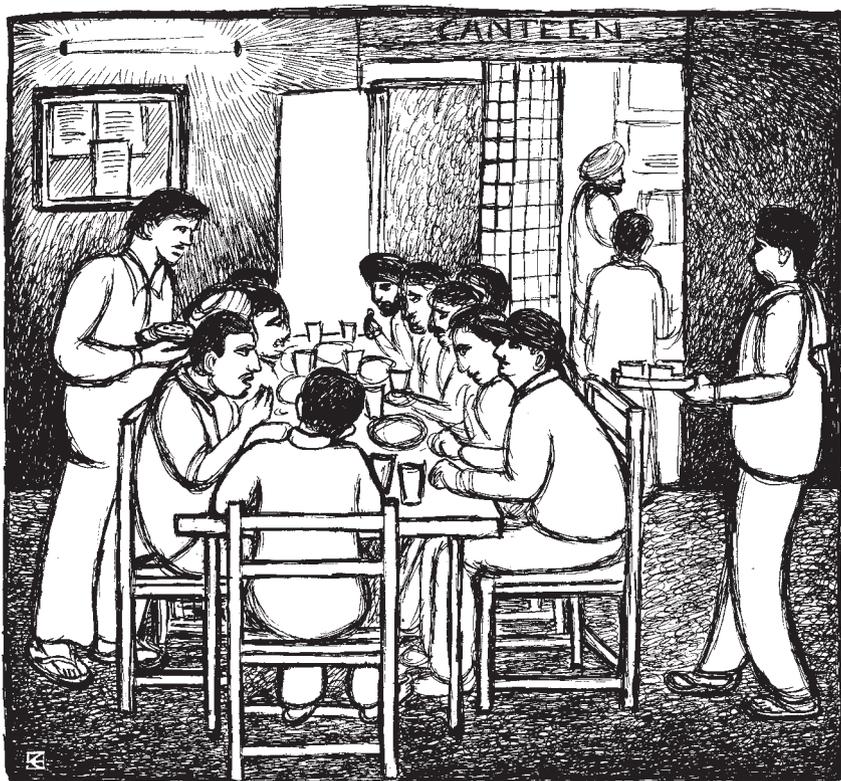


# WHO SERVES US FOOD

A Report on the Rights  
of the Mess/Canteen Workers  
of Panjab University



**Initiatives for Democratic Rights (IFDR)**  
**Chandigarh**  
**November, 2004**

Discussions and seminars are important parts of University life. But many times the ideas that emerge out of these forums do not translate into a dialogue with our everyday lives.

**Here in Panjab University, we carry on abstract discussions of workers' rights, . . . and then we are served tea and snacks by deprived workers.**

Mess and canteen workers are perhaps the most familiar faces in hostel life. We interact with the workers and depend on them for our daily meals. And yet most of us have rarely tried to look into their lives, their anxieties and deprivations. This report attempts to bridge the gap that exists between the two different worlds of students and workers. We also attempt to take this dialogue further by demanding action from the University authorities. This report has emerged out of the need to consider those in our society who bear the beastly burden of supporting the dominant section.

## Introduction

Amidst the everyday fun and frolic of Panjab University, its academic life and its modern architecture, one may not be able to comprehend the inequalities and exclusions which scar the campus. In our society inequalities are so widespread that most of the time they are accepted as natural and are not necessarily subject to question or debate. But if blaring inequalities cannot be reduced even within a university community – which is supposed to stand for higher intellect, the spread of knowledge, and the critique of social ills - then it indicates the gravity of the situation. The purpose of this report is to expose and critique the serious forms of socio-economic and legal deprivations faced by the mess/canteen workers of Panjab University.

This report is based on a socio-economic survey we have conducted of the workers and their contractors. We were mainly interested in a qualitative rather than quantitative understanding of the situation. The workers were interviewed during the period from January to March 2004. In all 36 workers were interviewed using a questionnaire to get specific information as well as additional discussion to get unstructured narratives from their lives. We believe this is a fairly representative cross section of the workers, who were from three Boys' Hostels (Nos. 4, 5 and 6) and one Girls' Hostel (No. 5) on the Panjab University campus.

Each of the 12 hostels has two messes which serve two meals per day and one canteen which serves breakfast and snacks throughout the day. Each mess or canteen has one contractor, in addition to about a dozen workers, thus making a total of about 425 workers serving more than 5000 people each day.

Panjab University, through the Dean of Students' Welfare, appoints each contractor for one year (renewed every year) on the basis of an Agreement Bond, which mentions the terms and conditions of the contract, and regulates the functioning of each mess and canteen.

## Workers' Socio-economic Condition

Virtually all of the hostel workers we interviewed were migrant labourers. All of them were male. Most of them left their families as teenagers, coming alone or with a relative to Chandigarh. They all send money back home.

The hostel workers have left their homes in search of work due to the socio-economic deprivations they faced in their native places. A majority of them came from rural areas of Una and Kangra districts of HP or from Uttaranchal. Others came from Shimla and Chamba in HP, Madhubani in Bihar, Guwahati in Assam, Hoshiarpur in Punjab, and Gonda in UP. All these regions have relatively high rates of poverty and unemployment.

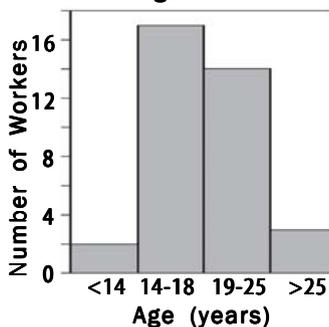
Land can ensure a minimum social security for the rural population. But this depends on how much land is owned. We found that almost two-thirds of the workers were from families that were either landless or owned 5 or less kanals of land, which is barely sufficient for subsistence farming.

### Age and Years of Service

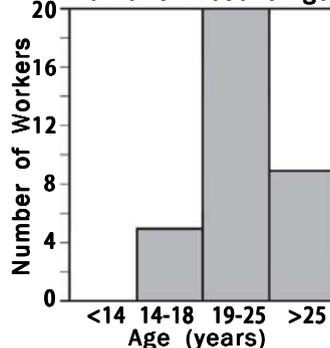
A worker's age and number of years of service should be the most important factors determining wages and service entitlements. But we have found that even aged people who have been working in the hostels for many years may not be getting better salaries or entitlements than young boys who have been working for less than one year.

Most of the workers we interviewed are between 19 and 25 years of age. Almost all the workers joined between the ages of 14 and 25. Two of them were below the age of 14 when they joined. While a majority of them had been working at this job for less than one year, a few had held the same job for as long as 42 years.

**Worker's Age when Joined**



**Worker's Present Age**



## Education and Caste Distinction

Lack of education can be a major source of deprivation. However, education does not necessarily guarantee job security. Most of the mess/canteen workers had studied at least up to 8<sup>th</sup> standard. One worker had even completed 10+2. Six were illiterate.

### Up to which classes have the workers studied?

	Illiterate	5th	8th	10th	> 10th	Not known
No. of workers	6	2	11	15	1	1

Caste discrimination is one reason why even educated people are forced to work under bad conditions at low-paying jobs.

According to our survey, perhaps as many as one third to one half of all mess/canteen workers are belonging to Scheduled Castes or Other Backward Castes. This higher than expected ratio (given the lower percentage of these castes in the total population), indicates the continuing prevalence of the system of caste discrimination in which the dalit population does not have equal opportunities to higher paying jobs.

## Wages and Working Conditions

The University does not consider either the contractors or the workers as regular employees. Therefore they are also deprived of the benefits to which regular employees are entitled.

Most of the mess and canteen workers work for more than 12 hours each day, and all of them work 7 days per week. None of them get overtime pay for the extra hours worked.

### How many hours do the workers work each day?

	8 hours/day	9-11 hours/day	> 11 hours/day
No. of workers	3	11	22

Only 3 of the 36 workers we interviewed got more than Rs 1500 pm. One worker received only Rs 600 pm, and another got only Rs 1100 pm even though he had been working at the hostel for 42 years. Thus, there is an inequity in the correlation between wages, hours of work and years of service. The three workers who are getting the maximum salary are basically cooks, who work fewer hours each day than the others.

### How much do the workers' earn? (Rs pm)

	< 1000	1000-1500	1501-2000	> 2000	Not known
No. of workers	3	29	3	-	1

With such low wages and busy schedules, most of the workers could visit their native place just twice or thrice in a year. When one worker falls ill, this puts an extra burden on the other workers, who must do his work in addition to their own. In most cases the workers have to pay for whatever medicines they may need. Out of thirty-six workers just ten of them said that they received any medical benefits.

### Living Conditions

The conditions in which the workers live make a mockery of the welfarism of the so-called "socialism" guaranteed by our Constitution. While some workers were sharing tiny sleeping accommodations with 2 or 3 fellow workers, most used small rooms shared by 4 to 11 workers, with space for not even one bed per worker. In one girl's hostel most of the workers sleep in the dining hall and use the toilets in an adjoining hostel.

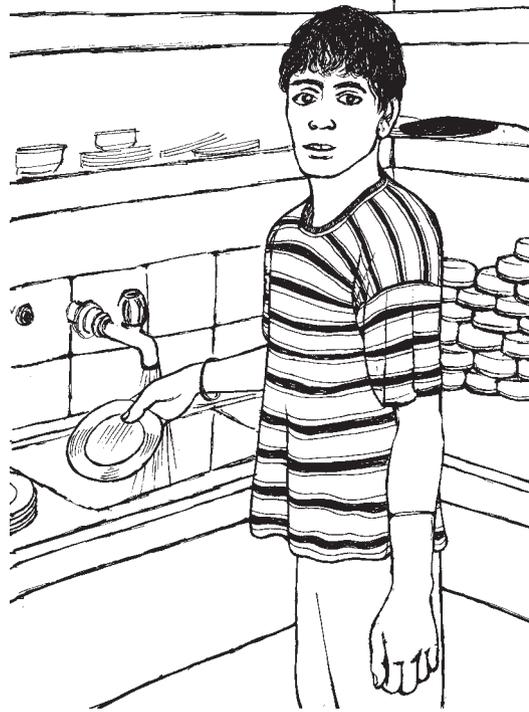
Toilet and bathing facilities are woefully inadequate and unhygienic. There may be 12 workers sharing one toilet.

*In this sleeping quarter, 4 beds have to be arranged to make room for 6 workers.*



Most of the workers were not satisfied with their jobs. They felt bound by necessity since there are few options of alternate employment available to them. Besides this they are often subject to verbal abuse. Two of them narrated incidents of physical abuse by students. Also seventeen workers reported stress due to overwork. These were mainly canteen workers who work for more than eleven hours in a day.

Although there are some facilities to accommodate the families of contractors, nothing is available for the workers' families.



## Legal Entitlements

According to the Constitution of India, the state should take responsibility for the welfare of all workers. Our laws came into existence after decades of struggle over working conditions, hours of work, wage entitlements, etc.

Any labourer/worker, whether on contract or regular basis, is entitled to certain basic rights. These are enumerated below.

### 1. The Minimum Wages Act of 1948

The rates under this act are revised by appropriate governments every few months, keeping in mind the rising cost of living. The Labour Department of Chandigarh has fixed minimum wages for 1 April - 30 Sept 2004 as follows:

**Minimum Wages in Chandigarh**

Category	Rate per month (Rs)	Rate per day (Rs)
Unskilled	2741.50	105.35
Semiskilled 2	2891.50	111.15
Semiskilled 1	2991.50	114.95
Skilled 2	3191.50	122.65
Skilled 1	3416.50	131.35

Besides this, if the worker is not provided any provisions for food and accommodation, an extra payment of Rs 333.31 pm has to be provided.



## **2. The Factories Act of 1948**

This law says that every worker shall be entitled to all the privileges and benefits applicable to workers in a factory. These relate to;

- a) The hours of work, including:
  - i) weekly holiday on the first day of the week,
  - ii) work for not more than 48 hrs a week and not more than 9 hrs a day,
  - iii) overtime for work more than 9 hrs on any day or more than 48 hrs in a week at the rate twice the ordinary rate of wages,
  - iv) maintenance of a register of workers.
- b) Health and Safety of workers
- c) Food and Accommodation
- d) Annual leave with wages in the subsequent Calendar year, if he has worked for 240 days or more in a Calendar year. This is
  - i) one leave for 20 days actual working, in the case of an adult
  - ii) one leave for 15 days actual working, in the case of a child.

## **3. The Employees Provident Fund and Misc. Provisions Act, 1952**

This law says that a prescribed contribution has to be made by the principal employer for every employee of the contractor.

## **4. The Employees State Insurance Act, 1948**

This states that a contract worker is entitled to the benefits under this act. The principal employer is liable to pay both the employer's contribution and the employee's contribution in the first instance.

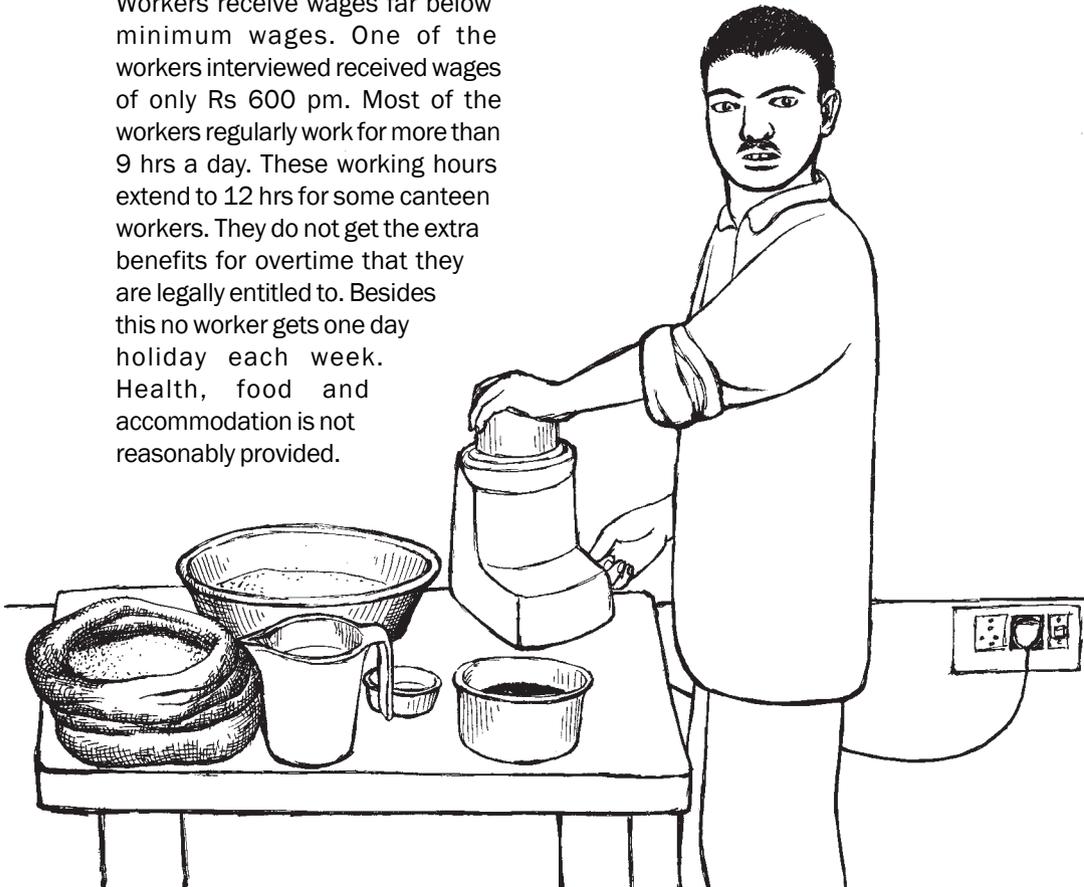
## **5. The Contract Labour (Regulation and Abolition) Act, 1970**

This has made it obligatory for the contractor to provide and maintain sufficient supply of wholesome drinking water and reasonable number of latrines, urinals, washing facilities, etc. for the labourers. Where the contractor does not provide such facilities and amenities, the responsibility shifts to the principal employer.

# **Violations and Deprivations**

We have found serious violations of the rights of mess/canteen workers. Not even a single provision for workers pertaining to minimum wages, hours of work, health, food and accommodation, leave entitlements, Provident Fund and Employees' State Insurance have been implemented in the campus.

Workers receive wages far below minimum wages. One of the workers interviewed received wages of only Rs 600 pm. Most of the workers regularly work for more than 9 hrs a day. These working hours extend to 12 hrs for some canteen workers. They do not get the extra benefits for overtime that they are legally entitled to. Besides this no worker gets one day holiday each week. Health, food and accommodation is not reasonably provided.



They are not provided annual leave with wages even though every worker works for more than 240 days in a year. The University (as the actual principal employer) does not maintain Provident Fund or Employees' State Insurance for the workers.

### **Low Awareness**

Significantly, we found that the workers have very low awareness about the entitlements that are due to them. Either they do not realise that their working conditions are illegal, or they do not have any faith that the laws have any meaning for them or that they have any recourse to law. This is despite the fact that many of them have completed their education up to at least 8<sup>th</sup> standard. We wonder what is the use of an education that does not even include such basic knowledge.

## **Student Contributions to Mess/Canteen Workers' Welfare**

All students of Panjab University are required to make contributions for the welfare of mess and canteen workers. Each hosteller pays Rs 10 pm for the Mess/Canteen Servants Welfare Fund and Rs 40 pa for the Medical Aid of Mess/Canteen Servants. This adds up to a fairly substantial amount. What happens to these funds? We tried to track this down by making inquiries to the Hostel Office, the Dean of Student Welfare Office and the Lady Dean and Dietician.

The Hostel Office says that they collect the money for workers' welfare from the students and send it to the DSW office.

The DSW office says that they do receive the money from the Hostel Office. According to them, they send a small portion of the money to the Health Centre and the rest is added to the Amalgamated Fund of the Students' Council.

The Lady DSW was not aware of these funds and did not know how they are utilised. However the Dietician said that most of the money is sent to the Health Centre. She also added that her office uses some of the money to provide the workers with aprons. However, we have never observed anyone but the contractors wearing aprons. In any case, the cost of aprons could not be much. It is not clear how the rest of the money is used.

It appears that most of the money which is collected from the hostel students goes into the Amalgamated Fund utilised for the "fun nights" organised for students every year. If this is indeed the case, most of these funds intended for the workers are not even used for them.

## **Issues and Concerns**

There have been several legal cases concerning other institutions which have a bearing on the mess/canteen workers of Panjab University. We will mention only one of them. A 2000 Supreme Court judgement in the case of G.B.Pant University of Agriculture and Technology, Nainital vs The State of Uttar Pradesh and Others, directed the University authorities to regularise the services of the employees so as to entitle them to get monthly wages and benefits at par with the other employees of the University. This was decided because the students residing in the hostels were required to avail of the food services (as is also the case in P.U.), so therefore the obligations of the University were clear. Since the University had control over the running of the food services, they were made to regularise the workers as their employees. In this judgement the Court also stated that, "the true spirit of the society as laid down in Part III and IV of the Constitution ought to be

implemented... [There have been numerous decisions of this Court stating that] democratic socialism aims to end poverty, ignorance, disease and inequality.”

As we have discussed, the messes and canteens of Panjab University are operated by contractors according to an Agreement Bond. This Bond specifies the provision of basic furniture, fuel cylinders, cooking utensils, etc., which are provided by the University. As per the Agreement, certain items of the ration have necessarily to be purchased from the university (e.g. Brookbond Tea, Markfed cooking oil). The contractors complain that sometimes they could buy items of similar quality at lower prices from other places, but they are not allowed to do so. It appears the University might be making some profit by reselling items to the contractors. The contractors also feel that the University charges them excessive amounts for various services. For example they are asked to pay Rs 500 pm for deep freezer rent and maintenance.

The Agreement Bond also specifies food standards, appoints a dietician to check the quality of food and fixes the rates of diets. It also instructs the contractor 'to observe and follow general labour laws, employment acts and wage rules'. The University undertakes the collection of mess/canteen dues. Thus, the University acts as the principal agency responsible for the employment and welfare of workers, and should also be responsible for complying with the legal requirements.

The University regulates the employment of the workers and stipulates that they start working with effect from the 15th of July, when the session starts, till the month of May, for a span of more than 10 months i.e. more than 300 days. Usually the workers continue with the same job in the next session also as their contracts are normally renewed every year. The contractors continue to work in the university system year after year and are sometimes interchanged but very rarely removed (unless there is a serious breach of terms). For example, the contractor of Mess-I of Hostel-6 has been working there for more than 20 years

The University has also fixed rules and regulations for the students/residents regarding their relationship with mess/canteens. The rules stipulate that 'the hostel residents shall have meals in the hostel mess/canteen only' (37a), 'they are required to take at least 15 diets per month' (37b), 'for the meals missed by a resident, without the prior intimation, a charge of Rs 3 per meal will be imposed. A resident who is absent without leave from the Warden may miss meals for not more than seven days in a month' (37h). Also, as noted above, the students are required to contribute to the Workers Welfare Funds (46b).

## Unequal opportunities for women

We also note that there are no female mess/canteen workers. Is this not a bias on the part of the employers? Certainly women are as able as men to work as cooks and kitchen workers. If the workers were paid legal salaries and given at least the minimum legally allowed benefits and accommodations, surely both men and women would not mind taking up such work. By continuing to employ people in these substandard terms, inequality on the basis of sex is perpetuated. It is because women workers are not provided with adequate living conditions that they are not able to migrate in search of employment, as their brother are. And because women cannot earn as well as men, sons are preferred over daughters, and many injustices, even including sex-selection, female infanticide, and dowry are practiced.

“Admittedly, Cafeteria employees need succour – would they continue to remain half fed and half clad as long as they live – is this the society that we feel proud of : Is this the guarantee provided by the founding fathers of our Constitution or is this the concept of socialism which they conceived? None of the answers can possibly be in the affirmative. The situation is rather awesome and deplorable – the University by compulsion directs students to be residents of hostel with a definite ban on having food from outside agencies excepting under special circumstances and the provider of food, namely, the staff of the Cafeteria ought not to be treated as an employee of the University ...

“These are the questions which remain unanswered: ...The society shall have to prosper and this prosperity can come only in the event of there being a wider vision for total social good and benefit. It is not bestowing any favour to anybody but it is a mandatory obligation to see that the society thrives. The deprivation of the weaker section we had for long, but time has come to cry halt and it is for the law courts to rise up to the occasion and grant relief to a seeker of a just cause and just grievance. Economic justice is not a mere legal jargon but in the new millennium, it is the obligation for all to confer this legal justice to a seeker.”

– Supreme Court Judgement, G.B.Pant University of Agriculture and Technology, Nainital vs The State of Uttar Pradesh and Others, 2000(3)RSJ pp. 777-784

# Conclusion

Mess and canteen services are an essential requirement for Panjab University, employing a sizeable number of workers. This service is not just seasonal. Further the university has overall control in the matter of running and maintenance of each mess/canteen. The contractors have only been acting for and on the behalf of the university as its agencies to provide the specified services. The canteens and messes are part of the University. Hence the contractors as well as the workers should in fact be recognised as the employees of the University, as they are in other such institutions.

As members of the Panjab University community, and customers of the messes and canteens, we feel it is our responsibility to protest against the illegal wages, benefits and working conditions that the workers and contractors are subjected to at present. The contractors and workers should be given a chance to decide how their jobs should be restructured so as to bring them in accordance with the legal requirements. We suggest that the contractors should be converted into supervisors who are regular University employees. The workers should also be regularised as University employees and their jobs should be redefined in line with the legal requirements as to wages, hours of work, holidays, health benefits, living accommodations, Provident Fund, Insurance, and overtime pay.

We have decided to join hands to protest the inhumane treatment of the people we depend on for our daily food. We see the publication of this pamphlet as one step in an awareness campaign to bring the situation to the notice of all concerned. We are also undertaking a campaign to raise the awareness of the mess/canteen workers as to their rights, the laws that are meant for their protection, and the possible courses of action that they can take to redress the wrongs that they are being subjected to.

**This report has been published by  
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