrialised countries of the world. Even in India, Ahmedabad Textile Labour Association has a commendable record of its activities. In order to make the mechanism of planning a success, at all levels, and in all spheres, need for associating the unions is imperative.

Trade unionism took a late start in the state of Jammu and Kashmir. A late starter has an advantage of learning from the experiences of the others. A happy note in the development of the trade union movement in the State is that the unions in the public sector are free from many evils which have otherwise plagued the Trade Union Movement of the country. One Union at one level, reflects the healthy growth of the organisation which should, therefore, be fully protected. Militancy is yet to come in the trade unions and if taken into confidence, the results would be encouraging.

It is disheartening to observe that the unions in the public sector units of the State perform no functions worth the name. My discussions with the union leaders convinced me that they have no exciting plans to offer to their members. Lack of funds was reported to be the main cause that kept the unions away from launching social, cultural and educational programmes. I concluded that strikes, go slow policies, holding of protest rallies are the only things considered by the union leaders as their
main preoccupations and achievements.

**STRUCTURE OF THE UNIONS**

The degree of success which unions are likely to achieve in discharging their functions and achieving their objectives depends, to a great extent, on the nature of their organisation and structure.¹

Broadly speaking there are four types of unions viz, craft, industrial, general and professional. All the four types of unions are operating in the State. Craft unions are organised on the basis of special types of work or occupations, and in these unions, workers belonging to one or other, clearly defined skilled occupations, only can be members, irrespective of their employment in different industries. Historically, craft unions are the oldest type in the world, but "they did not make much headway in South East Asia, specially among the manufacturing workers. The most notable example of craft unionism in India is the Ahmedabad Textile Labour Association. It is a federation of several craft unions. It has its own dispensaries, schools, maternity home, cooperative bank, press etc."²

A good number of craft unions are functioning in the State. Owing to the non-availability of adequate

¹ Ghosh S. Trade Unionism in the Underdeveloped Countries Bookland (v) Limited, 1960, Allahabad, p. 73.
² Ibid.
information and statistics, it has not been possible to classify the unions into different types. The names given to them in many cases seem misnomers and vague, making it a difficult process to include them within various types. Appendix No. IV gives an idea of such unions in the State. Many non-manual worker unions, for example, Irrigation Fatwaris Association, Srinagar, All Kashmir Cinema Employees Association etc. are organised on craft lines as they cover only one section of employees and not employees belonging to a particular industry or service.

**INDUSTRIAL UNIONS**

Of all the main types, the industrial unions including the "One-Shop Variety" are most prevalent in South East Asia. Even in India and Pakistan most of the unions belong to this category. In Malaya and Philippines industrial unionism is the most important type.

An industrial union is "intended to be open to workers in any trade or of any degree of skill, but in a particular industry, they are essentially vertical in form. It provides a high measure of common interest among members and is best suited for industrial negotiation." ¹

Industrial type of unions dominate the Asian scene.

"In Europe, the early stage of the Labour movement and its

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type of organisation was most influenced by the merchant
craftsman stage and the fact that production in the earlier
stages of industrial development in that part of the world
was dependent, to a very great extent, on the skilled
craftsman who helped the growth of craft unions which
excluded from their membership the unskilled workers.
India by-passed this stage and when industrialization
began in this country, technological development had
already advanced far enough to lessen the importance of
the skilled craftsmen, this coupled with the slow rate of
skill formation, consequently small size of the skilled
workers naturally made industrial unionism rather than the
craft type more significant for the strength and strategy
of union organisation in this country." Thus abundance
of man-power in general and relative over-population in
the agricultural sector have made the labour movements in
Asia to base their unions on the structure of industrial
unions.

From the above observations it follows that the
factors which gave birth to the industrial unionism in
Asia are also traceable in the State of Jammu and Kashmir.
Thus abundance of man-power and pressure on agriculture
account for cheap supply of unskilled labour and it is
they who bear the brunt of capital accumulation. While

1. Robertson, N. and Thomas, J.L. Trade Unions and
Industrial Relations. Business Book Ltd.
London, p. 53.
industrial unionism has gone to all public sector undertakings in the State, but they are generally 'one shop variety' type unions. In all the units, they have come to stay and enjoy a reasonable bargaining position. One 'shop variety type' has prove useful and effective both for the workers and the management. It has avoided inter union rivalry, which otherwise hamper the process of normalization of industrial relations. The notable unions of this type are the Government Silk Factory Workers Union, Srinagar, Government Woollen Mill Workers Union, Srinagar, Jammu and Kashmir Mineral Workers Union, Srinagar, Joinery Mill Workers Union, Pampore Kashmir etc. Appendix No. IV shows that a number of such unions are registered with the Registrar of Trade Unions, Srinagar. Due to paucity and inadequacy of reliable statistical information, it is not possible to give the extent of membership in these unions nor to determine their exact number. However, it can be concluded that the number of such trade unions is not the convincing one. In the absence of appreciable development of manufacturing industries, the scope, of organising the workers, into industrial unions, is rather limited.

GENERAL UNIONS:

The characteristics of a general labour union is that it is open to workers in any trade of any degree of skill, in any industry. With the emergence of many new skills such unions do include workers who would have to be
called skilled i.e. Bus Drivers, Municipal Workers, Tonga Drivers etc.

The factors which favoured the growth of industrial unions in South East Asia are also favourable to the growth of general unions. They can organise unskilled workers and are not sectional but all-embracing working class organisations. Despite the fact that India, Pakistan, Malaya the Philippines, Burma are all industrially undeveloped, yet the industrial unionism predominates there. As against this, in Thailand which is industrially less developed, it is the General unionism which predominates. Industrialization has scarcely begun in that country and about 20% of the country's active population is still employed in agriculture.

Position of the State appears quite similar to Thailand for the bulk of the unions are of general type as revealed of Appendix No. IV. Some of the important unions of this type are All Jammu and Kashmir Transport Drivers and Cleaners Union, Srinagar, Kashmir Municipal Workers Union, Srinagar, Kashmir Tonga Drivers Association, etc. The importance of these unions in the State can thus be explained by its low level of industrial activity.

2. Ibid.
NON-MANUAL OR PROFESSIONAL WORKERS UNION

Unionism among non-manual workers originated in the late nineteenth century in England, but essentially it is a feature of modern trade unionism. This is so because of the decline in the relative economic position of many middle class and professional workers.

Appendix No. I shows that a sizable number of such unions have emerged on the labour scene in Kashmir. Some important unions of this type are: Life Insurance Workers, Srinagar Teachers Association, Medical employees Association etc. The unions are generally strong and effective in putting forth their demands.

From the above observations it follows therefore, that the unions of all types are emerging in Kashmir Division. While an increase in the union activity indicates the growing realization of the workers of their rights and privileges, it should be ensured that it does not lead to the evil of multiplicity of unions. Since the trade union movement in the state is passing through an evolutionary stage, efforts should be made to allow it to grow on healthy lines.

Further, the mushroom growth of the unions does not indicate necessarily an increase in the tempo of industrialization. As Appendix No. IV reveals that most of the unions have been formed by employees other than the industrial workers. In fact, industrial unions, which constitute the hard core, are very few. This shows the weak structural character of the labour movement as emerged in Kashmir. However, unionism has gone deep in the public sector units of Kashmir. The recent cracks developed in the movement will prove detrimental to the cause of its growth. To avoid this situation the two factions should get merged in the larger interests of the workers welfare, and device ways and means to play an effective and fruitful role in the reconstruction of the State's economy.

CONCLUSION

Labour movement in Jammu and Kashmir, started much earlier than the political movement, but its growth on modern lines synchronizes with the growth of political movement particularly after 1931. The earlier attempt of organizing the labour as back as 1887, proved abortive, because of the onslaught of despotic rulers. The movement received impetus and encouragement from the political leaders who eventually made it subservient to the national movement. As a consequence of which it
continued to remain a puppet in the hands of the political leaders who fully utilized it for their own political and personal ends. Factors like political domination, late start of factory system, and the predominance of household industries seriously hampered its growth and made it dependent on the political movement of the state.

As the years rolled on, the movement made futile efforts to free itself from the yoke of political domination and stand on its own legs. In this venture it met frustration but nonetheless it did succeed in emerging as a growing force on the industrial scene of the state. In this connection, it is gratifying to note that the movement as a whole did not succumb to the unhealthy practices and tactics. Militancy, violence and inter-union rivalry did not creep in its ranks. While this is a healthy sign, of the movement, it still reflects the infant character. As a result of this it has failed to play a meaningful and effective role in shaping the labour management relations. Again with its weak finances and mass illiteracy the movement has not been able to undertake any welfare programme for its members.

The establishment of a socialist pattern of society, presupposes the fullest involvement of people, so as to enhance production at all fronts. In this context labour has a special role to play. His participation in the
productive drive is essential which is possible only after unions emerge strong enough to face this new challenge. To shoulder this responsibility the trade unions have to broaden their outlook, and devote their energies towards the bigger issue. Hitherto, the main concern of the union has centered round the wages and problems related thereto. For most of the time they remain preoccupied with this question. This reflects that wage issues have assumed a great significance and trade unions have rightly viewed them the chief irritants between the labour and management relations. Accordingly an attempt has been made in the next chapter to examine the problem of wages and its fixation in the public sector units of Kashmir.
Chapter IV

WAGE STRUCTURE IN PUBLIC SECTOR ENTERPRISES OF JAMMU AND KASHMIR

In the last chapter it has been pointed out that the subject of wages is the most important of all labour problems. It touches the vital aspects of the entire life of the community. Reward, essentially continues to be the strongest driving force. Besides sustenance, wages, motivate the workers. Thus the wage he receives has the greatest significance for him than any other matter. It has rightly been said, "Wage is the pivot around which several other labour problems rotate and more disputes and complications arise about wages than any other issue in the labour management relations."¹

Significance of wages also becomes clear when we find that about 80 per cent industrial disputes in India arise as a result of wages and matters allied to it, like dearness allowance, bonus, gratuity, overtime etc. Since industrial peace is very often disturbed because of wages, efforts all over the world have been undertaken to device

¹ Bhir, B.S. (Ed) "Dimensions of Industrial Relations in India. United India publications, Bombay 1970, p. 47.
ways and means for combating the problem. With this in view, an attempt has been made in the following pages to examine in detail the wage structure of industrial workers in the public sector enterprises of the State.

STATE WAGE POLICY

Wage policy has essentially to be a part of the economic and social policy of a country or State, as the whole question of wage fixation is to be looked at in the larger perspective of the planned economy, productivity, austerity measures and other socio-economic adventures. Judging from this, it is sad to note that no such policy existed in the State of Jammu and Kashmir. Consequently, wage fixation remained to be guided by the rule of thumb. The apathy of the State government towards this vital issue may be excused when viewed against the background of its industrial backwardness. But the fact that even the Central Government has failed in evolving a separate and detailed policy as such for the guidance of wage fixation authorities is most shocking.  

Wages of the industrial workers of public sector enterprises of the State, were fixed arbitrarily in

utter disregard to the industry and to the workers. Rule of thumb continued the basis of wage fixation, which invoked strong protests from the labour as well as the management.

In its memorandum submitted to the National Commission on Labour, the Managing Director Jammu and Kashmir Minerals Ltd. reported:-

"Wage increase is quite often announced by the authorities without any examination of the capacity of industries in the State to pay the same. This leads to serious financial burden to industries as the labourers invariably claim whatever increase is announced by the Government. Any increase in wages should normally be based on objective considerations and should be a matter of negotiation between the employer and the employees."

The above observations reflect that the Government announced wage increases itself in utter disregard to the capacity of industry to pay. This created an embarrassing position for the management. They have thus demanded a rational and scientific wage policy based on objective considerations. They also wanted that the government should appoint wage boards for wage negotiations between the employer and the employees.

The arbitrary wage fixation policy was not acceptable even to the workers. They too wanted a scientific and rational wage policy, based on objectives, or rise in the living index and negotiations, on the

interpretation of the various statistical data on which the rise in wages would be demanded from time to time.

Basic wages in the State enterprises were fixed in 1961. From time to time it was supplemented by giving doses of dearness allowance on adhoc basic. Since the criteria of fixation was based on the rule of thumb, basic wages were not uniform. Large and growing component of daily allowances further distorted the wage and salary structure. It brought in its wake a number of undesirable practices. As a result of this, daily allowance was paid even to a piece rated worker who never turned up for the work. 

It was distressing to find that the personal influence resulted in the increase of wages of individual workers. The daily allowance component almost became a kind of a minimum guaranteed wage under unwarranted conditions. It reflected confused thinking of the government as also the motivations of the rulers. Obviously, therefore, it invited a lot of criticism from the concerned parties. Even the government agency dealing with labour was compelled to come out openly in its opposition. "There is no uniform practice in

respect of fixing of wage rates. Further no recognised method appears to have been taken recourse to in this respect in any of the industrial units falling in the public or private sector. Consequently, there are considerable wage differentials, i.e. rates vary from industry to industry and region to region, even within the industry within the same region.

From the above discussion, it is evident that the Government took no interest in evolving a scientific rational wage policy. Consequently, no need was felt for any agency or organisation to take up the job of collecting statistical data regarding wages and wage rates. This resulted in the paucity of information which made the task of examining the wage rates a difficult one.

Following the recommendations of the Industrial Wage Committee in 1973, the wage rates of the industrial workers have increased. The worker is now entitled for a paid rest day after serving for full six days in a week. This has enhanced worker's income. As a result of this concession every unskilled worker under the scheme of paid rest days is entitled to a flat payment of Rs. 5.00 per rest day whatever, be his rate of payment. This will provide a benefit of Rs. 20.00 per month to the worker who has worked for

26 days on an average in a month. A skilled workman on the other hand is entitled to a flat rate of Rs. 20.00 per month without any regard to the number of days worked. Apart from factory employment some of the workers also earn from subsidiary sources. The income composition is thus important to determine his standard of living.

**INCOME COMPOSITION**

**SOURCE OF INCOME**

In Jammu and Kashmir the industrial workers derive income from two major sources i.e. (1) Main (Factory Employment) and (II) Subsidiary. Factory employment contributes about 66 to 68 per cent and the subsidiary source about 32 to 34 per cent to the total income of the worker. The average family earnings without paid rest days have been estimated by the industrial wage committee at Rs. 221.45 per month. Of this the family gets an income of Rs. 148.35 from the factory and Rs. 75.81 from the subsidiary source.

The element of the paid rest days has increased total income to Rs. 238.66 in the Kashmir region. Thus according to the committee's report the worker generally derives 68.24 per cent of the total income from the

2. Ibid., p. 73.
main source that is factory employment and the remaining 31.76 per cent from the subsidiary source.¹

The report further reveals that the worker has been paid only for 262 days in the year without paid rest days. If the element of paid rest days is included in the number of paid days increased to 300 days in the year and 28 days in the month in the Kashmir region.²

The number of days for which the worker is paid is a very important variable for the fixation of minimum wages. If the worker is paid for all the 365 days in the year the gap between his income and expenditure will reduce to a great extent. This will automatically chop-off a sizeable portion of his borrowings which are telling very heavily upon his economic condition. In this connection the Government's decision to pay the workers for four rest days in a month though welcome one, falls too short of the total requirements of the industrial workers. In order to save him from the clutches of money lender it is but essential, to make adequate provisions to ensure payment for all the 365 days in the year.

². Ibid.
FACTORY INCOME IS THE MAIN SOURCE OF INCOME.

Factory income is the main source of income. The components of the factory wages are four in number i.e., (i) wages, (ii) allowance - dearness allowance, (iii) bonus and (iv) over-time allowance. The fifth component i.e. the paid rest days was hitherto not being enjoyed by the factory workers.

Basic wage contributes 47.96 per cent of the total factory income. Allowances, especially the D.A. etc. form 41.92 per cent and bonus does not exceed to Rs. 8.64. The workers also get overtime allowance at double the basic rate when they work after the fixed factory timings. But overtime work is rare and as such it forms only 1.49 per cent of the total factory income.

As stated above the worker draws the major portion of his income from his factory employment. According to the estimates of wage committee he gets about 66 per cent from the factory employment and 34 per cent from the subsidiary sources. Thus, it

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2. Ibid.
would be seen that subsidiary source is a significant source of income to a worker in Kashmir. It constitutes more than 34 per cent of the total income accrued to him. The main source, therefore, forms only 66 per cent of his total income. The average family earnings in the Kashmir region have been estimated at Rs. 221.45 per month without paid rest days of this the family gets Rs. 148.35 from the factory and Rs. 75.80 from the subsidiary source.

This composition of income has, undergone a change with the inclusion of the paid rest days. The element of paid rest days has changed the share of both the main and subsidiary sources. Accordingly, a worker generally gets Rs. 66.24 per cent as his wage and Rs. 31.76 per cent as his income from subsidiary source, making thereby a total of Rs. 238.66 per month as against Rs. 221.45 without taking the element of paid rest days into account.

The composition of income has also changed with the inclusion of this new element. The percentage of the factory income has gone up and of the subsidiary source has gone down.


2. Ibid.
COMPOSITION OF SUBSIDIARY INCOME

The major source of subsidiary income in Kashmir region is agriculture which contributes 30.33 per cent of the total income. Petty shop-keeping thus accounts for 7.58 per cent. Sources other than these account for the major portion of 62.09 per cent of the total subsidiary income according to the workers. Dairying and employment of other family members are obliven in Kashmir. More than 54 per cent in the Kashmir region derive subsidiary income from the above sources as estimated by the Wage Committee.

Thus an industrial worker in Kashmir gets a total income of Rs. 221.16 per month of this Rs. 145.35 (65.73 per cent) comes from the main source and Rs. 75.81 (34.27 per cent) from the subsidiary source. The break up of the main source (65.73 per cent) is as follows:

- Wages (31.35 per cent)
- Allowances (27.55 per cent)
- Bonus (5.68 per cent)
- Overtime allowance (0.96 per cent)

The subsidiary sources contributing 34.27 per cent of the total income have been divided under the following heads in order of importance.

2. Ibid. 3. Ibid. 4. Ibid. 5. Ibid.
6. Ibid. 7. Ibid. 8. Ibid.
Different types of jobs are carried on by the family members of the Kashmir workers ranging from embroidery to stone crushing.

**WAGE LEGISLATION:**

Another peculiar feature of the State wage policy is that no law existed for regulating fixation of wages to the industrial workers. Although, in the growth process of labour legislation, regulation of wages has come later than the setting up of standards for hours of work, minimum age of employment, health, safety etc. both in Britain and India.

Both despotic and democratic rulers appeared to be in league with each other on this issue. It reflected their indifferent attitude towards labour. Even after the achievement of freedom, no serious thought was given to this problem, despite the persistent demands of the labour leaders. However, it was only in 1956, that the first piece of wage legislation was introduced in the State. This related to the payment of Wages Act. Absence of these laws resulted in the exploitation of the workers at the hands of employers, who got a long rope for carrying out their nefarious designs.
(a) **JAMMU AND KASHMIR PAYMENT OF WAGES ACT 1956**

This Act is the first piece of legislation on the subject of wages, and was passed in 1956. But the rules under it were framed only in 1961. In the same year, the Act was amended and brought at par with the Central Wage Act. The amendment widened its scope and consequently many new concerns were brought under its purview.

The object of the Act is to regulate the wage payment to classes of persons employed in industry who draw on an average less than Rs. 400.00 a month. The regulation of the Act is of two types:

(i) About the date of payment of wages and

(ii) About deductions from wages whether as fine or otherwise.

Besides, the Act also regulates the fixation of wage period and is applicable even to such establishments as boats, forests and construction works etc. 1

(b) **MINIMUM WAGES ACT**

With the passing of the Jammu and Kashmir Payment of Wages Act of 1956, the Government again slept over the matter and made no further exercise in this venture.

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Consequently no statutory provision was granted to the workers for protecting their wages. The objective of this Act is social justice and not the ply of market forces. But it is sad to note that its importance was not realized by the Government of Kashmir. In September, 1971, 13 Central Labour Acts were introduced in the State. Minimum Wage Act of 1948 was among them. In this way, 24 precious years of independence proved no less than a rule of jungle to the industrial workers of the State. Thus his subjugation got a new lease of life at the hands of democratic rulers.

From the observations recorded in the foregoing pages, it becomes clear that the State had no clear cut rational wage policy. The State was left unaffected of the developments that were going on in the field of labour both at the Central and State levels. The result was that even under the democratic set up the employers got a long rope to carry on their nefarious designs, which otherwise the wage legislation seeks to remove.

As a consequence of which, workers were dejected and frustrated with the callous attitude of the government. Thus they continued their struggle through all democratic means and demanded a need based wage as would be observed from the following extract of the Industrial Wage Committee report 1973, Part I, page 39.
"At the tripartite conference held in April 1973 at Jammu and attended by the representatives of Labour employees and the Government, the labour representatives proposed that if it was not possible to concede the need based minimum wage the minimum wage for the State should be Rs. 250.00 per month at least. There was nothing new in their demand. It was a logical sequence of the inflationary pressures generated by the economy which adversely affected them."

The government realized, though late, that time has come when it should heed to the voice of the toiling masses and subsequently announced the formation of Industrial Wage Committee on December 1972.

**INDUSTRIAL WAGE COMMITTEE**

The appointment of Industrial wage committee, provided for the first time an opportunity to take a rational view of wage structure of industrial workers of the public sector enterprises in the State. Its appointment heralded a new era in labour management-relations. It was a four member committee, headed by Shri N.N. Chatterjee, Senior Professor Indian Institute of Management, Calcutta. The composition of the committee gave an impression of its being tripartite in character, but it was essentially a committee of experts engaged in an objective and scientific study of rationalization of wage structure. Labour Leader's participation was just in the capacity of an expert rather than to represent the interest of the workers.
From its terms of reference it is also clear that the committee's functions were limited and as such it was not to function as a wage board, making series of awards or as a negotiating body coming to agreements with unions and management. 1

The Committee was required to review the following and recommend suggestions, keeping in view the economic conditions of the State, requirements of development, existing level of wages and profitability of the industries.

(a) "To review the existing wage structure of Industrial workers including salary structure of staff actually engaged on production in the State Public Sector Enterprises and Government Undertakings in order to rationalize the structure and link it with productivity as far as possible.

(b) to recommend the industries for inclusion in the schedule of Minimum Wages Act and

(c) to propose minimum wages for each scheduled and recommended industry." 2


From the terms of reference it is evident that the committee was required to cover all categories of employees in the public sector enterprises and all employees in Government undertakings.

However, work charged personnel and purely casual labour engaged at normal market rates were left outside the scope of the committee. The object of the committee was to review the existing wage and salary structure of all workers with a view to removing inconsistencies, anomalies and distortions and to provide adequate wage differentials, effective incentive schemes and linking the whole structure to the productivity concepts. With this in view the committee reviewed the existing wage structure and came to the following conclusions:

**FINDINGS OF THE COMMITTEE**

(i) That great distortion is prevailing in the wage and salary structure of the workers of the public sector enterprises.

(ii) The distortion is the result of growing components of daily allowances.

(iii) The dearness allowance component exceeds the basic wages in lower rated jobs.

(iv) that daily allowance component has become a kind of minimum guaranteed wage.
(v) That external and internal consistency in wages is lacking in the public sector enterprises.

(vi) That no incentive schemes excepting piece rate wage is in vogue.

(vii) That wage and salary cost as a percentage of the total cost of production or total expenditure varies from 7.45 per cent to as high as 37.63 per cent.

(viii) That the rise in the cost of production is due to:

(a) Obsolescent or obsolete machinery some of which appears to be almost museum pieces.

(b) Inadequate and non-availability of raw material.

(c) Frequent power cuts.

(d) Lack of delegation of decision making powers causing wasteful hold ups in production or marketing.

(e) The existence of a surplus work force.

(f) Low level of compensation for managerial personnel.

Industrial Wage Committee has rightly exposed the defects of the wage structure of industrial workers of the public sector industries. It has revealed many interesting facts which demonstrate that the whole structure of wages is based on erroneous, irrational

1. For details - refer appendix No. IV

and unscientific basis. The findings lend support to the workers' assertions and have pinpointed many other loopholes which more often than not become the cause of discontent and spoil harmonious relations between the labour and the management. It should be borne in mind, that the industrial climate is very sensitive and cannot bear with such irritants. The Director General of I.L.O. Mr. David Morse, has rightly said that "peaceful industrial relations between management and workers are essential for economic growth, while poor industrial relations are a threat to the political stability and a barrier to the improvement of living standards." Moreover, the goal of socialist pattern of society will remain unrealized till such time labour is not given its due and rightful place in the society. Social justice demands greater attention towards the worker's lot and the removal of irrationalities and anomalies. Viewed in this background, the Industrial Wage Committee has sought to remove these anomalies, by evolving a scientific wage structure. Accordingly, it has suggested the following norms and principles for fixing the wages of the workers of the public sector industries.

DEARNESS ALLOWANCE

(1) Merger of D.A. in the Basic Pay

Since the distortion in the wage structure is the result of growing component of the dearness allowance, the committee has rightly suggested its merger in the basic pay. This would remove all malpractices and undesirable things which have plagued the whole structure. Wage concept is dynamic in nature. It should be flexible and must move with the times. For this purpose, the committee felt that price hikes can be neutralized by adopting measures like price controls, distribution of subsidized essential commodities. However, the suggested measures do not appear forceful enough to offset the effect of sharp price rises. Price controls have proved ineffective in checking the price rise.

Further, the committee has recommended that additional increase in D.A. should be paid if there is 5 point rise in the consumer price index No. Here it is pertinent to note that even the National Commission on labour has suggested 5 point rise in the Consumer Price Index No. In the case of the lowest paid category extent of neutralization should be 100 per cent.

D.A. as a separate element in wages obtains only in India, Pakistan, Ceylon and in modified form in Japan
In the rest of the industrial world industrial workers are compensated for rise in the cost of living by a revision of wages. For this purpose their is usually an escalator clause in the agreement to this effect.1

The committee further suggested that the existing incremental structure should suitably be adjusted in the case of salaried employees. This adjustment has become essential in view of the fact that two types of workers are working in the public sector enterprises. One set of workers is engaged in production activities and receives wages either on time rate or piece rate basis. Another class not actively engaged in production but otherwise helping the overall production process, is called staff and get wages on monthly basis. But such workers should be graded and the gradation should be accurate. The need to rationalize this arbitrary gradation was being felt by the workers as well. By effecting suitable adjustment in their incremental structure this anomaly will be removed. Proper increments should also be devised and given to the workers. This would involve them in a more responsible way in the productive enterprises.

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INTRODUCTION OF INCENTIVE SCHEMES

Concept of incentive scheme has not found favour in the industrial set up of the State. Both the public as well as the private industrial establishments have so far failed to put through the incentive schemes in their respective concerns. Consequently, production did not increase. However, it is gratifying to note that the question has started receiving attention from the management side. As a consequence of this some incentive schemes have been devised with a view to increasing productivity by offering suitable rewards to the workers.

Increase in productivity is an effective weapon to fight shortages and inadequacies of commodities. Increased productivity brings in its wake, improvement in standard of living not only to the workers alone but to the nation as a whole.

Higher productivity increases the standard of living, but this increase in productivity can be achieved only with the workers' active participation. Workers' involvement proves effective when he is adequately compensated and rewarded. Thus, incentives serve as lubricants as they gear up the entire economic machinery. Besides, improving earning capacity of the workers they help maintain industrial peace, which
ensures an increased standard of living for the nation at large. With this in view the management of late devised some schemes which are given in Appendix No. V.

A study of appendix V reveals that while the object of the schemes is the introduction of an incentive scheme for direct productive labour, the same is not based on well recognised principles. It seems an innovation based on knowledge and personal experience of the management. Establishing the standards like standard production, standard wage, normal price rate would be a difficult exercise and likely to be misconstrued by the workers. It has, therefore, been rightly suggested by the Industrial Wage Committee that these schemes be recast and more acceptable standards be evolved in consultation with the workers and their leaders. In order to make the schemes scientific, it has been recommended further that incentive schemes be linked with the recognised concepts like standard wage, normal wage, fall back wage, incentive wage and minimum guaranteed wage etc.

However, under the present circumstances these would be difficult to determine. They would only throw the whole question into the cold storage. Incentive schemes should be simple and workable and must not involve too much of calculus, especially

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when the industrial workers are uneducated. Complicated and sophisticated production incentive schemes will only add to the confusion. Principle of linking and fixing wages with productivity should be tried. A proper scheme of wage differential would also serve a good incentive in this behalf.

**WAGE DIFFERENTIALS**

It was pointed out earlier, that wage fixation is based on a rule of thumb approach. Personal considerations, favouritism, nepotism etc. were the guiding principles of the wage fixation policy. In order to rationalize the system, the Industrial Wage Committee suggested that the discretionary contents of the jobs be carefully assessed along with such factors as training requirements, hazards, arduousness of work etc.

While fixing wage differentials on these norms following factors may also be taken into account:

(i) Working conditions, (ii) Chances of promotion,

Adequacy or lack of these factors, play an important role in improving and maintaining industrial relations. Availability of these factors gives the workers added benefits and the lack of it deprives them of such benefits. The sense of deprivation can be compensated, to a large extent by fixing wage differentials suitably. However, enough care should be taken, to avoid big gaps in the wage structure. At the same it should be ensured that no worker is paid below the subsistence level. Fixation of minimum wage would go a long way in arresting the tendency of paying the subsistence wages to the workers.

**MINIMUM WAGES**

From the terms of reference it would be observed that the committee was required to propose the minimum wages for each scheduled industry as also to recommend new industries for inclusion in the schedule of Minimum Wages Act. In this context the committee was required to keep the following factors in view.

(a) the existing level of wages,
(b) requirements of the development and
(c) the profitability of the industries

Over and above these, the committee also took a review of labour costs as a percentage of the total cost of production and the marketability of the
products and examined these prepositions before making its recommendations. The prepositions are interesting and merit a discussion.

(1) "Is it possible to have a state wise minimum wage below which no one employed in any scheduled occupation could be paid? If this is not possible, since the State is divided into three homogenous regions, Ladakh, Kashmir Valley and Jammu, is it possible to fix such a minimum region-wise?

(2) The second issue was to work out on a realistic basis a need based minimum wage for workers in the urban areas; as also for those who were pure and simple rural workers.

(3) Lastly, to find, if there are any backward Communities in the State, who by the very nature of their occupations, are economically exploited and paid lower wages for their work. 1

The committee has not favoured the adoption of a regional minimum wage for three different regions of the State. In my opinion the Committee's suggestion is not based on a realistic assessment of the facts. It seems to have ignored some important factors which need to be examined, thoroughly well. Each region has its own peculiar features with varying standards of living.

While Jammu is at an advantageous position, Ladakh and Kashmir valley are comparatively at a disadvantageous position. Life in winter becomes expensive and work opportunities dwindle too. The Committee seems to have paid little attention to these hard facts. Even the National Commission on Labour has accepted the idea of a regional wage, and has rightly said, "It may be possible, however, that in different homogenous regions in each state regional minima, seem to be called for in view of the wide variations in the rates of minimum wages fixed under the Act, even within a small geographical region. An effort should be made to fix such regional minima."¹

For the bare or basic minimum wage the predominant consideration is the social justice and not the ply of market forces. What may be called the minimum wage is the standard which has been fixed by the committee on Fair wages. "We consider that the minimum wage must provide not merely for the bare sustenance of life but for the preservation of the efficiency of the workers. For this purpose the minimum wage must also provide for some measures of education, medical requirements and other amenities."²

However, Labour Ministry's Standard Note on the subject has viewed it in a different way, the object of the Minimum Wage Act is to provide for fixing minimum rates of wages in employments in which sweated labour is mostly employed and there are chances of exploitation of labour and where the workers are not well organised and have no effective bargaining power.

The labour leaders of the State at a Tripartite Labour Conference held in April 1973 at Jammu, demanded that the minimum wage for the state should be Rs. 250/- per month at least.¹ Prior to this the second pay commission appointment by the Government of Jammu and Kashmir had recommended that minimum remuneration should be Rs. 170.00 for the lowest paid government servant.²

This clearly indicated that workers demand for fixing the minimum wage at Rs. 250.00 per month was not warranted under the circumstances especially when the government had fixed it to Rs. 170.00. Minimum wage is a kind of floor wage and industry's capacity to pay still remains the most important factor to be reckoned with. In this connection the Third Pay Commission of Government of India has also summed up the whole issue as under:

"The fixing of minimum wages should be in harmony with broad principles of policy relating to economical and social developments and particularly the achievements of rapid growth and equitable distribution of national income. Further minimum wage must be realistic, and it should be in consonance with the conditions prevailing in the country. One has to avoid the danger of setting, premature and unwise minimum standards which the country and the economy can ill-afford. Such standards may raise expectations all-round, and since they would be incapable of fulfilment because monetary wage would soon be eroded by a rise in prices, frustration would deepen all the more. The additional expenditure involved in fixing the remuneration on the basis recommended by the 16th, ILC, and inevitable repercussions such a course would have on State governments, Local bodies, Universities etc. would in the aggregate, have a deleterious effect on the total budgetary resources. It would lead to drastic curtailment of development expenditure and slowing down of projects that would further aggravate the present unemployment situation in the country, to the solution of which the Government attaches paramount importance." 1

From the above observations it follows that the worker's demand for fixing minimum wage at Rs. 250.00 per month was not reasonable by any standard more so when the minimum wage in some parts of the country, like Calcutta, Bombay, Amritsar and Delhi came to Rs. 227.00, Rs. 210.30, Rs. 199.03 and Rs. 166.25 respectively. 2

The Industrial Wage Committee, however, feels that under the prevailing conditions demand of the labour for a need-based-wage cannot be conceded to.

especially when many public sector units are running on loss. This view has also been endorsed by the National Commission on Labour.

This suggestion of the Committee appears vague and strange. It has calculated the cost of minimum need-based wage in Srinagar at Rs. 210.00 per month in May 1973, (which again was increased to Rs. 235.00 per month on further consideration) but does not recommend its payment under the existing conditions. The reasons given by the committee in this behalf are in no way the creation of the workers. Penalising the workers for no fault of theirs is neither understandable nor appreciable. However, to stop sweating of labour in some industries, the committee recommended some industries for inclusion in the schedule to the Minimum Wages Act.

NEW INDUSTRIES OF EMPLOYMENTS TO BE INCLUDED IN THE SCHEDULE TO THE MINIMUM WAGES ACT:

A number of new industries have been suggested for inclusion in the schedule of the Minimum Wages Act and their wages have also been fixed by the Committee as would be seen from appendix No. VI. The Committee feels that there is a strong case for the application of the Minimum Wages Act to motor transport industry. However, employment in lime-kilns, printing presses and tailoring establishments have been left outside
the scope of the Act on the plea that they employ less than two workers. This observation is ill-founded. In fact, a good number of presses and tailoring shops employ more than 2 workers. Hence, the need to bring them under the schedule of Minimum Wages Act.

It may be concluded that the Committee's recommendations are not very much categorical, but they are evasive. Nonetheless, it has brought to light some important facts which deserve prompt attention.

CONCLUSIONS

Observations recorded in the foregoing pages reflect that the wage structure of the State is based on unscientific, irrational and crude principles. Far from being satisfactory, the system has given rise to many undesirable practices as a result of which wages of the industrial workers present a very dismal picture.

Emerged in the absence of any well-defined or devised policy, the wage fixation has led the whole structure base on the rule of thumb, wherein weightage is given not to the prescribed norms but extraneous considerations like personal influence, nepotism,
favouritism. Added to this, a haphazard classification of workers has made the confusion the worst confounded. As a consequence of which wage variations, wage differentials and wage inconsistencies have become permanent features of the wage structure.

Since economic growth presupposes, absolute industrial peace, free from all tensions and conflicts, it is very much necessary to remove all these irritants that pollute the industrial climate. In this connection wages assume a greater significance as it creates more problems than any other single irritant. It is therefore, necessary that wages are fixed in accordance with the prescribed norms as also the best satisfaction of workers. Since wage is the reward of the labour, it must, therefore, be commensurate with his needs and requirements. This in turn can ensure greater productivity and the economic prosperity. With a view to achieving these objectives, a great responsibility devolves upon the Government which should evolve suitable incentive schemes in consultation with the workers.

In the light of these observations, the Government's decision to appoint an Industrial Wage Committee though belated, was commendable and a step in the right direction. Its establishment, thus
opened a new chapter in the history of industrial relations in the State. The committee's recommendations are of far-reaching consequence and if implemented will go a long way in shaping the system of industrial relations, besides laying a sound base for evolving a rational scientific wage structure. The State government has given a lead to the country in many matters like agrarian reforms etc, let it, therefore, be bold enough to accept the need-based-minimum-wage and help establish the socialist State. The government has the necessary potential to put the system of industrial relations on the sound basis especially when the concept is in evolutionary stage. To know, therefore, what exactly Government can do or has done, in shaping and moulding the system of industrial relations an attempt has been made in the next chapter to study the role of the Government, viz-a-viz industrial relations.
Chapter-V

STATE POLICY AND INDUSTRIAL RELATIONS

The emergence of labour policy dates from the period the State achieved its independence. The pre-independence era had no set policy on labour. It was motivated more by necessity and convenience rather than on account of cherished goals or preconceived notions. The State had left matters of industrial relations to administrative or voluntary settlements by the parties concerned. Laws framed for the benefit of the workers proved dead letters as a consequence of which labour was left to his own fate, till the dawn of freedom.

EVOLUTION

The evolution of labour policy in the State can well be studied in two periods:-

(1) Pre-independence period.

(11) Post-independence period.
PRE-INDEPENDENCE PERIOD

This was the period during which the State of Jammu and Kashmir remained under the subjugation of different autocratic rulers, who took no interest in industrialising the State. Consequently, the picture presented by the State before 1947 was one of the poverty, squalor and gloom. Industrial activity was on its lowest ebb and the economy was completely dominated by subsistence agricultural characteristics and low income generating household industries. The labour management relations were conditioned on politico-economic necessities. However, a few labour laws were passed by the Maharaja's government, but these were not enforced owing to the absence of rules. The Factories Act of 1999 (Svt) was the first piece of legislation in the field of labour industrial relations. It was modelled on the British Factories Act of 1881 and provided a 54 hour's week with ten hours a day. The Act contained some more provisions for protecting the interests of the workers, but none of them barring the working hours and that too in Public Sector Units was implemented. ¹ Other acts

framed by the government were Jammu and Kashmir, Children (Fledging of Labour) Act 2002, Labour and Kansas Employer's Liability Act, Jammu and Kashmir Workmen's Compensation Act 2000 (Svt) and Jammu and Kashmir Shops and Establishment Act of 2002. Despite the passing of these Acts, no serious attempt was ever made to implement the same. In most of the cases rules under the Acts were not even passed. In fact, there is no evidence on record that could reflect the government's concern to redress the worker's grievances and to build up healthy labour-management relations. As a consequence of this, labour in general remained neglected and unprotected till the dawn of freedom.

THE POST INDEPENDENCE PERIOD

Evolution of labour policy in the post independence period can be studied in four distinct periods; depending upon the growth of economy and build up of labour-management relationship. The periods are:

1. From 1947 to 1963
2. Between 1953 to 1964
3. Between 1964 to 1971
4. From 1971 and onwards

FROM 1947 TO 1953

This part relates to the period when the country as a whole witnessed widespread political, economic and social turmoils, in which conditions were getting slightly beyond control. Labour aspirations could only be pacified in such circumstances through legislative measures rather than through pragmatic approach.

The country, as also the State, had set before it the goal of socialist pattern of society in which the labour was to get a new deal. Surprisingly, nothing appreciable was done to improve the lot of the working class in the State. While in India, it was a period when labour legislation came in a spate and important laws regarding industrial relations, wage policy and social security were enacted, but only feeble attempts were made towards this end in the State. In effect, it had restricted itself either to acting in support of the voluntary system (trying to make its work better) or action in default of the voluntary system when it failed to regulate effectively some particular aspect of industrial relations. Although no legislative measures were introduced in this period, yet the Government

was in full control of the labour scene. It had completely dominated the labour force and was in full control of the trade union movement of the State. State intervention on the legislative plane remained confined merely to the passing of two labour laws, namely Industrial Disputes Act and Trade Union Act. This provided some relief to the workers by regulating their working hours and allowing them paid holidays. 1

**BETWEEN 1953 TO 1964**

In 1953, a political changeover took place and the new regime started paying some attention towards the problems of workers. It was now being appreciated, though late, that the policy of maintaining the harmonious relations between the labour and management pave the way for economic growth and social change, as it provides a solid practical foundation, for building up new attitudes and institutions needed to keep pace with the dynamics of modern industry. As a result of this new thinking the Labour Department, which was hitherto a branch of Public Works Department, catering to the needs of the defence organisation, was reorganised for the first time. However, it is distressing to note that the Department which was brought into

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existence for looking after the interests of the workers proved ineffective and failed to make any significant impact on the labour scene of the State. For the department was inadequately staffed and included persons with no knowledge of labour problems. However, under the impact of Central Labour Organisation and with an urge to gain workers support a labour conference was also held in 1953 for the first time. Following its recommendations, trade union movement was revived and some more labour laws were passed and rules under some were framed. With the new guidance of the State Central Labour Union, the workers succeeded in getting some small concessions as a result of which dearness allowance on adhoc basis was granted to the workers of the public sector units. Bonus was also given in the shape of recoverable advances, which, however, were never recovered. This reflected that the policy of industrial relations was more conditioned on politico-economic necessities rather than on sound traditions. As a consequence of which the labour movement was corrupted and exploited for meeting their own political ends. Eventually the unions came under the strong domination of the outside leaders — the political bosses.

2. Ibid., p. 5.
This was the period when far reaching changes were taking place in other parts of the country. Girl's approach to labour problems advocated minimum governmental interference and placed emphasis on settlement of labour differences through the process of collective bargaining and arbitration. With Girl's resignation as Union Labour Minister, a new chapter was started from 1956 onwards, when Shri G.L. Nanda became the Union Labour Minister. During his tenure stress was laid on voluntary settlement of disputes, contrary to the prevalent practice of having frequent recourse to industrial adjudication.

The changes had a profound effect on the labour scene of the State. As a consequence thereof the State had to devise a legislative framework restricting and regulating in certain specific matters what the parties could do, and within this to leave them free to work their own arrangements. Part of such legislation had been the Payment of Wages Act, Employee's Provident Fund Act, Industrial Employment Standing Orders Act. With the increase in the tempo of industrial activity and the strengthening of the trade union movement, the case of State intervention became more strong and accordingly steps were taken for the establishment of a separate...
labour department in 1938\(^1\) with a view to making it an effective functionary for looking after the implementation of the Acts. The enforcement staff was also appointed. As a result of this, Labour Welfare Officers and Labour Inspectors came into existence for the first time in the history of labour-management relations of the State. The first task that faced the department on its establishment was to consolidate and bring up to date labour acts and to frame rules thereunder:\(^2\) Thus State intervention through legislative measures increased though at a slow pace.

**COMPULSORY RECOGNITION OF THE TRADE UNIONS**

The primary function of the Trade Union's Act is the registration of the trade unions. Registration gives the union legal existence as a corporate body and also gives it certain privileges and responsibilities. Besides, it makes possible a certain amount of supervision and regulation by the government. An unregistered union will normally not be able to claim recognition by management as a bargaining agent.

2. Ibid.
With this in view Jammu and Kashmir Trade Unions Act 2006, which came into force on 1-9-1953 was amended in 1961 making it obligatory on the part of the employers to give recognition to the trade unions and laying down the procedure for such recognitions.

To effect registration of trade unions; the State government appointed the Labour Commissioner as the Registrar of the Trade Union and Deputy and Assistant Commissioners as Additional and Deputy Registrars of Trade Unions within their respective jurisdictions. The Registrar is empowered to cancel or withdraw registration of unions in case they are found to violate any provisions of the Act. As a consequence of this the trade union movement got an impetus with the conferment of legal and corporate status. The step thus, was well intentioned to improve the industrial atmosphere. However, this made the trade unions vociferous for their own demands. They failed to appreciate their obligations particularly in matters like increase in production etc.

The conferment of the legal status brought a change in their modus operandi and consequently, the unions became somewhat coercive. The activities of trade unions are at present generally restricted to making unilateral demands for wage increases and better
amenities. In order to play a meaningful role, trade unions should adopt a policy of greater understanding and should direct their efforts towards increasing productivity, reduction in wastages, rationalisation of methods of working and economising working expenses. All this can be possible to a large extent with their active and sincere cooperation. Efforts to solve the disputes should be made on the unit level itself, by presenting the same before the management direct rather than going to the Government by passing the established norms. This brings in an element of indiscipline. Proper forum of sorting out these differences lies in the creation of grievance committees, which should be set up at all unit levels. Help from existing forums like Works Committees and Joint Management Councils should also be sought sincerely. Their advice must also be sought at the time of drafting the rules and framing of Standing Orders.

SERVICE CONDITIONS

In a socialist society the State has an important role to play for according suitable protection to the workers while this can be done in a number of ways,

the legislative measures prove more effective than others. Government has to intervene to protect the workers interest by regulating and improving hours of work, night shifts, rest intervals, lunch breaks, sanitation, humidification, ventilation, cleanliness etc. Thus, for ensuring their proper standards, service conditions must be carefully framed. In this context it is sad to find that terms of employment have been given very little emphasis in the system of industrial relations as a result of which industrial peace has been imperiled on many occasions. Peace in the industry is susceptible to minor irritants and when they are allowed to perpetuate things assume larger proportions engulfing the whole industrial atmosphere.

With a view to eliminate these irritants efforts all over the world have been undertaken to regulate the service conditions. The Passing of the Industrial Employment (Standing Orders) Act of 1947 in India is a natural corollary of this policy. The Act seeks to remove a certain number of causes of industrial disorder. This purpose is worked out in two ways. First of all certain measures are taken to prevent misunderstandings. Secondly provision is made for quicker and surer settlement of disputes when they actually occur.

On the pattern of the Central Act, Jammu and Kashmir Industrial Employment (Standing Orders) Act was passed on 24-3-1960. Under the provisions of the Act, all establishments employing 100 or more workers are required to define precisely the working conditions of service of workmen and make such conditions known to them. The Labour Commissioner was appointed by the State to act as Certifying Officer. Though the Act was passed in 1960 no rules under it were certified during the period under review. This reflected that the government intervention was half hearted as a consequence of which the pace of evolving a sound labour and management relationship suffered a setback.

PROVISION OF CONCILIATION AND ARBITRATION FACILITIES

For the maintenance of industrial peace, State intervention is more pronounced. In all forms of Governments, peace in the industry is maintained and improved both by legislative and voluntary measures. This is necessary especially when the process of industrialization is still at an evolutionary stage. State intervention becomes the best guarantee for securing industrial peace. Thus, measures like conciliation arbitration and adjudication become the effective weapons for dealing with the labour problems.

The notions of conciliation and arbitration have already been encountered in connection with practices established in the voluntary arrangements. The State has also contributed but only a few experiments have been made towards this end. The process of conciliation and adjudication began with the passing of the Jammu and Kashmir Industrial Disputes Act which came into force in 1954. The Act provides the following machinery to enquire into the causes and circumstances of a dispute and to help generally in settling of disputes.

WORKS COMMITTEES AND JOINT MANAGEMENT COUNCILS

The works committee remains an important part of the system of industrial relations. It consists of representatives of workers and employers. It provides a very good forum for the negotiations on bilateral basis to sort out the causes of friction and tension arising out of day to day work. The setting up of the works committees is considered a sound measure for prevention of industrial disputes. Though not obligatory in all industrial establishments, the Act authorises the Government to order its constitution in any establishment employing 100 or more workers. The purpose and function of the works committee has been described as "It shall be the duty of the Works Committee
to promote measures for securing and prescribing amity and good relations between the employer and workmen and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.1

The passing of the Jammu and Kashmir Industrial Disputes Act, provided a good opportunity to the employers and employees to thrash out their differences through bilateral negotiations. Consequently, works committee came into existence in few eligible units like Government Silk Factory, Government Woollen Mill, Government Joinery Mill and Government Silk Weaving Factory. However, it is sad to observe that the committees/councils have failed to gain much favour from either side. The institution of the labour welfare officer appears to have obliterated the need of these committees. With a view to make the works committee a fruitful forum, it is suggested that the same be re-activated. Efforts should be made to enlist the support of the workers and they be educated on its utility and effectiveness. Works Committees in all the Public Sector Units be formed and to facilitate its formation necessary amendment should be made to the Act. Since the average daily employment

in most of the units is less than 100, the works committees

It follows, therefore, that the existing forums of improving the industrial peace have not proved effective. Hence there is a greater need for strengthening these organs. The State has to take more initiative and interest in their effective functioning. Government should make sincere efforts in popularising these forums with workers support.

COUCiliation, ARBITRATION AND ADJUDICATION

When works committee fails in its bid to resolve the dispute between the parties concerned, at the plant level the next step that follows in the ladder is conciliation.

The Conciliation Officer who in the case of the State is usually the Labour Welfare Officer, has no authority to dictate a solution to the dispute. His office is to help the opposing parties reach a settlement by mutual agreement. The State appoints the Conciliation Officers for mediating and promoting the settlement of industrial disputes. The settlement by Conciliation Officers has legal validity. In case of failure to bring parties to settlement he submits a report to the government which in return either rejects it or refers the dispute for adjudication. The government has appointed all Deputy and Assistant Labour Commissioners as Conciliation Officers within their respective local
units of jurisdiction.¹

Conciliation machinery has generally given satisfaction to the disputing parties. However, the machinery needs to be augmented particularly in the cities of Srinagar and Jammu where the number of factories is larger. The officers appointed as conciliators should possess sufficient industrial background.

With a view to enforcing settlement of disputes expeditiously extension in time limits should not be normally sanctioned, except in very special circumstances. Settlement of disputes within the time limit should be watched by next higher authority and for this purpose periodical progress reports should be called for and disciplinary action taken in case it is found that reasons for delay are not justified. However, when conciliatory efforts fail matter is referred to adjudication:

ADJUDICATION

As pointed out above when an industrial dispute cannot be solved by mutual agreement, the solution may be found in submitting the dispute to the decision of a third party having official or judicial status. This

process is called adjudication. In case the third party has no official or judicial status the process would be known as arbitration. Arbitration is generally initiated by mutual agreement of the two parties who select the arbitrator or arbitrators, who derive the authority from the agreement of the two parties. This is known as voluntary arbitration. Arbitration may also be of compulsory nature when the law requires the dispute to be submitted to arbitration. In this case the decision of the arbitrator has the force of law.

However, when the solution to an industrial dispute is given by a court, the process is known as adjudication. Special courts have been constituted in many countries of the world to deal with labour problems. The purpose of industrial adjudication in special courts is to provide quick and permanent solutions and to avoid costly and prolonged legislation. In India the bodies constituted for industrial adjudication are the Labour Courts, Industrial Tribunals and the National Tribunals.

Conciliation, arbitration and adjudication have not made much imprint on the system of the industrial relations in the State of Jammu and Kashmir. Although, the State has the powers to intervene, yet occasions for such intervention rarely arise. None of the three provisions has been put to trial despite the fact that
the concerned parties appear to be aware of the efficacy of the same. Management has rightly accepted that "while we have had no experience of voluntary arbitration, it is a welcome step as it will create confidence and self-reliance both in management and workers and will also encourage collective bargaining. It would be better if voluntary arbitration is settled at the level of the Central Trade Union. Establishment of healthy industrial relations would demand voluntary arbitration even in collective agreement, but it may not prove helpful in all cases such as strikes and lockouts, or enhancement of wages. In such cases compulsory arbitration would be more desirable."1

The above observations clearly reflect that the management wants the State to play a positive role in this behalf. They would like the Government to intervene at all modes of resolving the disputes of various nature.

LABOUR TRIBUNALS

Labour Tribunals have become an important feature of the system of industrial relations in the State. However, considerable time is taken in resolving the issues. Cases remain pending for several years before the Tribunal. It is sad to observe that the workers have

not been able to get justice from the tribunals as the employers use their social influence and material resources and have a pull over the administrative and legal machinery.\(^1\) The purpose of the tribunal is to provide quick and permanent solutions and to avoid costly and prolonged litigation. It should, therefore, expedite matters and eliminate red tape. There is a suggestion on the part of the management that appointment of Judges on the Industrial Tribunals should rest with the State Law Department. This however, will make no change so far as the elimination of red tape is concerned. However, judges having an adequate background of labour laws should be appointed. The present trend of treating the labour cases as ordinary civil cases should also be altered.\(^2\)

Besides, the above legislative measures, the State intervention can also be seen from its official machinery. The institution of Labour Welfare Officer is one such example.

**LABOUR WELFARE OFFICERS**

The institution of the labour welfare officers at the unit level remains by far the most important

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feature of the present system of industrial relations in the State. In view of the slow tempo of industrial activity, the institution of the labour welfare officers has also proved successful to a great extent. They play an important role in maintaining liaison between labour unions and even in some cases with some individual workers and the management to resolve the mutual disputes. However, with a view to play a more effective role, labour officer should thoroughly examine the cause of dispute when the same arises, consult labour unions and management about their respective views and make recommendations in accordance with the standing rules/orders. His recommendations should be honoured both by the labour and the management. However, care should be taken in the matter of their appointment. Persons with a good industrial background and possessing a deep insight in the human psychology, should only be appointed on such posts. Presently by virtue of their inferior status they feel small before the management. Consequently, they/handicapped in prevailing or impressing upon the management executives, with the result that more often that not their advice is considered just a superficial one. Persons of integrity if appointed on these jobs would take care of this flaw.

Various ways in which the State has sought to provide conciliation and arbitration facilities have been examined. They have been designed essentially to support the voluntary system. There can be no doubt that conciliation procedures are beneficial to industrial relations. The two sides become accustomed to meeting and discussing their difficulties in a responsible fashion. The danger of strikes and lockouts is thus reduced. The process increases the chances should arbitration still be necessary, of acceptable awards by reducing the initial margin of difference between the parties.

As the system of industrial relations is in a developing stage, greater emphasis should be laid on conciliation procedure. Recourse to arbitration, especially compulsory one, should be avoided as far as possible, as it will retard the use of conciliation procedures and other features of the traditional machinery for negotiation and discussion. Since arbitration is likely to "split the difference" to some extent the possibility of its being invoked may make employers less likely to make any other offer in response to a claim. Arbitrators may be under strong pressure to arrive at solutions which are likely
to be accepted rather than solutions based on logical and objective analysis of the facts. 1

Since arbitration complicates the problems, no effort should, therefore, be made to plant this procedure to the system of the industrial relations. However, where its use becomes imperative, a diluted form of arbitration be tried. But, it should never be allowed to develop at the cost of the decay of traditional methods of conciliation and collective bargaining.

PERIOD BETWEEN 1953 TO 1964

The period between 1953 to 1964 witnessed the growing State intervention in the system of industrial relations which is reflected in the enforcement of some other laws, like Jammu and Kashmir Factories Act, Jammu and Kashmir Payment of Wages Act, etc. With the passing of these laws areas of conflict arising out of the working conditions and wages have thus been lessened to a great extent. The Factories Act empowered the Government, to regulate the working conditions in the factories. Unsatisfactory working conditions, not only impair the efficiency of the workers, but also spoil the system of industrial relations. Bad working conditions cause

irritations and make the factory life fatiguing and irksome. The State thus intervenes to ensure that workers perform their operations in a congenial atmosphere free from all hazards and perils.

Modern labour standards specify that the workers should not be required to work for too many hours in the day with no interval for rest. A minimum of one day's rest in a week is also a standard. These standards are applied to India as well as to the State. Restrictions have been imposed on over time as well. Employment of women, children and adolescents has also been regulated under the Factories Act. With a view to providing normal healthy working conditions provisions with regard to drinking water facilities, sanitary facilities, proper ventilation, cleanliness, precautions against unhealthy humidification and over heating etc, have been laid down. To ensure this, all District Medical Officers of the State have been appointed as Certifying Surgeons and for the administration of the Act, the Labour Commissioner has been appointed Chief Inspector of Factories with his assistants as Additional Inspectors. Apart from these measures a democratic State should also be interested in improving the efficiency of the workers. Towards this end, Government should intervene and provide adequate recreational and welfare measures.
Thus, to alleviate the severity of the workers' work situation, launching of welfare measures in the factory have become necessary under the provisions of the Act. Accordingly, facilities for washing, first aid, canteen, lunch rooms, etc. must be present inside the factory premises where the situation so warrants. Workers' health and safety has become the greatest concern of all the democratic states in the world, especially when modern technology has made his life more hazardous than before. Hence, to ensure the safety of the workers, standards have been evolved under the Factories Act. State participation in regulating working conditions has minimised, if not eliminated to a large extent, the causes of discontentment among the workmen. Moreover, the employer and the employee relationship has also been affected owing to arbitrary wage cuts. This was most inhuman on the part of the employers to resort to such malpractices. With a view to meet the ends of justice State intervention in this sphere became an urgent necessity. The law to this effect came very late in the State. However, it is gratifying to observe that the Payment of Wages Act has now been enforced in the State.
The State participation, through this Act is primarily concerned with procuring prompt, complete and regular payment of wages to industrial workers. Aimed to do away with certain abuses connected with the payment of wages, the Act thus regulates the wage payments and prohibits the arbitrary cuts. It requires that a fixed wage period be established and adhered to. It also prescribes set limits within which payment must be made and insists payment on a working day, besides, establishing responsibility for the payment of wages. Further, the Act, regulates imposition of fines and sets limits on the amounts of deduction. It provides for prompt settlement of claims without recourse to a court of law. To ensure all this, the law provides for inspection and enforcement.

Thus, with the help of this Act the State prevents irregular or deferred payments, evasion of payment, fraudulent payment, unfair fines and other unfair deductions. Finally, the law prevents the burden of legal proceedings from falling on the aggrieved worker.

In this context the period was remarkable in so far the State intervention in the field of labour is concerned.

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Towards the close of the year, the State witnessed unprecedented upheavals as a result of the temporary theft of the Holy Relic. The people's upsurge culminated in the overthrow of the regime which had conditioned the labour policy on political-economic basis and had corrupted the labour movement to the core. Though a series of legislative measures were passed during that regime but no sincere effort was made to allow the movement to come up to its own. Labour leaders seemed helpless before the political bosses and never tried to raise the issue before the all powerful rulers.

The new regime, which emerged under the impact of the mass uprising though appeared theoretically progressive but failed to put its theories to test. However, the change in the leadership proved beneficial for the labour movement. It was no longer compelled to become the organisational unit of the ruling party. Consequently, the movement got a separate and independent status.

The new regime made many rosy promises to improve the lot of the workers as also to safeguard their interests. It accepted the principle underlying the Bonus Act, but did little to enforce the same. It promised the reorganisation of the labour department and holding a
labour conference and extension of the Central Labour Laws. It is sad to note that none of the promises were kept by the State. However, the appointment of a Tripartite Standing Committee was the only achievement of the State during this period. The period thus witnessed a thaw in the field of regulating labour management relations. No new legislation was attempted but rules under the Jammu and Kashmir Industrial Employment Orders were passed to regulate the service conditions in the factories employing 100 or more workers. This was in fact, a significant achievement of the State's participation in the system of industrial relations as it regulated the service conditions of the workers of the public sector units, from recruitment to the termination of employment.

**TERMINATION OF EMPLOYMENT**

State intervention in this field is of quite recent origin. It has been derived from a desire to provide more dignified conditions for termination of employment than the voluntary system has so far itself evolved. Perhaps more significant has been the realization that at times of rapid industrial change and different growth rates for different industries, it is essential

that labour should be mobile between jobs if economic advance is not to be inhibited. The State has thus felt it necessary in default of voluntary system, to provide conditions so that industrial change is not impeded by excessive concern by the workers to hang on to their jobs on the one hand and by employers to hang on to their labour on the other.

The first experiment in this connection came in Britain with the contracts of Employment Act of 1963. In India its advent was made in 1947 when the Industrial Employment (Standing Orders) Act was passed bringing within its purview Termination of Employment clause among other measures for preventing the industrial disorder.\(^1\)

Clause 16 of the Order No. one of 1963 of the certificate of the Standing Orders of the State provides one month's notice in writing or one month's wage in lieu of notice for terminating the services of a permanent workman. However, for service termination the cause must be sufficient. The services of probationers, badlies temporary apprentices and casual workers are liable to be terminated without any notice or any pay in lieu thereof.\(^2\)

With the certification of the Standing Orders which came into force on 24th day of September, 1969 major and varied irritants arising from classification of workers, their attendance, age, publication of wage rates, holidays and pay days, shift working attendance, late coming, leave, transfer and promotion, general discipline, action for misconduct, termination of employment, retirement gratuity etc. have been properly identified and remedied.

No other significant event having an impact on the system of industrial relations in the State took place during this period, despite the persistent demands from the labour unions. However, September 1971 was the most significant year in the history of labour management relations of the State of Jammu and Kashmir.

Period from 1971 onwards

By this time, the pace of industrial activity had gone up and an organised labour force had emerged on the industrial soil of the state. Labour unrest was manifesting itself though in a subdued manner. Prices were going up and labour was being affected adversely. As a consequence of the progressive integration of the State with the Indian Union in recent years more measures were taken to bring the advantages of the democratic
institutions to the common man in the State. With a view to widen the scope of the legal rights provided to labour under the State Laws and to make available to them the rights and facilities enjoyed by labour in other parts of the country, a number of Central Laws were extended to the State from September 1, 1971. With the passing of these laws for the first time, the government intervention in the regulation of labour-management relationship became more effective and meaningful. A detailed discussion of the laws has already been dealt with in Chapter II.

Hence with the passing of these Acts, demand of the workmen has been met to a large extent. Labour has fought for long for the introduction of these laws. It has also invoked the State intervention in diversified aspects of labour's life and has removed many irritants that had clouded the industrial atmosphere of the State for a long time. State intervention in the system of industrial relations is further reflected from the study of the following:-

STATUTORY WAGE REGULATION

Modern efforts at statutory wage regulation derive from

their origin from the last 20 years of the nineteenth century when mounting dissatisfaction was felt by liberal minded people of all political shades with the wretched conditions of employment prevailing in certain sweated industries and trades. The ordinary process of worker organisation seemed helpless to improve the situation. Investigations and enquiries established the horrors of the situation and eventually legislation was passed in 1809 in the Great Britain. In India the Act came into force in 1948 and the need to extend this act to the State of Jammu and Kashmir was realized only in 1971.

Again, the Minimum Wage Act thought in many respects like the Payment of Wages Act, was introduced at a very late stage in the State. This Act is concerned with a different class of workers who are less organised and where regulation of wage payments is difficult. Under the provision of the Act the government guarantees to workers at least minimum standard of earnings. Further,

2. Ibid., p. 119.
it prevents exploitation of the workers. It fixes minimum rate of wages (a kind of floor wage) and makes it obligatory on every employer to pay the same rate. The law also provides for appointment of an authority for hearing claims arising out of payment of wages less than minimum rates. For enforcement of the Act, the State has appointed wage inspectors. Thus, it provides an effective weapon to the State to protect and safeguard the interest of the workers. However, its proper implementation is essential.

NEW APPROACHES

Wage Policy

With the technological developments, labour becomes exposed to newer and stiffer types of hazards, for the redressal of which State intervention on new lines becomes imperative. Thus, with a view to improve the climate of industrial relations governments throughout the world, have given emphasis to attempts to influence the process of wage determination. In Britain these efforts date from the Second World War, when in 1941 Government published a white paper.

While in India policy on wages came into existence in 1947, but the same was non-existent in the State of Jammu and Kashmir. Consequently wages were determined on the basis of the rule of thumb. Wage differentials and wage inconsistency was thus rampant on a big scale. Personal considerations motivated the pay revisions. Steps to arrest this trend were made only in 1973. The extension of the Minimum Wages Act enabled the Government to take a rational and scientific view of the whole question of wages and its structure. Accordingly, a wage committee was appointed in 1972 with a view to rationalize the wage structure and link the same with productivity. The committee was required among other things to suggest norms for fixing minimum wages as also suggest the new industries for inclusion in the schedule. The committee's findings as well as recommendations have been examined in Chapter No. IV. The appointment of the committee was commendable as it opened a new chapter in the history of Industrial relations of the State.

It enabled the Government for the first time to remove anomalies in wage rates by taking a rational view of the whole question of wage fixation. Thus, State intervention in this field led to the fixation
of minimum wages in many industries of the State and many more were recommended for inclusion in the schedule of the Minimum Wage Act. With a view to give effect to some of the recommendations of the wage committee, the State passed orders on 21-4-1973, fixing the normal wage at Rs. 5.25 per day for the regular unskilled worker. Government order granting holidays with pay gave a fillip to the system of industrial relations and with this State intervention in wage determination was hailed by all the concerned parties. A major area of the system of industrial relations which gets polluted owing to wage disputes, has thus seen covered.

Another significant achievement that took place during this period was the extension of the payment of Bonus Act over the State. It provides for payment of bonus to all employees (other than apprentices) drawing a salary/wages not exceeding Rs. 1600.00 per month. Prior to the passing of the Act, bonus was being paid on arbitrary basis but after the enforcement of the law statutory bonus became the rule. While the payment of bonus has become increasingly prevalent among industrial and commercial establishments it has at the same time given rise to many industrial disputes. There has also

been the problem of disparity between firms which are paying bonus and those which do not pay. Thus, in order to introduce a certain uniformity in the bonus situation and to settle a number of industrial disputes the Government of India in 1956, first issued the Payment of Bonus Ordinance, and then enacted payment of Bonus Act.\(^1\) The State followed the suit, though late, and regulated its payment. Consequently, all public sector units are now paying the statutory bonus to their workers. Payment of bonus was an old demand of the workers and had embittered the cordial relations between the employers and the management. With the enforcement of the Act the position has changed for the better.

**THE EMPLOYEE’S STATE INSURANCE**

An important function of the government in the modern society is to provide the worker with security against the risks of ill-health, accident, old age and temporary unemployment. While full employment can greatly increase the economic strength of the worker, it cannot protect him against the many risks of temporary employment.

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loss of the income to which his dependence on the sale of his labour exposes him. Moreover, modern technological innovations have made the life of the workers more hazardous than ever before, and consequently his demand for security against such risks has always attracted the attention of the government. Before the advent of State scheme of insurance, many working class organisations, trade unions, friendly societies and clubs provided some measure of security through voluntary contributions. The workers income is hardly sufficient to enable him to provide an adequate margin of security. Hence the State's intervention has become essential.

In this respect, the principal social security measure framed by the government of India is the Employees State Insurance Act of 1948. The Act provides setting up of an Employee's State Insurance Corporation which administers the scheme of benefits provided for in the Act. The working of the Act is administered by a corporation which is a semi-autonomous body. It raises its funds from grants, donations, gifts, employer's contribution based on wages paid and contribution deducted from the wages paid to the workers. The Act provides the workers with a number of benefits viz., cash benefits in the event of sickness, disablement or

maternity benefits and employment injuries etc. Subsidiary benefits such as artificial limbs, denture and eye glasses are also provided to the deserving workers.

The urge to protect the workers against such hazards came to the State very late even after the achievement of freedom. It was only in 1971 that the Employees State Insurance Act of 1948 was extended to the State.

The Act is one of compulsory State insurance providing for certain benefits in the event of sickness, maternity and employment injury etc. While the Act is administered by the Central Employees State Insurance Corporation, the State Government takes the following action:

1. Appointment of Administrative Medical Officer and ancillary staff to administer the scheme.
2. Setting up of Employees State Insurance Dispensaries and arrange beds in hospitals for insured workers.
3. Appointment of Medical Officers (Specialists) Part-Time and para Medical Staff in such dispensaries. However, the scheme is yet to make its impact felt. Effective implementation of the scheme is need of the day and should, therefore, be properly implemented.

PRODUCTIVITY

In all the countries of the world efforts have been made to launch the productivity drives. This is very much needed as the good of people lies only in the increased production. The need to do so is all the more important so far as the developing countries are concerned. But the increase in production cannot be thought of without the active involvement of the State, which should provide necessary climate for this. Suitable schemes need to be devised for involving the people at all stages of economic development.

However, with a view to achieve increase in productivity, it is essential to apply the terms like activity, energy, application, drive, initiative to the human conditions as the human donkey requires either a carrot in front or a stick behind to goad it into activity. Work, and indeed hard work, is necessary in a world where the satisfaction of human needs depends upon production. While agitating for improving the workers' wages and working conditions, it is necessary to bring home to the workers that the country's salvation including their own lies in production and more production. While the good of the worker as well as the State lies in the increased production, no scheme aiming at this would succeed.

until it has the support of workers at all levels of organisation, in appropriate joint bodies. Viewed in this context, it is gratifying to note that the workers of the public sector units of the State are generally in favour of the schemes aiming at increased production. The industrial wage committee has rightly pointed out that "there is a climate of opinion and a precedence of practice in form of productivity - oriented approach." 

Since the trade unionism is still free from militancy and emotional motivations, the State can take full advantage of it. It should, therefore, explore possibilities of introducing work studies in collaboration with workers unions at the industry level. This is the time to initiate intensive discussions on incentive schemes and other relevant labour management issues and to attempt to build up a participative type of management skill. This is also the time when a long term planning of industrial relations can be initiated. An essential condition of success to achieve higher productivity is to have a large measure of agreement with the labour by establishing sound labour management relationship. "Until the spirit of partnership becomes

2. Ibid., p. 15.
the spirit of industrial relations, conflict as to the division of the existing product of industry obscures the need for cooperation towards greater productivity out of which alone can come any real advance in material prosperity."

With the advent of freedom the State of Jammu and Kashmir is at the political and economic cross roads. The State has adopted 'Naya Kashmir' for reconstruction of its economy, and if it wants to reach that goal, then it is necessary that all the three parties the State, employers, and the employees go together on the road to socialism. Failure to do so by any of the three parties will put the vehicle out of gear.

CONCLUSION

From the above discussion it clearly follows that State intervention in the system of industrial relations is increasing with the pace of industrialization. As industrial activity goes on accelerating, it brings in its wake a variety of evils to which the worker becomes exposed. The worker in many cases is unable to protect himself from such perils. Even in

Combination with his fellow workers, he fails to protect himself before the rich, powerful, educated and resourceful employer. These and other reasons have forced the State not to allow the labour to fall an easy prey into the clutches of the employers.

In western countries the State performs a twofold function in industrial relations. First, it maintains a balance between the freedom of private ownership of property and the freedom of industrial worker. In different countries and at different times the balance has varied, depending upon the attitude taken by the State and ultimately upon the relative strength of different political forces. Thus, it shows that State intervention is present everywhere and in all types of political organisation, State contributes its share towards the system of industrial relations.

It is encouraging to find that the State of Jammu and Kashmir has realised the necessity of having a satisfied committed labour force. For this purpose the State intervention in the right direction is needed. It should however take steps very carefully and need not copy necessarily all that has happened or is happening in

other parts of the world. Prof. Kirkaldy has rightly observed that "though some of the fundamentals of industrial relations are common to all countries and at all stages of industrialization, it is important to avoid a slavish imitation of the methods and procedures of examining other peoples and other times without first whether the methods and procedures are the best suited to the stage of industrial and political development of a particular country or State."¹

Legislative enactments, no doubt, have enabled the worker of the State, to secure a charter which can be of great help in removing his grievances and raising its standard of living without resorting to a show of force. But it would be too much to think that enactment of Industrial Legislation alone will do the trick, by resorting to panel provisions for the human factor is so predominant in industrial relations that unless problems are tackled on the psychological rather than on the legislative plane, there is always a danger of misunderstanding and mistrust even with the best of motives."²

Thus, the foremost task to effect a radical change in the climate of industrial relations in State, is to define as precisely as possible the role of the third party which is the State. While in some cases the role of the State may become imperative, efforts should be made to settle all industrial issues on bilateral basis rather than on tripartite level. The State may thus be entrusted with the following jobs and leaving rest of the field of industrial relations free for bipartite communication and negotiation. The State's field may include:

(a) Recognition and registration of the trade unions.
(b) Mediation and arbitration only when collective bargaining fails.
(c) Productivity bargaining.
(d) Participative management and
(e) Personalised human relations.

Since the system of industrial relations is passing through an evolutionary stage, efforts should be made to mould the system on sound lines. Efforts to evolve best traditions at this very stage are greatly called for. However, in order to know the extent of
effectiveness of the State intervention in the labour problems it becomes necessary to take a stock of the present level of State involvement in the field of labour. Accordingly, a case study of the workers of the Government Silk Factory, Srinagar, has been attempted in the next chapter.
Chapter VI

CASE STUDY OF INDUSTRIAL RELATIONS IN GOVERNMENT SILK FACTORY - RAM BACH SRINAGAR

HISTORICAL BACKGROUND OF THE UNIT:

A brief review of growth and early developments in historical perspective is necessary for an understanding of the management—labour problems involved in the sample unit. With this in view, the historical background of the Government Silk Factory which constitutes a unit of the Jammu and Kashmir Industries Limited is given hereunder:

Kashmir has distinctive characteristics of its own. Its salubrious climate coupled with good soil and natural irrigational facilities, render it most suitable for sericultural activities. This fact has been acknowledged even by the top most experts of Japan.

Sericulture has been practised from times immemorial for which individual evidence exists in so far as certain rituals of Hindus dating from Vedic times are concerned. In these rituals branches of the mulberry tree are regarded
as scared and are used for religious purposes even to this
day. The reverence shown to this tree, was the outcome of
people's zeal for and dependence upon Silk Industry. 1

References of Kashmir Silk are found in Mahabartha
which indicates that silk in Kashmir was produced from very
olden days. Historic reports further lend support to this
that indigenous Silk worm races existed in Kashmir even
upto 1837. "When one Captain Button is said to have exported
several thousand ounces of silk worm eggs to Europe." 2

RE-ORGANISATION OF THE INDUSTRY

Sericulture Industry is the oldest industry of the
State. It was organised on the present lines in 1892 A.D.
in Kashmir Division and in 1907 in Jammu Division. 3 The
working of the industry can be divided into the following
three parts:

(i) Mulberry cultivation
(ii) Bearing of Silkworm seed
(iii) Production of seed and reeling of silk in
steam filatures.

2. Ibid., p. 2.
3. By Courtesy of the Jammu and Kashmir Industries Ltd. A
cyclostyled report of Jammu and Kashmir Industries Ltd.
1963, p. 5.
The industry till then presented an example of a single man's steadfast devotion and service in the course of industrial growth in this part of the country. Since that year, the state has been having monopolistic control over the industry.

The seed production wing produces silk worm seed and also gives technical assistance to the rearers during the rearing season. The mulberry culture propogates the mulberry and supervises rearings. The cocoons produced by the rearers are reeled by the filatures to produce raw silk.

The mulberry cultivation in the State is of tree type. The mulberry nurseries spread over all tehsils, cultivate grafted mulberry trees for a period of three years and distribute the same for transportation on canal banks, road sides, ravines, slopy mounds, on village commons and even on the borders of peasants fields. The whole expenditure for raising the plants in the mulberry nurseries is borne by the State. For after care, the department maintains a large number of mulberry watchers or guards who are responsible for seeing the plants properly maintained and protected till they are able to stand on their own. A list of Sericulture jurisdiction in Kashmir Division with the nurseries indicated against each is given in appendix VII.

The manufacturing activities are carried in Jammu as well as in Kashmir Divisions. In Kashmir the Government Silk Factory, is the biggest of all public sector undertakings and forms an important unit of Jammu and Kashmir Industries Limited a public sector enterprise. Situated at Ram-Bagh, on the main Srinagar - Aerodrome road, the factory employs the largest number of workers as compared to any other unit falling in the public sector of the state. Over the years, it has evolved, some traditions and has played a notable role in the freedom movement of the state. It is therefore, very relevant to study the pattern of industrial relations in this unit which has occupied a place of pride in our history.

**THE LABOUR FORCE IN SAMPLE UNIT.**

The number of workers in different sections of the sample unit as per roll-list at the time of investigation i.e. 1972-73, stood at 1248. For purpose of adequacy of the sample, percentage of sample labour was kept low as the number of workers in the unit was quite high.

The composition of personnel according to broad occupational groups in the sample unit during the years 1961-62 to 1973-74, is shown in the following table:-
Table No. 64

**Employment Status of Workers in Seed, Mulberry and Filature Units**

<table>
<thead>
<tr>
<th>Year</th>
<th>Manage-Supervisory</th>
<th>Clerical</th>
<th>Workers</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961-62</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,120</td>
<td>384</td>
</tr>
<tr>
<td>1962-63</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,120</td>
<td>384</td>
</tr>
<tr>
<td>1963-64</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,120</td>
<td>384</td>
</tr>
<tr>
<td>1964-65</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,184</td>
<td>384</td>
</tr>
<tr>
<td>1965-66</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,184</td>
<td>384</td>
</tr>
<tr>
<td>1966-67</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,184</td>
<td>384</td>
</tr>
<tr>
<td>1967-68</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,036</td>
<td>384</td>
</tr>
<tr>
<td>1968-69</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>2,036</td>
<td>384</td>
</tr>
<tr>
<td>1969-70</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>1,951</td>
<td>384</td>
</tr>
<tr>
<td>1970-71</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>1,910</td>
<td>384</td>
</tr>
<tr>
<td>1971-72</td>
<td>8</td>
<td>109</td>
<td>59</td>
<td>1,880</td>
<td>384</td>
</tr>
<tr>
<td>1972-73</td>
<td>3</td>
<td>76</td>
<td>27</td>
<td>1,248</td>
<td>110</td>
</tr>
<tr>
<td>1973-74</td>
<td>3</td>
<td>76</td>
<td>27</td>
<td>1,248</td>
<td>110</td>
</tr>
</tbody>
</table>

**Source:** By the courtesy of the Management of Government Silk Factory, Srinagar. ***

The above classification as given by the management reveals that there has been some important changes in the labour force. The labour force has actually declined. The decline is neither sudden nor steep but it is periodical and gradual. The reduction in the labour force is the result of the following:-

***Figures supplied by the Management in response to a Questionnaire prepared by the scholar for this purpose.***
(a) Fall in production of Cocoons, and
(b) Establishment of sericulture development wing.

Production of cocoons fall from 30 thousand mounds to 14 thousand mounds, and as a consequence thereof manufacturing activities were seriously hampered. Labour became surplus and the reduction in their ranks was inevitable. Thus according to an estimate presented by the Silk Factory Workers union to the wage committee the strength of labour was reduced from over 3 thousand to one thousand two hundred and fifty over the years.

Reduction in labour force is also due to the creation of a newly department namely Development of Sericulture Directorate in 1972-73. This department is charged with the responsibility of looking after two parts of silk manufacturing activity, namely, mulberry and rearing. For this purpose, some of the staff as well as the workers were transferred to the new organisation. Thus, the Factory was left with only 1248 workers to undertake the job of Filatures.

Another notable feature which the table indicates is that there has not been any change in the supervisory and clerical caders. Their strength remained unaffected. Normally, any reduction in the number of workers should have been accompanied by a corresponding fall in the number of

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1. An Urdu brochure issued by the Kashmir Silk Factory Workers Union and submitted to Industrial Wage Committee. December 1972, p. 4.
supervisors and clerks. This, did not happen but on the contrary their strength has increased as would be observed from appendix VII.

Thus, the employment of labour in the unit has been dependent on fluctuations in economic activity. But the proportion of permanent workers has remained more or less constant. This shows that the temporary and casual labour has not been able to get a permanent and regular chance.

COMPOSITION OF LABOUR FORCE

The labour supply depends on the pattern of labour demand. The labour demand refashions on growth trends in the economy. New employment opportunities result in the changes in the occupational distribution.

The regional mobility is very much less in the labour force of this state, than in other places. The workers of the State whether skilled or unskilled invariably prefer to work in a place either in the immediate vicinity of their village or town or rarely, if ever, outside the region to which they may belong. A worker from the valley does not like to go outside it and similarly a worker from the Jammu area considers it a punishment if he is transferred to the valley. Consequently, this tendency often poses serious problems when a skilled or unskilled worker is transferred from one region to another due to exigencies of work. The affected workers pressurise the management with the help of high ups for conciliation of their transfers.

The labour force in the State is very much agriculture oriented. They have not yet freed themselves from their agricultural roots and as a result of this there is considerable absenteeism during the harvesting and sowing seasons. This gives rise to varied problems in the operation of the industries in which they are employed.

**CLASSIFICATION OF LABOUR FORCE**

In the Government Silk Factory percentage of skilled workers in 1961-62 was over 38. The unskilled and semi-skilled workers formed a little less than 8.5 per cent and over 47 per cent respectively in the same year as is evident from the following table:-

**Table No. 6.2**

**Classification of Workers According to Skill**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Workers</th>
<th>1961-1962 (No. of Workers)</th>
<th>1971-1972 (No. of Workers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Skilled</td>
<td>810</td>
<td>718</td>
</tr>
<tr>
<td>2.</td>
<td>Unskilled</td>
<td>180</td>
<td>62</td>
</tr>
<tr>
<td>3.</td>
<td>Semi-skilled</td>
<td>1,000</td>
<td>1,100</td>
</tr>
<tr>
<td>4.</td>
<td>Apprentice</td>
<td>230</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>2,120</strong></td>
<td><strong>1,880</strong></td>
</tr>
</tbody>
</table>

**Source:** By courtesy of the Management, Silk Factory, Kam-Lagh, Trinagar. Figures supplied by the Management in response to a Questionnaire prepared by the scholar for this purpose.
The table indicates that in 1971-72 there has occurred a fall in the numerical strength of the total workers as well as skilled and unskilled workers. Interesting to note is that, the percentage of skilled workers to the total workers has remained in tact. In the case of unskilled workers, percentage has gone down from 8.5 to 3.3. Percentage of semi-skilled workers registered an increase. It went up to 58.5 per cent from 47 per cent during a decade. This clearly reflects that the brunt was bore by the unskilled workers. They became the target of reduction. It follows therefore, that this class of workers has no or least job security whereas skilled and semi skilled workers enjoy relatively better job security.

Further the table reveals that the percentage of apprentice workers has gone down. While in 1961-62, their percentage stood at 10 but in 1971-72 it reduced to merely .5 per cent, indicating that the apprentice scheme has not been able to find favour with the management.

During the investigation it was also noticed that production jobs of the workers are not classified according to the standard norms as skilled, semi skilled unskilled etc. It was found that each job has a name, as would be seen from a perusal of Table No. 6.4.

From the above observations it follows that the management has not made any attempt to classify the jobs according to prescribed norms. Consequently, ad-hoc pay
fixation prevailed in the factory. Hence the need to standardize the jobs as suggested by the Industrial Wage Committee is imperative.

CLASSIFICATION ACCORDING TO AGE AND SEX

Following table gives the composition of employees according to age and sex.

**Table No: 6.3**

<table>
<thead>
<tr>
<th>S. Age Group</th>
<th>1961-62</th>
<th>1971-72</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1. Below 18 Yrs.</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2. 18 to 25</td>
<td>230</td>
<td>Nil</td>
</tr>
<tr>
<td>3. 25 to 35</td>
<td>1800</td>
<td>Nil</td>
</tr>
<tr>
<td>4. 35 to 45</td>
<td>70</td>
<td>20</td>
</tr>
<tr>
<td>5. 45 to 55</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6. 55 and above</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Total** 2100 20 2120 1860 20 1880

**SOURCE:** By courtesy of the Manager Government Silk Factory, Srinagar.

The table makes some important revelations. No one below the age of 18 years is employed in the factory.

This shows that child labour is not in vogue in the unit.

In 1960-61, 10.8 per cent of the workers were in the age group of 16 to 25 years, as against 31.9 per cent in the year 1970-71. Thus, the number of young people has increased, which is a happy development. Bulk of the labour force fell in the age group of 25 to 35 years. In 1961-62, their percentage figure was 84.9 which, however, fell to 63.8 per cent in 1971-72, workers, falling under the age group of 35 to 45 years constituted a small percentage of 3.3 and 2.4 in 1961-62 and 1971-72 respectively.

A notable feature of this particular age group was that it contained a small percentage of women workers too. They formed .94 per cent of the total number of workers in 1961-62 as against .8 per cent in 1971-72 indicating that child and women labour is not very much common in this factory. The negligible proportion of the women workers attend the light job of cocoon sorting.

In 1961-62 no one was shown working in the factory having attained the age of 45 years and above. The number of such workers present in this age group in 1971-72 was 15 males and 5 females which is insignificant. This, is the period of supernuation when workers retire from the service of the factory after having attained the age of 55 years.

It follows, therefore, that the labour force in the unit comprises of young persons and is free from having old die-hard. This is a healthy trend so far as the productivity is concerned. It also shows that the younger generation has in course of time, opted for taking jobs in this factory.
Classification of labour force on the basis of caste has not been attempted. This was thought unnecessary because the entire labour force is drawn from the majority community.

**EMPLOYMENT**

**Recruitment and Induction**

The problem of industrial relations get start with the recruitment of employees. Hence, it is imperative for the management of a concern to device a scientific policy of recruitment which should be based on objective considerations. A proper assessment of the new recruits will help in reducing labour turn-over and absenteeism to a large extent. Viewed in this context, it is disheartening to find that the present policy of recruitment in the unit does more harm than good. It is based on extraneous considerations and is effected through:

(i) Introduction of existing employees and the trade unions, and

(ii) Advertisements so far as supervisory, technical and clerical personnel is concerned.

Recruitment of labour is guided by recommendations from various persons in authority, which is not quite often based on objective considerations. Consequently, indiscipline among the workers is rampant as they consider themselves above from the normal rules of discipline. Most of the vacancies are filled up with political motivations of either the Trade Union Leaders or the Political bosses. This gives
a chance to the management to take undue benefit out of
this defective policy of recruitment. They also induct
persons of their own choice.

Although, the present system has been in vogue from a
long time past, it is desirable that recruitment is made after
proper advertisement and interviews, particularly where skilled
workers have to be employed. Recruitment through employment
exchanges should also be encouraged.

Casual labour is not generally recruited in the factory,
though the management feels that it is sometimes advantageous
to do so as it minimizes legal liabilities as the recruitment
can be made as and when needed.

For training the workers and new recruits, the manage-
ment has set up a Sericulture Training Institute. This has
helped the management in training the skilled workers.
Difficulties in the recruitment of skilled and semi-skilled
labour is generally tackled by the introduction of in-plant
and apprenticeship training schemes.

The present system of recruitment is not a foolproof
nor is it free from malpractices. Besides, favouritism and
nepotism, it breeds corruption as well. However, the
redeeming feature is that the system is free from the evil
practices of jobbers and intermediaries. Recruitment through
jobbers and mistries was not reported. It appeared that this
type of institution is still to take birth in this part of the country owing to slow pace of industrial activity.

**WORKING HOURS AND HOLIDAYS:**

The factory runs on a single shift basis. Hours of work for adult workers have been fixed as per the rules of Factory Act 1961 at 48 hours a week and 8 hours a day. No adult worker is allowed to work for more than 5 hours without a rest interval of at least half an hour. Hours of work for children have been fixed at 4½ per day. Employment of children and women between 10 A.M. to 6 A.M. is prohibited.

**OVERTIME:**

With its huge accumulated finished stocks, the factory feels no necessity of asking the workers to work overtime. Thus, overtime work is practically absent in the mill. Moreover, the workers themselves do not appear to be very enthusiastic about the same. This is because of the fact that they are not paid at double the ordinary wages as and when called to perform overtime work. Secondly, they remain busy in their subsidiary occupations and avoid doing overtime work. Thus overtime work is neither favoured by the workers nor is provided by the management.

**LEAVE:** Leave is granted to the workers in accordance with the chapter third of the Jammu and Kashmir Factories Act of
1957, and as per the terms of any agreement or contract of service/custom or usage. A workman, is granted 15 days casual leave depending upon the exigencies and discretion of the management. In addition to this, 5 days special leave is also provided to the workers. This leave is intended to meet the special circumstances which cannot be foreseen. It is not granted for more than 3 days at a time except in case of illness of a worker. Extraordinary leave of one month without wages may also be sanctioned to workers at the discretion of employer for purposes which will include the following:

1. Pilgrimage

2. Prolonged illness

3. Education

Workers are entitled to leave with wages after 12 months continuous service or 240 actual working days in addition to weekly holidays. Leave with wages are payable at the following rates:

a) Adult: One day's wages for every 20 days work.

b) Child: One day's wages for every 15 days work.


In case the attendance falls short of the prescribed limit, there were complaints by the workers that their attendance seldom comes to the prescribed limit. As a consequence of this, most of the workers are deprived of their leave.

The workers are granted 5 more paid holidays in a year, of which 3 are National, 1 Gazetted and 1 Festival. 26th January, 15th August, and 13th July are National holidays. 1st May is celebrated as the festival holiday and the 2nd October as the gazetted.

Generally workers take leave due to sickness, social causes and family affairs.

Following the recommendations of the Industrial Wage Committee, the workers are now entitled to 4 paid holidays in a month. This facility did not exist before.

Leave to the supervisory staff is granted in accordance with the provisions of Standing Orders and Kashmir Civil Service Regulations.

**Labour Turnover and Absenteeism**

Statistical data neither in respect of labour turnover nor of absenteeism were available with the management. However, the workers reported that they absented themselves from duty occasionally. While they were not able to say correctly the days of absence in any particular period, they mentioned the reasons for absenteeism. Sickness, domestic, and social
obligations and religious ceremonies seemed to be the driving forces of keeping the workers away from the work. Absenteeism was also reported at its peak during harvesting and sowing seasons.

On the basis of discussions with the management the author has reason to believe that the management did not seem very much bothered about the problem of labour turnover and absenteeism. Management looked either indifferent or ignorant about the evil effects of the problem. This attitude of the management is not only lamentable but is also detrimental to the cause of establishing a sound relationship between the labour and the management.

WAGES AND EARNINGS

Workers of the Government Silk Factory are paid on daily wage basis on 4th of each month. The supervisory staff is paid on monthly basis. Piece rate system did not seem popular with the workers. Those who were interviewed indicated their preference for the time based rate.

At the time of investigation, it was found that wages were not fixed in accordance with the statutory requirements. It was depressing to note that the Minimum Wages Act was not in force. Wage fixation was an absolute discretion of the management who fixed wages according to their own whims. The whole issue of wage fixation appeared a game of tug-of-war between the labour and the management. It is arbitrary fixation thus resulted in the distortion of the wage structure.
Wages are paid in consolidated form which includes dearness allowance and other allowances. Dearness allowance has become an important growing component of basic wage rates.

Daily wages ranged from Rs. 4.32 to Rs. 6.39 in 1972-73.

The highest paid worker in the unit is spinner and the lowest is sweeper and waste cleaner as would be observed from the following table:

**Table No. 6.4**

Statement showing the labour strength and wage rates per day, plus, dearness allowance etc, paid during 1972-73.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Classification of Workers</th>
<th>No. of Workers</th>
<th>Basic wage per day</th>
<th>D.A. Interim relief</th>
<th>Total wage per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Spinners and Weelers</td>
<td>427</td>
<td>Rs. 3.44</td>
<td>Rs. 2.61</td>
<td>Rs. 6.05</td>
</tr>
<tr>
<td>2.</td>
<td>Testing Workers</td>
<td>3</td>
<td>Rs. 3.12</td>
<td>Rs. 2.61</td>
<td>Rs. 5.73</td>
</tr>
<tr>
<td>3.</td>
<td>Pump Driver</td>
<td>1</td>
<td>Rs. 2.93</td>
<td>Rs. 2.61</td>
<td>Rs. 5.54</td>
</tr>
<tr>
<td>4.</td>
<td>Dispensary Employees</td>
<td>2</td>
<td>Rs. 2.83</td>
<td>Rs. 2.61</td>
<td>Rs. 5.44</td>
</tr>
<tr>
<td>5.</td>
<td>A Class Workers</td>
<td>94</td>
<td>Rs. 2.80</td>
<td>Rs. 2.61</td>
<td>Rs. 5.41</td>
</tr>
<tr>
<td>6.</td>
<td>Workshop Workers</td>
<td>16</td>
<td>Rs. 2.75</td>
<td>Rs. 2.61</td>
<td>Rs. 5.36</td>
</tr>
<tr>
<td>7.</td>
<td>Pump House Worker and General Store Keeper</td>
<td>7</td>
<td>Rs. 2.65</td>
<td>Rs. 2.61</td>
<td>Rs. 5.26</td>
</tr>
<tr>
<td>8.</td>
<td>Men, Tailors, Boilermen, B. Class Workers, Dandidar, Bag men, wiremen, press boys, sweepers etc etc.</td>
<td>190</td>
<td>Rs. 2.50</td>
<td>Rs. 2.61</td>
<td>Rs. 5.11</td>
</tr>
<tr>
<td>9.</td>
<td>Weavers, Cooks, apprentices etc etc</td>
<td>497</td>
<td>Rs. 2.34</td>
<td>Rs. 2.61</td>
<td>Rs. 5.18</td>
</tr>
<tr>
<td>10.</td>
<td>Silk Store Keeper, Silk Sales Worker &amp; Pressmen</td>
<td>11</td>
<td>Rs. 2.33</td>
<td>Rs. 2.61</td>
<td>Rs. 5.17</td>
</tr>
</tbody>
</table>

...Contd....
## Classification of Workers

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Classification of Workers</th>
<th>No. of Workers</th>
<th>Basic Wage</th>
<th>Interim Wage Relief</th>
<th>Total Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>Wood Workers</td>
<td>8</td>
<td>2.19</td>
<td>2.61</td>
<td>5.02</td>
</tr>
<tr>
<td>12.</td>
<td>Waste cleaners</td>
<td>68</td>
<td>2.03</td>
<td>2.61</td>
<td>4.84</td>
</tr>
<tr>
<td>13.</td>
<td>Sorter and Nurse</td>
<td>7</td>
<td>1.56</td>
<td>2.61</td>
<td>4.32</td>
</tr>
<tr>
<td></td>
<td>Total Workers</td>
<td>...</td>
<td></td>
<td></td>
<td>1,321</td>
</tr>
</tbody>
</table>

**Source:** Compiled by the author on the basis of information provided by the management and the workers union.

The table gives the extent to which the wage rates vary in the factory. It also throws light on the classification of workers, which is most unscientific one. Each job carries a name.

The highest concentration of workers is seen in the basic wage group of Rs. 2.34. They formed a little less than 36 per cent of the total labour force employed in the factory and include weavers, cooks, santaries, casual cooks, apprentices etc. etc.

Those getting the highest wages constituted 32.3 per cent of the total labour of the factory and included only two types of workers namely spinners and weelers. Similarly those put in the lowest slab formed nearly .6 per cent of the total labour employed in the factory. Among the workers falling in this group are sorters and waste-cleaners etc.
Thus, it is concluded that the lowest paid unskilled workers gets a sum of Rs. 100.00 per month by working 22 days in one month. This is indeed a very low wage and no worker appeared satisfied with this rate. As the wages are fixed on daily basis, the question of increments does not arise.

**BONUS**: Bonus under statutory regulations is paid to the workers at the rate of 8.33 per cent of the basic wage in two instalments. The first instalment of 4 per cent is paid at the time of Id-ul-Fiter and the second instalment at Id-ad-Zuha. At the time of investigation the workers reported that the last bonus paid was in the year 1971-72 as per the schedule given below:

**Table No. 6.5**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Classification of Workers</th>
<th>Basic Wage per day (Rupess)</th>
<th>Bonus paid during the year (Rupess)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Spinner</td>
<td>3.44</td>
<td>60 - 64</td>
</tr>
<tr>
<td>2.</td>
<td>Sorter (A Class)</td>
<td>2.80</td>
<td>50 - 55</td>
</tr>
<tr>
<td>3.</td>
<td>Boilerman</td>
<td>2.50</td>
<td>52 - 56</td>
</tr>
<tr>
<td>4.</td>
<td>Sorter (B Class)</td>
<td>2.50</td>
<td>43 - 45</td>
</tr>
<tr>
<td>5.</td>
<td>Weaver/Cooks</td>
<td>2.34</td>
<td>45 - 50</td>
</tr>
<tr>
<td>6.</td>
<td>Waste cleaner</td>
<td>2.03</td>
<td>43 - 45</td>
</tr>
</tbody>
</table>

**Source**: Kashmir Silk Factory Workers Union. An Urdu booklet issued by the Union Office—December, 1972.
The table shows that the amount of bonus varies with the wage rates, depending upon the actual number of working days. More days of work implies greater amount of bonus.

Wage deductions have not been reported, except of course contributions to the provident fund. No other scheme like Employee’s State Insurance etc. is a vogue in the factory. In rare cases workers are fined and the amount of fines is deducted from their wages.

THE MAINTENANCE OF PERSONNEL

Transfer and Promotion

A definite system of transfers together with a well defined plan of promotions help to stabilize the working force. Lack of these procedures breeds hatred and creates misunderstanding. Consequently, industrial peace is disturbed and the pace of progress is retarded.

Transfer and promotion are two distinct things. In the case of former the shift is more or less lateral. Here the worker is moved to a position requiring a degree of ability and responsibility similar to that exacted by his former position. Promotion on the other hand implies vertical advancement to a position which requires a greater degree of skill and experience and imposes heavier responsibility.
As the problem of transfers and promotions relates to the problem of knowing the requirements of the job and the qualifications of the workers, it is therefore, essential to standardize the requirements and duties of the workers as also to classify them according to occupations and positions.

Viewed against this background, it is sad to observe that these essential tenants are more honoured in breach than in their compliance.

Rules of transfer as well as of promotion are given in the Standing Orders but these are hardly applied when the need arises. Standing Orders provide that, the employer may transfer a workman from one section to another, one department to another of the Industrial Unit provided that new placement:-

(a) "does not require special skill or previous experience.
(b) does not affect his wages adversely.
(c) is situated in the same town or village or within a radius of 5 miles. This does not apply to the various sections, differently situated of the same unit that is various nurseries of Sericulture Department."

As regards promotion policy, the Standing Orders make a brief mention of it. It says that "promotion to workman

shall be granted without discrimination and with due regard to objective standards of qualifications, efficiency and seniority."

The norms of transfer and promotion seem fairly reasonable. But what happens in actual practice, as reported by the workers is all too deplorable. It follows, therefore, that considerations which weigh heavily at the time of transfers or promotions are nepotism, favouritism and the like. Promotions and vacancies are filled up with political motivations. On the basis of my personal interview with the workers I have come to this conclusion that they are in general dissatisfied with the arbitrary character of transfer and promotion rules. Hence they favoured that a promotion scheme should be based on equitable and objective considerations serving as an effective incentive to initiative and enterprise. As such the management need to revise its policy taking workers into confidence.

**DISMISSAL AND DISCHARGE**

As pointed out earlier, data with regard to labour turnover was not available with the management of the sample unit. Consequently, it made the job of studying the extent of dismissals and discharges a difficult one. However, an attempt was made to go into the causes of dismissals and discharges. Thus, it was observed that workers are dismissed or discharged on the following grounds:

1) Insubordination
2) Indiscipline
3) Dishonesty
4) Corruption and
5) Gross negligence of duty

In this connection, the Standing Orders have laid down a detailed procedure for terminating the services of a permanent worker. For sufficient cause one month's notice in writing or one month's wages in lieu thereof is to be given either by the management or the worker. This provision does not apply to probationers, badlies, temporary apprentices and casual workers.

It follows therefore, that the rules of dismissal and discharge are just and in accordance with the recognised norms. However, some of the workers complained that political victimization and personal prejudices also hasten the process of dismissals or discharges, otherwise generally the management does not take recourse to these extreme steps because of political expediency and overtures.

RETIREMENT:

Workers in the factory usually retire at the age of 55 years as per the rules provided in the Standing Orders. Workers declared physically or mentally unfit for work by a certifying surgeon of the area appointed under the

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Factories Act, are retired before the superannuation age. A few retired workmen have been re-employed and in a few other cases extensions ranging from 6 months to one year were granted. This policy was defended by the management on the plea that the unit needed their skill and experience. This is not a sound practice. Management should arrange the training of its workers while the retiring workers are still in active service. Re-employing retired persons or granting extensions should be stopped in the interest of maintaining industrial harmony.

LABOUR MANAGEMENT COORDINATION

Labour management relations in the sample unit are generally cordial. Strikes are few and far between. In the event of any dispute all out efforts are made to settle the same at the unit level. The institution of Labour Welfare Officer is fully utilized. He plays by far the most important role in maintaining the industrial peace of the unit.

While the absence of industrial unrest is considered a healthy sign, it however, does not suggest that all is well in the factory. In fact, there are many labour problems. Government thinking that there are no labour problems is misconstrued one. Labour problems are the natural outcome of the factory system and they are bound to arise even in the most ideal conditions of work. Refusing to accept the realities, reflects government's ignorance and indifference towards the labour issues.
Investigations has revealed that the management as well as the labour has devised a novel way of resolving industrial disputes and very little help is sought or taken from the statutory and voluntary prescribed norms. By-passing and ignoring all the legally or voluntary recognised methods, the union leaders of the unit concerned rush to the minister concerned and settle the issues there and then. Problems of labour are treated and tackled in a fashion similar to those of the administrative problems. Works committee and Joint Management Council exist only in name. In fact they have failed to play an effective role in solving the labour problems of the unit.

LABOUR MANAGEMENT PARTICIPATION SCHEMES

WORKS COMMITTEE

Works Committee made a belated debut on the industrial scene of the factory. It was established only at the close of 1953. Bipartite in character, the committee consists of 10 members. Five of the members represent the interests of workers and the remaining five that of the management. Thus, the representation is on 50:50 basis. While the representatives of the management are nominated by the manager of the factory labourers elect their own from among their members of the union. The committee meets once in every month to discuss the day to day problems of the factory.
The committee is an advisory body meant to settle grievances, attend to welfare and safety measures for the workers, increase productivity and other matters of common interest. Records of the matters referred to Works Committee and decisions taken thereof are not maintained. In the absence of this information it could not be observed to what extent works committee has succeeded in its goal. However, the workers reported that all types of issues are referred to it irrespective of the fact whether they fall within its jurisdiction or not. They also reported that no major problem was ever solved by the committee. It was therefore concluded that formation of the Works Committee seemed more a fulfilment of the statutory obligation, rather than a strong vehicle for appreciating the mutual problems.

Following the Prime Minister's 20 Point Economic Programme after the promulgation of emergency on 26th June, 1975 efforts have been made to activise the role of works committee, with a view to making them more effective and meaningful. However, there appears an urgent need both on the part of the management as well as the labour to understand the efficacy of works committee in its true perspective.

**JOINT MANAGEMENT COUNCIL**

The concept of Joint Management Council is not very popular in the unit. The council came into existence in the factory as late as on 1960. Most of the workers were ignorant about its existence. Management also appeared
lukewarm about its role.

Besides Joint Management Council a Production Committee also exists in the unit. The Production Manager is its Chairman. Matters relating to production are debated and discussed in this Committee.

Grievance procedure committee, safety committee, sports committee, recreation committee are conspicuous by their absence. It was also noticed that the representatives of the workers in the various committees fail to exercise their influence on the representatives of the management. This is due to their weak bargaining position and ignorance. Workers have not been trusted with much administrative responsibility. In the Works Committee and Joint Management Council their role is that of a silent spectator. There is no safety committee which is essential. The procedure with regard to redressing the individual grievances is also not very satisfactory.

Viewed, as such, the working of the scheme of workers participation in management in this unit has not shown the desired results. Interviews with the workers in the course of investigation showed that they viewed the various committees with fear and suspicion and did not consider them of any practical value.

Under these circumstances, stated above, there is no wonder that the workers have often demanded their cases
to be referred to the Government authorities, mainly the Minister concerned for conciliation and redress of their grievances.

In response to the Prime Minister's 20 Point Economic Programme, the State Government has decided to appoint 1 worker's representatives on the Board of Management. This is a welcome step and would go a long way not only in improving and maintaining industrial peace but also in increasing the productivity.

CONCLUSION

A case study of this unit, which is one of the most important units in this study brings to light important conclusions that have a vital bearing on the industrial relations machinery in other similarly situated units throughout the State.

This unit presents the picture of labour management relations where most of the basic requirements for promoting healthy and smooth industrial relations are present but still the relations between the management and the workers, need further changes for higher productivity. The workers who were interviewed considered the working conditions in the factory generally to be satisfactory.

The presence of a good and strong trade union and the fact that the management for a long time was under Government control account for good industrial relations in this unit. Indeed, we can say that these two outstanding factors have been mainly responsible for maintaining industrial peace in this unit for over a long period of time.

Apart from the above factors which lead to good industrial relations in the unit, there are some factors which call for a change. The recruitment procedure is defective and unsatisfactory and the workers are not aware of any definite procedure for promotions and transfers. Wage policy is based on irrational structure and classification of workers is un-standardised, which needs prompt rectification.

With all the drawbacks pointed out in the foregoing paragraphs, this unit presents ideal conditions for good industrial relations. The need is only to bring about a change in the respective attitudes. The scheme of worker's participation in management is sound in theory but it should be implemented in the proper spirit. Works Committee and Joint Management Council should be activated besides setting up grievance procedure in the absence of which a healthy growth of good industrial relations will be difficult. Matters relating to wages and bonus should be
discussed in a round table conference of the employers and the employees. The question of Joint Consultation is a healthy ideological conception but there should be a sense of realism in this experiment. To achieve this both sides must know each other, have each other's information and a genuine desire to come to terms. Thus, a human and personal approach should replace the irrational approach to industrial relations which is presently evidenced in the Factory.
Chapter-VII

SUMMARY AND SUGGESTIONS

The study in foregoing chapters has been concerned with a critical analysis of: "Industrial Relations In The Public Sector Units of Kashmir", in the context of the following objectives:

(1) To study the development and pattern of industrial relations in the public sector units of Kashmir.

(2) To analyse the labour legislation,

(3) To review the growth and development of trade unionism,

(4) To examine the wage rates and wage structure,

(5) To trace the role of State viz-a-viz. industrial relations,

(6) A case study has also been made for a close analysis of the existing pattern of industrial relations in Government Silk Factory, Srinagar, with particular reference to employment, recruitment, hours of work, wages and earnings, maintenance of personnel etc.

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In this concluding chapter an attempt has been made to examine the extent to which industrial relations have achieved the broad objectives of industrial peace and productivity. A future line of action, to attain completely the stated objectives has also been laid down. For this purpose main findings are given in the following paragraphs of the existing relations in public enterprises of Jammu and Kashmir State.

Since the pace of industrial activity in the private sector received a serious setback due to lack of necessary inputs, the requisite climate for the growth of industrial relations system could not develop. Viewed against this background of industrial backwardness of the State and in the absence of any viable entrepreneurial class, the major task of accelerating the tempo of industrialization has to be accomplished by the public sector alone. Hence, it has assumed not only a crucial role but also a great responsibility. Over the years, public sector has emerged as a single largest employer. It controls 34 units out of a total of 228 employing 5,732 workers as against 6,056 employed by 194 units falling under the private sector.  

Thus, besides, being a pace setter, the public sector has to be a model employer as well. For this purpose, it is necessary that it should device sound traditions of industrial relations. While the success of public sector depends on varied factors, the scholar has reasons to believe that harmonious industrial relations will reflect on the total achievements of the public sector. As the public sector has to lay and strengthen the socialist pattern of society it should be pace setter and a model employer for the private sector also. It has to come up to the expectations of the poverty-striken people of the State. If it does not, there would fail the best hope of socio-economic transformation not only in the State but of the country as a whole.

Industrial organisations in all democratic countries envisage the active participation of both labour and management working in a mutual climate of trust and confidence; efforts should, therefore, be made to establish sound tradition of harmonious labour-management relations particularly at this evolutionary stage of industrial development. The need for this becomes greater in the case of public sector. Prof. Robson of the United Kingdom has rightly described it as "the gateway to a new society in which there would
be greater plenty and less hardship for the toiling masses, in which co-operation would supplant competition. ¹

It has been emphasised in this thesis that the growth of industrial relations is closely inter-linked with the process of industrial development. As the tempo of industrial activity increases the problem of industrial relations is bound to assume new dimensions. It, therefore, calls for an adoption of a policy which need be evolved and devised after due thought. Care must, however, be taken to avoid the wholesale imitation of the methods and procedures of other countries without first examining their utility in detail, in the light of local conditions and stage of economic growth of the State. Stressing the need to do so Prof. Kirkaldy of U.K. has aptly said, "Though some of the fundamentals of industrial relations are common to all countries and at all stages of industrialization, it is important to avoid a slavish imitation of the methods and procedures of other peoples and other times without first examining whether the methods and procedures are the best suited to the stage of industrial and political development of a particular country or state." ²

In the build up of industrial relations system labour legislation plays a prominent role. Its passage, therefore, becomes an absolute necessity. It not only affords protection to the labour from womb to tomb but becomes an effective apparatus to deal with labour management relations. Viewed in this context, it is disheartening to know that very little interest, perhaps deliberately, was taken by the successive regimes prior and after independence. Though, few laws were passed during the period of Maharaja's rule, they proved nothing but dead letters, for want of proper rules of implementation. Surprisingly, the attitude of the popular government was no different than that of autocrats. It is sad to know that they considered the enactment of labour laws as a futile exercise and completely unwarranted in the prevailing circumstances. Labour laws came to be regarded as luxury which the popular leader could not offer. As a consequence of which passage of labour laws was kept in abeyance on one pretext or the other. Thus, labour was left to its own fate with no protective umbrella.

Again, it is distressing to note that the State Constitution which should have taken care of the workers interests proved a stumbling block in the extension of
labour laws to the State of Jammu and Kashmir. Thus, for about 24 years of independent rule the lot of the labour could not be improved through legislative measures. However, it was a matter of relief that the constitutional bottlenecks were removed by extending entry 24 of the concurrent list of the constitution over the State which paved the way for introducing as many as 13 Central Labour Laws in the State on 1st of September 1971.1

However, mere passing of the labour laws will not improve the lot of the workers unless they are implemented both in letter and spirit. Hence, there is an urgent need to ensure their proper implementation. Further rules under the acts should be framed forthwith and for their effective implementation it is suggested that an Implementation and Evaluation Cell be set up in the labour department of the State. Further, the Cell should be abreast with the social, economical and technological developments, so that the enactment of labour legislation which is a continuous process is kept uptodate and in tune with the changing requirements of the workers. It is also suggested that the distortions and discrepancies present in the labour laws be removed.

Thus, before extending the Central Labour Laws to the State in toto, a proper assessment of the overall situation is necessary, otherwise no useful purpose would be served. All Central Labour Acts should, therefore, be properly modified and amended before the same are introduced in the State of Jammu and Kashmir.

Trade Union movement in the State has remained hitherto a stooge in the hands of political leaders, who more often than not utilized and exploited it for their own personal as well as political ends. Since the growth of trade unionism coincided with the growth of political movement, it became completely dependent on the support of political leaders, who viewed it no more than a wing of the National Conference - a premier political party of the State. Trade unions functioned as the Ward Committees of the political organisation, as a consequence of which they deflected from their real path and goal.

Though, the movement under the tutelage of the political leaders made some strides and obtained a few concessions, it could not emerge as a force to be reckoned with. Being, dependent on the political party and support, it became a victim of circumstances and
had to pass through many trials and tribulations, with
the political upheavals of the State. As a result of
which the movement grew weak both financially and
structurally. Organisationally it failed to emerge as
a separate independent entity. The only relieving factor,
however, is that it succeeded in making inroads in the
major public sector units. Though, their record of
achievements is not impressive, yet they have assumed
a great nuisance value.

Since the aim of the government is to establish
a socialist pattern of society, it presupposes, the
fullest involvement of people at all levels. This will
be possible only when trade unions are taken into
confidence. Besides, a sense of belonging should be
created in them so that they prove effective organs
for increasing productivity and maintaining industrial
peace.

Public sector units of the State are ailing from
many ills. Besides, being losing concerns, they are
mostly problem ridden. These problems can be mitigated
to a large extent if the management seeks their
cooperation and support.
It follows, therefore, that there is an urgent need to organise the workers on sound and effective basis. The public sector units have a dual role to perform in this behalf. If they are to emerge as model employers they must encourage the growth of unions on sound traditions and provide them a right type of advice, leadership and training. Till now the unit level unions of the public sector units have devoted their energies on solving preliminaries. They concentrated their attention mainly towards a few limited goals like increase in wages, enhanced dearness allowance and enforcement of labour laws, while they have achieved some success in these objectives, they should now direct their operations towards bigger and more important issues. The scholar has reason to believe that the unions, with all their limitations can play a significant role in the economic development of this backward State. For this purpose it is suggested that their cooperation be enlisted for the continued development of the working class. Some of them are listed below:

1) Development of workers educational and training programmes,

2) Launching of welfare and recreational measures,
iii) Framing of codes of discipline and reducing the extent of labour turnover and absenteeism,
iv) Promotion of sports and welfare measures,
v) Opening up of Clubs, Cooperatives and dispensaries,
vi) Setting up of Safety, Production and Sales Committees,
vii) Improving the working conditions and framing of Standing Orders,
viii) Enhancing the productivity measures,
ix) Encouraging the consultative machinery,
x) Workers participation programmes etc. etc.

Over the years, the trade union movement has evolved some good traditions, they need to be preserved. Militancy and inter union rivalry has not crept into the ranks of the union. This is a healthy sign of development and need to be encouraged. However, political domination must end and leadership should emerge from the rank and file. The present pattern of one union in one unit is ideal and should be preserved and encouraged.

Some of the highly militant or emotional forms of trade unions activities prevailing elsewhere have not yet emerged in this state. The Trade Union
organisations are generally cooperative and work on constructive lines. This indicates that at the industry level agreements for the introduction of work study, leading to the formulation of effective incentive schemes and other relevant labour management issues in the State can be developed on sound lines which ultimately build up participative type of management. This is also the opportune time when a long term planning of industrial relations can be initiated. A large measure of agreement with labour is an essential condition for any incentive scheme which leads to higher productivity. Sound labour management relationship provides the context for the success of such schemes.

Of all the labour problems the subject of wages has received the greatest significance. As it touches the vital aspect of the entire life of the community. Reward, essentially continues to be the strongest driving force. Besides, subsistence, wages motivate the workers. Wage earners of one industry are the consumers of the products of other industries. Hence, fair compensation to labour stimulates demand and is generally useful for the economy of the country.

As the wage has the greatest significance for the worker than any other matter, it should, therefore, be in commensurate with his needs and requirements.
Thus wages should be fixed in accordance with the prescribed norms and on scientific principles. A wage policy should be clearly spelt out so that wages are not fixed in an arbitrary fashion. It is significant to note that wages of the industrial workers of the state were fixed arbitrarily in utter disregard to the industry and the worker. Rule of thumb continued the basis for wage fixation. Large and growing components of daily allowances further distorted the wage structure. Personal influence resulted in the increase of wages. Thus, workers were not paid according to their efficiency but on the basis of extraneous considerations. As a consequence of which, both the labour and the management failed to increase productivity. Further this irrational policy, made the labour and the management restive and both demanded the appointment of a wage board, to review the existing wage structure of the public sector units. Accordingly, a wage committee was appointed by the government. Though belated, it opened a new chapter in the history of industrial relations of the state.

Set up in 1972, under the Chairmanship of Prof. N.N. Chatterjee, of the Indian Institute of Management Calcutta, the committee, as per Government/No.3984-GD of 1972, dated 2nd December 1972 was required to review
the following and recommend suggestions, keeping in view the economic conditions of the State, requirements of development, existing level of wages and profitability of the industries.

a) "To review the existing wage structure of industrial workers including salary structure of staff actually engaged on production in the State Public Sector Enterprises and Government Undertakings, in order to rationalize the wage structure and link it with productivity as far as possible.

b) to recommend the industries for inclusion in the schedule of Minimum Wages Act and
c) to propose minimum wages for each scheduled and recommended industry.¹

Though, the Committee appeared tripartite in character yet, it was not so, as no labour representative was included in it. Thus, it was not a wage board and had no powers to make awards nor was it a negotiating body. Further the Committee as per terms of reference was required to cover all categories of employees in the public sector enterprises and government undertakings. But, the work charged personnel and purely casual labour engaged at normal market rates were left

outside its scope. The Committee reviewed the existing wage structure and came to the following conclusions:

a) "That great distortion is prevailing in the wage and salary structure of the workers of the public sector enterprises.

b) The distortion is the result of growing components of daily allowances.

c) The dearness allowance component exceeds the basic wages in lower rated jobs.

d) The daily allowance component has become a kind of minimum guaranteed wage.

e) The external and internal consistency in wages is lacking in the public sector enterprises.

f) That no incentive scheme excepting piece-rate wage is in vogue........................."¹

Industrial Wage Committee, has thus exposed the defects of the wage structure of industrial workers of the public sector enterprises. It has revealed many interesting facts which demonstrate that the whole structure of wages is based on erroneous, irrational and unscientific basis, as a consequence of which, industrial piece of these units has often been

disturbed. Industrial climate being sensitive demands an immediate removal of these types of irritants. Moreover, social justice demands greater attention towards the workers lot and the removal of irrationalities and anomalies. In order to remove these irrationalities and anomalies, the industrial wage committee suggested the following norms and principles for fixing the wages of the workers of the public sector industries:

1. Merger of dearness allowance with the basic pay.
2. Classification of workers into proper grades.
3. Introduction of incentive schemes.
4. Proper assessment of the discretionary contents of the jobs so as to reduce wage differentials etc. etc.

Following the Committee's recommendations, basic wages of the workers in the public sector units, were revised, dearness allowance which had become the component of basic wage was merged into it and for the first time the labour was given paid weekly offs. Some other recommendations of the wage committee are:

a) Reconsideration of the order whereunder only 10 per cent of the basic wages was granted as interim relief to the workers.

b) Work studies by National Productivity Council Teams or any other agency to settle the norms
of production.

c) Socio-economic survey to assess the extent of land holding, subsidiary occupations and consumption patterns of working class families.

d) Introduction of standard wage, normal wage and the minimum guaranteed wage.

e) Inclusion of some trades and occupations in the scheduled of Minimum Wages Act.

The recommendations of the Committee are commendable and it is gratifying to note that the government has started taking action in this behalf. Along with these recommendations it is also suggested that wage legislation be properly implemented. Public sector units should enjoy no impunity in this behalf. Steps should also be taken to introduce the need based minimum wage. Wages should also be linked with productivity.

Following the 20 point Economic Programme of the Prime Minister of India, a new dimension has been added to the role of the Government. People's involvement at all stages of economic activity has been greatly stressed and efforts are afoot to accord more and more facilities to the weaker sections of the
society. In this connection, the Government of Jammu and Kashmir has to play a more effective role in shaping the labour policy and giving it a new direction with a view to achieving worker's fullest cooperation in increasing productivity at all levels of its economic development.

Labour relations in the public sector cannot be judged with reference to the number of man-days lost but from the fact whether development for healthy relations are taking place in the right direction or not. The traditional policy of solving industrial problems will not hold good in the changed circumstances. As industrial activity goes on accelerating it brings in its wake a variety of problems to which the worker becomes exposed. The worker in many cases is unable to protect himself from such perils and hazards. Even in combination with his fellow workers, he fails to protect himself before the rich, powerful, educated and resourceful employer. These and other reasons thus justify the State intervention in industrial relations system. In western countries, the State performs a two-fold function in industrial relations. First, it maintains a balance between the freedom of private ownership of property and the freedom of industrial worker.

State intervention is thus, present everywhere, and in all types of political organisations, State contributes its share towards the system of industrial relations. The hackneyed thinking that the State of Jammu and Kashmir has no labour problems and hence there is no need of this kind of exercise is not in tune with the modern requirements. It has to step in this venture in a big way and protect the interests of the workers. However, it need not copy necessarily all that has happened or is happening in other parts of the world. Prof. Kirkaldy has rightly observed that, "though some of the fundamentals of industrial relations are common to all countries at all stages of industrialization, it is important to avoid a slavish imitation of the methods and procedures of other peoples and other times without first examining whether the methods and procedures are the best suited to the stage of industrial and political development of a particular country or state."¹

Thus, the foremost task to effect a radical change in the climate of industrial relations in the State, is to define as precisely as possible the role of the third party, i.e., the State. While in some cases the role of the State may become imperative, efforts

should be made to settle all industrial disputes on bilateral basis rather than on tripartite level. The State may thus be entrusted with the following jobs and leaving rest of the field of industrial relations free, for bipartite communication and negotiation.

The State's field may include:—

(a) Recognition and registration of the trade unions.
(b) Mediation and arbitration only when collective bargaining fails.
(c) Productivity bargaining.
(d) Participative Management and
(e) Personalised human relations.

The trade unions of the State are reasonably cooperative and, therefore, no opportunity should be lost to involve them in greater productive enterprises. Thus, a sincere effort should be made, to create a better industrial atmosphere for the good of workers; the employers and the State at large. Over and above this, the present policy of the government needs a careful reappraisal with a view to making it effective, purposeful and in tune with the lines indicated above. This is also the broad conclusion of this thesis.

A case study of Government Silk Factory Rambagh, Srinagar, which is one of the most important units in
this study brings to light some vital facts, which have a bearing on the industrial relations machinery in other public sector units throughout the State.

This unit presents the picture of labour management relations where most of the basic requirements for promoting healthy and smooth industrial relations are present but still the relations between the management and the workers, are on the whole, not very cordial. The workers who were interviewed considered the working conditions in the factory generally to be satisfactory.

The presence of good and strong union and the fact that the management for a long time was under Government control account for good industrial relations in this unit. Indeed, we can say, that these two outstanding factors have been mainly responsible for maintaining industrial peace in this unit for over a long period of time.

Despite, the above factors, some of the factors pose a constant threat to the stability and peace of this unit and call for a immediate change. For instance recruitment and promotion policies are defective and irrational. They are guided by recommendations from various persons in authority.
This has caused indiscipline among the workers. Most of the vacancies are filled up with political motivations. This further complicates the position. In order to put the system on sound basis it is suggested, that a rational policy of recruitment be devised. It should be done through advertisements and interviews particularly where skilled persons have to be employed. Recruitment through employment exchange should also be encouraged. Preference should be given to those who have come from Industrial Training Institutes.

The rules of promotions and transfers should be based with objective considerations. Merit and seniority both, should be considered at the time of granting promotions. Besides, rules provided in the Standing Orders be made known to the workers, as most of them had no knowledge of these rules at the time of investigation.

Wage fixation should be done in accordance with the prescribed norms. To protect the sweating of labor minimum wages act need be introduced. Labour management relations in the factory have remained generally cordial and the management has always tried to create requisite atmosphere for maintaining of industrial peace. Strikes have been avoided as far as possible. While this is a healthy sign much remains to be done
on the side of works committee and joint management council which presently are ineffective. There is an urgent need to activate the same because that alone would pave the way for the introduction of the workers participation scheme. The committees should be given their due places and put to effective use. Besides, it is suggested that a Grievance Procedure Committee be set up to settle the petty grievances of the workers. Tripartite conferences of workers, management and the government representatives be held occasionally to review the problems of labour.

Welfare measures which are presently non-existent should be launched with the help of trade union. Labour Welfare Centre should be made purposeful, as nothing is being spent on workers sports and other recreational measures. The institution of labour welfare officer has proved good but, there is further scope to make this institution more helpful. However, men with sound knowledge of labour problems should be appointed. Their voice should be more effective before the management. In the present set up labour welfare officer by and large plays a second fiddle in the hands of the managers. To overcome this it is suggested that District Labour Officers be appointed. In nut-shell a human and personal approach should replace the irrational approach to
industrial relations which is presently evidenced in the factory.

On the overall plane the public sector enterprises should be judged on human relations prevailing in each unit which should be assessed in relation to accepted indicators of economic growth. They are namely, (i) investment, (ii) turnover, (iii) gross profit or loss before interest and tax, (iv) net profits or loss before tax and after tax, (v) internal resources generated by means of reserves and depreciation, (vi) welfare schemes of employees, (vii) expenditure on wages etc.

This can form the subject matter of other thesis on the subject. The author has reasons to believe that good industrial relations will reflect on the achievements of the public sector on all economic indicators.
### Appendix-I

<table>
<thead>
<tr>
<th>Name of the Unit</th>
<th>Year of Establishment</th>
<th>Products Manufactured</th>
<th>Average No. of Workers Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sericulture Kashmir Srinagar</td>
<td>1897</td>
<td>Raw silk, silk waste, cocoon, bye-products</td>
<td>1740</td>
</tr>
<tr>
<td>Sericulture Jammu</td>
<td>1907</td>
<td>---do---</td>
<td>400</td>
</tr>
<tr>
<td>Silk Weaving Factory Rajbagh, Srinagar</td>
<td>1939</td>
<td>Silk fabrics (Georgettes, Chiffon, Ozeria &amp; Crepe; sarees)</td>
<td>464</td>
</tr>
<tr>
<td>Handloom Silk Weaving Factory, Srinagar</td>
<td>1951</td>
<td>Shampian, Sarees and other dress material.</td>
<td>156</td>
</tr>
<tr>
<td>Spinning Mill, Nowshehra Srinagar</td>
<td>1961</td>
<td>Haffal and Knitting Yarn</td>
<td>100</td>
</tr>
<tr>
<td>Woollen Mills (Old), Srinagar</td>
<td>1934-35</td>
<td>Woollen and worsted fabrics, knitting yarns; blankets and toshes</td>
<td>320</td>
</tr>
<tr>
<td>Woollen Mills (Bemina), Srinagar</td>
<td>1971-72</td>
<td>Woollen and worsted fabrics, knitting and other yarns</td>
<td>52</td>
</tr>
<tr>
<td>Knitting Factory Jammu</td>
<td>1957</td>
<td>Hosiery goods (Jerseys, socks, hosiets, gloves etc).</td>
<td></td>
</tr>
<tr>
<td>Joinery Mills Rampore</td>
<td>1953</td>
<td>Joinery, Furniture, T&amp;G Boarding and prefabricated units and other wood products</td>
<td>245</td>
</tr>
<tr>
<td>Kashmir Willows, Miransahib Jammu</td>
<td>1939</td>
<td>Cricket bats</td>
<td>40</td>
</tr>
<tr>
<td>Match Factory Srinagar</td>
<td>1928</td>
<td>Matches</td>
<td>63</td>
</tr>
<tr>
<td>Pharmaceutical Works Srinagar</td>
<td>1928</td>
<td>Sanitaria, Clinicals</td>
<td>24</td>
</tr>
<tr>
<td>Rosin and Turpentine Factory Jammu</td>
<td>1930</td>
<td>Rosin and turpentine</td>
<td>135</td>
</tr>
<tr>
<td>Leather Tanneries Shalteng Srinagar</td>
<td>1955-56</td>
<td>Leather, lining leather, Leather Jerkins, and other leather garments</td>
<td>184</td>
</tr>
<tr>
<td>Sole Leather Plant Rampore</td>
<td>1959-60</td>
<td>---do---</td>
<td>87</td>
</tr>
<tr>
<td>Brick and Tiles Factory Rampore</td>
<td>1961</td>
<td>BRICKS</td>
<td>105</td>
</tr>
</tbody>
</table>

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4,135
### ANNEXURE-II

Statement showing the differences between the State Labour Laws and the Central Labour Laws.

<table>
<thead>
<tr>
<th>Name of the Act</th>
<th>Provision in the State Act</th>
<th>Provision in the Central Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Factories Act:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 5</td>
<td>Government may exempt any factory from the operation of the Act at any time or in the public emergency.</td>
<td>Powers restricted to public emergency only.</td>
</tr>
<tr>
<td>Section 46</td>
<td>Canteen provided where more than 100 workers are working.</td>
<td>For more than 250 workers</td>
</tr>
<tr>
<td>Section 47</td>
<td>Shelters, Rest Rooms and Lunch Rooms are provided for more than 175 workers in a factory.</td>
<td>Provided for more than 150 workers</td>
</tr>
<tr>
<td>Section 48</td>
<td>Greches provided for more than 25 women workers.</td>
<td>For more than 50 women workers.</td>
</tr>
<tr>
<td>Section 49</td>
<td>Appointments of Labour Welfare Officers for two hundred and more workers.</td>
<td>For five hundred and more</td>
</tr>
<tr>
<td>Section 113</td>
<td>Does not exist in the State Act giving powers to the Central Government for giving directions.</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Industrial Dispute Act:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 3</td>
<td>Provides for constitution of Works Committee for twenty-five or more workers.</td>
<td>For one hundred or more workers</td>
</tr>
<tr>
<td>Section 25-A</td>
<td>Lay-off benefits applicable to such establishments wherein twenty-five (25) or more workers are working. Recent amendments in the Central Act with regard to the definition of &quot;Industrial Disputes&quot; and the regulations of payment of lay-off benefits have not been incorporated, in the State Act so far.</td>
<td>For fifty or more workers</td>
</tr>
</tbody>
</table>
3. **Workmen’s Compensation Act:**

**Section 2**

The scope of the Act is confined to the workmen whose monthly wages do not exceed 400 rupees. The scope of the definition of the workmen is given in the Schedule II is very limited as compared with that of the Central Act. A copy of the schedule is enclosed.

**Section 3**

Under Section 3(1) (a) of the State Act, no compensation is payable if the injury does not last for more than seven days.

**Section 4**

The rate of compensation as provided for in the State Act is comparatively low. The rate schedule is attached.

**Section 10**

The claim becomes time barred after one year of occurrence of the accident.

4. **Trade Unions Act:**

**Section 5**

Clause (d) of sub-section(1) of Section 5 provides for the submission of names, occupation, and addresses of individual members of the union at the time of registration.

**Section 22**

Provides that not less than three fourth of the total number of the office bearers of the registered trade union shall be from the workers actually engaged or employed in the industry with which the trade union is connected.

Provision relaxable by the Government.

The State Act also provides for the compulsory recognition by the employers. Certain practices on the part of employees have been declared unfair under the Act.
5. Payment of Wages Act:

Section 1(6) Nothing in this Act shall apply to wages payable in respect of a wage-period which, over such wage-period average two hundred rupees a month or more.

Section 2 State Act defines:

"Plantation" means any estate which is maintained for the purpose of growing trees, seeds, vegetables or tea and on which ten or more persons are employed for that purpose.

"Boat" means any boat for which the owner of the boat engages five or more persons on wages for:

(a) carrying out the work with regard to or connected with repair or construction of the boat,
(b) providing service and transport to people,
(c) loading and unloading of any material or any other kind of work which calls for human exertion.

"Forest" means any forest where any category of labour is engaged by the Government or a forest leasee in any operation connected with the extraction of timber or firewood or exploitation of the forest in any other manner.

Four hundred rupees or more

Plantation means any land used or intended to be used for growing tea, coffee, rubber or cinchona which admeasure twenty-five acres or more and whereon twenty or more persons are employed or were employed on any day of the preceding twelve months.

No such provision.

No such provision.
6. Industrial Employment
Standing Orders Act:
Section 1

It applies to every industrial establish-
ments wherein 25 or more workers are
employed or where employed on any day of
the preceding twelve months and to such
class or classes of other industrial
establishments as the Government may
from time to time by notification in
the Government Gazette specify in
this behalf.

The prescribed
strength is
100 or more.

7. Employees Provident
Fund Act:
Section 1

It applies to establishments employing
ten or more workers.

An establishment to which this Act
applies continues to be governed by
this Act notwithstanding that the
number of persons employed therein
at any time falls below ten.

Employment strength
is 20.
Employment strength
falls below 20.

Section 18

Act not to apply to establishments
registered under Co-operative
Societies Act and infant establish-
ments:

1) This Act shall not apply (a) to
any establishment registered under
Jammu and Kashmir Co-operative Societies
Act, 1960 or any other law for the time
being in force relating to Co-operative
Societies employing less than 25 workers
and working without the aid of power, or
(b) to any other establishments employing
ten or more persons until the expiry of
three years from the date on which the
establishment is or has been set up.

Applies to such
cooperative societies
wherein 50 or more
persons are employed.
<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the Registered Trade Union</th>
<th>Reg. No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Water Workers Union, Gawkadal, Srinagar.</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Hanjan Kashmir Valley Food Control Union, Gulabagh, Srinagar.</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>New Labour Union Match Factory, Baramulla</td>
<td>3</td>
</tr>
<tr>
<td>4.</td>
<td>Union of Workers and Employees of Kashmir Fabrics, Dalgate, Srinagar.</td>
<td>5</td>
</tr>
<tr>
<td>5.</td>
<td>Heavy Rollers Workers Union, Srinagar.</td>
<td>6</td>
</tr>
<tr>
<td>6.</td>
<td>Government Arts Emporium, Srinagar.</td>
<td>7</td>
</tr>
<tr>
<td>7.</td>
<td>Hazdoor Association Amerikadal, Srinagar.</td>
<td>8</td>
</tr>
<tr>
<td>8.</td>
<td>Beatman's Timber Labour Union Khasabal.</td>
<td>9</td>
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<td>158.</td>
<td>Handspun Mill and Wood Workers Union, Anantnag, Kashmir.</td>
<td>205</td>
</tr>
<tr>
<td>159.</td>
<td>Kashmir Valley Mulberry Culture Field Workers Union, S.T. Road, Srinagar.</td>
<td>206</td>
</tr>
<tr>
<td>160.</td>
<td>C.M. Hadew Factory Carpet Workers Union, Srinagar.</td>
<td>207</td>
</tr>
<tr>
<td>161.</td>
<td>Indo Kashmir Carpet Workers Union, Sheerim Bagh, Srinagar.</td>
<td>208</td>
</tr>
<tr>
<td>162.</td>
<td>Employees Union Government Woollen Mills Srinagar.</td>
<td>209</td>
</tr>
<tr>
<td>163.</td>
<td>Government Joinery Mills Employees Union, Pampore, Kashmir.</td>
<td>210</td>
</tr>
<tr>
<td>165.</td>
<td>Handwara Drivers and Cleaners Association, Handwara, Kashmir.</td>
<td>214</td>
</tr>
<tr>
<td>166.</td>
<td>Kashmir Peoples Cooperative Service Employees Union, Exhibition Grounds, Srinagar.</td>
<td>215</td>
</tr>
<tr>
<td>167.</td>
<td>East India Carpet Employees Union, Near Khayyar, Srinagar.</td>
<td>216</td>
</tr>
<tr>
<td>168.</td>
<td>Ugamani Bhabedi Ashpazam Chottabazar, Srinagar.</td>
<td>217</td>
</tr>
<tr>
<td>169.</td>
<td>Jammu and Kashmir Constructional Contractors Association, Shreen Mansion, Lashpat Lane, Srinagar.</td>
<td>218</td>
</tr>
<tr>
<td>170.</td>
<td>Matteo Spinning Mill Workers Union, Nalabal, Nowshera, Srinagar.</td>
<td>220</td>
</tr>
<tr>
<td>171.</td>
<td>Adhoc Committee Jammu and Kashmir Industries Employees Association, Srinagar.</td>
<td>221</td>
</tr>
<tr>
<td>172.</td>
<td>Jammu Srinagar Bus Service (F) (T) Employees Union, Lalchowk.</td>
<td>222</td>
</tr>
<tr>
<td>173.</td>
<td>Kashmir Transport Workers Union, I.t Bridge Srinagar.</td>
<td>223</td>
</tr>
<tr>
<td>174.</td>
<td>Irrigation Mechanical Workers Union, Sonawari, Kashmir.</td>
<td>224</td>
</tr>
<tr>
<td>175.</td>
<td>Government Arts Emporium Low Paid Employees Union, Srinagar.</td>
<td>225</td>
</tr>
<tr>
<td>S.No.</td>
<td>Name of the Trade Union</td>
<td>Reg: No:</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>176.</td>
<td>Broga Press Workers Union, Lalchowk, Srinagar.</td>
<td>227</td>
</tr>
<tr>
<td>177.</td>
<td>Government Match Pharmaceutical Employees Union, Baramulla.</td>
<td>228</td>
</tr>
</tbody>
</table>
# ANNEXURE IV

JAMMU AND KASHMIR INDUSTRIES LIMITED: SRINAGAR

STATEMENT SHOWING PERCENTAGE OF ESTIMATED WAGES AND SALARIES TO TOTAL EXPENDITURE DURING THE YEAR 1972.

<table>
<thead>
<tr>
<th>S. No</th>
<th>Profit Earning Units</th>
<th>Total Expenditure (P.F.)</th>
<th>Wages including Bonus &amp; P.F.</th>
<th>Salaries including Bonus and P.F.</th>
<th>Percentage to total expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Handloom Silk Weaving Factory</td>
<td>10.73</td>
<td>2.61</td>
<td>0.61</td>
<td>21.32</td>
</tr>
<tr>
<td>2.</td>
<td>Rosin &amp; Turpentine Factory</td>
<td>45.24</td>
<td>1.76</td>
<td>2.31</td>
<td>3.89</td>
</tr>
<tr>
<td>3.</td>
<td>Knitting Factory</td>
<td>3.16</td>
<td>0.47</td>
<td>0.36</td>
<td>14.87</td>
</tr>
<tr>
<td>4.</td>
<td>Spinning Mills</td>
<td>28.73</td>
<td>2.67</td>
<td>2.76</td>
<td>9.29</td>
</tr>
<tr>
<td></td>
<td><strong>Lossing Units:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Sericulture Kashmir</td>
<td>81.50</td>
<td>20.75</td>
<td>3.25</td>
<td>25.46</td>
</tr>
<tr>
<td>6.</td>
<td>Sericulture Jammu</td>
<td>30.62</td>
<td>5.95</td>
<td>2.16</td>
<td>19.43</td>
</tr>
<tr>
<td>7.</td>
<td>Silk Weaving Factory Rajbagh</td>
<td>40.45</td>
<td>10.83</td>
<td>3.25</td>
<td>26.77</td>
</tr>
<tr>
<td>8.</td>
<td>Woollen Mills</td>
<td>29.74</td>
<td>7.76</td>
<td>2.90</td>
<td>26.09</td>
</tr>
<tr>
<td>9.</td>
<td>Joinery Mills</td>
<td>45.64</td>
<td>6.17</td>
<td>2.50</td>
<td>13.51</td>
</tr>
<tr>
<td>10.</td>
<td>Brick &amp; Tile Factory</td>
<td>9.75</td>
<td>1.71</td>
<td>1.27</td>
<td>19.54</td>
</tr>
<tr>
<td>11.</td>
<td>Match Factory, Baramulla</td>
<td>6.76</td>
<td>1.04</td>
<td>0.46</td>
<td>15.38</td>
</tr>
<tr>
<td>12.</td>
<td>Pharmaceutical Works</td>
<td>5.70</td>
<td>0.29</td>
<td>0.70</td>
<td>5.08</td>
</tr>
<tr>
<td>13.</td>
<td>Leather Tenneries, Shaleng</td>
<td>33.04</td>
<td>2.65</td>
<td>1.36</td>
<td>8.02</td>
</tr>
<tr>
<td>14.</td>
<td>Sale Leather Plant, Jammu</td>
<td>33.08</td>
<td>1.00</td>
<td>0.79</td>
<td>5.07</td>
</tr>
<tr>
<td>15.</td>
<td>Kashmir Woollens Mirzanabib</td>
<td>3.19</td>
<td>0.71</td>
<td>0.49</td>
<td>22.25</td>
</tr>
<tr>
<td>16.</td>
<td>Samaa Woollen Mills</td>
<td>25.73</td>
<td>0.97</td>
<td>1.52</td>
<td>3.76</td>
</tr>
</tbody>
</table>

**COMPANY** | **442.66** | **69.02** | **31.61** | **15.36** | **7.14** | **22.54**

THE TWO INCENTIVE SCHEMES DRAFTED BY THE MANAGEMENT OF NOWSHERA AND BEMINA MILLS:

2.30 We shall now briefly examine the two incentive schemes mentioned above. These schemes have not yet been formally discussed with the representatives of labour. But the Management is conscious that this will have to be done before the schemes become operative. The objectives of the schemes are the introduction of an incentive bonus scheme for direct productive labour at the Bemina Woollen Mills and the introduction of such schemes in the Spinning Mills covering both direct and indirect workers. It is stated that in both the mills the present wage structure has been fixed on an ad hoc basis and without detailed work study for the determination of workload norms (i.e. number of workers required, machinery-wise and process-wise), production norms, wastage norms, etc. The limitations of the 'below average worker', local conditions of working, machine conditions, maintenance skills, habits and customs, etc had also to be kept in mind.

2.31 A-DEPARTMENT OF THE BEMINA WOOLEN MILLS

The proposals are as follows:-
1) **Determination of Standard production:**

This will be worked out from the installed or rated production capacity given by the machinery makers allowing for the efficiency that can be achieved under the local conditions. The average production physically obtained previously will also be taken into account.

2) **Standard Wage:**

The wage as existing on 1st. April 73 after the merger of DA & DH and other benefits given to labour will be taken as the basic standard daily wage for Bemina, and basic standard piece wage for the Spinning Mill.

3) **Rate per Unit:**

The standard wage divided by standard production would give the present daily wage rate per unit production for Bemina Mill, while for Spinning Mill the present indirect piece wage rate divided by standard production will straight away give the piece rate per unit of production.

4) **Normal piece-rate:**

For the Spinning mills where indirect piece-rate system is already existing, the piece rate per unit product is given directly in item (iii) above.

For Bemina Mill, normal piece-rate will be fixed after adding 5% to the present daily wage rate per unit calculated as per item (iii) above.

This 5% increase is recommended for providing additional incentive in the piece-wage system over daily-wage system.

5) **Grades:**

The existing number of workers employed in the departments will be divided into minimum number of grades dependent upon
their present wage. For example, in Benina Woollen Mills, the total number of workers in the worsted department is 27 according to the following categories:

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production workers</td>
<td>24</td>
</tr>
<tr>
<td>Jobbers</td>
<td>1</td>
</tr>
<tr>
<td>Oilman</td>
<td>1</td>
</tr>
<tr>
<td>Production Clerk</td>
<td>1</td>
</tr>
</tbody>
</table>

These workers will be grouped into 3 to 4 piece-wage categories.

The wage differential between the grades, will also be worked out according to the existing average wage of each group. Another form of fixation of grades would be categorization of the workers on the basis of the job. Since, however, workers doing the same job at present earn different wages on the same job. It would be difficult to adopt this procedure for grade-fixation. This system will be adopted where-ever possible.

2.32 B.—For the Spinning Mills, Naushehra:

The direct productive workers of the new mill have already been graded as per following grade-differentials:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Differential</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1.40</td>
</tr>
<tr>
<td>B</td>
<td>1.20</td>
</tr>
<tr>
<td>C</td>
<td>1.10</td>
</tr>
<tr>
<td>D</td>
<td>1.00</td>
</tr>
<tr>
<td>E</td>
<td>0.90</td>
</tr>
<tr>
<td>F</td>
<td>0.80</td>
</tr>
</tbody>
</table>
Differential between the grades has been fixed according to length of service, seniority, age skill, family size and responsibility, type of operation or where he works, work-load, nature of job, previous record of work, past practice etc.

vi) Provision for increase in piece-rate with production slabs.

With a view to provide incentive to the workers for every increase in production, it proposed to fix production slabs and upgraded piece-rates for each slab as under:-

<table>
<thead>
<tr>
<th>Slab:</th>
<th>Piece-rate per unit production.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard production</td>
<td>Normal piece-rate.</td>
</tr>
<tr>
<td>For additional production, say, 10% above SPF</td>
<td>NPR + 5% of unit FR.</td>
</tr>
<tr>
<td>For additional next 10% production.</td>
<td>NPR + 6% of unit FR.</td>
</tr>
</tbody>
</table>

(a) Example (for Bomina Woollen Mills)

<table>
<thead>
<tr>
<th>Standard production</th>
<th>Standard piece-rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 kgs.</td>
<td>Rs. 1.50 per kg.</td>
</tr>
<tr>
<td>From 3001 to 3300</td>
<td>Rs. 1.50 + 0.7 per kg.</td>
</tr>
<tr>
<td>3300 kgs to 3600 kgs.</td>
<td>Rs. 1.50 + 0.10 per kg.</td>
</tr>
</tbody>
</table>

(b) For Spinning Mills

<table>
<thead>
<tr>
<th>Standard production</th>
<th>Standard piece-rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>8000 kgs</td>
<td>1.25</td>
</tr>
<tr>
<td>8001 to 8500</td>
<td>1.25 + 6% or 7 p</td>
</tr>
<tr>
<td>8501 to 9000</td>
<td>1.25 + 8% or 10 p</td>
</tr>
<tr>
<td>9001 to 9501</td>
<td>1.25 + 12% or 15 p.</td>
</tr>
</tbody>
</table>
vii. Yearly increments in the piece-wage rate.

After having arrived at the present standard piece rate per kg., maximum piece-rate will be determined by adding 12½% to the wage per unit. Annual increment in the piece-wage will be allowed so as to reach the maximum in 5 years.

**Example (Spinning Mill)**

<table>
<thead>
<tr>
<th>Year</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>5th</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.R. per kg.</td>
<td>1.25</td>
<td>1.29</td>
<td>1.33</td>
<td>1.37</td>
<td>1.41</td>
</tr>
<tr>
<td>of product</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX VI

NEW INDUSTRIES OF EMPLOYMENT TO BE INCLUDED IN THE SCHEDULE TO THE MINIMUM WAGE ACT:

New Industries, namely, embroidery, including chainstitch, gubba embroidery and numdha-making should be included in the schedule. But since piece-rate systems are in vogue, a Committee should be appointed under Section 5(1)(a) of the Act to hold detailed enquiries and to suggest piece-rates for different designs, sizes, etc. in such a way that an average worker earns a minimum of Rs.5/- for an 8 to 10 hour day.

In Numdha manufacture, children and adolescents should earn a minimum of Rs. 2/- to Rs. 4/- per day and adults Rs. 5/- per day (4.19).

Wood-carving should be covered and children and adolescents should start with a minimum monthly wage of Rs.20/-00 per month (if they are untrained) and they should get an increase of Rs. 5/- every 6 months till they go up to Rs.60/- (4.20).

Children and adolescents in workshops should be covered. Untrained children and adolescents should get a minimum wage of Rs.20/- per month and an increase of Rs. 5/- every six months till they get Rs. 60/- per month. Additional payments received by these workers should continue (4.22).

Private brick and tile making employments should be covered. A minimum wage per 1000 bricks or tiles should be
fixed. The Committee procedure should also be adopted here to fix wages for different jobs so that the minimum wage is not less than Rs. 5/- per day (4.24).

Regular employees in shops and commercial establishments should be covered and they should get a minimum pay of not less than Rs. 150/- per month for an 8-hour day plus paid weekly off and other benefits, if any, (4.25).
**APPENDIX VII**

**List of Sericulture Jurisdiction in Kashmir**
Division with the nurseries indicated against each—

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Nursery</th>
<th>Jurisdiction</th>
<th>Area (A.H.)</th>
<th>Production (in Quintals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sarhal</td>
<td>Anantnag</td>
<td>78.18</td>
<td>11,000</td>
</tr>
<tr>
<td>2.</td>
<td>Rampore</td>
<td>Anantnagh</td>
<td>216.8</td>
<td>13,000</td>
</tr>
<tr>
<td>3.</td>
<td>Londonaw</td>
<td>Kulgam</td>
<td>103.12</td>
<td>12,000</td>
</tr>
<tr>
<td>4.</td>
<td>Tumllahal</td>
<td>Pulwama</td>
<td>425.0</td>
<td>30,000</td>
</tr>
<tr>
<td>5.</td>
<td>Sangrampora</td>
<td>Badgam</td>
<td>140.0</td>
<td>16,000</td>
</tr>
<tr>
<td>6.</td>
<td>Central</td>
<td>Khas</td>
<td>300.0</td>
<td>30,000</td>
</tr>
<tr>
<td>7.</td>
<td>Lallpore</td>
<td>Baramulla</td>
<td>119.12</td>
<td>12,000</td>
</tr>
<tr>
<td>8.</td>
<td>Nehalpore</td>
<td>Baramulla</td>
<td>31.10</td>
<td>2,500</td>
</tr>
<tr>
<td>9.</td>
<td>Botingo</td>
<td>Sopore</td>
<td>146.14</td>
<td>14,000</td>
</tr>
<tr>
<td>10.</td>
<td>Langeret</td>
<td>Bandawara</td>
<td>31.00</td>
<td>2,500</td>
</tr>
<tr>
<td>11.</td>
<td>Kichabamah</td>
<td>Baramulla</td>
<td>102.6</td>
<td>Dwarf Nursery</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Narwaw</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Basic Graft Nursery</td>
<td>Baramulla</td>
<td>200.0</td>
<td>25,000</td>
</tr>
<tr>
<td></td>
<td>Mirgund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Basic Graft Nursery</td>
<td>Anantnag</td>
<td>200.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Qazigund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Basic Seed Farm</td>
<td>Baramulla</td>
<td>800.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mirgund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Safapur Nursery</td>
<td>Sonawari</td>
<td>50.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>block</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SOURCE:** Beg, G.H. Kizra, *A Hand Book of Sericulture in Kashmir*, p. 3.
# APPENDIX VIII

## Statement Showing Comparative Picture of Silk Production and Strength of Supervisory and Other Staff:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Particular</th>
<th>Past</th>
<th>Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Production of Coconuts</td>
<td>Over 30,000</td>
<td>14,000 (Mounds)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Mounds)</td>
</tr>
<tr>
<td>2.</td>
<td>Number of Workers</td>
<td>Over 3,000</td>
<td>About 1,250</td>
</tr>
<tr>
<td>3.</td>
<td>Profit</td>
<td>In lakhs of rupees.</td>
<td>Loss of Rs. 100 per kilo</td>
</tr>
<tr>
<td>4.</td>
<td>Silk Seed</td>
<td>Loss expenses with satisfactory results</td>
<td>Loss in lakhs and greater expenses</td>
</tr>
<tr>
<td>5.</td>
<td>Director Sericulture</td>
<td>Only one</td>
<td>3</td>
</tr>
<tr>
<td>6.</td>
<td>Deputy Director</td>
<td>Only 5</td>
<td>6 to 7</td>
</tr>
<tr>
<td>7.</td>
<td>Assistant</td>
<td>Only 14</td>
<td>Dozens in number.</td>
</tr>
<tr>
<td>8.</td>
<td>Inspector</td>
<td>4 to 5</td>
<td>Many</td>
</tr>
<tr>
<td>9.</td>
<td>A.P.C.</td>
<td>Nil</td>
<td>1</td>
</tr>
<tr>
<td>10.</td>
<td>Accountant</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>11.</td>
<td>Accounts Clerk</td>
<td>1</td>
<td>Many</td>
</tr>
<tr>
<td>12.</td>
<td>Engineer</td>
<td>Nil</td>
<td>Many</td>
</tr>
<tr>
<td>13.</td>
<td>Industries Board</td>
<td>Nil</td>
<td>One Board</td>
</tr>
</tbody>
</table>

*Source:* An Urdu pamphlet containing the answers given to the Industrial Wage Committee's Questionnaire by the Kashmir Silk Factory Workers Union, Srinagar, Dec. 30, 1972, p. 4.
ANALXURE IX

Part I
General
1. Name
2. Age
3. Religion
4. Caste
5. Marital Status
6. Native Place

Part II Wages and Earnings

INCOME
(i) Main
(ii) Subsidiary
   Land
   House
   Livestock
   others

(iii) Part-time jobs, if any

(iv) Earnings of other members of joint family, if any.

Part III
Employment and Service Conditions

1. Present Employment

<table>
<thead>
<tr>
<th>Date of first Employment</th>
<th>Type of work engaged in and designation</th>
<th>Wages drawn</th>
<th>Method of payment</th>
</tr>
</thead>
</table>
2. Previous employment
   (a) Nature of work
   (b) Duration
   (c) Wages
   (d) Reasons/for change
3. How did you secure this job?
4. Did you pay any thing to mistries
   or some such person for getting you
   the work? Have you still to pay any
   thing to them?
5. If you are a casual worker for how
   many days do you secure employment
   in a month?
6. (a) What is the procedure of promotion in your
   establishment?
   (b) Are you satisfied with this procedure?
   (c) If not, why not, any suggestion for change?
7. Are you satisfied with the Standing Orders of the
   establishment? Mention the drawbacks, if any.

Part IV
WORKING CONDITIONS
1. What is the length of the working day?
2. Are there any breaks in work periods?
   If so, specify the numbers and durations?
3. Rest intervals:
   (a) Time          (b) Duration
4. How many times are you required to work overtime during a month?
   (a) Do you like overtime or not?
   (b) What is the amount you receive for such work?

**Part V**

**HOLIDAYS, LEAVE AND ABSENTEEISM**

1. Leave:
   (a) Casual leave.
   (b) Earned leave.
   (c) Sick leave.
   (d) Leave without pay.
   (e) Accident leave.
   (f) Privilege leave.

2. Holidays: - (A) Gazetted (B) National (C) Festivals

3. How many times during a year do you go home?

4. Which of the following reasons are responsible for your absenting from work? Answer according top-priority:
   (a) Nature of job as heavy/hard/monotonous/dirty etc.
   (b) Sickness own/family
   (c) Distant place of residence and lack of transportation facilities.
   (d) Engaged in part-time or side business.
   (e) After sufficient earning.
   (f) Family troubles.
   (g) Social or Religious causes.
   (h) Indebtedness.
(i) Personal habits (drinking, gambling etc.)
(j) Engaged in agricultural work.
(k) Fear of money lenders
(l) Any other reason.

Part VI

WAGES

1. (a) What is the mode of payment according to which you
   are paid? Piece rated/time rated.
   (b) Which mode do you prefer and why?
2. If time rated - daily / weekly / monthly.
3. What is your present monthly wage?
4. Rate of annual increment, if any?
5. Do you get any allowances? If so please specify the rate.
   i. D.A.
   ii. Any other
   Are you satisfied with this rate? Yes/No
6. Do you get any bonus? If so, what is its?
   i. Basis
   ii. Rate
   iii. Amount obtained during last 5 years
7. Are any deductions made from your wages?
8. Specify the time and date of payment of wages.

Part VII

LABOUR MANAGEMENT COORDINATION:

1. (a) Are you a member of:
   (i) Works Committee?
   (ii) Production Committee?
   (iii) Safety Committee?
(iv) Others?
(b) If so, what are your duties and responsibilities?

2. What has been the attitude of the management towards the labour representatives in these Committees?

3. Are you a member of the Joint Management Council?
What kind of questions have come up before the Council?

5. Do the workers' representatives and management representatives co-operate in the Council? If not, why.

Part VIII

1. (a) Have you taken part in any strike during the period of your service? Mention each strike separately.

(b) What were the reasons for the strike?
(i) 
(ii) 
(iii)
(iv)

(c) Duration of strikes
(d) If the number of strikes in the establishment is small or nil, what have been the main factors responsible?

2. Have you been affected by the lock-out?
What were the reasons for the lock out?

3. (a) Have you ever been involved in any other dispute besides strikes and lock outs?

4. Have you ever appeared before the following?
(a) Conciliator,
(b) Arbitrator,
(c) Adjudicator,
Part IX:

Miscellaneous:

1. Do you think that the management in your establishment is sympathetic/indifferent/unsympathetic?

2. What is your opinion about the role of labour welfare officers in your establishment in maintaining good industrial relations?

3. What is your attitude towards the following?
   i. Recruitment policy,
   ii. Transfer and promotion policy,
   iii. Wages,
   iv. Dismissals and discharges,
   v. Facilities and welfare measures.
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