

An Empirical Study of various Labour Welfare Provisions pertaining to Women Workers in Jammu & Kashmir

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Abstract

Every society or country has its own values, traditions, culture and with the passage of time changes do take place in these existing traditions, culture and values. For a researcher, the caution given by Julius Stone is of extreme significance; “Attention came to be increasingly directed to the law’s effects on the complex of attitudes, behaviour, organization, environment, skills and powers involved in the maintenance of particular society or kind of society and conversely on the effects of these upon the particular legal order in which it raises, the interrelation involved include the influences of extra-legal elements of the social order on the formation, operation, change and disruption of the legal order, as well as the influences of the legal order (or particular posts, kinds and states of the legal(order) on that extra-legal elements.”¹ In the words of Paton, “Legal research consists of analysis of rules, concepts, and institutions of law as well as the legal system itself and if the law lags behind popular standards, it fails into disrepute. If the legal standards are too high; there are great difficulties of enforcement.”² Judged by the standard attained by the advanced countries in this field, the various labour welfare schemes in India may not be a satisfactory one.

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¹ Julius Stone. *Social Dimension of Law and Justice*. 1966, ch.I, p.6.

² Paton. *A text book of Jurisprudence*. 1951, (2nd Ed.).p.54.

Our critical examination of various labour welfare legislations will testify that our National Government having taken a bold step immediately after independence to introduce some important social security legislations by way of Employees State Insurance Act, 1948, Factories Act, 1948, Maternity Benefit Act 1961, Equal remuneration Act, 1976, Sexual Harassment at Workplace, Act, 2013 etc. has turned its attention to a right direction. It is gratifying to note that these labour welfare laws for the industrial employees were the first of its kind in South East Asia. But even though these laws were passed long time back, the implementation of the underlying schemes more particularly for women employees was very slow at the initial stage.

Keywords: Socio-Economic, Unorganised, Wages, Employment, Work Participation Rate, Labour Welfare.

I. INTRODUCTION

In India, *Jammu and Kashmir* is least developed regions in the field of industrial development as the majority of Government factories/ establishment have become defunct due to scarcity of financial resources available to the State. But since the last decade there has been a gradual increase in the number of factories and other establishments in both the divisions of J&K. So quite apparently, there has been an increase in the number of working population along the length and breadth of J&K along with a major chunk of migrant workers influx from outside the state coming to Jammu and Kashmir. Time and again, a number of labour welfare legislations have been implemented in order to provide social security to the working class in J&K, especially to the women workers both in organised and unorganised sectors of employment. However, the working of these welfare measures especially the measures relating to women workers in J&K on careful examination reveals that there are many loopholes and impediments in their proper implementation and enforcement. The empirical study on the working of these welfare schemes in J&K reveals the inadequate enforcement and implementation of the provisions of the Act.

Keeping in view the aforesaid discussion, the empirical part of this study consists of the data collected from the women employees working in Government and Private factories/ establishments in Jammu and Kashmir. The information was collected from both organized and unorganized sectors of employment. However, due to paucity of time and lack of financial resources, district *Srinagar and Jammu* was selected as locale of the study which is representative of the whole J&K.

An Empirical Study of various Labour Welfare Provisions pertaining to Women Workers in Jammu & Kashmir. Thus, the female employees working in factories/establishments in the district *Srinagar and Jammu* and in the unorganised sectors of employment were selected for the purpose of carrying out this study. In order to make the study more useful, the female employees working in both the above mentioned districts were selected through the random sampling method.

In order to gather the required information and to know the actual working of various labour statutes pertaining to women, a systematic and comprehensive questionnaire cum interview schedule was framed. The questionnaire cum interview schedule consisted of 40 questions and was developed on the basis of official reports and data related to the employees in general in Jammu and Kashmir. For administering the questionnaire, the female employees working in twenty industrial units in district *Srinagar and Jammu* were chosen randomly. The industrial units selected from the district *Srinagar and Jammu* are outlined in the following table:

Table 1.0 : Industrial Units Selected for the Study

Srinagar	Jammu
<i>Jamkash Vehicle Leades Pvt. Ltd</i>	<i>FIL Industries Pvt. Ltd</i>
<i>K.C Hyundai Pvt. Ltd</i>	<i>White House Industries Pvt. Ltd</i>
<i>I.A Enterprises Pvt. Ltd</i>	<i>K.C Industries Pvt. Ltd</i>
<i>Auto Wings Ford Pvt. Ltd</i>	<i>S.K Enterprises Pvt. Ltd</i>
<i>Peaks Auto Pvt. Ltd</i>	<i>U. Flex Pvt. Ltd</i>
<i>Khyber Agro Industries Pvt. Ltd</i>	<i>Raven Bhel Healthcare Pvt. Ltd</i>
<i>Saifco Cements Pvt. Ltd</i>	<i>Lakshmi Engineering Works Pvt. Ltd</i>
<i>JK Cements Ltd</i>	<i>Arotek Industries Pvt. Ltd</i>
<i>Handloom Development Corporation</i>	<i>Saraswati Plasto-tech India Pvt. Ltd</i>
<i>Silk Factory, Rajbagh</i>	<i>Bari-Brahmana Silk Factory</i>

Thus 250 sample respondents were chosen randomly from these units. To give weightage to the unorganised sectors of employment 250 female respondents were administered questionnaire which were mainly associated with construction works (particularly in *brick kilns*), *street vendors*, *domestic help*, *agricultural jobs*

(especially for harvesting) and fruit packaging in the districts of Srinagar and Jammu respectively. Most of the women workers employed were in the age group of 20 to 40 years. The other variables of the respondents were chosen on the basis of educational qualification, monthly salary and designation and type of employment. Further, as far as practicable equal representation was given to all the segments of employees working in factories and establishments of the study area. In order to find out the applicability of the questionnaire for the purpose it was designed, the questionnaire was pre-tested and was suitably rephrased to elicit responses from respondents.

Apart from the above method, data and information were also collected by way of the detailed discussion with the officials concerned with the implementation labour welfare schemes for women. A detailed informal interaction with the field level respondents also formed part of the methodology. This method proved highly useful in the sense that some important information which did not come through the formal questionnaire came out during the course of informal discussion as the respondents were not supposed to respond to our pointed queries. They simply represented their overall impression in regard to the functioning of labour welfare scheme for female workers and the relevant points were noted down by the researcher.

Analysis: In this study, 500 respondents in relation to the women employees working in various factories & establishments and in the unorganised sectors of employment falling within the municipal limits of district *Srinagar* and *Jammu* were put under investigation and analysis. Each question was numbered separately in the questionnaire and put under its respective heading. Simultaneously, the responses of the respondents to questions was categorized and then transferred to tabulation sheets. Statistical techniques like tables and pie-charts were used for illustrating the various data collected. These statistical figures made the tabulation of data possible. A number of tables were made question wise and identical responses were counted and placed in tabular form. The similar as well as dissimilar responses for a particular question were aggregated. After tabulation and aggregation, each table was explained on the basis of the aggregate of responses provided by the respondents. A detailed analysis of the findings of each table was given. Finally, this led to the analysis, explanation and interpretation of the responses given by the sample respondents.

Limitations: Srinagar and Jammu are districts, vast in area, extending to 1979 sq.kms and 167 sq.kms which compelled the researcher to use random sampling technique. Besides due to paucity of time and lack of financial resources

An Empirical Study of various Labour Welfare Provisions pertaining to Women Workers in Jammu & Kashmir also constrained the researcher to reduce the size of sample. Many of the respondents, more particularly the low salaried and less educated employees, took this exercise as altogether monotonous, meaningless and a futile one. They refused to give their responses to the questionnaire administered. Moreover, the employees had the fear of victimization at the hands of officials if they disclosed the real picture of the conferment of benefits under the various schemes. The employees became ready to answer the queries only after repeated requests and persuasions of not disclosing their identities.

In the last resort, it is worth mentioning that this study should still be regarded as only an approximation of the reality of labour laws pertaining to women. To portray the real picture of the working of labour welfare schemes that too in Jammu and Kashmir is very difficult, but certainly it is an attempt towards the perfection.

II. DATA ANALYSIS AND INTERPRETATION

To see the actual working and analyze the proper implementation of various labour welfare provisions, the data collected has been analyzed with respect to the five indicators on the basis of empirical study. The indicators mentioned above are discussed below:

- I. Characteristics/Socio-Economic Status of Sample Respondents.
- II. Awareness level about the Women Welfare Laws.
- III. Administration and Implementation of Wages under Labour Laws.
- IV. Benefits provided by various Labour Welfare Measures.
- V. Conditions of the Employment.
- VI. Redressal Mechanism under Labour Welfare Provisions.
- VII. Suggestive measures to enhance *WPR*, improve conditions of Employment and proper enforcement of Labour Welfare Laws.

The main focus of the Study centers on one aspect- whether the principal benefits provided under the various labour welfare statutes has been fully realized by the working class in Jammu and Kashmir. This forms one of the most important aspects of the Study since it serves as a basic premise for other assumptions and assessments.

I-Characteristics/Socio-Economic Status of Sample Respondents.

The Socio-economic profile is vital to any study as it helps in building a comprehensive and complete picture of the respondents. The individual profile is

derived by looking at factors such as age, caste, religion, marital status, type of the family, educational level, occupation and annual income of the respondents or their family. As shown in table 2.0, the questionnaire was administered to five hundred sample respondents out of which 50% were the women workers in unorganized sector and 50% were the female employees working in various factories/establishments located within the limits of district Srinagar. So far as the educational qualification of the employees/workers in organized sector were concerned, majority of them were graduates and under graduates. The monthly salaries of employees/workers mostly belonged to the lower income group. With regard to the designations, majority of them were technicians and helpers. Furthermore, 30% of these employees were permanent while as only 20% of those were working on casual basis, while as 40% employees/workers were serving in contractual capacity.

Table 2.0.: Percentage distribution of respondents by characteristics

Gender	Female (Organized Sector)	Number (Srinagar & Jammu)	Gender	Female (Unorganized Sector)	Number (Srinagar & Jammu)
Age	18-25yrs 25-35yrs 35-45yrs 45yrs & above	28 112 86 24	Age	18-25yrs 25-35yrs 35-45yrs 45yrs & above	57 93 85 15
Education al Qualificat ion	Illiterate Matric 10+2 Graduate PostGraduate	57 93 49 31 20	Education al Qualificat ion	Illiterate Matric 10+2 Graduate PostGraduate	155 45 27 17 06
Monthly Wages	<10000 10000-15000 15000-25000	57 148 45	Monthly Wages	<10000 10000-15000 15000-25000	172 66 12
Designati on	Helpers Technicians Clerks Managers	66 83 59 42	Designati on	Constructi on Workers Brick-Kiln Workers Agricultur al Workers Domestic Maids Street Vendors	24 65 24 20 117

An Empirical Study of various Labour Welfare Provisions pertaining to

Women Workers in Jammu & Kashmir			Women Workers in Jammu & Kashmir		
Type of Employment	Casual Permanent Contractual	102 40 108	Type of Employment	Casual Permanent Contractual	144 20 86
Total		250	Total		250

II-Awareness Level about the Women Welfare Laws.

Under this sub-heading, the awareness level, knowledge of various labour welfare provisions for women workers have been examined in detail on the basis of data collected and responses furnished by the respondents.

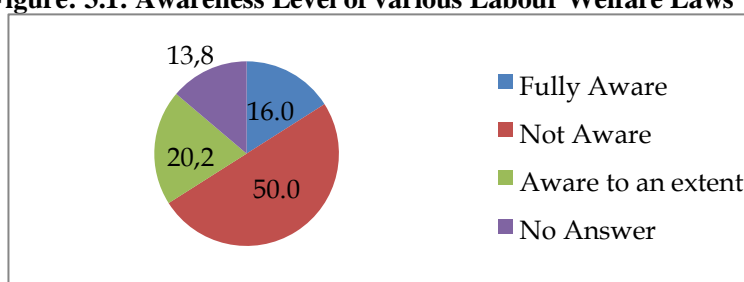
Table 3.0: Awareness Level of various Labour Welfare Laws

Female	Number	Fully Aware	Not Aware	Aware to some extent	No Answer
Organized workers	250 (50.0)	52 (20.8)	114 (45.6)	64 (25.6)	20 (8.0)
Unorganized workers	250 (50.0)	28 (11.2)	136 (54.4)	37 (14.8)	49 (19.6)
Total	500 (100.0)	80 (16.0)	250 (50.0)	101 (20.2)	69 (13.8)

Source: Field survey data.

Note: Numbers in brackets show the percentage.

Figure: 3.1: Awareness Level of various Labour Welfare Laws



The idea of welfare state has prompted India to provide socioeconomic protection to the working women through the passing of various labour welfare legislations such as Minimum Wages Act, 1948, Employees State Insurance Act, 1948, Factories Act, 1948, Maternity Benefit Act 1961, Equal remuneration Act, 1976, Social security for Unorganized workers Act, 2008 and Sexual Harassment at Work Place, 2013 etc. as amended from time to time. Table 3.0 shows that only 16.0% of the sample respondents are fully aware about the various labour welfare legislations in vogue in the state of J&K whereas 50.0% of the respondents are unaware of those laws. The table also shows that 20.2% of the respondents were

aware to some extent about those labour welfare schemes applying to both organized and unorganized sectors of employment whereas 13.8% of the respondents did not give any answer to the question asked. These figures ultimately led us to a conclusion that though the majority of these legislations were passed in preconstitutional era with some exceptions on women specific areas coming into force after independence and have been in vogue for over 65 years, still there is lack of complete awareness/information among the working class about the various welfare schemes which occurs from those Acts and are the soul of these legislations.

III- Administration and Implementation of Wages under Labour Laws.

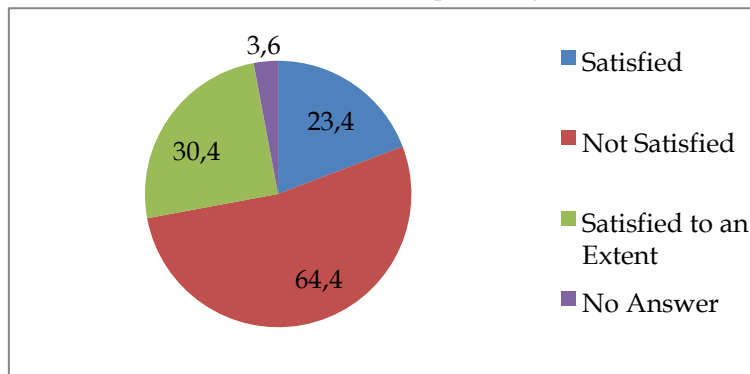
Under this sub-heading, satisfaction level of the amount of Wages being paid by employer for women workers have been examined in detail on the basis of data collected and responses furnished by the respondents.

Table 4.0: Satisfaction level of the amount of Wages being paid by Employer

Female	Number	Satisfied	Not Satisfied	Satisfied to an Extent	No Answer
Organized workers	250 (50.0)	56 (22.4)	157 (62.8)	23 (9.2)	14 (5.6)
Unorganized workers	250 (50.0)	61 (24.4)	165 (66.0)	20 (8.0)	04 (1.6)
Total	500 (100.0)	117 (23.4)	322 (64.4)	43 (30.4)	18 (3.6)

Source: Field survey data.

Note: Numbers in brackets show the percentage.



Wage Discrimination is a problem all over the world, especially in the third world countries, where the process of industrialisation is still going on. A double

An Empirical Study of various Labour Welfare Provisions pertaining to standard on pay still plagues women workers everywhere according to ILO report. Also, Indian women are often deprived of promotions and growth opportunities at work places but this doesn't apply to all working women. A majority of working women continue to be denied their right to equal pay, under the Equal Remuneration Act, 1976 and are underpaid in comparison to their male colleagues. This is usually the case in factories and labour-oriented industries. Table 4.0 on analysis reveals that only 23.4% of sample respondents are satisfied with the amount of wages being paid whereas a large number (64.4%) of respondents are not satisfied with the amount of wages being paid by the employer. The table also figures out that only 30.4% of respondents are satisfied to an extent with the amount of wages being paid whereas a mere 3.6% of respondents declined to answer this question. These figures lead us to the conclusion that even though the female folk is working day-night to ensure better future for them and contribute to their families economy but still there is lack of satisfaction level among them owing to different reasons which will be discussed in other questions asked hereafter.

IV- Benefits provided by various Labour Welfare Measures.

Under this sub-heading, knowledge of principal benefits being provided during the course of employment at workplaces have been examined in detail on the basis of data collected and responses furnished by the respondents.

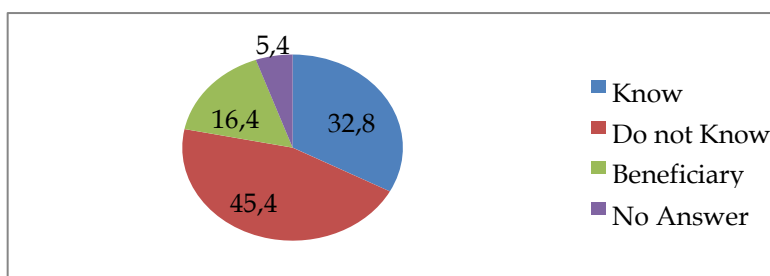
Table 5.0: Knowledge of principal benefits accruing from Labour laws

Female	Number	Know	Do not Know	Beneficiary	No Answer
Organized workers	250 (50.0)	111(44.4)	67 (26.8)	56 (22.4)	16 (6.4)
Unorganized workers	250 (50.0)	53 (21.2)	160 (64.0)	26 (10.4)	11 (4.4)
Total	500 (100.0)	164 (32.8)	227 (45.4)	82 (16.4)	27 (5.4)

Source: Field survey data.

Note: Numbers in brackets show the percentage.

Figure 5.1: Knowledge of principal benefits accruing from Labour laws



The incorporation of social security legislations before and after independence primarily meant to confer benefits on the employees in various factories/establishment across the length and breadth of country and also being exclusively applicable to the state of J&K. These employees, particularly the female workers can avail the benefits when they have the full knowledge of benefits accruing from those schemes and the procedure as to how they can avail these benefits. Table 5.0 shows that only 32.8% of the sample respondents know about all the principal benefits accruing from various labour statutes, whereas the 45.4% of the respondents do not know of all the benefits under these welfare schemes embedded in those statutes. The table also shows that only 16.4% of the employees have availed benefits under the various labour welfare schemes whereas 5.4% of employees gave no answer to this question. These figures lead us to the conclusion that even though a number of employees/workers are covered under those schemes in both organized and unorganized sectors of employment, having knowledge about the accrual of principal benefits and availing the same but still this is a meager percentage as compared to the total female working population in J&K.

V- Conditions of the Employment.

Under this sub-heading, compliance with statutory working hours for women workers have been examined in detail on the basis of data collected and responses furnished by the respondents.

Table 6.0: Compliance with statutory working hours under the Labour Welfare Laws

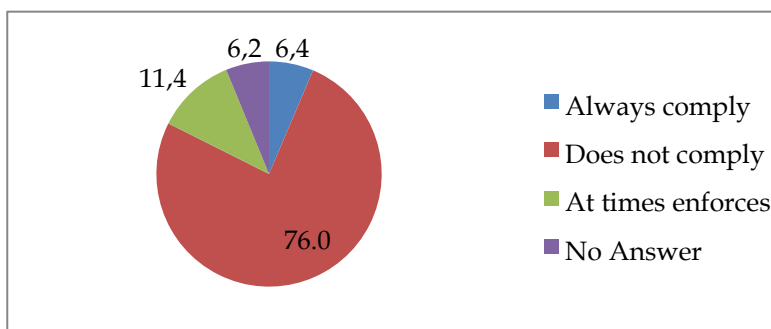
Female	Number	Always comply	Does not comply	At times enforces	No Answer
Organized workers	250 (50.0)	19 (7.6)	181 (72.4)	36 (14.4)	14(5.6)
Unorganized workers	250 (50.0)	13(5.2)	199 (79.6)	21 (8.4)	17 (6.8)
Total	500 (100.0)	32 (6.4)	380 (76.0)	57 (11.4)	31 (6.2)

Source: Field survey data.

Note: Numbers in brackets show the percentage.

An Empirical Study of various Labour Welfare Provisions pertaining to

Figure 6.1: Compliance with statutory working hours under the Labour Welfare Laws



The Minimum wages Act 1948, the Factories Act 1948 and the Mines Act 1952 etc., applicable in J&K lay down statutory working hours for women workers ranging from 8 to 10 hours of work a day and failure to comply with them to enhanced penalties as amended from time to time. The table 6.0 on investigation reveals that only 6.4% of sample respondents believe that their employers comply with necessary statutory working hours whereas 76.0% of respondents agree on the fact that their employers never comply with the working hours as allowed. The table 6.0 also shows that 11.4% respondents at times enforce the working hours clause as provided in the statute books whereas 6.2% respondents did not respond to this question. These figures lead us to conclusion that even though the legislature has mandated not more than 8 hours working period per day through various labour welfare laws but still these laws lack the enforceability on the administrative as well as implementation front.

VI- Grievance and Redressal Mechanism under Labour Welfare Provisions.

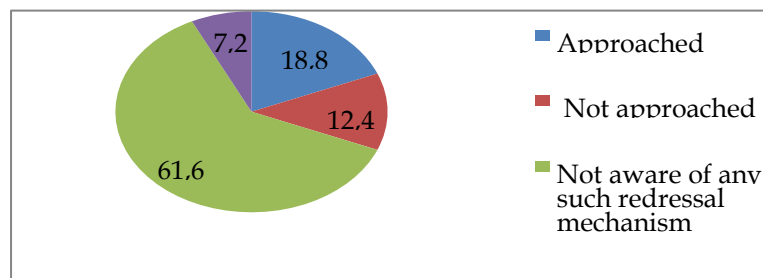
Under this sub-heading, redressal mechanism and procedure adopted like the awareness about the judicial action being taken against the unjust action/decision of employer of unit/establishment and the harassment being met out with respect to wages and complaints being made to the authorities concerned have been analysed in detail on the basis of data collected and responses deduced from the respondents.

Table 7.0: Whether you have ever approached any Court/ Tribunal against the unjust and biased action/decision of the employer

Female	Number	Approached	Not approached	Not aware of any such redressal mechanism	No Answer
Organized Workers	250 (50.0)	66 (26.4)	37 (14.8)	136 (54.4)	11 (4.4)
Unorganized Workers	250 (50.0)	28 (11.2)	25 (10.0)	172 (68.8)	25 (10.0)
Total	500 (100.0)	94 (18.8)	62 (12.4)	308 (61.6)	36 (7.2)

Source: Field survey data.

Note: Numbers in brackets show the percentage.



In order to settle the disputes and claims between the employees/workers and the employers and various statutory bodies like ESI corporation, Provident fund commissioner and other authorities constituted under various labour welfare legislation from time to time, the machinery provided for the adjudication should be adequate and known to all. For this purpose, various labour courts, conciliation officers, adjudication board, industrial tribunals especially the national industrial tribunal and ESI courts under the Industrial Disputes Act of 1947 and Employees State Insurance Act of 1948 has been constituted by the central government and the state governments in India for the amicable settlement of all the disputes of such nature. The table 7.0 on detailed analysis shows that hows that a mere 18.8% of sample respondents have approached the various courts and tribunals for the resolution of their claims/disputes whereas 12.4% of the respondents have never approached any such forum despite having certain grievances. The table 7.0 also shows that 61.6% of the respondents are not aware about any such redressal mechanism being in vogue for the redressal of their issues whereas 7.2% respondents did not gave answer to this question. These figures ultimately lead us to the conclusion that there is lack of knowledge and awareness about the legal

An Empirical Study of various Labour Welfare Provisions pertaining to machinery or redressal mechanism being available to the working class especially the women workers in J&K.

VII-Suggestive measures to enhance WPR of women, improve conditions of Employment and proper enforcement of Labour Welfare Laws.

Under this sub-heading, the suggestive measures to enhance the work participation rate (WPR) of women by implementing various labour laws, suggestions for improvement and effective implementation of availing various benefits and schemes meant for empowerment of women, as to how the government can effectively regulate the functioning of various labour welfare measures for women have been analysed in detail on the basis of data collected and responses deduced from the respondents.

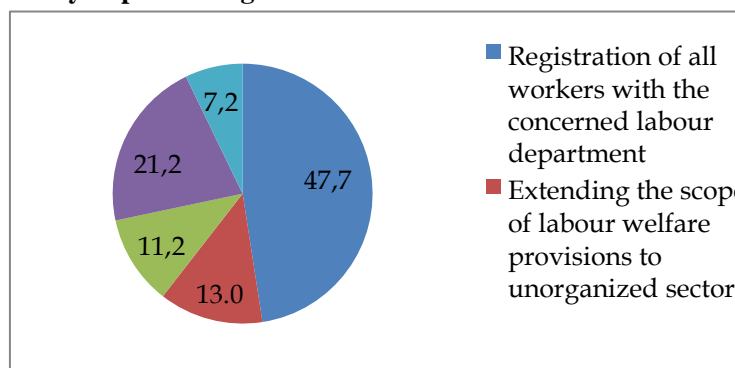
Table 8.0: Suggestions to to enhance work participation rate (WPR) of women by implementing labour laws

Suggestions to to enhance work participation rate (WPR) of women by implementing labour laws	Number (Out of 500)	Percentage*
Registration of all workers with the concerned labour department	237	47.7
Extending the scope of labour welfare provisions to unorganized sector	65	13.0
Active involvement of NGO's in safeguarding rights of women workers	56	11.2
Role of trade unions in protecting labour interests	106	21.2
Highlighting the necessity of collective bargaining	36	7.2
Total	500	100.0(approx.)

Source: Field survey data.

*Percentage could not be equal to 100 due to multiple choices

Figure 8.1: Suggestions to to enhance work participation rate (WPR) of women by implementing labour laws



Organising women in groups is the best way to encourage them for taking part in any socio-economic activity and more particularly the job sector dominated by male counterparts for thousands of years which will ultimately play a vital role in empowerment of women folk. The table 8.0 presents suggestions of sample respondents about the query and reveals that 47.7% of respondents suggest that there should be compulsory registration of all workers with the concerned labour department whereas 13.0% respondents suggest that the government should come with a concrete policy to extend the scope of labour welfare provisions to the unorganised sector and 11.25% respondents suggest that there should be active involvement of NGOs in safeguarding the rights of women employees. The table 8.0 reveals that 21.2% of respondents suggest the active role of trade unions in protecting labour interests whereas 7.2% of respondents highlighting the necessity of collective bargaining to enforce their rights at workplace. It is evident from above table that vast majority of respondents suggest that there should be compulsory registration of all workers with the concerned labour department and active role should be played by the trade unions to highlight the miseries and sufferings of working women so that they can live with dignity, honour and gender justice in J&K.

III- CONCLUSION

From the foregoing analysis of the responses deduced from “women workers/employees in factories/establishments and in unorganized sectors of employment” in the state of Jammu and Kashmir to various questions, it becomes clear that the essential idea that a uniform set of labour laws applicable to each category of working class has not yet been achieved. The state government and the employers in particular do not have the capacity to take up implementation tasks of various women oriented provisions under labour welfare legislations and this has led to the dominance of the male counterparts, more particularly the employers and officials associated with enforcement machinery under those Acts. Technically speaking, the employers do not have adequate resources, expertise and skill to plan and implement developmental schemes and projects for the welfare of women workers, thereby, increasing further their dependence on the State apparatus. In such circumstances women in general and working women in particular cannot participate effectively at the places of employment or increase their work participation rate. Numerous factors are responsible for such a large number of respondents who are not aware of the labour welfare laws/schemes like Factories Act, ESI Act, Maternity benefit Act, Minimum wages Act, Sexual harassment at

An Empirical Study of various Labour Welfare Provisions pertaining to workplace Act, Industrial disputes Act, Social security for unorganised workers etc., and such factors are: illiteracy, poverty, non-availability of information, absence of infrastructure at the grassroots level, and inadequacy of officials to enforce different schemes for women. It is the responsibility of government functionaries (representatives and officials) to apprise the people of various programmes/schemes and submit the list of the women working population for availing assistance under any labour welfare legislations/scheme for economic empowerment of women including working women.