

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,  
THIRUVANANTHAPURAM**

**Present: Mr. Justice N. Dhinakar, Hon'ble Chairperson**

Dated this the 28<sup>th</sup> January, 2010.

H.R.M.P.No.534/2008

Petitioner : . Mulavana Rajendran,  
General Secretary, Kundara Mandalam  
Cashew Workers Council,  
Kundara. P.O.

Respondent : . 1. Jt. Director, Factories & Boilers,  
Thirumullavaram, Kollam.  
2. Asst. Controller,  
Legal Metrology, Kadappakkada.  
3. Asst. Commissioner,  
P.F. Sub Regional Office, Kollam.  
4. Regional Director, ESI Corporation,  
Poliyathode, Kollam.

**ORDER**

The petitioner is present. Mr. Venukumar, Asst. Controller, Legal Metrology Department, Kollam, Mr. Sivanandan, Joint Director of Factories & Boilers, Kollam and Ms. Remla Beevi, District Labour Officer (Enforcement), Kollam are also present.

The complaint of the petitioner is that the cashew factories in Kundara Constituency are not providing necessary facilities required for the workers as they are not provided with toilet, proper sheds at the work place and dining halls etc. It is his further complaint that there are also irregularities in weighing the products.

In the report submitted by the Joint Director of Factories & Boilers, Kollam, it is stated that there are 733 factories in Kundara Factory Division including 439 cashew factories and Factory Inspectors are conducting inspections at regular intervals and directions are issued to rectify the defects whenever it is

noticed and if the directions are not complied with action is also taken. According to the report during 2007-08 cases were registered against 16 cashew factories for violating rules.

In the report submitted by the Assistant Controller, Legal Metrology Department, Kollam, it is stated that the weighing machines in the factories are inspected and sealed for ensuring the accuracy and a certificate is also issued for display. According to the report whenever irregularities were noticed in the institutions legal steps were taken by registering cases during the year 2007. According to the report, there is only one Inspector in the Taluk for inspecting the weighing machines and steps are being taken on receipt of complaints from the workers. In the report it is further stated that in the place of mechanical weighing machines if electronic weighing machines can be used the problems can be solved and a condition is to be included to that effect in the instructions for granting licences to the factories.

On the above statement in the report as regards the electronic weighing machines Mr. Venukumar, Assistant Controller, Legal Metrology Department, is questioned and he states that action can be initiated at the Government level and no steps were taken by the Legal Metrology Department in the matter to address the Government on the subject.

As regards in the complaint of the petitioner that no amenities are provided in the factories, it is reported by the Joint Director of Factories & Boilers that no specific complaint was received from the petitioner as to the factory which has violated the conditions and not provided the required facilities for the workers. The petitioner who is present agrees to file a complaint before the Joint Director of

Factories and Boilers, Kollam, mentioning the names of the factories where facilities required for the workers are not provided. I therefore direct the Joint Director of Factories & Boilers to initiate action on the complaint, if received, for rectifying the defects, if any, without any delay. As regards the other complaints mentioned in the complaint with regard to D.A., leave, medical allowances etc. they do not fall within the purview of this Commission.

The petition is closed with the direction for proper inspection of all the factories in Kundara Division by conducting periodical inspections by the District Labour Officer, Kollam, as well as by other officers concerned and if any violation is noticed it is to be rectified by initiating appropriate legal action against the factories.

The petition is closed with the above direction.

Justice N. Dhinakar,  
Chairperson.