

**विधायी विभाग**  
**Legislative Department**

**विधि और न्याय मंत्रालय**  
Ministry of Law and Justice

trade union is connected, and also the admission of such number of honorary or temporary members, who are not such workers, as are not permitted under section 35 to be office bearers to form the executive of the trade union;

- (f). the payment of a subscription by members of the trade union as prescribed under this Act;
- (g). the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on any member;
- (h). the annual general body meeting of the members of the trade union, the business to be transacted at such meeting, including the election of office bearers of the trade union;
- (i). the manner in which the members of the executive and the other office bearers of the trade union shall be elected once in a period of every two years and removed and filling of casual vacancies;
- (j). the safe custody of the funds of the trade union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the office bearers and members of the trade union;
- (k). the manner in which the rules shall be amended, varied or rescinded; and
- (l). the manner in which the trade union may be dissolved.

#### **18. Registration of a Trade Union**

- (1) If the information furnished by the trade union which has made the application is complete in all respects the Registrar shall make an order within 60 days from the date of receipt of the application for registration of the Trade Union for either granting or refusing to grant the registration and shall communicate his order to the applicant union.

Provided that where the Registrar refuses to grant the registration he shall state the reasons therefor for such refusal.

- (2) Where the Registrar makes an order for registration of a trade union he shall issue a certification of registration to the applicant trade union in the prescribed form which shall be the conclusive evidence that the trade union has been registered under this Act.
- (3) If the Registrar has issued a registration certificate to a trade union he shall enter the name and other particulars of the trade union in a register maintained in this behalf in the prescribed form.

#### **19. Deemed Registration in Certain Cases**

- (1) Every trade union registered under the Trade Unions Act, 1926 having valid registration before the commencement of this Act shall be deemed to be registered under this Act.

Provided that a union which does not fulfil the requirement of Section 13 and 17 or a union which consists of workers of a certain craft or category as members or a union which is based on the caste shall not be automatically deemed to have been registered.

- (2) The Registrar shall within 6 months of commencement of this Act serve on every union covered by the proviso to sub section (1) a notice requiring such trade union to either amalgamate with other trade union or unions or become a general union or to otherwise comply the requirements of the proviso.
- (3) Where any such union which has been served a notice under sub section (2) fails to comply with the direction given by the Registrar in his notice within the specified period the registration of such a trade union shall stand cancelled.

#### **20. Cancellation of Registration**

- (1) Certificate of registration of a trade union may be cancelled by the Registrar -

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- (a). on the application of the trade union to be verified in such manner as may be prescribed;
- (b). if the union had obtained the registration by misrepresentation or fraud or mistake;
- (c). if the union has failed to maintain the accounts or to submit the annual return in the prescribed manner or within the prescribed period or the annual return submitted by it is false or defective and the defect is not rectified within the prescribed period;
- (d). if the trade union has wilfully after the notice from the Registrar contravened any provision of this Act or rules made thereunder or has contravened its constitution and rules;
- (e). if the trade union has not held its elections as prescribed under this Act within the prescribed period;
- (f). if the trade union has made or allowed to continue any provision in its constitution and rules which is inconsistent with this Act or rules made thereunder or has rescinded any of its rules providing for any matter, provision for which is required to be made by section 17.

Provided that not less than 60 days previous notice in writing specifying the grounds on which it is proposed to cancel the certificate of registration of a trade union shall be given by the Registrar to the trade union before the certificate of registration is cancelled otherwise than on the application of the trade union

- (g). if the trade union no longer fulfills the requirements of registration as prescribed under section 13.
- (2) A certificate of registration of a trade union shall be cancelled by the Registrar where a Labour Court or the Central or the State Labour Relations Commission or the National Labour Relations Commission has made an order for cancellation of registration of such union.

- (3) While cancelling the certificate of registration of a trade union the Registrar shall record the reasons for doing so and communicate the same in writing to the trade union concerned.

**21. Appeal against Non-Registration or Cancellation of Registration**

- (1) Any person aggrieved by the refusal of the Registrar to grant registration to a trade union under section 18 or by cancellation of a certificate of registration under section 20 or if the Registrar has not acted within 60 days on the application for registration may within such period as may be prescribed prefer an appeal to the Labour Court whose decision shall be final.
- (2) The Labour Court may after giving the parties concerned an opportunity to be heard dismiss the appeal or pass an order directing the Registrar to register the trade union and to issue a certificate of registration or set aside the order of cancellation of certificate of registration as the case may be and forward a copy of the order to the Registrar.

**22. Registered Office of the Trade Union**

All communications and notices to a registered trade union may be addressed to its registered office which shall be the address of the head office of the trade union as entered in the register maintained by the Registrar of the trade unions.

**23. Change in Address & other Particulars of the Trade Union**

It shall be incumbent on a trade union to inform the Registrar by a registered post if any change in the particulars of the trade union as contained in section 13 and 17 has occurred or there is change in the address of the registered office of the trade union within 14 days of occurring of such change.

**24. Incorporation of a Registered Trade Union**

Every registered trade union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal

with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

#### **25. Certain Acts not to Apply to Registered Trade unions**

The following Acts namely :-

- (a). the Societies Registration Act, 1960
- (b). the Cooperative Societies Act of the Central Government & similar enactments of the State Governments, and
- (c). the Companies Act, 1956

shall not apply to any registered trade union and the registration of any such trade union under any such Act shall be void.

#### **26. Objects on Which General Funds of a Trade Union may be Spent**

The general funds of a registered trade union shall not be spent on any objects other than the following namely:-

- (a). the payment of salaries, allowances and expenses to office bearers of the trade union;
- (b). the payment of expenses for the administration of the trade union including audit of the accounts of the general funds of the trade union;
- (c). the persecution or defence of any legal proceeding to which the trade union or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the trade union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;
- (d). the conduct of individual, industrial or trade union disputes on behalf of the trade union or any member thereof;
- (e). the compensation of members for loss arising out of any individual or

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industrial dispute;

- (f). allowances to members or their dependants on account of death, old age, sickness, accidents, or unemployment of such members;
- (g). the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h). the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or the dependants of members;
- (i). the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workers as such;
- (j). the payment, in furtherance of any of the objects on which the general funds of the trade union may be spent, of contributions to any cause intended to benefit workers in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one fourth of the combined total of the gross income which has up to that time accrued to the general funds of the trade union during that year and of the balance at the credit of those funds at the commencement of that year; and
- (k). subject to any conditions contained in the notification, any other object notified by the appropriate Government in the (official gazette).

#### **27. Constitution of a Separate fund for Political purposes**

- (1) A registered trade union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2)
- (2) The objects referred to in sub section (1) are -

- (a). the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or
  - (b). the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
  - (c). the maintenance of any person who is a member of any legislative body constituted under the constitution or of any local authority; or
  - (d). the registration of electors or the selection of a candidate for any legislative body constituted under the constitution or of any local authority; or
  - (e). the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.
- (3) No member shall be compelled to contribute to the fund constituted under sub section (1) and a member who does not contribute to the said fund shall not be excluded from any benefits of the trade union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the trade union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the trade union.

#### **28. Immunity from Civil Suit in Certain Cases**

- (1) No suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any office bearer or member thereof in respect of any act done in contemplation or furtherance of an individual dispute, industrial dispute or trade union dispute to which a member of the trade union is a party on the ground only that such act

induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he desires.

- (2) A registered trade union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation or furtherance of an individual dispute, industrial dispute or trade union dispute by an agent of the trade union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the trade union.

#### **29. Criminal Conspiracy in Industrial Disputes**

No office bearer or member of the registered trade union shall be liable to punishment under sub section (2) of Section 120-B of Indian Penal Code in respect of any agreement made between the members for the purpose of furthering any such object of the trade union as is specified in Section 26, unless the agreement is an agreement to commit an offence.

#### **30. Enforceability of Agreements**

Notwithstanding anything contained in any other law for the time being in force an agreement between the members of a registered trade union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade.

Provided that nothing in this section shall enable any civil court to entertain any legal proceedings instituted for the purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a trade union shall or shall not sell their goods, transact business, work, employ or be employed.

#### **31. Bar on Membership of Multiple Unions**

No worker shall be a member of more than one trade union at a time.

**32. Right to Inspect Books of Trade Union**

The account books of a registered trade union and the list of members thereof shall be open to inspection by an office bearer or member of the trade union at such times as may be provided for in the rules of the trade union.

**33. Rights of Minor to Membership of Trade Union**

Any person who has attained the age of fifteen years may be a member of a registered trade union subject to any rules of the trade union to the contrary, and may, subject to as aforesaid enjoy all the rights of a member and execute all instruments and given all acquaintances necessary to be executed or given under the rules;

**34. Membership Fee & Mode of Its Collection**

- (1) The subscriptions payable by the members of the trade union shall be
  - (i) in case of a trade union of persons employed in agricultural operations or rural establishments or workers employed in the establishment in the unorganised sector not less than 50 paise per month per member; and
  - (ii) in other cases not less than one rupee per month per member;
- (2) Workers who are members of a trade union shall give a written authorisation in the prescribed manner in favour of the trade union of which they are members authorising the employer to deduct their subscription from their wages and to pay that over to the trade union concerned in the prescribed manner.
- (3) Where any worker is not a member of any trade union he shall be liable to pay subscription to the welfare fund established by the State Government for securing welfare of workers in general at a rate equal to the membership fee of the sole negotiating agent or the highest subscription of any union included in the negotiating college and where there is no general fund of the State Government to the fund established by employer with the approval of the State Government for the welfare of workers of the establishment or undertaking.

**35. Disqualification of Office Bearers of Trade Unions**

- (1) A person shall be disqualified for being chosen as, and for being, a member of the executive or any other office bearer of a registered trade union if—
- (i) he has not attained the age of 18 years;
  - (ii) he has been convicted by a court in India of any offence involving moral turpitude and sentenced to imprisonment unless a period of 5 years has elapsed since his release after undergoing such imprisonment;
  - (iii) he is already office bearer of 10 trade unions;
  - (iv) the Labour Court or a Labour Relations Commission has directed that he shall be disqualified for being chosen or for being office bearer of a trade union for a period specified therein.

**36. Adjudication of Trade Union Disputes**

- (1) Where a dispute arises between —
- (a) one trade union and another;
  - (b) one group of members and another group of members of a trade union;
  - (c) one or more members of a trade union and the trade union;
  - (d) one or more workers who are members of the trade union and the union regarding registration, administration or management or election of office bearers of the trade union; and
  - (e) one or more workers who are refused admission as members and the trade union

an application may be made in the prescribed manner to the Labour Court having jurisdiction over the area where the Registered office of the trade union or trade unions is located for adjudication of such disputes.

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- (i) where the dispute is between one trade union and another by the principal office bearer of any one of the trade union;
  - (ii) where the dispute is between a worker and a trade union on account of non admission as a member by the worker himself;
  - (iii) where the dispute is between one group of members and another groups of members of the union or between one or more members of the union and the union, by any person who is a member of the trade union; or
  - (iv) where a dispute is in respect of a trade union which is a federation of trade unions by principal office bearer authorised in this behalf by the trade union.
- (2) Notwithstanding anything contained in sub section (1) where the appropriate Government is of the opinion that any trade union dispute is of considerable importance the appropriate Government may make an application to the Central Labour Relations Commission or as the case may be to the State Labour Relations Commission for seizing the trade union dispute in adjudication.
- (3) Notwithstanding anything contained in sub section (1) & sub section (2) where the Central Government is of the opinion that the dispute involves any question of national importance or the party to the dispute is a registered trade union having offices in more than one state the office bearer of the trade union, the Central Government may make an application to the National Labour Relations Commission for seizing the trade union dispute in adjudication for resolution of such dispute.
- (4) The order or award of the Central or State Labour Relations Commission or as the case may be of the National Labour Relations Commission shall be final.
- (5) No civil court shall have power to entertain any suit or other proceedings in relation to any dispute referred to in sub section (1).

37. **Proportion of Office Bearers not engaged in the establishment or industry**

- (1) Not more than one third of total number of office bearers or a total number of five office bearers whichever is less shall be the persons who are not actually engaged or employed in the establishment or industry with which the trade union is connected.

Provided that the appropriate Government may by special or general order declare that the provisions of this sub section shall not apply to any trade union or class of trade unions specified in the order.

Explanation: for the purpose of this Sub section a worker who has retired or has been retrenched from the establishment or industry with which the trade union is connected shall not be construed as outsider for the purposes of this sub section.

- (2) No member of the Council of Ministers or a person holding an office of profit (not being an engagement or employment in an establishment or industry with which the trade union is connected) in the Union or a State shall be a member of the executive or other office bearer of a trade union.

38. **Change of Name**

Any registered trade union may, with the consent of not less than two thirds of the total number of its members and subject to the provisions of Section 18, change its name.

39. **Amalgamation of Trade Unions**

Any two or more registered trade unions may be amalgamated as one trade union with or without dissolution or division of the funds of such trade unions or either or any of them, provided that the votes of at least one-half of the members of each or every such trade union entitled to vote are recorded, and that at least 60% of the votes recorded are in favour of the proposal.

**40. Notice of Change of Name or Amalgamation**

- (1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the trade union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every trade union which is a party thereto, shall be sent to the Registrar, and where the head office of the amalgamated trade union is situated in a different state to the Registrar of such state.
- (2) If the proposed name is identical with that by which any other existing trade union has been registered or in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.
- (3) Save as provided in sub section (2) the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in Section 8, and the change of name shall have effect from the date of such registration.
- (4) The Registrar of the State in which the head office of the amalgamated trade union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the trade union formed thereby is entitled to registration under section 18, register the trade union and the amalgamation shall have effect from the date of such registration.

**41. Effects of Change of Name And of Amalgamation**

- (1) The change in the name of a registered trade union shall not affect any rights or obligations of the trade union or render defective any legal proceeding by or against the trade union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

- (2) An amalgamation of two or more registered trade unions shall not prejudice any right of any such trade unions or any right of a creditor of any of them.

**42. Dissolution**

- (1) When a registered trade union is dissolved, notice of the dissolution signed by seven members and by the secretary of the trade union shall, within fourteen days of the dissolution, be sent to the Registrar, and such Union shall be deregistered by him if he is satisfied that the dissolution has been affected in accordance with the rules of the trade union, and the dissolution shall have effect from the date of such deregistration.
- (2) Where the dissolution of a registered trade union has been registered and the rules of the trade union do not provide for the distribution of funds of the trade union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

**43. Annual Returns**

- (1) Every registered trade union shall forward annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of such registered trade union during the year ending on the 31<sup>st</sup> day of December next preceding such prescribed date, and of the assets and liabilities of the trade union, existing on such 31<sup>st</sup> day of December.
- (2) The general statement shall be prepared in such form, and shall contain such particulars, as may be prescribed.
- (3) Together with the general statement referred to in sub-section (1) every registered trade union shall forward to the Registrar a statement showing all changes of office bearers made by the trade union during the year to which such general statement relates, along with a copy of the rules of the trade union corrected up to the date of despatch thereof to the Registrar.

- (4) A copy of every alteration made in the rules of a registered trade union shall be sent to the Registrar within fifteen days of the making of the alteration.
- (5) For the purpose of examining the documents referred to in sub section (1), (3) and (4), the Registrar or any officer authorised by him by general or special order, may at all reasonable time inspect the certificate of registration, account books, registers and other documents, relating to a trade union, at its registered office or may require their production at such place as he may specify in this behalf, but no such place shall be at a distance of more than fifteen Kilometres from the registered office of such trade union.

## **CHAPTER IV**

### **STANDING ORDERS**

#### **44. Non application of this Chapter in Certain Circumstances**

The provisions of this Chapter shall not apply to an industrial establishment in so far as the workers employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

#### **45. Making of Rules and Model Standing Orders by the Central Government**

- (1) The provisions of this section and sections 46, 47 and 48 shall apply to all such establishments or undertakings as have employed not less than 50 or more workers on any day during preceding 12 months.

Provided that where the provisions of this section and sections 46, 47 and 48 have become applicable to an establishment they shall continue to apply to such establishment notwithstanding the fact that less than 50 workers are employed at any time thereafter.

- (2) The central Government shall make rules and Model Standing Orders to provide for the following matters, namely: -
  - (a) classification of workers, that is to say, whether permanent, temporary, apprentice, probationers, bairies;
  - (b) conditions of service of workers, including matters relating to the hours of work, holidays, pay day, wage rates, attendance and late coming, entry and exit from specified gates, liability for search, closing and opening or reopening of sections and shops of establishment, temporary stoppage of work and rights and obligations of employer and workers arising therefrom, issue of orders of appointment of workers, procedure to be followed by workers in applying for, and the authority which may grant, leave and holidays and issue of service certificate;
  - (c) acts of misconduct on the part of the workers, classification between minor and major acts of misconduct, enquiry to misconducts, suspension pending enquiry, graded punishment such as suspension, stoppage of increment(s), reduction to lower rank, removal or dismissal from service depending on the nature and gravity of misconduct;
  - (d) the list of misconducts which shall be either exhaustive or be treated as illustrative and should include in allia sexual harassment of female workers, go slow, work rule, refusal to undergo training organised by employer at his cost without sufficient cause, etc.
  - (e) superannuation of workers;
  - (f) shift working of workers,
  - (g) method of filling vacancies, transfers, confirmation, secrecy to be

maintained by the workers, supply of copies of standing orders;

- (h). production norms and productivity, multi stuffing, job enrichment
  - (i). medical aid in case of accident; and
  - (j). any other matter as may be deemed appropriate by the Central Government.
- (3) Appropriate Government may by making additional rules and additional Model Standing Orders provide for any matter as it may deem appropriate.

#### **46. Preparation of Draft Standing Orders by the Employer and Procedure for Certification**

- (1) The employer shall prepare draft the standing orders based on the rules and model standing orders and on any other matter considered necessary by him for incorporation in the standing orders for his establishment or undertaking considering the nature of activity in his establishment or undertaking provided such provision is not inconsistent with any of the provision of the Act and discuss and decide the same by agreement with the negotiating agent and forward a copy of the same for being certified by the certifying officer.
- (2) Where no agreement is reached between the employer and the negotiating agent on the standing orders proposed by the employer in the draft or where there is no recognised negotiating agent in the establishment or undertaking the employer shall forward the draft of proposed standing orders to the certifying officer appointed by appropriate Government in respect of the establishment or in case of an undertaking the certifying officer appointed by the appropriate Government in respect of the Head office of the undertaking requesting the certifying officer to intervene in the matter.
- (3) Where the employer has requested the certifying officer to intervene in the matter, as mentioned in sub section (2), the certifying officer shall

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issue notice to the negotiating agent, if any, of the establishment or undertaking and where there is no certified negotiating agent to all the unions operating in the establishment or undertaking for seeking their comments in the matter and after receipt of their comments give an opportunity to be heard to the negotiating agent or as the case may be to the unions and decide whether or not any modification or addition to the draft standing orders is necessary to render the draft standing order certifiable and shall make an order in writing in this regard.

- (4) The provisions of Standing Order agreed upon under sub-section (1) or certified sub section (3) may be modified by the employer, in relation to any establishment or undertaking, if a period of one year has elapsed from the date of certification or last modification and if an agreement is entered into by him with the negotiating agent in this regard for such modification:
- Provided that where no agreement is reached on any modification proposed by the employer and the negotiating agent the procedure laid down in sub section (2) and sub section (3) shall be followed for deciding the proposed modification.
- Provided further that where the Standing Orders is modified by agreement a copy of the same shall be sent to certifying officer concerned.

#### 47. Appeals

An employer or the negotiating agent or where there is no negotiating agent in an establishment or undertaking any union if not satisfied with the order of the certifying officer given under sub section (3) of section 45 may file an appeal within 60 days of receipt of the order of the certifying officer to the Labour Court having jurisdiction over the establishment.

**48. Interpretation, etc. of Standing Orders**

If any question arises as to the application, or interpretation, of the Standing orders certified under sub-section (1) or sub section (3) of section 46 or the modification made therein by an agreement entered into under sub section (4) of that section, the employer or any worker or workers concerned or the negotiating agent in relation to the workers employed in the establishment or undertaking, wherein the question has arisen, may apply to the Labour Court, within the local limits of whose territorial jurisdiction such establishment or the office, section or branch of the undertaking is situated, to decide the question and the Labour Court shall, after giving all the parties concerned a reasonable opportunity of being heard, decide the question and such decision shall be final:

**49. Special Provisions for Model Standing Orders in Certain Cases**

The appropriate Government shall make simple separate rules and model standing orders for establishments employing less than 50 workers.

Provided that nothing shall be construed to prevent an employer who intends to have a certified Standing Order in respect of his establishment notwithstanding the fact that less than 50 workers are employed in his establishment from having a certified Standing Orders as provided under section 46.

**50. Time Limit for Completing Disciplinary Proceedings and Liability to Pay Subsistence Allowance**

- (1) Where any worker is suspended by the employer pending investigation or enquiry into complaints or charges of misconduct against him, such investigation or enquiry, or where there is an investigation followed by an enquiry both the investigation and enquiry shall be completed ordinarily within a period of ninety days from the date of suspension.
- (2) The Standing Orders certified under sub section (1) or sub section (3) of section 46 or modified under sub-section (4) of that section shall provide

that where a worker is suspended as aforesaid the employer in relation to an industrial establishment or undertaking shall pay to such worker employed in such establishment or undertaking subsistence allowance at the rates specified in sub section (3) of this section for the period during which such worker is placed under suspension pending investigation or enquiry into complaints or charges of misconduct against such worker.

- (3) The amount of subsistence allowance payable under sub-section(2) shall be-
  - (a) fifty per cent of the wages which the worker concerned was in receipt immediately preceding the date of suspension, for the first 90 days of suspension;
  - (b) seventy five per cent of such wages for the next 90 days of suspension; and
  - (c) full wages for the remaining part of the period of suspension the total period of which shall not exceed one year and where the employer considers it necessary to keep the worker under suspension, he shall be liable to pay the worker his/her full wages for the period in excess of one year;

Provided that where the delay in the completion of disciplinary proceedings against the worker is directly attributable to the conduct of such worker, the rate of subsistence allowance payable to such worker shall in no case be more than 50% of his wages.

- (4) If any doubt or dispute arises regarding the quantum or rate of subsistence allowance payable to a worker, the worker or the employer concerned may apply to the Labour Court within the local limits of whose jurisdiction the establishment or unit, branch or office of an undertaking wherein such worker is employed is situate, and the decision of the Labour Court shall be final.

## 51. Laying of Standing Orders before the Houses of Parliament

Every Rule or Model Standing Order made by the Central Government under sub section (1) or it being the appropriate Government under sub section (2) of section 44 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period to 30 days and every rule of model standing orders made by the State Government under sub section (2) of Section 44 shall be laid by the State Government before the legislature of the state while it is in the session for a period of 10 days.

## CHAPTER V

### NEGOTIATING AGENT

#### 52. Manner of collection of Subscription/Check Off System

- (1) The provisions for certification of unions based on check off system shall apply to an establishment or undertakings wherein 300 or more workers are employed;
- (2) Every member of a registered trade union of workmen shall authorise his employer, being an employer in relation to an establishment or branch unit or office of an undertaking in writing in such manner as may be prescribed, the deduction from his wages of monthly subscription payable by him, to the trade union of which he is a member and remittance thereof to such trade union in whose favour he has authorised the deductions of subscription from his wages and submit a copy of the same with the official of the establishment appointed by the employer for the purpose;

Provided that no such member shall authorise his employer to deduct the monthly subscription in relation to more than one registered trade unions.

- (3) The trade union shall prepare a list of authorisations received by it containing the names of the workers their token or ticket numbers, the shop, office or branch of an undertaking where the workers included in

- the list are employed and forward the same to the employer and record of correspondence made in this regard by the trade union with the employer shall be maintained in its office;
- (4) Every authorisation under sub section (2) shall be valid for a period of four years and any document relating to such authorisation shall be maintained by the employer and the trade unions in such manner as may be prescribed.
  - (5) Every employer shall prepare and maintain a record of all authorisations received under sub-section (1) and the subscriptions deducted in such manner as may be prescribed and such record shall be available for perusal to every registered trade union.

### **53. Certification of Negotiating Agent Based on Check Off System**

- (1) Where a trade union has received authorisations for deduction of subscription from 66% or more of workers of an establishment or undertaking from their wages in its favour or where there is only one trade union, that union shall make an application to the appropriate Labour Relations Commission claiming certification of the union as single negotiating agent.
- (2) Where no union has received authorisations in its favour from 66% or more of workers of the establishment or the undertaking, the unions having received authorisations from 25% or more of workers of the establishment or undertaking may by making an application to the appropriate Labour Relations Commission claim to be included as constituents of the negotiating college and such negotiating college shall be certified as negotiating agent in respect of the establishment or undertaking under this Act.
- (3) The single negotiating agent or negotiating college to be certified as negotiating agent shall consist of such number of representatives to be nominated by the single negotiating agent or the constituents of negotiating college in proportion to their membership verified based on the check off system as may be prescribed.

**54. Certification of Negotiating Agent by Secret Ballot in Certain Cases**

- (1) In any establishment or undertaking wherein there is more than one union and wherein less than 300 workers are employed, any party in relation to such establishment or the undertaking may approach the appropriate Labour Relations Commission for holding secret ballot for identification of negotiating agent instead of by the check off, and if the Labour Relations Commission orders the secret ballot to be held, the secret ballot shall be held in such establishment for determination of relative membership of the trade unions wherein all the workers shall be entitled to vote in favour of a union of their choice and in such establishments the certification of negotiating agent shall be in following manner.
  - (a) Where there is only one registered trade union of workers in an establishment, or undertaking that union shall be certified as single negotiating agent.
  - (b) Where a union has secured votes of 66% or more of workers of the establishment or undertaking in its favour at the secret ballot that union shall be entitled to be certified as single negotiating agent.
  - (c) Where no union has secured votes of 66% or more of workers in its favour at the secret ballot all the unions as have secured 25% or more votes at the secret ballot in their favour shall be included as constituents in the negotiating college, which shall be certified as negotiating agent in respect of that establishment or undertaking.
- (2) The single negotiating agent or negotiating college to be certified as negotiating agent as per sub section (1) shall consist of such number of representatives to be nominated by the single negotiating agent or the constituents of the negotiating college in proportion to their verified membership based on the secret ballot as may be prescribed.
- (3) Notwithstanding anything contained in sub section (1) where there is no union in an establishment a negotiating committee consisting of such

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number of representatives as may be prescribed shall be set up by electing such representatives by secret ballot and shall be certified as negotiating agent.

**55. Savings**

- (1) Where in an industry there is a practice of having negotiations at the industry cum region or industry cum national level nothing in this chapter shall be constituted to prevent such industry from carrying on with such practice.
- (2) Where any question as to at what level the negotiations shall be held in respect of an industry covered by sub section (1) or otherwise the same shall decide by the appropriate Labour Relations Commission.

**56. Period of Validity of Negotiating Agent**

The negotiating agent whether certified based on the check off system or by secret ballot as single negotiating agent or included as a constituent in the negotiating college or the negotiating committee shall continue to be recognised as such for a period of four years from the date of such certification.

**57. Duties and Functions of the Labour Relations Commission in Respect of Certification of Unions or Negotiating Committee as Negotiating Agent**

- (1) Wherever in an establishment or undertaking secret ballot is required to be held for identification of negotiating agent in respect of that establishment or undertaking the concerned Labour Relations Commission shall arrange to get such secret ballot conducted.
- (2) Where in respect of an establishment or undertaking a trade union has been identified as single negotiating agent or as a constituent of negotiating college whether by check off or otherwise or where there being no union in an establishment or undertaking a negotiating committee has been set up by electing representatives on the committee by secret ballot, such single negotiating agent or negotiating college or

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as the case may be the negotiating committee shall be certified by the concerned appropriate Labour Relations Commission as negotiating agent in respect of that establishment or undertaking for the purpose of this Act.

- (3) No application for certification of a trade union of employees as negotiation agent shall be entertained by a Labour Relations Commission if any other trade union or trade unions or as the case may be the negotiating committee is already certified as negotiating agent unless the term of such negotiating agent has expired.

Provided that nothing shall prevent a Labour Relations Commission from directing an employer of establishment concerned within the jurisdiction of such Labour Relations Commission to initiate the process of identification of negotiating agent 60 days before the expiry of the term of the negotiating agent already certified in respect of an establishment or undertaking.

#### **58. Employer Bound to Recognise the Negotiating Agent**

Where any trade union or college of trade unions or negotiating committee has been certified as negotiating agent in relation to an establishment or undertaking, the employer shall so long as the certification is in force continue to recognise such negotiating agent.

#### **59. Rights of Negotiating Agents**

A registered trade union or college of registered trade unions or as the case may be the negotiating committee certified as negotiating agent shall be entitled :-

- (a) to approach the employer in relation to the establishment or undertaking, or unit, branch or office, of the establishment or undertaking, in regard to the general matters concerning employment or non-employment or terms of employment and conditions of labour of the workers of such establishment or undertaking including the unit branch or office of the establishment or undertaking to commence negotiations and enter into collective agreements or settlements with such employer in pursuance of

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negotiations under section 70 or in conciliation under section 73 or agree to refer such disputes for arbitration under section 71 or adjudication under section 76;

- (b) subject to the other provision of this Act, to call for a strike;
- (c) to obtain from the employer such accommodation for its office as the employer is capable of providing for conduct of its business as negotiating agent;
- (d) to put up or cause to be put up a notice board on the premises of the establishment or undertaking or unit, branch or office of the establishment or undertaking and affix or cause to be affixed thereon, notices relating to meetings, statement of accounts of its income and expenditure and other statements or announcements other than statements or announcements which are subversive of discipline;
- (e) to hold discussions after prior intimation to the employer concerned with the workers within the premises of the establishment or undertaking or any of unit, branch or office of the establishment or undertaking at such place as shall be allowed by the employer concerned;

Provided that such discussions shall not interfere with the due working of the establishment or undertaking;

- (f) to hold discussions with the employer concerned or any person nominated by such employer for the purpose of redressing any grievances of all or any of the workers of the establishment or undertaking;
- (g) to hold discussions with the employer in relation to the establishment or undertaking or unit, branch or office of the establishment or undertaking regarding the state of finance and economy of such establishment or undertaking;
- (h) to seek and receive as and when required information in regard to the finance and economy of such establishment or undertaking so as to enable such negotiating agent to make suggestions and proposals in order to safeguard the interests of the workers of such establishment or

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- undertaking or of the public and for improving the efficiency in functioning of the establishment;
- (i) for the purposes of effectively discharging its functions under this Act, to inspect, by prior arrangement with the employer concerned, books of accounts maintained in the establishment or undertaking or the unit, branch or office of the establishment or undertaking constituting;
  - (j) to nominate representatives of workers on the shop floor council, Establishment council, on Board of Management and grievance redress committee constituted under this Act;
  - (k) to nominate representatives on behalf of workers on the Canteen Managing Committee or the Welfare Committee required to be constituted under the Hours of Work, Leave and Other Leave and other Working Conditions at the Work Place Act or any other body, whether or not established by or under this Act, in relation to the establishment or undertaking consisting of representatives of workers;
  - (l) to represent all or any of the workers of the establishment or undertaking before any authority under this Act,
- Provided that where a union or unions are certified as negotiating agent being a single negotiating agent, or negotiating committee may represent all workers in any individual or industrial dispute and where a negotiating college is certified as negotiating agent such college may represent all workers in any industrial dispute and the individual constituents may represent their members in individual disputes.
- (m) in the case of a registered trade union of workers certified as single negotiating agent or constituent of negotiating agent or college to collect sums payable by the members thereof to such registered trade union of workers by the check off system; and
  - (n) to exercise such other powers conferred on it by or under this Act.

Provided that a negotiating agent shall not disclose any information obtained by it under clause (h) or in pursuance of inspection of books of

account under clause (i) to any person for any purpose other than for the purpose of properly discharging its functions under this Act.

#### **60. Rights of Other Unions in Certain Cases**

A union, which is not certified as negotiating agent on account it being neither the sole Negotiating Agent or constituent of negotiating college but has received authorisations for deduction of subscriptions of 10% or more of workers of the establishment or undertaking in its favour or where identification of negotiating agent has been done by holding secret ballot, has received votes of 10% or more of workers of the establishment or undertaking in its favour such union may -

- (i) represent the workers who are its members in their individual disputes before any authority set up under this Act;
- (ii) take up the matter of the workers who are its members with the management;
- (iii) request the employer to deduct subscription payable by its members to the union from their wages and remit the same to the union;
- (iv) have any other right as may be prescribed.

#### **61. Protection of Conditions of Service**

During the period when any worker continues to be an office bearer of any registered trade union of workers certified as negotiating agent or continues to be the chairman or other member of a negotiating committee and for a further period of 2 years immediately after he ceases to be such office bearer or chairman or member, the employer in relation to such worker shall not -

- (a) alter to the prejudice of such worker the conditions of service applicable to him immediately before he became such office bearer, chairman or member; or
- (b) discharge or punish (whether by dismissal or otherwise) any such worker for anything done by him as such office bearer or chairman or member, not being anything done in contravention of any provision of this Act or any other law except with the prior permission of the appropriate Labour Relations Commission.

**62. Penalty for Giving Authorisations in Favour of More than One Union**

Any worker who gives authorisation for making deductions of subscription from his wages in favour of more than one union shall be punishable with fine as may be specified in this Act.

**63. Rules to be Made to Provide for Procedure Under this Chapter**

The appropriate Government may by making rules to provide for the procedure for identification of negotiating agent by check off system or by secret ballot and provide for the duties, responsibilities and functions of the employer, trade union and the Central or as the case may be the State Labour Relations Commission and also lay down the time frame for the check off system or the secret ballot to be conducted once in 4 years in every establishment or undertaking.

**CHAPTER VI**

**STRIKES & LOCKOUTS**

**64. Prohibition of Strikes and Lockouts in Socially Essential Services**

- (1) No worker employed in any socially essential service shall go on strike unless
  - (i) the strike has been called by the recognised negotiation agent, and
  - (ii) the call for strike by the recognised negotiation agent has been preceded by a strike ballot, in which not less than 51% of the workers have supported the proposed strike.
- (2) The strike ballot would be conducted by the negotiation agent, under the overall supervision of officers appointed by the Registrar of Trade Unions of the local area and in case the strike is called in respect of establishment or undertaking having its branches or units in more than one state or union territory, the strike ballot would be coordinated by the Registrar in whose jurisdiction the Registered or the Head Office of the

undertaking is located but would be conducted by the Registrars of the respective areas.

- (3) (i) If a recognised negotiating agent decides to conduct a strike-ballot, it shall inform the Registrar of Trade Unions of its intention to conduct a strike ballot together with details of issues/disputes involved, the total number of workers in the establishment or units, offices or branches of the undertaking, a list of such workers and such other details as may be prescribed. A copy of the notice shall be sent to the employer also. The Registrar of Trade Union shall appoint officers who shall conduct the secret ballot, with assistance of the workers of the establishment.
- (ii) The Registrar may direct the employer of the establishment or undertaking to provide premises for the purposes of conducting of the strike ballot.
- (iii) The cost of conducting the secret ballot would be borne by the recognised negotiation agent.
- (iv) The appropriate government may prescribe rules for the conduct of strike ballot.
- (4) The strike ballot shall be conducted as expeditiously as possible keeping in mind the number of workers involved, the number of branches/units of the establishment or the undertaking
- (5) (i) The negotiation agent shall send a copy of the notice of strike ballot to the Labour Commissioner of the State Government or Regional Labour Commissioner appointed by the Central Government and the Conciliation Officer in whose jurisdiction the establishment is situated.
- (ii) The Conciliation Officer shall, on receipt of the notice or on getting information of the proposed strike ballot, initiate conciliation proceedings in the matter with a view to bring about a settlement of the industrial dispute.

- (6) If not less than 51% of the workers in the establishment or the undertaking support the proposed strike, the strike would deemed to have taken place and the appropriate government shall forthwith refer the industrial dispute for arbitration by an Arbitrator or Arbitrators agreed upon by the employer and recognised bargaining agent or an Arbitrator or Arbitrators from the panel maintained for the purpose by the appropriate Labour Relations Commission.
- (7) No employer of a socially essential service shall declare a lockout unless the decision to declare a lockout has been taken at the highest level of the management.
- (8)
  - (i) The decision to declare a lockout as indicated in sub-section (7), would be communicated to the negotiating agent and the Regional Labour Commissioner (C) or as the case may be the Labour Commissioner and the Conciliation Officer in whose jurisdiction the establishment or the head office is located.
  - (ii) The information in Clause (1) shall include details of issues/disputes involved, the total number of workers in the establishment or the undertaking, a list of such workers and such other details as may be prescribed.
- (9) The lockout would be deemed to have commenced on the receipt of the communication referred to in sub-section (8), by the representatives of workers or the negotiating agent and the authorities prescribed therein and the appropriate government shall in such case forthwith refer the industrial dispute for arbitration by an Arbitrator or Arbitrators agreed upon by the employer and recognised negotiating or an Arbitrator or Arbitrators from the panel maintained for the purpose by the appropriate Labour Relations Commission.
- (10) Where the parties do not agree to appointment of Arbitrator or Arbitrators the appropriate Government may make an application to the concerned Labour Relations Commission for appointment of an Arbitrator or Arbitrators to arbitrate in the dispute.

### 65. General Prohibition of Strikes and Lockouts

- (1) Workers in an establishment or undertaking which is not socially essential service may go on strike if there is failure of negotiations and the employer has refused arbitration.
- (2) No worker in any establishment or undertaking mentioned in sub-section (1) shall go on strike -
  - (a) unless a strike ballot is held in the manner prescribed in sub-section (3), (4) and (5) of Section 64 and not less than 51%, of the workers of the establishment or undertaking support the strike.
  - (b) a notice of strike is served by the negotiating agent in the prescribed manner on the matter in dispute on the employer of the establishment or the undertaking.
  - (c) within fourteen days of giving notice.
  - (d) before the expiry of the date of strike specified in the notice.
  - (e) during the pendency of conciliation proceedings and fourteen days after the conclusion of such proceedings.
  - (f) during the pendency of arbitration or adjudication proceedings on the matters in dispute.
  - (g) during any period in which a settlement or award is in operation in respect of the matters covered by the settlement or award except where the strike is commenced for seeking implementation of settlement or award.
- (3) The notice of strike shall be served only by the recognised negotiation agent.
- (4) An employer may declare a lockout if there is failure of negotiations on the matters in dispute and the negotiating agent has refused arbitration

thereon provided the decision to that effect is taken at the highest level of the management except in case of grave threat to the establishment or management.

- (5) No employer shall lockout any of his worker;
  - (a) without giving notice in the manner prescribed,
  - (b) before the expiry of the date of lockout specified in the notice,
  - (c) within fourteen days of giving such notice,
  - (e) during the pendency of conciliation arbitration or adjudicatory of proceedings,
  - (f) during any period in which a settlement or award is in operation in respect of the matters covered by the settlement or award except where the lock out is commenced for seeking implementation of settlement or award,
- (6) An appropriate government may by a general or special order prohibit a strike or lockout and refer the dispute for adjudication.

#### **66. Illegal Strikes and Lockouts and Penalties for Illegal Strikes and Lockouts**

- (1) A strike or lockout shall be illegal if it is declared in contravention of sections 64 and 65.
- (2) Three days' wages shall be deducted, by the employer, in respect of a worker who goes on an illegal strike for each day during which such illegal strike is continued.
- (3) A union which leads an illegal strike would be derecognised and deregistered and office bearers of this union would be debarred from becoming office bearers of any union for a period of three years.

- (4) An employer who resorts to an illegal lockout will be liable to pay wages equivalent to three days' wages to those workers who have been locked out for each day during which such illegal lock out continued.

## CHAPTER VII

### PROCEDURE FOR EFFECTING CHANGES IN THE CONDITIONS OF EMPLOYMENT

#### 67. Notice of Change of Terms of Employment & Conditions of Labour

(1) No employer who proposes to effect any change in the terms of employment or conditions of labour applicable to any worker in respect of:-

- (i) (a) wages, including the period and mode of payment;
- (b). contributions paid, or payable, by the employer to any provident fund or pension fund or for the benefit of the worker under any law for the time being in force;
- (c). compensatory and other allowances;
- (d). hours of work and rest intervals;
- (e). leave with wages and holidays;
- (f). starting, alteration or discontinuance of shift working otherwise than in accordance with standing orders;
- (g). classification by grades;
- (h). withdrawal of any customary concession or privilege or change in usage;
- (i). introduction of new rules of discipline, or alteration of existing rules except insofar as they are provided in standing orders;
- (j). rationalisation, standardisation or improvement of plant or technique which is likely to lead to retrenchment of workers;
- (k). any reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or

department or shift (not occasioned by circumstances over which the employer has no control).

Shall do so without giving notice to the workers effected by such change and the negotiating agent, and

- (ii) Within 21 days of giving of such notice

Provided that such disagreement between the workers or the negotiating agent and the employer shall not operate as a stay on the changes proposed by the employer.

- (2) The workers affected by such change or the negotiating agent in relation to such workers may object to the proposed change in the terms of employment or conditions of labour and, where the employer and the workers or the negotiating agent do not agree to the proposed change, the provisions of this Act shall apply in relation to such dispute as they apply in relation to any other industrial dispute.
- (3) Notwithstanding anything contained in sub section (1) no notice shall be required under sub section (1) for effecting any change where the change is proposed to be effected in pursuance of any agreement, settlement or award of an Arbitrator or a Labour Court, Central or State Labour Relations Commission or the National Labour Relations Commission where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, Apply.
- (4) Where the employer and the negotiating agent fail to arrive at a settlement in regard to any change in respect of any matter relating to terms of employment or conditions of labour or the negotiations to arrive at a settlement continue for a period of more than sixty days, the

employer and the negotiating agent shall forward, jointly or separately in the prescribed manner a report to the Conciliation Officer, having jurisdiction in relation to the dispute, regarding the failure of the negotiations or the continuance thereof as aforesaid and the facts of the dispute and the provisions of this Act shall apply in relation to any dispute in this regard as they apply in relation to any other industrial dispute.

**68. Terms of Employment, etc. to remain unchanged under Certain Circumstances**

- (1) Where an industrial dispute pertaining to an establishment or undertaking is already pending before a Conciliation Officer or an Arbitrator or a Labour Court or a Central or State Labour Relations Commission or the National Labour Relations Commission, as the case may be with regard to matters not covered by the notice of change issued by an employer under section 67, no employer shall –
  - (a). in regard to any matter connected with the dispute alter to the prejudice of the workers concerned in such dispute the terms of employment or conditions of labour applicable to them immediately before the commencement of such proceedings ; or
  - (b). for any misconduct connected with the dispute, discharge or punish whether by dismissal or otherwise any worker concerned with such dispute,  
save with the express permission in writing of the authority before which the proceeding is pending.
- (2) During the pendency of any proceeding referred to in sub section (1) the employer may, subject to the other provisions of this Act –
  - (a). alter, in regard to any matter not connected with the dispute, the terms of employment or conditions of labour applicable to that worker immediately before the commencement of such proceedings; or
  - (b). for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that worker;

Provided that no such worker shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the application is pending for the approval of the action taken by the employer.

- (3) Where an employer contravenes the provisions of this section during the pendency of any proceeding referred to in sub section (1), any worker aggrieved by such contravention, may make, a complaint in writing, in the prescribed manner to the authority before which such proceeding is pending, and such authority shall, on receipt of such complaint, adjudicate upon the complaint and in so doing the authority shall have all the powers conferred by or under this Act on a Labour Court while adjudicating an individual dispute.

## **CHAPTER VIII**

### **RESOLUTION OF DISPUTES**

#### **69. Resolution of Individual Disputes**

- (1) In the case of an individual dispute, the worker or any registered trade union of which the worker is a member provided the union has at least 10% membership amongst the workers in that establishment, may refer the dispute to the Grievance Redressal Committee set-up by the employer in accordance with the rules made under this Act for a decision.
- (2) Where the Grievance Redressal Committee is not able to settle the dispute within 30 days, or if no Grievance Redressal Committee is in existence, either party to the dispute may refer the dispute for arbitration to a mutually agreed Arbitrator or Conciliation Officer or to a Lok Adalat or Labour Court in the prescribed manner.
- (3) The provisions of section 71 and section 73 shall so far as may be, apply to the arbitration or as the case may be the conciliation proceedings of any individual dispute referred for arbitration or conciliation under sub-section (2).

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- (4) An individual dispute may be filed before a Labour Court by the aggrieved worker or the trade union to which he belongs provided such a trade union has at least 10% membership amongst the workers in that establishment, for adjudication of the dispute.
- (5) (i) No application shall be made under sub-section (1) to the Grievance Redressal Committee after expiry of 3 months from the date of arising of the cause of action and no application shall be made under sub-section (4) to the Labour Court after the expiry of one year from the decision of the Grievance Redress Committee.
- (ii) Provided that the Labour Court may entertain an application under sub-section (2) after the expiry of the aforesaid period if –
- (a) the Labour Court is satisfied that the delay in making the application is for reasons beyond the control of the party making the application;
- (b) the parties to the dispute making the application jointly agree that the application may be entertained notwithstanding the expiry of the aforesaid period of one year.
- (6) Where an individual dispute relating to the discharge or dismissal of a worker has been filed before a Labour Court, Arbitrator, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission for adjudication and in the course of adjudication proceedings the Labour Court, Arbitrator, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission is satisfied that the order of discharge or dismissal was not justified, it may by its award set aside the order of discharge or dismissal and direct reinstatement of the worker on such terms and conditions if any, as it thinks fit and give such other relief to the worker including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.

Provided that where a worker has been discharged or dismissed from service after a proper and fair inquiry on the charges of violence, sabotage, theft, or assault and if the Labour Court, Arbitrator, the Central or State Labour Relations Commission or the National Labour Relations Commission, as the case may be comes to the conclusion that the grave charge or charges have been proved then the Labour Court or the Arbitrator or the Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission shall not order reinstatement of the delinquent worker.

- (7) Where in any case a Labour Court by its award directs reinstatement of any worker and the employer prefers proceedings against such award in the Labour Relations Commission, the employer shall be liable to pay such worker during the pendency of proceedings full wages last drawn by him, including any maintenance allowance admissible to him, under any rules.

Provided that no such wages shall be payable for the period where the worker is employed or self-employed and earning wages or income not less than wages last drawn by him and an affidavit by such a worker has been filed to that effect is such Labour Court or the Labour Relations Commission.

#### **70. Collective Agreements**

- (1) Negotiations for an agreement on one or more issues may be initiated by either party, namely, the employer or the recognised negotiation agent by making request to the other party in the prescribed form provided there is no collective agreement already in force with respect to those issues.
- (2) Every collective agreement shall be reduced to writing and signed by the authorised representatives of the parties and shall contain the following information, namely –
  - (a) the names of employers or employers' associations and the trade unions certified as negotiating agent or negotiating committee who negotiated the agreement;

- (b) the period for which the agreement or settlement is concluded;
  - (c) the categories or classes of employees covered by the agreement;
  - (d) the agreed terms and conditions that are to govern individual employment relationships during its currency;
  - (e) method of settlement of disputes arising from the agreement between the contracting parties in connection with the application of the agreement including by an Arbitrator or a panel of Arbitrators;
  - (f) procedure for renewal or termination or alteration of the agreement.
- (3) Every collective agreement shall be filed before the concerned Conciliation Officer appointed by the appropriate Government who shall maintain the collective agreement on his records till the validity of such agreement.
- (4) Unless otherwise specified in the collective agreement, a collective agreement shall be binding on -
- (a) all parties to the agreement;
  - (b) successors and assignees of the employer concerned;
  - (c) all persons who were employed in the establishment, or undertaking as the case may be, on the date of the agreement and all persons who subsequently become employed therein.
- (5) A collective agreement shall come into operation on such date as is agreed upon by the parties and if no date is agreed upon the date on which the memorandum of agreement is signed by the parties concerned.
- (6) A collective agreement shall be binding for such period as is agreed upon by the parties and if no such period is stipulated for a period of four

years from the date on which the memorandum of agreement is signed by the parties and shall continue to be binding on the parties after the expiry of the period aforesaid until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement, or until a new agreement is reached whichever is earlier.

- (7) All parties to the negotiations of a collective agreement shall disclose all information relevant to the negotiations including information contained in records, papers, books or other documents and make earnest effort to conclude the negotiations in absolute good faith.

#### 71. Arbitration

- (1) Where any industrial dispute exists or is apprehended and the employer and the negotiating agent is not able to mutually settle such dispute, they may agree to refer the dispute to arbitration by a written agreement, and the reference shall be to such person or persons as an Arbitrator or Arbitrators or a Lok Adalat as may be specified in the arbitration agreement.
- (2) Where an arbitration agreement under sub-section (1) provides, for reference of the dispute to an even number of Arbitrators, the agreement shall provide for the appointment of another person as umpire who shall enter upon the reference, and if the Arbitrators are equally divided in their opinion, the award of the umpire shall prevail and shall be deemed to be the arbitration award for the purpose of this Act.
- (3) Where the parties agree to refer a dispute for arbitration but do not agree on the Arbitrator, the appropriate Labour Relations Commission shall nominate an Arbitrator or Arbitrators on the request of the parties or where there is difference or dispute about the cost of arbitration to be born between the parties the same shall be decided by the appropriate Labour Relations Commission keeping in mind the nature of dispute or the financial position of the parties.

- (4) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.
- (5) A copy of the arbitration agreement shall be forwarded to the Conciliation Officer and the appropriate Labour Relations Commission.
- (6) The Arbitrator or Arbitrators shall investigate the dispute and announce the award. A copy of the award will be submitted to the appropriate government and the concerned Labour Court.
- (7) Provisions of this Act in respect of arbitration shall prevail over any other law on the subject.
- (8) Subject to the provisions of this Act Arbitrator or Arbitrators shall follow such procedure as he or they may deem fit.
- (9) An Arbitrator or Arbitrators may for the purpose of the inquiry into any dispute, after giving reasonable notice enter the premises of any establishment to which the dispute relates.
- (10) The award of an Arbitrator or Arbitrators shall be in writing and signed by Arbitrator or Arbitrators.
- (11) An arbitration award shall be final and shall not be called in question by any court in any manner whatsoever.
- (12) An arbitration award shall come into operation with effect from such date as may be specified therein and where no date is specified, it shall come into operation from the date on which it is signed.
- (13) An arbitration award shall be binding on -
  - (a) all parties to the dispute;
  - (b) all other parties summoned to appear in the proceedings as parties to the dispute unless the opinion is recorded by the Arbitrator or Arbitrators that they were summoned without proper cause.
  - (c) where a party referred to in clause (a) or (b) is an employer his successors or assignees in respect of the establishment to which the dispute relates;

- (c) where the party referred to in clause (a) or (b) is composed of workers all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of dispute and all persons who subsequently became employed therein.
- (14) An arbitration award shall be in operation for a period of four years and shall continue to be in force and to be binding on the parties after the expiry of period four years until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating the intention to terminate the award or until a fresh award is given, or settlement signed, whichever is earlier.
- (15) No notice given under sub-section (14) shall have effect unless it is given by a party who is recognised as the negotiating agent.

## 72. Functions of Labour Relations Commission

- (1) The Central Labour Relations Commission and the State Labour Relations Commission shall have the following functions, namely :-
- (a) certification of negotiating agents;
- (b) adjudication of disputes which are not settled by collective bargaining, conciliation or arbitration; provided that in cases where the parties agree to arbitration of a dispute but are not able to agree upon an Arbitrator the appropriate Labour Relations Commission may, on a motion by either party, get the dispute arbitrated by any member of the Commission or by an Arbitrator from out of a panel of Arbitrators maintained by the Commission for the purpose and shall prescribe fee to be paid to Arbitrators and by whom it shall be paid.
- (c) Supervise over the functioning of the Labour Courts and hear

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appeals against the awards or decisions of a Labour Courts.

73. **Conciliation in Industrial Disputes**

- (1) Where any labour dispute exists or is apprehended the Conciliation Officer may and where a notice of strike or lockout has been served in an industrial dispute, the Conciliation Officer shall hold conciliation proceedings in such manner as may be prescribed.
- (2) The Conciliation Officer shall, for the purpose of bringing about a settlement of the dispute without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all other things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.
- (3) A conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lockout is received by the appropriate commission or, on the date the Conciliation Officer issues notices asking the parties concerned to attend a joint discussions before him.
- (4) A conciliation proceeding shall be deemed to have concluded -
  - (a) where a settlement is arrived at, when a memorandum of settlement is signed by the parties to the dispute;
  - (b) where no settlement is arrived at when the report of the Conciliation Officer is received by the appropriate government;
  - (c) when a reference is made to a Labour Court or the Labour Relations Commission during the pendency of conciliatory proceedings.
- (5) If a settlement of the dispute on any of the matters in dispute is arrived at, in the course of the conciliation proceeding the Conciliation Officer shall send a report thereof to the appropriate Labour Relations Commission and the appropriate government together with a memorandum of settlement signed by the parties to the dispute.

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- (6) If no such settlement is arrived at, the Conciliation Officer shall as soon as practicable after the close of the investigation send to Labour Court, the appropriate commission and the appropriate government, a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which in his opinion, a settlement could not be arrived at.
- (7) The report referred to in sub section (6) shall be submitted by the Conciliation Officer before the expiry of 90 days from the commencement of conciliation proceedings.

#### **74. Disputes of the Trade Unions**

- (1) A dispute of trade union or trade unions of workers registered under this Act shall be determined by the Labour Court concerned on a reference by any party; and no civil court shall have jurisdiction over such disputes.
- (2) Any Dispute between one employers' trade union and another or between one or more members of the employers' trade union and the employers' trade union or between one or more employers who are not member of the employers' trade union and the employers' trade union shall be determined by a Labour Court on a reference by any party and no civil court, shall have jurisdiction over such disputes.

#### **75. Adjudication of Industrial Disputes by Labour Court**

In the event of failure of conciliation either party to an individual dispute or a trade union dispute may make an application in prescribed format to the Labour Court for adjudication.

#### **76. Adjudication by Labour Relations Commission**

- (1) The Central Labour Relations Commission and the State Labour Relations Commission shall adjudicate in all industrial and other disputes relating

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to any matter except a matter which falls within the jurisdiction of a Labour Court.

- (2) The Labour Relations Commission shall have the jurisdiction and exercise all the powers and authority exercisable in relation to an appeal against any order passed by the Labour Court.
- (3) The National Labour Relations Commission shall have the jurisdiction and exercise all the powers and authority relating to (1) an appeal against an order or award by the Central Labour Relations Commission or a State Labour Relations Commission in cases where substantial question of law is involved (2) industrial dispute considered by the Central Government to be of national importance or where establishments situated in more than one state are likely to be interested in and central Government makes an application in this behalf to the National Labour Relations Commission.
- (4) (a) Where the appeal against an order of a Labour Court in relation to the legality or otherwise of a strike or lockout the same shall be preferred within thirty days from the date of the order appealed against and the Labour Relations Commission shall decide such appeal within thirty days of the filing of such appeal.  
(b) In other cases the period of limitation for filing an appeal under this section shall be sixty days; provided that the Labour Relations Commission may if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal within the said period of sixty days permit the appellant to prefer the appeal within a further period of sixty days.  
(c) No proceedings before a Labour Relations Commission shall lapse merely on the ground that any period specified in relation to the determination of such appeal by the Commission had expired.
- (5) The Labour Relations Commission shall have the same jurisdiction and exercise same powers and authority in respect of contempt of itself as a

High Court has and may exercise and for this purpose the provision of the Contempt of Courts Act, shall have effect subject to the modifications that -

- (a) the reference therein to a High Court shall be construed as including a reference to the Labour Relations Commissions;
- (b) the reference to the Advocate General in Section 15 of the said Act shall be construed, (i) in relation to the Central Labour Relation Commission as a reference to the Attorney General and the Solicitor General or the Additional Solicitor General and (ii) in relation to the State Labour Relations Commission as a reference to the Advocate General of the State and its equivalent in Union Territories.
- (6) (a) Where benches of a Labour Relations Commission are constituted the appropriate Government may, from time to time by notification, make provisions as to the distribution of the business of the commission, amongst the Benches in consultation with the Labour Relations Commission and specify the matters which may be dealt with by each Bench.
- (b) If any question arises as to whether any matter falls within the purview of business allocated to a Bench of the Labour Relations Commission the decision of the president of such commission shall be final.
- (7) The order of a Labour Relations Commission shall be executed in the same manner as an order or a decree of a court is executed.
- (8) On the application of any of the parties and after notice to the parties, and after hearing such of them as may desire to be heard, or on his own motion without such notice the president of the Labour Relations Commission may transfer any case pending before one Bench for disposal to another Bench.

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- (9) All the decisions of the Labour Relations Commissions shall be taken on the basis of the opinion of the majority but shall be without prejudice to the rights of the members to canvass their dissenting opinion if given any in other cases.
- (10) The award of a Labour Court or a Labour Relations Commission shall be in writing and the signed by the presiding officer concerned.

## CHAPTER IX

### LAY OFF, RETRENCHMENT & CLOSURE

#### 77. Definition of Continuous Service

In this chapter continuous service in relation to a worker, means the uninterrupted service of such worker, including his service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal or a lock out or a cessation of work which is not due to any fault on the part of the worker.

Explanation I: where worker is not in continuous service within the meaning of this clause for a period of one year or six months, he shall be deemed to be in continuous service under an employer-

- a. for a period of one year, if the worker during a period of twelve calendar months preceding the date with reference to which calculation is to be made has actually worked under the employer for not less than-
  - (i) one hundred and 90 days in the case of a worker employed below ground in a mine; and
  - (ii) 240 days, in any other case;
- b. for a period of six months, if the worker during a period of six calendar months preceding the date with reference to which calculation is to be made has actually worked under the employer for not less than:

- (i) 95 days in the case of worker employed below ground in a mine; and
- (ii) 120 days, in any other case

Explanation II: for the purpose of Explanation 1, the number of days on which a worker has actually worked under an employer shall include the days on which -

- (ii) he has been laid off under an agreement or as permitted by or under this Act or any other law applicable to the establishment;
- (iii) he has been on leave on full wages earned in the previous years;
- (iv) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and
- (v) in the case of a female, she has been on maternity leave, so however, that the total period of such maternity leave does not exceed twelve weeks.

#### **78. Rights of Workers Laid off for Compensation and Duty of Employer to Maintain Muster Rolls of Workers Notwithstanding Lay Off**

- (1) Whenever a worker whose name is borne on the muster rolls of an establishment (whether or not such establishment is of a seasonal character or in which work is performed only intermittently) and who has completed not less than one year of continuous service under an employer is laid off, whether continuously or intermittently, he shall be paid by the employer for all the days during which he is so laid off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty percent of the total of the wages, that would have been payable to him had he not been so laid off.

Provided that workers engaged in any establishment which is of a seasonable character shall be entitled to compensation under this sub

section only in relation to any lay off during the season in which such establishment ordinarily carries on its activity.

- (2) No compensation shall be payable by the employer under sub section (1) to a worker who has been laid off: -
  - (a). if he refuses to accept any alternative employment in the same establishment from which he has been laid off, or in any other establishment belonging to the same employer situated in the same town or village or within a radius of 8 kilometres from the establishment, as the case may be, to which he belongs, and-
    - (i) such alternative employment does not, in the opinion of the employer, call for any special skill or previous experience and can be done by the worker;
    - (ii) the wages which would normally have been paid to the worker had he not been laid off are offered for the alternative employment also; and
    - (iii) the acceptance of the alternative employment does not involve undue hardship to the worker having regard to the facts and circumstances of his case; or
  - (b). if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;
  - (c). if such laying off is due to a strike or slowing down of production on the part of workers in another part of the establishment .
- (3) If during any period of 12 month a worker is so laid off for more than 45 days no lay off compensation shall be payable in respect of any period of lay off after expiry of first 45 days, if there is an agreement to that effect between the worker and the employer.

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Provided that it shall be lawful for the employer in any case falling within sub section (3) to retrench the worker in accordance with the provisions contained in this Act at any time after expiry of first 45 days of lay off.

- (4) Notwithstanding that workers in any establishment have been laid off or not, it shall be the duty of every employer to maintain for the purpose of this Chapter a muster roll and to provide for making of entries therein by workers who may present themselves for work at the establishment at the appointed time during normal working hours under clause (b) of sub section (2).

#### **79. Prohibition of Lay Off in Certain Cases**

- (1) No employer of an establishment (other than the establishment of a seasonal character or in which work is performed intermittently) wherein 300 or more workers are employed on an average per working day for the preceding 12 months, shall lay off the workers (other than badli and casual workers) for more than 30 days.
- (2) No worker (other than a badli worker or a casual worker) whose name is borne on the muster rolls of an establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than 300 workers were employed on an average per working day for the preceding 12 months, shall be laid off for more than 30 days by his employer and if in the opinion of a employer of an establishment to which sub section (1) is applicable the lay off is likely to continue for more than 30 days the employer shall forthwith or as soon as is possible but before the expiry of 30 days from the date of commencement of lay off shall make an application to the appropriate Government for seeking post facto approval of the Government for such lay off and for continuance of the lay off after 30 days.

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- (3) In the case of every application for the approval of lay off or for permission to continue lay off under sub section (2), the appropriate Government may, after making such inquiry as it thinks fit, grant or refuse, for reasons to be recorded in writing, the permission applied for or refer the matter to Labour Relations Commission for adjustment.
- (4) Where an application for the approval of lay off under sub section (2) or for permission to continue lay off under sub section (3) has been made and the specified authority does not communicate the permission or approval or refusal of permission or approval to the employer within a period of 60 days from the date on which the application is made, the permission applied for, shall be deemed to have been granted on the expiration of the said period of 60 days.
- (5) Where no application for the approval or for continuance of lay off under sub section (2) has been made or where such permission or approval has been refused, such lay off shall be deemed to be illegal from the date on which the workers have been laid off and the workers shall be entitled to all the benefits under any law for the time being in force as if they had not been laid off.
- (6) If a question arises whether an establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

**Explanation:** Badli worker means a worker who is employed in an establishment in place of another worker whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purpose of this section if he has completed one year of continuous service in the establishment.

#### 80. Conditions Precedent to Retrenchment of Workers

- (1) No worker employed in any establishment who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until: -

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- (a). the worker has been given two months notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the worker has been paid in lieu of such notice, wages for the period of notice;
- (b). a copy of the notice as mentioned in clause (a) has been sent to the negotiating agent.
- (c). the worker has been paid at the time of retrenchment compensation as prescribed in sub section (2).
- (d). notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in official gazette.
- (2) Where an employer has served notice for retrenchment on the concerned worker, the negotiating agent and the appropriate Government he shall be liable to pay retrenchment compensation as under: -
- (a). if the establishment has been making profits, 60 days average wages for every completed year of continuous service or any part thereof in excess of 6 months; and
- (b). if the establishment has not been making profits, 45 days average wages for every completed year of continuous service or any part thereof in excess of 6 months
- Provided that in case of establishment employing less than 100 workers the compensation payable shall be reduced by 50% of the compensation prescribed in clause (a) or as the case may be clause (b) of sub section (2).

#### 81. Procedure for Retrenchment

- (1) Where any worker in an establishment, is to be retrenched and he belongs to a particular category of workers in that establishment, in the absence of any agreement between the employer and the worker in this behalf, the employer shall ordinarily retrench the worker who was the last person to be employed in that category.

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Provided that the employer may for reasons to be recorded in writing retrench a worker other than the last worker employed in a category.

**82. Reemployment of Retrenched Worker**

Where any worker is retrenched and the employer proposes to take into his employment any persons, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workers who are citizens of India to offer themselves for reemployment and such retrenched workers as offer themselves for reemployment shall have preference over other persons.

**83. Compensation to Workers in Case of Transfer of Establishment**

Where the ownership or management of an establishment or undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that establishment or undertaking to a new employer, every worker who has been in continuous service for not less than one year in that establishment or undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 80 as if the worker had been retrenched.

Provided that nothing in this section shall apply to a worker in any case where there has been a change of employer by reason of the transfer, if-

- (a). the service of the worker has not been interrupted by such transfer;
- (b). the terms and conditions of service applicable to the worker after such transfer are not in any way less favourable to the worker than those applicable to them immediately before the transfer; and
- (c). the new employer is under the terms of such transfer or otherwise, legally liable to pay to the worker, in the event of his retrenchment, compensation and gratuity on the basis that his service has been continuous and has not been interrupted by the transfer.

**84. Procedure for Closing Down of the Establishment**

- (1) An employer who intends to close down an establishment shall not do so unless: -

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- (a). the workers have been given two months notice in writing indicating the reasons for closure and the period of notice has expired, or the workers have been paid in lieu of such notice wages for the period of notice;
  - (b). a copy of the notice as mentioned in clause (a) has been sent to the negotiating agent;
  - (c). the workers have been paid compensation as prescribed in sub section (2);
  - (d). notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazette;
- (2) The compensation payable to the workers for closing down of the establishment as per sub section (1) shall be as under:-
- (a). where the establishment has been making profits, 45 days wages for every completed year of continuous service or any part in excess of 6 months thereof; and
  - (b). where the establishment has not been making profits for the last 3 years continuously, 30 days wages for every completed year of continuous service or any part in excess of 6 months thereof;
- Provided that in case of establishment employing less than 100 workers the compensation payable shall be reduced by 50% of the compensation prescribed in clause (a) or as the case may be clause (b) of sub section (2).

**85. Conditions Precedent to Closing Down of Establishment in Certain Cases**

- (1) The provisions of this section shall apply to all establishments employing 300 or more workers irrespective of the nature of activity carried on in the establishment.

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Provided that nothing in this section shall apply to an establishment set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

- (2) An employer who intends to close down an establishment to which this section applies shall, in the prescribed manner, apply, for prior permission at least 90 days before the date on which the intended closure is to become effective, to the appropriate Government stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the worker or negotiating agent in the prescribed manner;
- (3) Where an application for permission has been made under sub section (2), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workers, the negotiating agent and persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer, and the negotiating agent.
- (4) Where an application has been made under sub section (2) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of 60 days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period, of 60 days.
- (5) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub section (6) be final and binding on all the parties and shall remain in force for one year from the date of such order.
- (6) The appropriate Government may, either on its own motion or on the application made by the employer, the negotiating agent or any worker

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review order granting or refusing to grant permission under sub section (3) or refer the matter to Labour Relations Commission for adjudication:

Provided that where a reference has been made to a Labour Relations Commission under this sub section, it shall pass an award within a period of 30 days from the date of such reference.

- (7) Where no application for permission under sub section (2) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the worker shall be entitled to all the benefits under any law for the time being in force as if the establishment had not been closed.
- (8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub section (2) shall not apply in relation to such establishment for such period as may be specified in the order.
- (9) Where an establishment is permitted to be closed down under sub section (3) or where permission for closure is deemed to be granted under sub section (4), every worker who is employed in that establishment immediately before the date of application for permission under this section, shall be entitled to receive compensation as prescribed under section 84.

## CHAPTER X

### PROTECTION OF MANAGERIAL AND OTHER EMPLOYEES AGAINST UNFAIR DISMISSALS AND DENIAL OF REMUNERATION

#### 86. Effect of Laws Inconsistent With the Act

The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or in any other law, contract of service, settlement or arbitration award.

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Provided that where under the provisions of such other law or contract of service, settlement or arbitration award a managerial or other employee is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the managerial or other employee shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

**87. Employer to Make Regulations in Regard to Penalties for Misconduct**

(1) Every employer in relation to any establishment shall make regulations to provide for the following matters, namely:-

- (a). any act or conduct which, in relation to a managerial or other employee, shall constitute misconduct;
- (b). the penalties for such misconduct, including termination of employment or reduction in rank or in salary or allowances;
- (c). the authorities to impose such penalties; and
- (d). the procedure for enquiry into such misconduct.

(2) Every regulation made under sub section (1)(including any modification thereto) shall be :-

- (a). registered in the prescribed manner with such officer as the appropriate Government may, by notification in the official gazette, specify in this behalf (hereinafter referred to as the specified officer); and
  - (b) notified on the notice board of the establishment.
- (3) The regulations referred to in sub section (1) shall be made and submitted to the specified officer for registration under clause (1) of sub section (2) by the employer in relation to an establishment:

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- (a) where such establishment is in existence at the commencement of this Act, within a period of six months from such commencement; and
  - (b) where such establishment comes into existence after the commencement of this Act, within a period of six months from the coming into existence of such establishment; and
  - (c) every modification to such regulations shall be submitted by the employer to the specified officer for registration within a period of six months from the date on which such modification is made.
- (4) The employer shall supply to any managerial or other employee on a request made therefore by such managerial or other employee a copy of the regulations made by the employer, under sub section (1) or modified under sub-section (3) to managerial or other employee.

**88. Model Regulations**

- (1) Notwithstanding anything contained in section 87 the appropriate Government may, by notification in the official gazette make model regulations in respect of the matters referred to in sub section (1) of that section.
- (2) The model regulations made under sub section (1) in regard to any matter shall be deemed to be in force in every establishment in the same manner as regulations made by the employer in regard to establishment until regulations made by such employer in regard to that matter are registered with the specified officer under sub section (2) of section 87.

**89. Termination of Employment of Managerial or Other Employee**

- (1) The employment of no managerial or other employee shall be terminated except in accordance with the provisions of this Act.
- (2) Where an employer proposes to terminate the employment of any managerial or other employee, such employer shall give in the prescribed

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manner three months notice to the managerial or other employee declaring the intention of the employer to terminate the employment of such managerial or other employee stating the reasons for such termination.

Provided that no such notice shall be required where such termination is on the ground of misconduct of such managerial or other employee and after an enquiry into the alleged misconduct in accordance with the regulations made under section 87 or section 88 as the case may be.

(3) Any managerial or other employee -

- (a). who is served with a notice under sub section (2) declaring the intention to terminate his employment; or
- (b). whose employment is terminated on the ground of misconduct, may, before the expiry of a period of three months from the date of the service on him of the notice referred to in clause (a), or the termination of his employment on the ground of misconduct, represent to the employer against the proposed termination or termination, as the case may be.

(4) Where -

- (a). an employer does not communicate his decision on the representation, referred to in sub section (3), to the managerial or other employee concerned before the expiry of a period of thirty days from the date on which such representation is made; or
- (b). the managerial or other employee is aggrieved by the decision of the employer on such representation,

such managerial or other employee may apply to the appropriate Labour Relations Commission within such time and in such manner as may be prescribed to set aside the notice referred to in sub section (2) or the termination of employment on the ground of misconduct under sub-section (3), as the case may be.

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- (5) The Labour Relations Commission, after giving the managerial or other employee and the employer a reasonable opportunity of being heard and after holding such enquiry, as it deems fit, shall decide
- (a). Where the application is to set aside a notice declaring the intention to terminate the employment of the managerial or other employee whether
    - (i) the reasons stated in the notice for such proposed termination are true and justify the proposed termination; or
    - (ii) the proposed termination is in contravention of the contract of employment, rules or any law; or
  - (b). where the application is to set aside a termination of employment on the ground of misconduct, whether
    - (i) the enquiry into the alleged misconduct has been conducted in accordance with the regulations made under section 87 or 88, as the case may be; and
    - (ii) the findings of the enquiry justify the termination of employment on the ground of misconduct.

**90. Application in Respect of Non-Payment of Dues**

- (1) Any managerial or other employee may apply to the Labour Relations Commission in such manner as may be prescribed –
  - (a) for an award of any money due to him from his employer in the course of his employment; or
  - (b) for the determination of the amount at which a benefit which is capable of being computed in terms of money is to be computed.
- (2) The Labour Relations Commission shall, after giving the managerial or other employee and the employer a reasonable opportunity of being heard and after making such investigation, as it deems fit, give its award which shall be final

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### 91. Persons on Whom Awards are Binding

Every award of the Labour Relations Commission in any proceeding under this Chapter and every order of the Labour Relations Commission under Section 89 shall be binding on -

- (a) the parties to the proceeding; and
- (b) in the case of a party to the proceeding being an employer his successors or assignees in respect of the establishment to which such proceeding relates.

### 92. Recovery of Money Under an Award

Where any money is due to any managerial or other employee under any award or an order of the Labour Relations Commission under Section 89 or 90, the managerial or other employee or any other person authorised by him in writing in this behalf or, in the case of the death of the managerial or other employee, his assignee or heirs may without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him and if the appropriate Government is satisfied that the money is so due, it shall issue a certificate for that amount to the collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one-year from the date on which the money became due to the managerial or other employee from the employer.

Provided further that any such application may be entertained after the expiry of the said period of one year, but not exceeding two years if the appropriate Government is satisfied that the applicant had sufficient cause for not making the application within such period.

**412****93. Penalties**

- Any employer who
- refuses or fails to submit for registration the regulations or any modification thereto as required by section 87; or
  - terminates the employment of any managerial or other employee in contravention of the provisions of section 89; or
  - refuses or fails to comply with the award of a Labour Relations Commission or any order made by it under section 89,

shall be punishable with penalty as may specified in this behalf.

**Chapter XI****Participation of Workers in Management of Enterprises****94. Application of this Chapter**

- Nothing in this chapter shall apply to establishments employing less than 300 workers.

Provided that appropriate Government may by a non-statutory scheme provide for workers participation in management limited to exchange of information and consultation in respect of establishments employing less than 300 workers.

- Every employer of an establishment to which this Chapter applies shall set up shop floor or department or section level councils for each shop floor or department or section and an establishment level council and where the number of workers employed in a shop, department or section is less than 20, a joint shop floor or department or section level council up for two or more shop floors, departments or sections as may be prescribed by rules by appropriate Government.
- The shop floor, department or section level council and the establishment level council shall consist of equal number of representatives of workers to be nominated by the negotiating agent certified in respect of the establishment and the employer of that establishment.

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Provided that a person representing the workers shall cease to be a member of the council when he ceases to be a worker of the establishment and the vacancy so caused shall be filled up for the un-expired term of the council.

- (4) The chairman, and other office bearers of the council shall be chosen by the council from amongst its members as may be prescribed by the appropriate Government.

**95. The Composition, Powers, Functions and Procedure of the Council**

- (1) The matters within the competence of a Shop Floor, Department or Section level Council and the Establishment Level Council shall be as specified in Schedule I and II respectively.
- (2) An Establishment Level Council may in consultation with employer identify matters on which there shall be exchange of information or consultations and matters on which there shall joint decisions.
- (3) The composition, the procedure for conducting the business of the shop floor, department or section level councils and establishment level councils, the procedure for nomination of members, the manner of filling up of vacancies and election of chairpersons of councils shall be such as may be prescribed in this behalf by the appropriate Government.

**96. Board of Management**

- (1) Notwithstanding anything contained in any other law for the time being in force, the Board of Management of every body corporate owning an establishment or undertaking shall include persons to represent workers and managerial and other employees employed in that establishment or undertaking and the persons representing workers shall constitute 12½ (twelve and half) per cent and the persons representing managerial and other employees shall constitute twelve and half per cent of the total strength of such Board of Management.

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Provided that in case of a fraction of a number, such number shall be rounded off to the nearest whole number and, for this purpose, where such fraction is one-half or more, it shall be increased by a whole number and if such fraction is less than one-half it shall be ignored.

Provided further that where the total strength of the Board of Management is not sufficient for giving representation to workers and managerial and other employee, the Board of Management shall include at least one worker and one managerial and other employee.

- (2) The persons to represent the managerial and other employees shall be elected from amongst, managerial and other employees of the establishment or undertaking by secret ballot, in accordance with the Scheme as may be prescribed.
- (3) The persons to represent the workers shall be nominated by, the negotiating agent of the establishment or the undertaking in accordance with the Scheme as may be prescribed.
- (4) The term of office of the representatives of the workers and managerial and other employees shall be four years from the constitution of the Board of Management.

Provided that a person representing the workers or, as the case may be managerial or other employees shall cease to be a representative on the Board of Management when he ceases to be a worker or managerial or other employees in an establishment or undertaking and the vacancy so caused shall be filled up in such manner as may be specified in the Scheme.

- (5) For the removal of doubts, it is hereby declared that every representative, of the workers and the managerial and other employees shall exercise all the powers and discharge all the functions of a member of Board of Management and shall be entitled to vote.

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- (6) The Board of Management shall review the functioning of each Shop Floor Council and the Establishment Council of the establishment or undertaking concerned.

## CHAPTER XIII

### PROCEDURES, POWERS & DUTIES OF AUTHORITIES

#### 97. Adjudicating Authorities to Determine their Procedure Subject to the Provisions of the Act and the Rules

Subject to the provisions of this Act, and any rules made thereunder:

- (a) by the appropriate Government in the case of an Arbitrator, Lok Adalat, Labour Court or Central or State Labour Relations Commission; or  
(b) by the Central Government, in the case of a National Labour Relations Commission,

an Arbitrator, Lok Adalat Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission shall follow such procedure as he or it thinks fit

#### 98. Powers to Summon Witnesses, to Inspect Premises, etc.

- (1) Every Arbitrator, Presiding Officer of a Lok Adalat or Labour Court or Central or State Labour Relations Commission or National Labour Relations Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses; and
- (d) in respect of such other matters as may be prescribed;

and every enquiry or investigation by an Arbitrator, a Presiding Officer of a Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.

(2) A Conciliation Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of any person;
- (b) examining any person;

Provided that such examination shall not be on oath;

- (c) compelling the production of documents and material objects; and
- (d) in respect of such other matters as may be prescribed.

(3) A Conciliation Officer, a single Arbitrator or member of a body of Arbitrators, Presiding Officer of a Lok Adalat or Labour Court, or Central or State Labour Relations Commission or National Labour Relations Commission for the purpose of enquiring into any matter connected with any existing or apprehended individual dispute, industrial dispute or trade union dispute, may, after giving reasonable notice (not being less than twenty-four hours) enter the premises in which any establishment or undertaking or the office of a trade union to which the dispute relates is situated and inspect any record or books of account.

#### **99. Power of Labour Court, etc. to Proceed in Absence of Parties of Dispute**

(1) Where on the day fixed for hearing of any dispute or any other proceeding, pending before a Labour Court or Central or State Labour Relations Commission or National Labour Relations Commission, any of the parties to the dispute or other proceeding, having notice of the hearing does not appear, the Labour, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be, may proceed with the hearing of the dispute or other proceeding

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notwithstanding the absence of such party and, where it does so, it shall have the same powers in relation to the making of any award or determining or deciding any question as it would have had such party appeared as aforesaid.

**Explanation:** In this sub section "day fixed for hearing" includes the day fixed for the appearance of any party, filing of any statement, examination of witnesses, production of documents, hearing of arguments or the doing of any other thing by the party concerned or his authorised representative in connection with the adjudication of the dispute or other proceeding.

- (2) Where any party to a dispute or other proceeding to whom time has been granted for producing his evidence, or causing attendance of witnesses, or performing any other act necessary for the further progress of the adjudication of the dispute or other proceeding fails to do so within the time so granted, the Labour Court, Central or State Labour Relations Commission, or National Labour Relations Commission, as the case may be, may notwithstanding such failure: -
  - (a) if the parties are present, proceed to adjudicate the dispute or other proceeding forthwith; or
  - (b) if any of the parties are absent, proceed under sub section(1)
- (3) Where any of the parties to the dispute or other proceedings, who fails to appear, or to do any act referred to in sub section (2) within the time allowed therefore, subsequently satisfies the Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be, within such time as may be prescribed, that there was sufficient cause for his non appearance or for such failure, it may make such order as it considers just and proper in the circumstances of the case (including an order setting aside any award or order made) and direct re-hearing of the dispute or other proceeding subject to such conditions (including a condition as to payment of costs) as it may think fit to impose.

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#### **100. Appointment of Assessors to Assist Court of Inquiry, etc.**

An Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission may, if he or she so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as assessor to advise him or it in the proceeding before such Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be.

#### **101. Power to Grant Interim Relief**

It shall be lawful for the Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission to grant to any party to any proceeding in relation to any individual dispute, industrial dispute or trade union dispute pending before it, such interim relief (whether subject to any conditions or not) including stay of any order, issue of injunction or direction in regard to payment of wages or subsistence allowance including the non-payment of such wages and subsistence allowance, as it deems just and proper in the circumstances of the case:

Provided that the Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission shall not grant any such interim relief unless all the parties to the proceeding have been served with a notice on the application for such interim relief and have been given a reasonable opportunity of being heard:

Provided further that the Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission may, having regard to the nature of the interim relief sought and the circumstances of the case pass appropriate orders granting as refusing to grant such interim relief as it deems just and proper in the circumstances of the case before the notice referred to in the proceeding proviso is served on the parties to the proceeding:

Provided also that where the Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission makes any order under the proviso immediately preceding, it shall record the reasons for making the order before complying with the requirements specified in the first proviso.

**102. Power to Transfer Proceedings**

- (1) Where any proceeding relating to the adjudication of any individual dispute is pending before a Labour Court, or a bench of Central or State Labour Relations Commission, the Central or State Labour Relations Commission on an application made to it in that behalf by any party to such proceeding and after notice to the other party or parties to such proceeding, and after hearing such of them as desire to be heard, may, at any stage by order and for reasons to be stated therein, transfer the proceeding to another Labour Court or other bench of Central or State Labour Relations Commission within its jurisdiction.
- (2) The Labour Relations Commission may, by order and for reasons to be stated therein withdraw any proceeding relating to the adjudication of any industrial dispute or trade union dispute or any other proceeding under this Act, other than a proceeding referred to in sub section (1) pending before any Labour Court, or any bench of the Labour Relations Commission and transfer the same to another Labour Court, or other bench of Labour Relations Commission
- (3) The Labour Court or the bench of Labour Relations Commission to which a proceeding is transferred under sub section (1) or sub section (2) may, subject to any special directions in the order of transfer, proceed either *de novo* or from stage at which it was so transferred.

**103. Pronouncement of Award by Arbitrator, Labour Court, etc.**

- (1) Every award or other determination or decision by an Arbitrator or a Lok Adalat or Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission shall be pronounced on the date of which notice has been given to the parties to the dispute and shall be dated and signed by the person or persons pronouncing the award and when once signed shall not thereafter be altered or added to, save as provided in this Act.

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- (2) The award of an Arbitrator shall be pronounced in his office and the award of a Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission shall be pronounced in the open court.
- (3) A copy of every award or other determination or decision referred to in sub-section (1), certified in such manner as may be prescribed, shall be given by the Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be, to each of the parties to the dispute free of cost and a copy of the award or other determination or decision so certified shall be sent by the Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be, to the appropriate Government.

**104. Time Limit for Submission of Report, Making of Awards, etc.**

- (1) The Labour Court shall pronounce its award ordinarily within a period of ninety days from the date on which the application is made to it.
- (2) The Central or State Labour Relations Commission or National Labour Relations Commission shall pronounce its award ordinarily within a period of 180 days from the date on which the dispute is referred to it.
- (3) Where the Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission is unable to make its award within the periods referred to in sub section (1) or sub section (2), as the case may be, it shall record the reasons therefore.

**105. Persons on Whom are Binding**

- (1) An award of a Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission which has become enforceable under section 103 shall be binding on
  - (a) all the parties to the individual dispute, industrial dispute or trade union dispute;
  - (b) all other parties summoned to appear in the proceeding as parties to the dispute, unless the Labour Court, Central or State Labour

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Relations Commission or National Labour Relations Commission, as the case may be, records the opinion that they were so summoned without proper cause;

- (c) where a party referred to in clause (a) or clause (b) is an employer, his successors or assignees in respect of the industrial establishment or undertaking to which the dispute relates; and
- (d) where a party referred to in clause (a) or clause (b) is a negotiating agent, all persons who were workers of the establishment or undertaking on the date of the dispute and all persons who subsequently become workers of the establishment or undertaking.

#### 106. Period of Operation of Award

- (1) Every award of an Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission shall, subject to the provisions of this section, remain in operation for a period of four years from the date on which the award becomes enforceable:
- (2) Notwithstanding the expiry of the period of operation referred to in sub-section (1) the award shall continue to be binding on the parties until a period of 60 days has elapsed from the date on which notice in writing is given by any party bound by the award to the other party or parties, as the case may be, intimating its intention to terminate the award.
- (3) No notice given under sub section (2) shall be entertained or be valid in the case of an industrial dispute, unless it is made or given-
  - (a) where such dispute is between workers and the employer or employers, by the negotiating agent or the employer; or
  - (b) where dispute is between workers and workers or employers and employers by the majority of any of the parties bound by the award.

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### **107. Review of Award by Authorities and correction of mistakes**

- (1) Any party to an individual dispute, industrial dispute or trade union dispute, who, on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of an award made by an arbitrator, a Lok Adalat, a Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, may apply to such authority and where such authority, after giving all the parties to the individual dispute, industrial dispute or trade union dispute, as the case may be, a reasonable opportunity of being heard is of the opinion that the application for review should be granted, it shall grant the same.
- (2) Clerical or arithmetical mistakes in awards or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be, either of its own motion or on the application of any of the parties to the dispute or the appropriate Government.

### **108. Award of Costs**

Subject to any rules made under this Act, the costs of, and incidental to, any proceeding before an arbitrator, or a Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, shall be in the discretion of the arbitrator, Lok Adalat, Labour Court Central or State Labour Relations Commission or National Labour Relations Commission, and the Arbitrator, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, as the case may be shall have full power to determine by whom, to whom, and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purpose aforesaid and such costs may be recovered under section 110 in the same manner as if it were money due under any settlement or award.

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**109. Execution of Settlement or Award by Labour Court, etc.**

Every settlement arrived at in negotiations or conciliation and every award or determination or decision of an Arbitration, Lok Adalat, Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission, shall be executed by the Labour Court as if it were an award made by such Labour Court in such manner as may be provided under this Act.

**110. Procedure for Recovery of Money Due Under Settlement or Award**

- (1) Where any money is due to any of the parties to a settlement or award under such settlement or award, such party or any person, in, or on, whom the rights of such party under the settlement or award have been vested or devolved, by assignment, inheritance or otherwise, may, without prejudice to any other mode of recovery, make an application to the Labour Court, to whom an application for the execution of the settlement or award may be made under section 109 or the recovery of the money so due to such party and where the Labour Court, is satisfied that any money is so due, it shall issue a certificate for that amount to the collector who shall proceed to recover the same in the same manner as an arrear of land revenue and remit the amount so recovered to the Labour Court.

Provided that every such application shall be made within one year from the date on which the money becomes due to such party.

Provided further that any such application may be entertained after the expiry of the said period of 1 year if the Labour Court, is satisfied that the applicant had sufficient cause for not making the application within the said period.

- (2) The Labour Court, as the case may be, shall disburse or cause to be disbursed in such manner as may be prescribed, the amounts remitted to it by the Collector under sub section (1) to the person or persons entitled to receive the same.

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**111. No demand in Regard to Same Matter to be Raised So Long as Settlement or Award is in Force**

So long as any settlement arrived at in the course of negotiation, or in conciliation or any award of an Arbitrator or a Labour Court, Central or State Labour Relations Commission or National Labour Relations Commission is in operation, it shall not be lawful for the workers or negotiating agent or employer or employers as the case may be, to raise any dispute with respect to any matter covered by such settlement or award.

**CHAPTER XIII**

**PENALITIES**

**112. Penalties May be Provided for:-**

- (i) failure to submit information or for submitting wrongful information, withholding the information or making false statement
- (ii) failure to recognise negotiating agent
- (iii) breach of standing orders
- (iv) giving authorisations for deduction of subscriptions from wages by the workers in favour of more than union
- (v) disclosure of confidential information
- (vi) effecting lay off, retrenchment or closure in contravention of this Act
- (vii) illegal strikes or lock outs
- (viii) instigation
- (ix) giving financial aid to illegal strikes or lock outs
- (x) breach or settlement or award
- (xi) other offences and violations.

**113. Cognisance of Offences**

**114. Offences by a company**

## CHAPTER XIV

### MISCELLANEOUS

#### 115. Power of the Appropriate Government to Exempt

- (1) Where the appropriate Government is satisfied that in an establishment or undertaking carried on by the department of that Government there are adequate provisions for resolution of individual as well as industrial disputes of workers through the machinery of joint consultation, administrative tribunals or otherwise, the appropriate Government may by notification exempt such establishment from any or all provisions of this Act.
- (2) The appropriate Government may by notification exempt any establishment or undertaking from any or all provisions of this Act if it is of the opinion that the application of the provision or provisions is likely to cause extreme hardship to the establishment or undertaking or due to emergent situation arising in the establishment or undertaking it is necessary to exempt such establishment or undertaking from such provision or provisions.

Provided that no exemption granted under sub section (2) shall be for a period exceeding 5 months at a time.

#### 116. Competence to Remove the Difficulties in Interpretation of Settlement or Awards

- (1) Subject to the other provisions of this Act where any difficulty or doubt or difference of opinion arises as to the interpretation of any provision of a settlement or award, a party to the settlement or in case of an award, a party to whom the award is binding may make an application to the Labour Court for interpretation of the provision of settlement or award.
- (2) The Labour Court before whom such application is made shall after giving the parties opportunity of being heard decide such question and its decision in this regard shall be final.

### **117. Matters to be kept Confidential**

No Conciliation Officer, Arbitrator, Lok Adalat Labour Court, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission shall include in any report or award any information obtained by him or it relating to a trade union or any establishment or undertaking which is not available otherwise than through the evidence given before such Arbitrator, Conciliation Officer, Lok Adalat, Labour Court, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission, if the trade union, person, firm or company in question has made a request in writing in this behalf that such information shall be treated as confidential nor shall Arbitrator, Conciliation Officer, Presiding officer of the Lok Adalat or Labour Court, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission or any other person present at or concerned in such proceedings disclose any information without the consent in writing of the trade union or the person, firm or company in question.

Provided that nothing contained in this Section shall apply to any disclosure of information for the purpose of prosecution proceeding under this Act.

### **118. Representation of Parties**

- (1) A worker who is a party to any proceedings under this Act in relation to an individual dispute shall be entitled to be represented in any such proceeding by-
  - (a) by himself or through an advocate duly appointed by him wherever permitted under this Act;
  - (b) an office bearer of a single negotiating agent or constituent of the negotiating college certified under this Act as negotiating agent if he is a member of such single negotiating agent or constituent of a negotiating college;

- (c) by an office bearer of a registered trade union of which he is a member if such registered trade union has at least 10% membership amongst the workers of the establishment where such worker is employed.
- (2) No person or a trade union other than the negotiating agent as certified under this Act shall represent the workers of the establishment in any proceedings in relations to any industrial dispute under this Act

Provided that the negotiating agent may be represented in any industrial dispute by a legal practitioner wherever permitted under this Act.

- (3) An employer who is a party to any proceeding in relation to any individual or industrial dispute under this Act shall be entitled to be represented in such proceedings by –
  - (a) by himself or through an officer of an establishment duly authorised in this behalf or an advocate wherever permitted under the Act;
  - (b) an office bearer of a registered trade union of employers of which he is a member;
- (4) No legal practitioner shall be permitted to represent any party in any proceedings in relation to any individual or industrial dispute before a Conciliation Officer or a Lok Adalat.
- (5) Notwithstanding any thing contained in sub-sections (1) to (3) in any proceedings before a Labour Court, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission, a party to such proceedings may be represented by a legal practitioner with the consent of the other party or parties to the proceeding and with the leave of the Labour Court, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission

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### **119. Delegation of Powers**

The appropriate Government may, by notification, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also -

- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification; and
- (b) where the appropriate Government is a State Government by such officer or authority subordinate to the State Government or the Central Government or an officer or authority subordinate to Central Government as may be specified in the notification.

### **120. Power to Require Production of Books, etc.**

Where any person is required by or under this Act to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

### **121. Protection of Action taken Under the Act and Protection of Persons**

- (1) No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.
- (2) Notwithstanding anything contained in the rules of a trade union no person refusing to take part or to continue to take part in any strike or lock out which is illegal under this Act shall by reason of such refusal or by reason of any action taken by him under this Section, be subject to expulsion from such trade union or to any fine or penalty, or to

deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of such trade union.

- (3) Nothing in the rules of a trade union requiring the settlement of dispute in any manner shall apply to any proceeding for enforcing any right secured by this section, and in any such proceeding the Labour Court, may, in lieu of ordering a person who has been expelled from membership, order that he be paid out of the funds of the trade union such sum by way of compensation or damages as that court thinks just.

#### **122. Powers to Make Rules**

- (1) The appropriate Government shall have powers to make rules for the purpose of giving effect to different provisions of this Act by notification.
- (2) Before notifying the rules the appropriate Government shall by notification publish the proposed rules giving 3 months time to the public to submit their objections, if any, to the proposals and rules shall be notified after considering the objections if any received specified in the said notification.

#### **123. Laying of Rules before the Parliament and the State Legislatures**

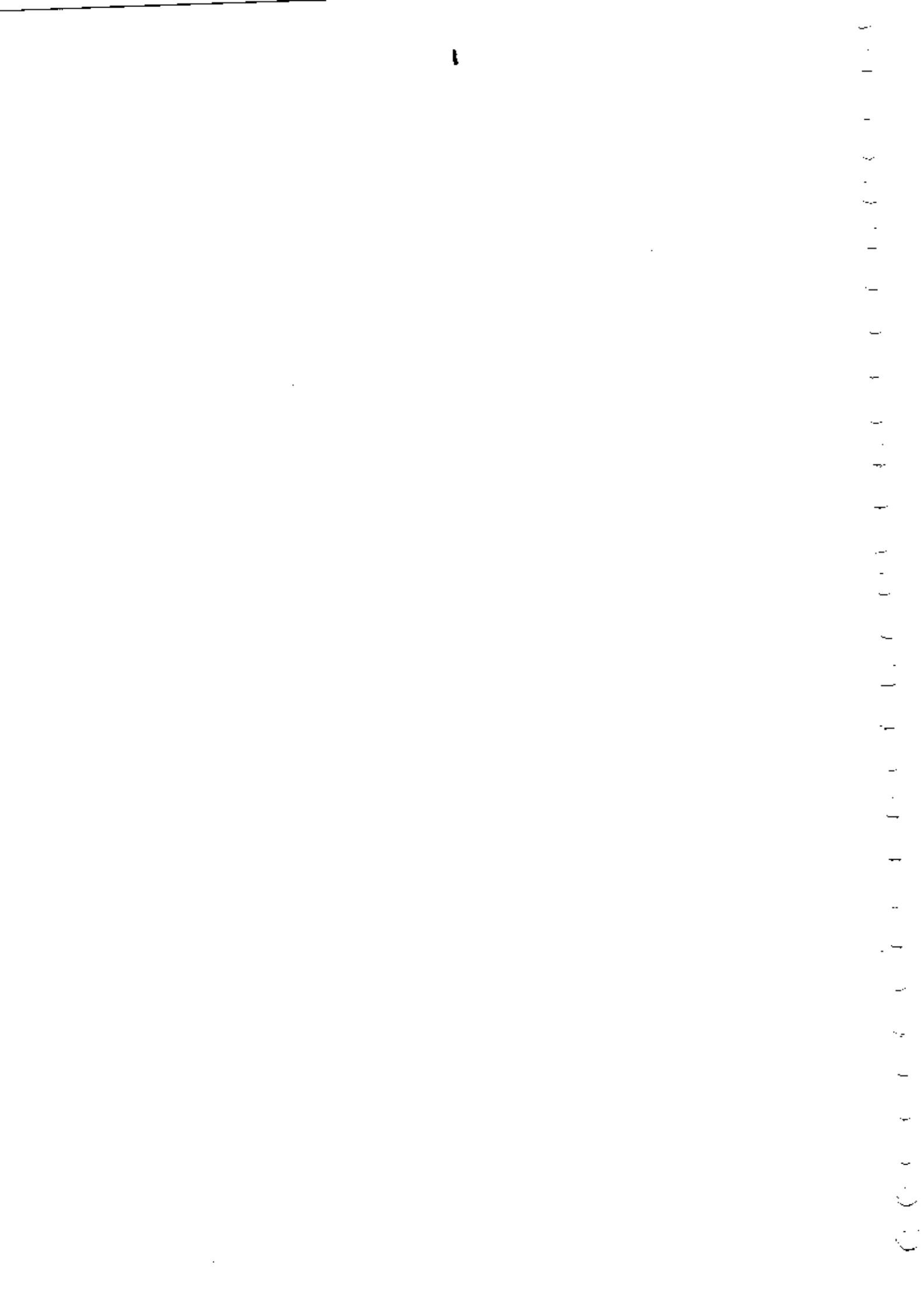
- (1) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.
- (2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such

modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### 124. Repeal and Savings

- (1) The Trade Union Act, 1976, The Industrial Employment (Standing Order) Act, 1946, the Industrial Disputes Act, 1947, including amendments made by the State Government, the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, the Bombay Industrial Relations Act, 1946, the Madhya Pradesh Industrial Relations Act, 1961 U.P. Industrial Disputes Act and similar laws of other State Governments shall stand repealed on enactment of this Law.

Notwithstanding the repeal of the Acts referred to in sub section (1) the proceedings pending under the above enactments on the date of enactment of this Law shall be disposed of as if these Acts have not been repealed.



## UNORGANISED SECTOR WORKERS (EMPLOYMENT AND WELFARE) BILL

### **INTRODUCTION**

The Umbrella legislation for the unorganised sector workers' employment and welfare should be seen as an enabling legislation that will lead to the growth of the economy, improve the quality of employment, provide a decent life to the workers and integrate them with the growing opportunities in the country.

The proposed Umbrella legislation has to be seen in a holistic way. The unorganised sector is in no way a homogeneous, independent and exclusive sector. It is dependent and linked to the organised sector and the rest of the economy.

The proposed Umbrella legislation is different from the earlier labour laws as they defined 'industries' and those working in the 'industries' were 'workers', hence covered by protective labour legislation. In the proposed Umbrella legislation, the basic approach of the legislation is recognition and protection for all types of workers regardless of industry, occupation, work status, and personal characteristics. While the unorganised sector workers are economically engaged all over the economy of India - in fields, in homes, on streets, underground, in small workshops, in forests, on coasts, on hills - everywhere.

Worker in the unorganised sector is an apprentice, casual or contract worker, home worker, service provider, or self employed person (who is economically dependent) engaged in any industry/agriculture/service directly or indirectly through a contractor, to do any manual, unskilled, skilled, technical, operational, teaching, sales promotion, clerical, supervisory, administrative or managerial work for hire or reward, whether the terms of employment are expressed or implied or none.

It needs to be recognised that the Umbrella legislation cannot be effective without integrating it into other existing laws, policies and schemes that basically control the economies of these sectors.

The essence of the proposed Umbrella legislation is removal of poverty of the working population of India through improving their productivity, quality of work, enhancing income earning abilities and increasing its bargaining power.

A better quality of employment should mainly aim at: (i) an income above poverty level, (ii) some insurance against sickness, old age and redundancy, (iii) and some prospects of career advancement.

The following are the obligations of the Government, employment providers and the society towards the country's working population: (i) minimum wage/income, (ii) social security like health and old age insurance (iii) welfare like childcare, (iv) prospects for skill/technical advancement.

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Similarly, the working population has the following obligations towards the nation: (i) minimum age limit i.e. no child worker (ii) receptive to develop skill and better technology, (iii) belong to workers organisation.

### **Statement Of Objects And Reasons**

Unorganised sector is a vast and significant segment of Indian economy in terms of its economic worth through their economic contribution and the growing number of workers the sector engages. Workers in the unorganised sector constitute a vast majority of the workforce in India, who have remained outside the purview of the present labour laws. Also these laws have proved inadequate to ensure work security and social security to the workers in the unorganised sector or to safeguard their constitutional rights.

In order to ensure, under an Umbrella legislation, economic and social security to all unorganised sector workers and to mould them into a productive and secure workforce, an Act on Unorganised Sector Workers Employment and Welfare is proposed.

### **UNORGANISED SECTOR WORKERS (EMPLOYMENT AND WELFARE) BILL**

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**UNORGANISEO SECTOR WORKERS (EMPLOYMENT AND WELFARE) BILL**

An Act to consolidate and amend the laws relating to the regulation of employment and welfare of workers in the unorganised sector in India and to provide protection and social security to these workers.

**PART I****1. Short title, Extent and Commencement**

- 1) This Act will be called the "Unorganised Sector Workers (Employment and Welfare) Act".
- 2) It extends to the whole of India.
- 3) It shall come into force on such date as the Central Government may, by notification, appoint.

**2. Objectives of the Act**

The objectives of the Act are:

- 1). to obtain recognition of all workers in the unorganised sector,
- 2). to ensure a minimum level of economic security,
- 3). to ensure a minimum level of social security
- 4) to expedite removal of the poverty of these workers through their work, protecting their means of employment and income
- 5). to ensure future opportunities for children by progressive elimination of child labour,
- 6). to ensure equal opportunities of work, for men and women workers
- 7). to encourage formation of membership-based organisations of workers,
- 8). to ensure representation of the workers through their organisations in local and national economic decision making processes.

**3. Definitions**

- 1) "Worker" refers to the unorganised sector worker registered with the Unorganised Sector Workers Central Board through Workers Facilitation Centres. Unorganised Sector Worker includes a person who is working in an unorganised sector work place or is self-employed including a home-based worker or a person who works under no clear employment contract. It also includes workers who are not covered by ESI Act and PF Act. In case of any

doubt, the decision of the Central or State Board shall be final. Worker invariably means the adult worker (male and female) with a minimum age of 14 years and maximum age of 65 years.

- 2). "Local bodies" mean village Panchayats in rural areas and the municipal and similar bodies in urban areas, and includes other Panchayati Raj Institutions (PRIs) like Panchayat Samitis, zila parishads etc. by whichever name these are known,
- 3). Workers Facilitation Centre means the lowest unit of the State Unorganised Sector Workers Board set up under this Act for facilitation of registration of unorganised sector workers and for providing welfare measures and benefits to the unorganised sector workers.

## PART II

### 4. Constitution of Boards

- 1) "Unorganised sector Workers' Central Board"" (in short referred as the "Board") refers to the Central level apex board. It will be constituted by the Central Government for the effective implementation of the provisions of this Act and to co-ordinate functions under this Act at the national level.
- 2) "State Board" means the State level apex Board. These may be called " (name of the State) .....Unorganised Sector Workers Board". The concerned State Government will constitute the State Board. The State Board will coordinate functioning at the state or Union territory level of other employment- specific State Welfare Board.
- 3) "State Welfare Boards" refer to bodies working under the State Board. The State Boards in consultation with the State Government will constitute State Welfare Boards. These would be named as " (state name) (name of the employment) .... Workers Welfare Board". Each of them is meant for studying and devising schemes for workers in specific employments, occupation, etc. State Welfare boards shall assist the State Board to formulate schemes/Rules for the respective sector of workers in the State.
- 4). "District Board" means the district level body of the Board. The State Board in consultation with the concerned District Panchayaths will constitute District Boards. District Board will function as co-ordinated by the respective State Boards. It shall also discuss problems arising out of the functioning of WFCs and find solutions for the same.
- 5). "Worker Facilitation Centres" (WFCs) are the local centres of activities of the Board co-ordinated by the respective District Boards. The District Board in consultation with local panchayats will constitute them. WFCs will work in Panchayats and areas of workers' concentration, including those in Autonomous Districts and Hill Councils.
- 6) The number of members in the Central Board, the State Board, State Welfare Board and the District Boards shall not exceed seventeen, fifteen, thirteen, eleven and nine (Including representatives of Trade Unions, women

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workers, NGOs, employment providers and Government/local bodies). WFCs can have seven members. A person of eminence/expert will be the Chairperson of the respective bodies. The term of office of the Chairman and members shall be for 3 years. These bodies shall be given executive support through the Government. The Union Secretary to the Ministry of Labour shall be the ex-officio Member Secretary of the Central Board, the State Labour Secretary of the State Board, the District collector of the District Board and the Secretary of the Village Panchayat in the village Panchayat or the urban area concerned.

#### **5. Functioning of Board through Worker Facilitation Centres**

- 1). Workers will be enrolled/registered by the WFC according to the norms fixed by the Central Board at the all India level. Welfare benefits will be provided by the WFCs. The WFCs shall act as the closest linkage of the Board with the workers. It shall meet as frequently as may be prescribed. It shall also register complaints against non-compliance of the provisions of the Act.
- 2). The State Board will implement the Act with the help of the State Government, Local Bodies, Welfare Departments, Trade Unions, Employer's Organisation, Non Governmental Organisations, Health Department, and other social and charitable Organisations.
- 3). The Local Government shall assist WFCs on the enforcement of the provisions of the Act according to the norms fixed by the Central Board or State board.
- 4). The State Board or its lower level bodies up to WFCs can either directly or through authorised persons inspect any work place to verify the implementation of the provisions of the Act. The labour machinery of the Central or State Government shall assist the State Board in this respect, and its officials may be declared as inspecting officers under this Act.

#### **6. Functions of the Central Board**

- (a) It shall coordinate and monitor the functioning of the State Boards.
- (b) It shall arrange for registration of the unorganised workers through the workers facilitation centers/with the help of Panchayati Raj institutions and NGOs by allotting code numbers to state and allotting district wise and WFC-wise codes. It shall advise the District Boards for allotting registration numbers to unorganised workers. In the event of registration number of a worker changing on his migration from one place or district or state to another place or, district or state, a new number shall be allotted upon surrender of the previous one and after ensuring carry forward and transfer of all accumulated benefits under the previous registration. It may be achieved by networking using Information Technology.

- (c) It shall ensure collection of cess from the employers in employments covered under respective schemes framed for setting up of employment-based boards on the advice of State Boards.
- (d) It shall endeavour that the schemes framed by different States and the States Boards for setting up employment based Welfare Boards for similar employments are of similar nature.
- (e) It shall allocate the funds to State Boards funds out of the Central Board fund in proportion to the cess collected in respect of the concerned state and the grant received from the Central Government in accordance with accepted principle.
- (f) It shall ensure the administrative expenses of the Board are kept within prescribed limit of 7% of net annual receipts.
- (g) It shall arbitrate in disputes pertaining to use of common property resources and other disputes if the parties at dispute agree in this regard.

#### 7. Functions of the State Board

- (a) It shall consult the Central Board before framing a scheme for setting up an employment based Board in the state.
- (b) It shall aid the Central Board in the registration of unorganised workers and shall approach the union board for recovery of cess from employers through the central excise or any other levy imposed by the Central Government.
- (c) It shall ensure constitution of employment- based Boards wherever necessary by framing schemes under the law and establish funds of the employment based board.
- (d) It shall ensure constitution of District level Boards. The District Boards shall ensure constitution of the WFCs.
- (e) It shall ensure efficient functioning of employment based Boards as per schemes and ensure efficient functioning of District Boards and the Workers' facilitation Centres.
- (f) It shall ensure that the fund of the State Board and the funds of employment based boards are not misutilised and the annual expenses on administration are kept within the prescribed limit of 7% of net annual receipts.
- (g) The State Boards shall arbitrate in disputes between the employers and workers' organisations if agreed by the parties and conciliate and arbitrate in disputes pertaining to the use of common property resources by the workers in the event of the matter being brought before it by one or more District Boards.

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- (h) It shall ensure payment of minimum wages to workers as prescribed under the law by the Central or the State Governments and also ensure timely payment of dues of such workers.
- (i) It shall allocate funds received from the Central Board or collected through Cess on land revenue or state excise or other State taxes amongst the employment based boards, and also among the District Boards.

**8. Functions of Employment Based Boards.**

- (a) It shall ensure the functioning of the Welfare Board, and the implementation of its schemes through the District Boards.
- (b) It shall ensure that the corpus of the fund of the Welfare Board is utilised in the best interests of the concerned workers and the annual expenditure on the administration is kept within the prescribed limits of 7% of net annual receipts.
- (c) It shall ensure collection of contributions from employers and workers and crediting of the same in the fund of the Board.

**9. Functions of the District Boards**

- (a) It shall ensure proper functioning of the schemes framed by the State Board/ State Welfare Boards and;
- (b) It shall ensure implementation of this Act and other relevant labour legislations;
- (c) It shall promote dissemination of information about various labour legislations and Government schemes within the district;
- (d) It shall supervise the proper functioning of the WFCs;
- (e) It shall conciliate or arbitrate in disputes pertaining to common property resources in the event of such matter being brought before it by one or more WFCs.

**10. Functions of the State Board in relation to the self-employed workers**

- 1) For workers who are not wage earners but are self employed, the State Board and its subordinate bodies will take measures suitable to the self employed, to ensure they earn fair incomes, receive benefits of social security, training, and other development services.
- 2) The State Board will facilitate a support system that provide access to financial services, market infrastructure, and infrastructure like power, roads, warehousing, workplace, information and skill development interlinked in a holistic way.

**PART III**

**11. Functions of WFC & Registration**

- (1) Every worker whether employed or self-employed in the area of the WFC should be provided with the opportunity to register himself with the Board through WFC.

- (2) Registration will be compulsory. But membership in schemes will be voluntary.
- (3) Registration will be a one-time affair and will not change even if the worker migrates permanently to the jurisdiction of another WFC or District or State. But Registration will be periodically renewed and updated.
- (4) Local public bodies, NICNET (National Informatics Centre) or Trade Unions or other recognised Non Governmental Organisations closer to the workers will be entrusted to assist WFC in the registration process, as per the guidelines and supervision of the Board.
- (5) WFC will work as the delivery point for providing the welfare measures to the workers who become members of the welfare funds.
- (6) Any dispute arising out of employment relating to wages and working conditions which is brought before the WFC will be resolved by the WFC through tripartite or multipartite conciliation.
- (7) In case of failure of conciliation, WFCs should undertake arbitration to facilitate speedy resolution of disputes. They may also take the help of Lok Adalats or Labour Courts.
- (8) The WFCs shall directly or through other means promote tripartite or multipartite bodies for conciliation and if disputes are not settled, undertake or promote arbitration to facilitate the speedy resolution of labour disputes. They may also take the help of Lok Adalats or Labour Courts.
- (9) Every employer employing 5 or more workers in his establishment shall ensure and every employer employing less than 5 workers shall help the workers employed by him to register themselves as per provisions of sub section (1) and in securing identity cards with permanent identification numbers as per provisions of Section 12.

#### **12. Identity Card**

Each worker on registration will be given a registration number and a Permanent Identification number and a Permanent Identity card or work card on payment of a registration fee. It shall have the details of his person, name, address, work wages/income social security entitlements and his photograph. The permanent Identification number will be valid all over India.

#### **13. Funds**

1. The State Board will decide the system of raising funds in consultation with its subordinate lower boards for different classes of workers.
2. The Central and State Board will raise funds by way of contribution, cess, assistance, grant from Government through budget allocation or donations from employment providers, private sector, workers and other legally

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permitted sources. The Central and Board and State Boards shall plan management of funds efficiently.

3. The Corpus Fund with the Central or State Boards shall be utilised for the discharge of the functions at various levels under the Act. The State Board will create general or specific contributory funds and will frame rules for delivery of the benefits of the Fund under its control.
4. The Board will facilitate a decentralised delivery of the benefits administered by it, using such places and means closest to the worker like Post Office, Banks etc.
5. Existing welfare funds and welfare fund Boards at the Central and State levels will be free to merge with the State employment based Boards.
6. The State Board shall take steps to co-ordinate or merge the existing welfare funds and the welfare Boards so that they must be well coordinated, cutting down defays and red tapism.
7. The State Board shall have powers to co-ordinate the welfare funds and welfare fund Boards that have not merged, for the betterment of the respective labour sector in the unorganised sector.

#### **14. Investment of funds**

Funds shall be best invested as decided by the respective Board only in safe securities of the Government.

#### **15. Ceiling on administrative costs**

The administrative cost of the Central, State and State Welfare Boards for their functioning will not exceed 7% of the net annual receipts of the respective Board.

### **Part IV**

#### **16. Workers Organisations**

1. Board will encourage the growth of (formation of) organisations in the unorganised sector. Workers will receive opportunities to represent their interests at all possible decision making committees and fora at local and national levels. For the purpose, formation of workers' own member-based organisations as Trade unions, cooperatives, associations, federation, or similar democratically run workers organisations will be encouraged by the Board.
2. The Board will encourage and facilitate the small self-employed workers to form their Associations or marketing co-operatives so as to build capacity to stand firm in the competitive market.
3. Workers organisations will strive to create an efficient and productive workforce, and generate or improve their productive capacity and bargaining capacity.

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4. Representative of the workers' organisations will be made part of implementation, planning and conflict resolution processes.
5. Workers' organisations will ensure participation of their members in training and education on an-going basis.
6. Women workers shall be given due representation at all levels.

### **Part V**

#### **17. Minimum Wage**

1. The worker shall receive minimum economic returns or minimum wages for his work as prescribed by law.
2. The State Board shall have the right to recommend to the State Government concerned minimum wages of the occupations and avocations not covered under other laws, and where there is employer-employee relationship.
3. There shall be a minimum wage.
4. There shall be no gender discrimination in deciding wages or benefits.
5. The Central or State Boards and their appointed machinery shall perform the implementation of minimum wage.
6. Non-payment of minimum wage shall be punishable.

#### **18. Allowances on Minimum Wage**

The Central & State Government shall order dearness allowance on minimum wage linked to All India Consumer Price Index Number at least once in every six months and where the dearness allowance is ordered on the above lines the minimum wages shall be revised once in five years and in other cases once in two years.

#### **19. Social Security**

1. Workers will be covered by social protection measures as may be prescribed by the Central or State Government.
2. The worker shall be eligible to social security protection, namely, old age, invalidity, group insurance, sickness, medical and employment injury benefits.
3. The woman worker shall be eligible for maternity benefits and childcare/daycare facility while on work.
4. The Central or the State Board through its machinery or schemes visualized for workers in all sectors will implement the social security services.
5. The State Board may frame schemes for grants to workers and loans for housing, drinking water, sanitation and other infrastructural facilities.
6. The Local authorities will create and invest their resources to develop better living conditions for the workers by providing amenities like housing, safe drinking water, sanitation etc.

7. The State Board shall encourage alternate insurance for employment injury to cover employer's liability under Workmen's Compensation Act.
20. **Health and safety**  
Work shall be permitted only in safe and healthy environment and working places. The State Government may frame appropriate rules in this regard.
21. **Working Hours, Holidays etc**
  1. Workers shall have sufficient rest, leisure, holidays, leave and optimal working hours.
  2. Maximum working hours per day shall be nine hours a day and 48 hours a week.
  3. Intervals for rest of at least half an hour shall be provided after five hours of work.
  4. The total number of hours of work including rest interval, shall not exceed ten and half-hours in any day.
  5. Worker shall be given one holiday in each week.
  6. Workers shall be paid overtime wages in respect of extra hours of work put in by them on and above the hours of work mentioned at 2 above.

#### 22. **General provisions**

1. absence of any written employment contract.
2. The worker shall work diligently in the interest of the Nation.
3. Child under the age of 14 years shall not work, and shall go to school.
4. The worker shall be eligible to access the common natural resources to develop and increase his productivity through work.
5. The worker's traditional right related to work and space will be maintained.
6. Unorganised sector shall be protected from unfair labour practices.
7. No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause.
8. The existing laws wherever they apply shall continue to apply. Nothing in this Act shall affect any better right or privilege that a worker is entitled under any other law, contract, custom, usage, award, settlement or agreement.

#### Part VI

#### 23. **Education, training and skill development**

1. It will be workers' duty and right to undergo skill development and on the job training, upgradation training, literacy and workers education sessions.

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2. Such programmes will be organised by the State Board and its subordinate bodies, the local Government, employment providers and training institutes,
3. The State Board will devise schemes and programmes for the purpose, considering the pace of change in technology.
4. The State Board shall establish linkages with the education, training and research institutions right from local levels up to National level.

#### **Part VII**

##### **24. Registers and records**

Employer shall maintain-

1. A register of workers employed
2. Muster roll cum wage payment register and
3. Wage slips to be issued to the workers with the seal of the employer.

##### **25. Grievance redressal**

- 1) The Board will encourage the parties to settle their issues and disputes relating to wages and conditions of work peacefully by bi-partite or multi-partite negotiations.
- 2) Any aggrieved person, Trade Union, Non Governmental Organisation, Local Body, WFCs, officers and bodies under the Board or officers of the Central or State Government labour department can initiate a dispute or a complaint against violation of any of the provisions of the Act.
- 3) The labour court or Lok Adalat having jurisdiction over that area shall be empowered to hear disputes and try offences under this Act. The State Government shall constitute the concerned Appellate Authority for the above matters.

##### **26. Framing of Rules and Schemes**

- 1) The State Government may frame rules for the effective implementation of the above objectives, generally for all workers in the unorganised sector or for a specific group or area.
- 2) The State Board shall have power to make rules and schemes for effective implementation of the objects and provisions of the Act, which shall be placed before the concerned State legislature.

## APPENDIX - IV

## INDICATIVE LAW ON CHILD LABOUR

**INTRODUCTION**

During the second half of 19<sup>th</sup> Century and early 20<sup>th</sup> Century, people, especially in the developed countries became conscious of the evils of the exploitation of children. International Labour Organisation (ILO) set up in 1919 has also been seized of the working conditions of children. At the very first session of the International Labour Conference convened by ILO on the prohibition of child labour in 1919, a convention was adopted fixing the minimum age as 14 years for employment of children in industrial employment.

In India, the first Act relating to child labour was passed in 1881, which only provided for the regulation of working hours of children below 12 years of age employed in industry. This Act was applied only to units having 100 or more workers and using mechanised power. In 1891, another Act was passed which applied to units having 50 or more workers. Recognising the need for special protection to the children some provisions were made in the Articles 15,24,39 and 45 of the Constitutions of India. There are several laws passed after independence, e.g. the Factories Act, 1948, the Mines Act, 1952, the Merchant Shipping Act, 1958, etc. conferring provisions, regulating the employment of children in various occupations purported to protect the health, safety, etc., of children. On 21<sup>st</sup> December, 1976 the United Nations General Assembly adopted a resolution proclaiming 1979 as the "International Year of the Child" with general objective of promoting welfare of children which has once again focussed the world attention on the problem of child labour.

Global developments necessitated bringing in a comprehensive law on this subject and therefore Child Labour (Prohibition and Regulation) Bill was introduced in the Rajya Sabha on 22<sup>nd</sup> August, 1986.

After the passing of this Act a large number of measures were initiated by Government and NGOs to tackle the problem of child labour. One of the main learnings, which emerged from these efforts, was that child labour could best be tackled by ensuring that children were enrolled in the education system. At the same time the Government of India started the process of liberalization, which led to a growing demand for education. The National Commission on Labour was set up in

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October, 1999 for reviewing the existing labour laws. The National Commission felt that the Child Labour Act should be not only a regulatory law but a developmental Act, and should place the child and his/her welfare at the centre of all laws and programmes. The Commission views the elimination of child labour and the universalisation of elementary education as inseparable processes. At the same time prohibition of employment of child labour except in certain circumstances should be secured through the law.

### **Statement of Objects and Reasons**

The Child Labour (Prohibition and Rehabilitation) Act 2002, recognizes the need to prohibit employment of children in all employments and regulation of the working conditions for children required to be provided where they can be employed. This Bill intends to ensure that no child would be deprived of a future by being deprived of education and having to spend its childhood working. It recognizes every child out of school as a child labour or a potential child labour. It seeks to tackle the problem of child labour by ensuring universal education. At the same time it seeks to prohibit all employments except as provided under the Act. The Act defines every child out of school as covered by the Bill. It seeks to ensure that each of these children gets an education. It also seeks to ensure that children do not work in situations where they are exploited and deprived of a future.

### **THE CHILD LABOUR (PROHIBITION AND REHABILITATION) BILL, 2002**

An Act to prohibit the employment of children in all employments and to regulate employment of children where permitted and to provide for matters connected therewith

#### **CHAPTER I**

##### **PRELIMINARY**

1. (1). **Short title, extent and commencement:** - (1). This Act may be called The Child Labour (Prohibition and Rehabilitation) Act, 2002.  
 (2). It extends to whole of India.
2. **Definitions:** - In this Act, unless the context otherwise requires,-  
 (i) 'Appropriate Government' means, in relation to an establishment under the control of the Central Government or a Railway Administration or a Major Port or a Mine or Oilfield, the Central Government, and in all other cases, the State Government)

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- (ii) 'Child' means a person who has not completed fourteenth year of age;
- (iii) 'Child labour' means any child not attending primary school or employed in any establishment, except the child mediated by parents at home for family activities or employed in employment or occupation in which a child is permitted to be employed under the Act.
- (iv) 'Day' means a period of twenty-four hours beginning at mid-night;
- (v) 'Employment' means any work, which establishes master servant relationship.
- (vi) 'Employer' in relation to an establishment, occupation, processes, and workshop and in any employment of agriculture sector means the person who has control over the organization of production and the other affairs of the above-referred activities.
- (vii) 'Establishment' includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or any other place of public amusement or entertainment and any place where any trade, business, industry or agricultural process or operation is carried on;
- (viii) 'Family', in relation to an employer, means the individual, the wife or husband, as the case may be, of such individual, and their children and dependent brother or sister of such individual;
- (ix) 'Fund' means the fund of the District Child Labour Rehabilitation and Welfare Society constituted under this Act.
- (x) 'Prescribed' means prescribed in the rules made by Appropriate Government under this Act.
- (xi) 'School' means a school recognized by the Appropriate Government
- (xii) Scheme means a scheme run by appropriate government under the Act to promote the compulsory primary education.
- (xiii) Week means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for particular area by the inspector.
- (xiv) 'Workshop' means any premises (including the precincts thereof) wherein any industrial process is carried on.

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**CHAPTER II****PROHIBITION OF EMPLOYMENT OF CHILDREN**

3. (1) No child shall be employed or permitted to work in any establishment including any agricultural and family based activities.
- (2) Notwithstanding any thing contained in sub-section (1) a child may be permitted to work in the following circumstances
- Where a child is asked to help in family activities at home and here the child works under the supervision and guidance of a parent before or after normal schooling;
  - A child may be employed in any performing art or any motion picture or in any advertisement provided that the employer or producer of motion picture or the person or establishment for whose benefit the advertisement is made ensures that the education of the child is not adversely affected in any manner and the child is not asked to work for not more than four hours on any day and such work is carried on the presence of a parent.
- (3) In case, a child labour is found working, it shall be the duty of inspector implementing Part II of the Act to refer such child labour to education department for compulsory primary education.
- (4) The inspector shall also recover not less than Rupees Ten Thousand from employer employing child labour and shall deposit the same with the Child labour welfare cum re-habilitation society.
- (5) In case employer fails to deposit the amount referred to as under Sub Section (4) of Section 3, the inspector shall issue the recovery certificate as arrears of land revenue to the Collector who shall recover the same as arrears of land revenue and send the same to the inspector, who shall deposit it in the fund of the Society.
- (6) The employer shall be permitted to contest the case filed by the inspector under Section 7 of the Act, only if he deposits an amount of Rupees Ten Thousand in respect of every child labour alleged to have been employed by him.

Provided that the amount so deposited/recovered may be refunded to him on making an application with 4 % simple interest per annum in case the employer succeeds in Court.

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**CHAPTER III****EDUCATION AND REHABILITATION OF CHILDREN****4. EDUCATION OF CHILDREN**

- (1) Every child who is not studying in any of school shall be covered under the provisions of the Act.
- (2) The Appropriate Government shall setup primary schools and secondary school in urban and rural areas as per requirements and policy.
- (3) It shall be the duty of every parent to send his child for full time education between the age of 6 and 14 years in a school.

**5. Child Labour Rehabilitation & Welfare Society**

- (1) The State Government shall constitute a Child Labour Rehabilitation and Welfare Society in every District as following.
  - a) District Collector as Chairperson
  - b) Primary Education officer
  - c) Assistant Commissioner of Labour
  - d) Two Representatives of Local Bodies
  - e) Social Welfare Officer
  - f) Employment Officer
  - g) Two representatives of NGOs active in the field of child labour.
  - h) Two representatives of major trade unions.
- (2) Every society will be registered under Society's Registration Act, 1860. It shall be a body corporate and can sue and be sued upon.
- (3) **Functions of the Society:**
  - a) The society shall utilize only interest of the fund for providing incentives for education of children.
  - b) To facilitate this society shall invest the fund in high yielding interest schemes of Nationalized banks. The appropriate government shall lay down the procedures to open and operate the account of this society.
  - c) The society shall implement the schemes prescribed by appropriate government with the cooperation of the State Education Department to attract and educate the parents to send their children to schools.

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(4) **Fund of the Society**

Every society will have its own fund to which the amounts recovered by the Inspector under Sec (4) or Sec. 7 will be deposited.

**CHAPTER IV**

**STATE CHILD LABOUR BOARD**

6. The Appropriate Governments shall constitute a Child Labour Board to review and oversee the implementation on the Act as following

- i) Minister of Labour – Chairperson
- ii) Secretary of the State in charge of Labour or Joint Secretary in Central Government in charge of Child Labour issues.
- iii) The Chief Labour commissioner (Central) in case of Central Board and Labour Commissioner of State Government in case of the State Board.
- iv) Such other number of members not exceeding 5 representatives of the employers and trade unions and NGOs of repute; at least one of whom shall be a women.

**CHAPTER V**

**MISCELLANEOUS**

7. **Penalties:**

- (1). Whoever employs any child or permits any child to work in contravention of the provisions of Chapter II of the Act shall be punishable with imprisonment for a term not exceeding one year or with fine which shall not be less than rupees ten thousands but not exceeding rupees twenty thousand or with both. All fines imposed and collected under this law shall be deposited with the District Child Labour Rehabilitation and Welfare Society.
- (2). The parents mediating their child at the cost of primary education without sending them to a school, shall be punishable with fine of rupees ten per child and in case of continuance of such offence they may be punishable with fine of rupees ten per month per child for a period of such continuance. Provided that no parent shall be made punishable in case schools are not provided by the appropriate Government. In case of villages the penalty for parents who do not send their children to school but engage them in work shall be imposed by the Panchayats and in case of urban areas by the urban local bodies.

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The fine so recovered shall be deposited in the child labour welfare cum rehabilitation society.

**8. Modified application of certain laws in relation to penalties: -**

- (1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub section (2) he shall be liable to penalties as provided in sub section (1) of section 7 of this Act and not under the Act in which those provisions are contained: -
- (2) The provision referred to in sub section (1) are mentioned below: -
  - (a). Section 67 of the factories Act 1948
  - (b). Section 40 of the Mines Act 1952
  - (c). Section 109 of the Merchant shipping Act, 1958
  - (d) Section 21 of the Motor transport workers Act, 1961
  - (e) Section 24 of the Beedi Cigar Workers (conditions of service) Act 1966

**9. Procedure Relating to Offences:**

- (1) Any trade union, NGO, or inspector under the Act may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.
- (2) In the absence of any other documentary evidence, a certificate as to the age of child, which has been granted by prescribed medical authority, shall, for the purpose of this Act, be prima-facie evidence as to the age of the child to whom it relates.

Provided that in case of doubt Appropriate Government shall have power to get the matter of determination of age reviewed by a medical board prescribed for the said purpose.

- (3) No court inferior to that of a metropolitan magistrate or a magistrate of the first class shall try any offence under this Act.

**10. Dispute as to Age**

Subject to provisions of this Act if any dispute arises as to the age of any employed person between an employer and an inspector the onus to prove that the person employed is not a child shall be on the employer.

**11. Appointment of Inspectors**

- (1) The appropriate Government may appoint Inspectors for the purposes of securing compliance with the provisions of part II and part III of the Act
- (2) Every inspector appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

**12. Power to make rules:-**

- (1) The appropriate Government may, by notification in the Official Gazette and subject to the condition of previous publication and hearing of objections make rules for carrying into effect the provision of this Act.

**13. Rules to be laid before Parliament or State legislature:-**

Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the Legislature of that State.

**14. Certain other provisions of law not barred:-**

Subject to the provisions contained in Section 7 the provisions of this Act and the rules made there under shall be in addition to, and not in derogation of, the provisions of the Factories Act 1948 (63 of 1948) the Plantations Labour Act, 1951 (69 of 1951) and the Mines Act, 1952 (35 of 1952).

**15. Power to remove difficulties:**

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

- (2) Every order made under this section shall as soon as may be after it is made, be laid before the House of Parliament.

**16. Repeal and savings:**

- (1) The child labour (Prohibition and regulation) Act 1986 is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken under the Act so repealed shall in so far as it is not inconsistent with the provision of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

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17. **Amendment of Act 69 of 1951:** In the Plantations Labour Act 1951: -
  - (a) In Section 2, in clauses (a) and (c), for the word "fifteenth" the word "fourteenth", shall be substituted;
  - (b) In Section 26 in the opening portion the words that has completed his twelfth year shall be omitted.
18. **Amendment of Act 44 of 1958:** In the Merchant Shipping Act 1958 in Section 109 for the word "fifteen" the word "fourteenth" shall be substituted.
19. **Amendment of Act 27 of 1961:** - In the Motor Transport Workers Act 1961 in section 2 in clauses (a) and (c) for the word "fifteenth" the word "fourteenth" shall be substituted.

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## CHAPTER-X

## SKILL DEVELOPMENT

## INDIAN LABOUR FORCE

**T**here is an increasing demand of skilled labour. This is on account of globalisation, changes in technology as well as work processes. Production has been getting globalised and financial markets the world over, are becoming integrated. Information Technology has been primarily instrumental in increasing the speed of communications and reducing its costs. Globalisation, in turn, has led to intensified competition, technological diffusion and adoption of new forms of organisation. As a result of the heightened competition and economic change, developing nations are facing a tough challenge in maintaining the employability of large segments of their labour force. Simultaneously, competition and economic change also provide an opportunity for economic growth and employment

expansion. To take advantage of these opportunities, the level and quality of skills that a nation possesses are critical. Moreover, rapid technology changes and transition to a more open economy entails social costs. These can be restricted only through equally rapid upgradation of the capabilities of the workforce.

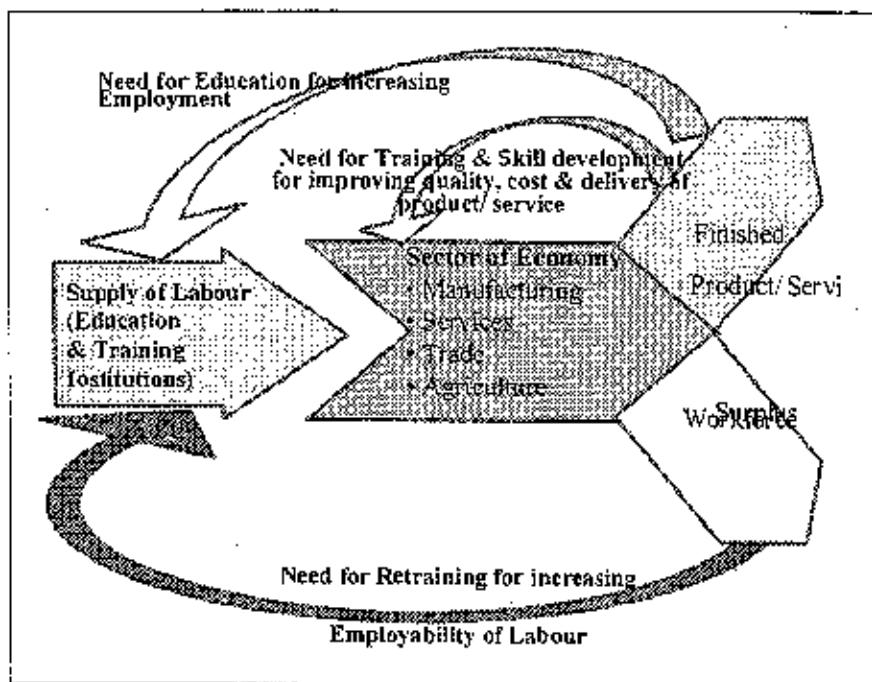
10.2 Against this backdrop, countries like India, which have opened their economy in the last decade, need to invest in the skill development, training and education of their workforce. As technological change, shorter product cycles and new forms of work organisation alter the environment, training systems come under pressure. To counter these pressures on training, incentives for training systems need to be considered. These will help the country's industry to adapt successfully to ongoing economic change.

## DYNAMICS OF THE INDIAN LABOUR SYSTEM

10.3 The entire dynamics of the Indian labour system has been depicted in Figure 10.1. At present, labour is used as an input in the various sectors of the economy to produce a visible output viz. the finished product or the service. It may be mentioned that these sectors of the economy also produce surplus workforce, which may be arising out of various reasons like:

- a) Companies turning sick
- b) Closure of companies
- c) Recession leading to reduced workforce
- d) Process automation
- e) Shift of labour from Manufacturing sector to Services sector
- f) Mergers & Acquisitions
- g) Obsolescence of skill sets e.g. typing

**Figure 10.1**  
**Dynamics of the Indian Labour System**



Source: Study Group Discussions

10.4 The surplus workforce that arises in the system therefore needs to be retrained for better employability. While retraining is one aspect, there is also the need for skill development and training for improving quality, cost and delivery of product/service. Training institutions thus, have to serve as the means for meeting the needs of skill development, training, retraining and education of the workforce.

10.5 As we have been pointing out in every chapter of this Report, 93% of the Indian workforce is employed in the unorganised sector. The growth rate of labour in the unorganised sector has been far higher than the growth rate of employment in the organised sector, as the latter has often become increasingly capital and skill intensive.

## **INDIAN LABOUR FORCE SKILLS — PRESENT STATUS**

10.6 Framework for Segmentation: The entire labour force can be segmented in a 4X2 matrix with the Degree of organisation of labour on the x-axis and the Type of sector of economy on the y-axis. Based on this, we can represent the distribution of various occupation/jobs of the workforce across organised and unorganised segments and in the sector of the economy. The segmentation is depicted in Figure 10.2. This figure shows some examples of the various jobs/occupations/enterprises that can be considered in the organised or unorganised sector.

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Figure 10.2

## Segmentation of Labour

		<i>Degree of Organisation of Labour</i>	
		Unorganised Sector	Organised sector
<i>Type of Sector of Economy</i>	Agriculture	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Suppliers on seeds, manure</li> </ul>	<ul style="list-style-type: none"> <li>• Agroprocessing</li> <li>• Fertilizers &amp; pesticides</li> </ul>
	Trade	<ul style="list-style-type: none"> <li>• Self employed footloose hawkers &amp; vendors</li> <li>• Contract/ casual wage earner</li> </ul>	<ul style="list-style-type: none"> <li>• Petrol Pumps</li> <li>• Transporters</li> </ul>
	Services incl. of Infrastruct.	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Self employed service provider e.g. courier, STD booths, Road mechanic</li> </ul>	<ul style="list-style-type: none"> <li>• Utilities (Electricity, Water, Telephone etc.)</li> <li>• Hotel &amp; Tourism</li> <li>• IT, Telecom, Mines</li> </ul>
	Mfg. sector	<ul style="list-style-type: none"> <li>• Home based enterprises</li> <li>• Factory based small scale industries e.g. tools, woollens, Hosiery</li> </ul>	<ul style="list-style-type: none"> <li>• Auto</li> <li>• Engg.- Light &amp; Heavy</li> <li>• Industrial - Steel, cement, Refineries</li> </ul>

Source: Study Group Discussions

10.7 As can be observed from Table 10.1, there has been a gradual shift of workers from the agricultural sector to the informal sector, as the percentage of people in the organised sector has more or less remained constant at around 7%. Substantial

employment growth is taking place in the small and unorganised sector i.e. in tiny and small enterprises. Based on the figures mentioned in Table 1 the informal sector has grown at 1.06% per annum over the period 1997-2000.

Table 10.1

**Distribution of Workers by Major Sector of Economic Activity**

(Numbers in millions)

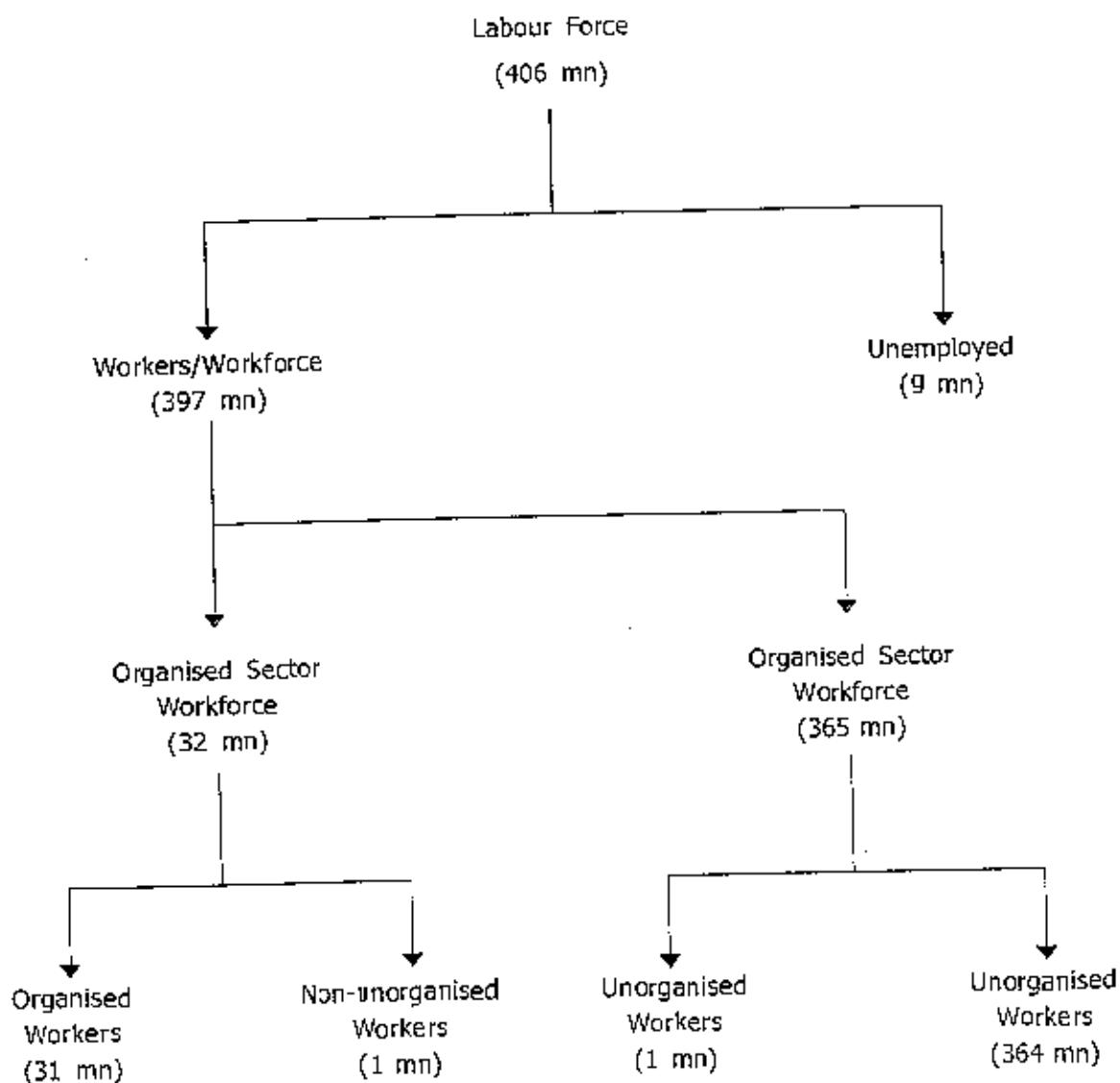
Year (%)	Agriculture (%)	Non-Agriculture		Total (%)
		Organised (%)	Informal (%)	
1972-73	175	18.8	42.5	236.3
	74	8	18	100
1977-78	195	21.2	54.5	270.7
	72	8	20	100
1982-83	206.2	24.1	72.5	302.8
	68	8	24	100
1987-88	206.4	25.7	89.9	322
	64	8	28	100
1990-91	218.4	26.7	96.8	341.9
	64	8	28	100
1993-94	242.5	27.4	104.6	374.5
	65	7	28	100
1996-97	243.8	28.2	110.1	382.1
	64	7	29	100
1999-2000	237.6	28.1	131.3	397
	60	7	33	100

Source: Manpower Profile India: Year Book 2000, Institute of Applied Manpower Research, New Delhi

A numerical overview of the strength of the Indian labour force in the

organised and unorganised sector is given in Figure 10.3

**Figure 10.3**  
**Distribution of the Labour Force**



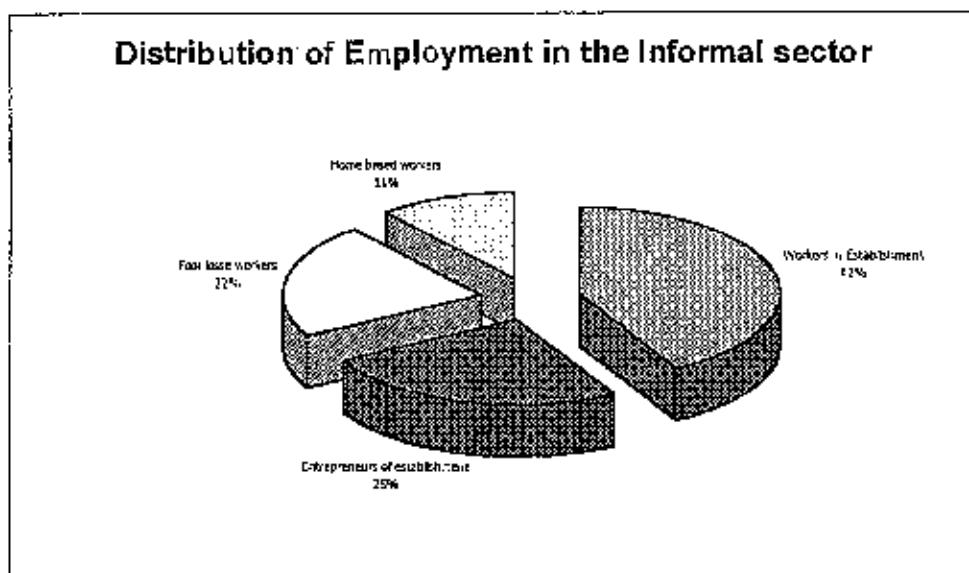
Source: Based on information collected from Manpower Profile India: Year Book 2000 and Annual Report of Ministry of Labour

- 10.8 The distribution of employment in different segments of the informal sector is given in Figure 10.4. Approximately

67% of the workers are employed in the establishments either as workers, or as entrepreneurs.

**Figure 10.4**

**Distribution of Employment in Different Segments of  
The Informal Sector**



Source: Employment in the Informal sector: MS Ramanujam et. al, Institute of Applied Manpower Research

- 10.9 It may be mentioned that as data on skill levels is not readily available, it is difficult to quantify the level of skills in the labour force. However, a snapshot of the education levels of the Indian labour force in

1999-2000 reveals a dismal picture (refer Table 10.2 on educational attainments of the labour force) with about 44.0% of all workers being illiterate. It may be observed from the table that 51.3% of the total rural

area workers is illiterate while only 21.5% of the urban area workers is illiterate. About 22.7% of the total workforce had schooling only up to the primary level. Considering that workers need to have schooling at least up to

the middle level and higher level for performing in the market, then only 33.3% of the workforce can be termed to be adequately qualified.

Table 10.2

**Composition of Workers of Age 15 Years and Above by Level of Education 1999-2000**

(All figures in percentage)

	Not literate	Literate & Schooling upto primary level	With Schooling upto middle & higher level	Total	Share in Workforce
<b>Rural Areas</b>					
Male	39.6	27.3	33.1	100	49.7
Female	74	15.5	10.5	100	25.8
Person	51.3	23.3	25.4	100	75.5
<b>Urban Areas</b>					
Male	16	22	62	100	19.7
Female	43.9	17.6	38.5	100	4.8
Person	21.5	21.1	57.4	100	24.5
<b>All Areas</b>					
Male	32.9	25.8	41.3	100	69.5
Female	69.3	15.8	14.9	100	30.5
Person	44	22.7	33.3	100	100

Source: National Sample Survey on Employment & Unemployment, 55<sup>th</sup> Round

10.10 Further, the category "middle school and above" includes all those who have had some middle school education even though they may have dropped out of the school before completing middle school. The provisional drop out rate at middle school levels was quite high at 42% in the year 1998-99. As per a rough estimate from the 52<sup>nd</sup> round (1995-96) survey of the National Sample Survey Organisation (NSSO), only 20% of the population in the age group of 14-16 years actually completes secondary school

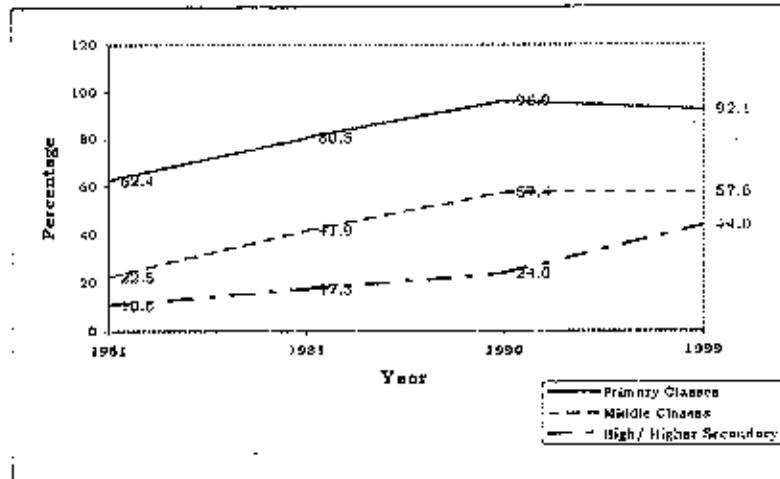
the present.

education.

10.11 These figures indicate the deficiencies in the general education level of the labour force. Figure 10.5 shows the enrolment in different stages of education as percentage of population in the appropriate age group. The overall trend of enrolment in middle classes and higher secondary classes has been growing over the years and it can be inferred from the increasing trend that the new entrants to the labour force will be significantly better educated than

**Figure 10.5**

#### Enrolment in Different Stages of Education as Percentage of Population



#### in the Appropriate Age Groups

Education Stage	Age Group (in years)
Primary Classes	6 - 11
Middle Classes	11 - 14
High/ Higher Secondary	14 - 17

Source: Compiled from data from Manpower Profile of India, Year Book 2000 & Report of Task Force on Employment Opportunities

10.12 While general education is required for most jobs, possession of "marketable skills" (or specific skills) is a must for the labour force for obtaining employment. The NSSO Survey on Employment & Unemployment (1993-94) gives information on the possession of 30 specific marketable skills, by persons in the labour force and the results are summarised in the Table 10.3. In the rural areas, only 10.1% of the male workers, and 6.3% of the female workers possessed specific marketable skills and in the urban areas, 19.6% of males and 11.2% of females possessed marketable skills. As per the report of the Task force on Employment Opportunities set up by

the Planning Commission, about 12.3 million persons are expected to enter the labour force per year, aggregating 86.2 million persons between the year 2000 and year 2007 (Table 10.4). After allowing for underutilisation of seats in training institutions and some overlaps, the percentage of those entering the labour force with some degree of formal training is about 12% gross of the new entrants (about 1.5 million per year) into the labour force. It is estimated that a significant number of new entrants will be absorbed in various types of unskilled labour in agricultural & non-agricultural occupations, while the rest will enter the market with some skills.

**Table 10.3**

**Percentage Distribution of Persons by Possession of  
Marketable Skill; 1993-94**

(All figures in percentage)

Possessing	Rural		Urban	
	Male	Female	Male	Female
No Skill	89.9	93.7	80.4	80.4
Some Skill	10.1	6.3	19.6	11.2
Total	100	100	100	100
<b>Sample Persons</b>	(183464)	(172835)	(109067)	(99283)

Source: National Sample Survey on Employment & Unemployment, 50<sup>th</sup> Round (1993-94)

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Table 10.4

**Entrants to Labour Force Between 2000-2012**

(million persons)

Entrants to Labour Force	2000 to 2007	2007 to 2012
	7 years	5 years
Rural Areas <sup>1</sup>	52.40	40.30
Urban Areas <sup>2</sup>	33.80	28.10
All India	<b>86.20</b>	<b>68.40</b>

Source: Report of the Task Force on Employment Opportunities set up by the Planning Commission

Notes: a. Corresponds to 1.8% per annum labour force growth scenario

1. excluding migrants from rural areas
2. including migrants to urban areas

10.13 It may be mentioned that only 5% of the Indian labour force in the age category 20-24 years, has obtained vocational training. The corresponding figure in other industrialised nations is much higher, lying between 60% and 80%, except for Italy, which is 44%. The corresponding percentage for Korea is very high at 96%. Even if India is benchmarked against developing nations, the Indian

figure of 5%, is far behind Mexico at 28%, Botswana at 22% and Peru at 17%.

#### **PRESENT METHODS OF SKILL ACQUISITION**

10.14 At present, persons entering the labour workforce acquire skills from a variety of methods as given below.

- a) Hereditary Skills Acquired In The Family. In traditional family based crafts e.g. pottery, carpet weaving, etc. the younger members of the family learn the art of the craft from senior members in the family. This is also the most common method for acquiring contemporary skills viz. tailoring, repair work etc.
- b) Induction Training: In most organisations, immediately after an employee joins the organisation, he or she is sent for an induction which involves rotation through various departments and familiarisation with the normal practices of the department and method of work,
- c) On The Job Training: This is the most popular method in the informal sector, wherein workers join as unskilled or semi-skilled workers and learn specific skills in the course of their employment. Larger industrial units also impart on the job training in a more structured manner through in-house training facilities
- d) Vocational Training In Specialised Institutions: Vocational skills are also acquired through formal vocational training in specialised institutions. There are 4274 Industrial Training Institutes (ITIs) in India, which impart training in 43 engineering and 24 non-engineering trades. Of these 1654 are in the government sector and the remaining 2620 institutes are in the private sector. The total seating capacity in these ITIs is 6.28 lakhs. Further, there are 6 Advanced Training Institutes (ATI) which are managed by the Central Government that provide training for instructors in ITIs and ATIs for Electronics & Process Instrumentation offering long and short courses for training of skilled personnel at technician level in the fields of industrial, medical and consumer electronics and process instrumentation. There are also proprietary

institutes organised as businesses, which provide training of various types in areas such as computer applications, readymade garments and hardware maintenance

- e) Formal Apprenticeship : Historically, apprenticeship was the principal means of training semi-skilled workers. At its simplest, it is by far the predominant mode of acquisition of trades, crafts and occupations. The most famous is the German "dual system" where apprenticeship is combined with school-based education. The Indian Apprenticeship Act, 1961, requires employers in notified industries to engage apprentices in specified ratios in relation to the workforce. Apprentices get trained for periods ranging from 6 months to 4 years and at the end of the period they are trade-tested by the National Council for Vocational Training. The Apprenticeship Act thus serves

two purposes: A) to regulate the programme of training apprentices in industry so as to conform to the prescribed syllabi, period of training etc. and B) to fully utilise the facilities available in industry for imparting practical training with a view to meeting the requirement of skilled workers.

- f) Vocational Training Linked To Development Programmes: These are specifically designed to provide training in the informal sector e.g. the schemes for the training of women by the Department of Women & Child Development, Skill development programmes by the Khadi & Village Industries Commission (KVIC), Training programmes of the Department of Small Scale Industry (SSI) etc.

10.15 The vocational education and training system in India at a glance is given in Table 10.5 and the total annual training capacity of various training providers is given in table.

Table 10.5

## Vocational Education &amp; Training System in India at a Glance

UNDER GOVERNMENT AUSPICES				OTHER THAN GOVERNMENT	
Department of Education, Govt. of India * Vocational Education Secondary School Lower school First degree level	DGET, Ministry of Labour, Govt. of India * Craftsmen training scheme	DWCD, Ministry of HRD, Govt. of India * Norad Assisted Programme	Ministry of Rural Area & Employment * Training Rural Youth for Self-Employment (TRYSEM) -now replaced by other programmes	Ministry of Industry, Govt. of India * Training through DCSSI Institutes	Industrial Enterprises * In-plant Training  Private Training providers Private Proprietary Training
* Apprenticeship (for graduate engineers, diploma holders & vocational school pass out(s))	* Apprenticeship Training Scheme (trade apprentices)	* Condensed courses of education & vocational training		* Training under National Renewal Fund (NRF)	Non Government Organisations * Informal sector training
* Technical Education	* Advanced vocational training scheme	* STEP <sup>1</sup>		* Training activities of KVIC	Employers Organisations * Support to Industry Training activities
* Community Polytechnic project	* Vocational Training Programme for women				
* Shramik Vidyapeeths	* CSTRI * CSMI * CITS * FTIS				

Source: Report of the Task Force on Employment Opportunities set up by the Planning Commission

<sup>1</sup>STEP: Support to Training & Employment Programmes for women

Table 10.6

**Annual Training Capacity of Various Training Providers**

<b>Department/ Institution</b>	<b>Figures in lakhs</b>
DGE&T, STATE GOVERNMENTS ETC.	
- Industrial Establishments	2.27
- Seats in it Is	6.28
DEPT. OF SEC. & HIGHER EDUCATION	
- Polytechnics	2.20
- Arts & Crafts	2.20
- Vocational Stream	5.00
- Community Polytechnics	3.07
- Vocational Courses under National Open School	0.20
DEPT. OF WOMEN & CHILD LABOUR	
- Support to Training & Employment programmes for women (STEP)	0.10
DEPT. DF SSI & RURAL INDUSTRY	
- EDP	0.16
DEPT. OF RURAL DEVELOPMENT	
- SGSY	2.14
DEPT. OF URBAN EMPLOYMENT & POVERTY ALLEVIATION	
- SJRY	2.00
MINISTRY OF TEXTILES	N.A.
MINISTRY OF INFORMATION TECHNOLOGY	0.35
MINISTRY OF TOURISM	
- Hotel Management	0.024
<b>TOTAL CAPACITY</b>	<b>25.99</b>

Source: Data collated from the Report of the Task Force on Employment Opportunities and Report of the working group on Skill Development & Training set up by the Planning Commission

**VOCATIONAL TRAINING**

10.16 Vocational Training could be:

- a) Institutional pre-employment training
- b) In-plant Training
- c) Apprenticeship Training
- d) Post employment /In-service/Job Related training
- e) Advanced / Specialist training

10.17 The Indian Trade Apprenticeship Act 1961 was implemented to cover training of trade apprentices. The responsibility of implementation of the Act is with the Central Apprenticeship Advisor/ Director of Apprenticeship Training in Directorate General of Employment & Training, Ministry of Labour. The Act was amended in 1973 to cover Graduate & Diploma holders in Engineering and Technology as Graduate and Technician Apprentices. In 1987 the Act was amended again to cover training of students passing out of the 10+ vocational streams, as Technical Vocational Apprentice. As on June 30, 2000, only 1.65 lakh seats

were utilised out of a total of 2.27 lakh seats for apprenticeship training in central or state/ private sector enterprises combined.

10.18 The lacunae in the present trade apprenticeship training can be summarised as follows:

- a) Inadequate coverage of skill requirements
- b) Mismatch in demand and supply relation
- c) Lack of flexibility in the engagement of Trade Apprentices within the same Trade Group
- d) Lengthy and clumsy administrative procedures of record keeping and filling up of return
- e) Lack of incentives to encourage industries to modernise their training facilities
- f) Inadequate and poor quality of training facilities as well as training staff
- g) Small establishments unable to engage apprentices

## **Present & Future Challenges of Labour**

10.19 Having discussed the needs and the current status of the Indian workforce, we can summarise the seven key existing and future challenges for Indian labour.

a) Challenge of Globalisation: The Indian economy has opened up in the last decade. India has also become a member of the World Food Organisation (WTO). In order to remain competitive, the organised sector has commenced outsourcing. The use of casual and contractual labour has increased for meeting varying production levels. Globalisation has also thrown up a challenge in the form of exposure to new technologies and products, which are perceived as a threat to the traditional areas, particularly in the unorganised sector. The lessons from this exposure need to be assimilated by the workforce.

Challenge of Labour Competitiveness vis-à-vis China and

Other Nations: India has been facing competition from China and other South East Asian nations in various sectors including toys, electricals and handlooms. The workforce of these nations is disciplined and cheaper as compared to the Indian workforce. With China becoming a member of the WTO at the November WTO meeting at Doha, Qatar, the challenge to the Indian workforce to remain competitive has increased manifold.

As per the World Competitiveness Report (1994), which examines competitiveness of human resources based on skills, motivation, flexibility, age structure and health of people, India is ranked to be the least competitive amongst the 10 Newly Industrialised Countries. In India the quality of skilled labour, according to the Report, is good. But the proportion of skilled labour in the total labour force of the country is too small. With the result, though the country ranked first among the 10

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Newly Industrialised Countries, in terms of quality of skilled labour, with regard to their ready availability it ranked 7 out of 10.

second view treats people as a source of competitive advantage. It leads organisations to invest in skill development.

- b) Challenge of Redeployment of Surplus Manpower from Agriculture and Manufacturing to Services & Trade (within self-employed and wage earners): Due to a variety of reasons, there is surplus manpower arising from the organised sector. These persons need to be retrained and made employable. The shift may largely require attitudinal orientation and skill based training.
- c) Challenge of Recognising Labour as Human Capital rather than as a Cost: Two views can be taken of human resources, one being that they are a cost and the other being that they are an investment. The first view translates into attempts to keep wages low and to spend as little as possible on training and human resource development. The

The industry therefore needs to recognise labour as Human Capital and invest in training. The labour too must make their effort to gain clear acknowledgement from industry and society of their competence, commitment and contribution. Global competitiveness as a nation is a joint task and can be achieved only through the sense of common endeavour between employers and the employed. Short-term programmes to upgrade the skills and output quality of the labour force may be devised by industry associations, which include cross-functional skills.

- d) Challenge of Continuous Employability of Labour: With rapid changes in technology, markets and environment, skill obsolescence is growing. Employment is contingent on

employability. Employability is contingent partly on skills and largely on attitude. The best insurance against job loss is to effectively nurture and nourish a culture of multi-skills in place of mono-skills. This provides career resilience and career self-reliance.

In certain sectors of economic activity in India, labour does not get employment throughout the year, and there are idle periods. The challenge is to ensure they are continuously employable throughout the year and also over their working life. Higher levels of workers' education will allow possibilities of their pursuing more than one occupation during the year, as per seasonal demand. Multi-skilled labour can be utilised for various work

- e) Challenge of Enlarging and Utilising Effectively the Infrastructure for Education and Training: While the existing infrastructure for imparting

vocational training and education needs remedial attention, these facilities also urgently need to be expanded. Only then can they meet the increased challenges before them to equip and orient large numbers of the workforce with the latest techniques and operational skills.

- f) Challenge of Absorption of New Technologies by Labour Using Education and Training: The Indian workforce has been faced with new production concepts like Computer aided design (CAD), Computer aided manufacturing (CAM), Robotics, Just-in-time (JIT) and Flexible Manufacturing Systems (FMS), which require increased knowledge to be imparted to them. Likewise, in the white-collar segment, MS-Office, Desktop Publishing, Accounting Software etc. have become ubiquitous and vocational institutes must include them in their curriculum. Some of the skill sets tend to become insufficient by themselves for employment e.g. typing.

**STANDARDS OF EXCELLENCE<sup>2</sup>**

10.20 Based on the above challenges, the knowledge, skill and

attitudinal requirements of the labour force are expected to attain the following standards of excellence:

<b>Standards of Excellence</b>	<b>Knowledge Requirements (what the job holder must know and understand)</b>	<b>Skill Requirements (what the job holder must be able to do and demonstrate)</b>	<b>Attitudinal requirements (how the job holders must conduct themselves with others)</b>
<b>Service</b>	Optimisation of the equipment usage for the benefit of end users	Customise services to suit individual and end users	High level of teamwork, ability to constantly learn new skills
<b>Product</b>	Requirements of the market place including niches	Ability to prototype product fast	Focus on the market place and customers
<b>Market</b>	Market dynamics of changing user tastes	Shortest time to market product/ service	Speed is of the essence
<b>People</b>	High level of specialised domain knowledge	Ability to work with one's own hands	Positive attitude and national pride
<b>Control</b>	Should know source of new knowledge and set it online	Should be able to change skills fast	Passion to excel and handle one's emotions

<sup>2</sup> Based on the paper received by the study group

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**RECOMMENDATION : NEW  
APPROACH TO VOCATIONAL  
TRAINING**

10.21 Training Systems: Training targeted at achieving global competitiveness can be successful only through a sense of shared purpose between employers and the employed. The Study group examined the training systems of various countries, which are found to be broadly of three types - "co-operative," "enterprise based" and

"state-driven." These have been summarised in Table 10.7 In the co-operative system there is no single institution responsible for the planning and delivery of the training system. Instead, the employers' organisation and trade unions cooperate strongly for producing the desired result. Germany is one of the successful examples of this system. The details of operation of the German "Dual System" are given as Appendix - I.

**Table 10.7****Training Systems**

System	Countries	Main Feature
"Co-operative"	Austria, Germany, Switzerland, many countries in Latin America	Pressures to undertake training resulting from strong co-operation amongst employers' organisations, the state and trade unions
"Enterprise-based" - Low labour turnover	Japan	Low labour mobility, lifetime employment for many staff, 'long- termism' arising from absence of stock market pressure. Wage system based on seniority and enterprise-based trade unions
- Voluntarist	United Kingdom, United States	Few institutional pressures on firms to provide training

System	Countries	Main Features
"State-driven" - Demand-led	Hong Kong, Malaysia Republic of Korea, Singapore, Taiwan, China	State plays a leading role in coordinating the demand for and supply of skills. Operates in an open and competitive economic environment
- Supply-led	Economies in transition; many developing countries, especially in Asia & Africa	Government takes on a prime responsibility for formal sector training in training institutes. Little or no pressure on employers to train

Source: World Employment Report 1998-99

10.22 In the "enterprise based system," as prevalent in Japan, the educational system provides a foundation of basic skills, which is then built upon by employers through intensive off-and on-the-job training. While vocational and technical schools provide some initial training, the bulk of skills development is provided and financed primarily by employers. Employees with few industry-specific skills on entry are shaped by the system into a highly skilled workforce that is very adaptable to change.

10.23 In the "state-driven system" of the demand-led type, which is prevalent in the East and South East

Asian economies, the education and training systems of these economies have to respond to rapid changes in the demand for skills. In this, the governments have played a key role, especially in meeting the demand for higher-level skills. In Singapore, the Skills Development Fund has financed a vast expansion of continuous training for all types of workers and has been an effective instrument of skill upgradation. In the "state-driven system" of the supply-led type, which was operational in many of the centrally planned economies of Eastern Europe and the erstwhile USSR, the training system was sustained through government

financing. It puts little or no pressure on employers to train and instead the government takes on the prime responsibility of running training institutes.

10.24 There are different training systems prevalent abroad. It would be suitable for India to adopt a system that gets participation from government, industry and trade unions, as and when required. The study group appointed by us has recommended a new modular approach to vocational training, which will aid multi-skilling, impart skills attuned to the needs of the labour market, and in consonance with the latest technology. We endorse these recommendations.

#### **NEW APPROACH TOWARDS VOCATIONAL TRAINING ENABLING MULTI - SKILLING**

10.25 New approaches towards vocational training have become imperative because of the expectations of the industry from the employee. Firstly too narrow a specialisation or inflexible training arrangement restricts the scope for trained persons to improve upon their competencies while working as

employees. Secondly, the existing informal system of skill development does not meet the career aspirations of the workers in terms of retraining and upgradation of skills. Thirdly, there is a mismatch between the supply of skills through the formal system of education and training and the demand of skills by the industry.

10.26 There is also a distinct shift in the skills from old craftsmanship and physical dexterity of individual trades to mental/intellectual skills which call for logical/abstract thinking and willingness/ability to learn new things quickly, as the technological changes are expected to be continuous in future. Multifunction skill is also another requirement of the future. To display versatility and absorb these higher skills, a worker needs to have an open mind, proper attitudes and be quickly adaptable to any change in working conditions or operational areas.

10.27 The primary objectives of the new approach towards vocational training will be as given below.

- a) Development of proper work culture/work attitude as well as knowledge of diverse technical fields rather than of single skill learning.

### Framework for the new approach

- b) Multi-skilling which will help in increasing the employability. This is also important from the perspective that within the working lifetime of an individual, he or she may have to cope with increasing demands of technology on the one hand, and changing skills on the other.
- c) Training should provide flexible pathways to individuals for moving between training and employment sectors.
- d) The final training phase must be conducted in a real work environment or in an environment which is as close to the real as possible, so that the trainees apply all their skill in performing the relevant tasks at the threshold entry level of performance which is acceptable to the employer.
- e) Certification of trades/skills should be done by an authorised agency or licensed competent performer who is external to the training institute (discussed in later paragraphs).

10.28 In order to meet the objectives required in the new approach, the Study Group has recommended a modular approach to training. Such an approach will cater to the diverse vocational needs and workplace requirements. It will also offer flexibility to individuals to move through the levels of education and training. We endorse this recommendation.

10.29 Some of the key parameters to be considered while developing a new approach are given below.

- a) Effectiveness of training should be measured in terms of quality. The proposed approach can set specified minimum standards of quality for satisfying the qualification needs for skilled manpower in various sectors of the economy.
- b) Training to be imparted in small result-oriented modules to develop proper work attitudes all through - emphasis on discipline, cleanliness, orderliness & accuracy.

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- c) To impart inputs to develop the ownership concept and to create a safe and pleasant working environment, by adopting the '5S'<sup>3</sup> concept- to reduce the rate of accidents and loss of man-hours due to damage, with a goal of zero accidents.
- g) Motivate the trainees to evaluate themselves and their own work with accuracy and to assume responsibility for faultless operation with a Goal of zero rejection/first time OK – Self Inspection & Self Certification.
- d) Team to learn to identify and eliminate non-value adding activities and all kinds of waste.
- h) Inputs on KAIZEN<sup>4</sup> - to achieve significant continuous improvement in performance through elimination of all waste. Trainees to be motivated to take up small KAIZEN events and encouraged throughout.
- e) Develop training Module on TPM – Total Productive Self initiated Maintenance - involving total participation to achieve overall equipment effectiveness.
- i) Train to learn Team Work:
- f) Training should focus on teaching Cause - Effect Analysis with inputs on mechanism of a machine or equipment to understand the effect of its malfunctioning and effect of improper tooling / defective processes on quality of product.
- Trainee to be assigned individual exercises and to be guided by the instructor to plan, execute and evaluate performance.
- Trainee to be taught to assume responsibility of planning, execution and evaluation of his

3. "5S" is a technique used to establish and maintain a quality environment in an organisation. The name stands for five Japanese words, meaning, Sort, Simplify, Scrub, Standardise and Self-discipline. It is also the starting point for many common quality initiatives such as ISO 9000 and TQM. Practising '5S' develops a pleasant workplace that is high in quality and productivity, keeps cost down, ensures delivery on time and is safe for people to work. It eliminates search time and stoppages and delays in looking for and develops a feeling of ownership in the minds of workers raising their morale high.

4. "Kaizen" means improvement - Continuous small improvements in personal life, home life, social life and working life involving everyone. Kaizen signifies all improvements made in the status quo as a result of ongoing efforts. The implementation of Kaizen helps to generate a process oriented way of thinking and in developing strategies that assure continuous improvements involving people at all levels. Kaizen is an ongoing process. Kaizen covers a wide spectrum at work, starting with the way a worker works on the shop floor to improvements in the machinery and facilities and finally improvements in the systems and procedures. Kaizen once put into practice makes the worker a "thinker", always looking for better ways to do their work.

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- own task. Ability to think for oneself. Shift from Dependence to Independence.
- Trainees to be exposed to Team Work by assigning small projects to a group of trainees. Required to plan, execute and evaluate the task assigned collectively.
  - j) Market driven approach: The courses would have to be supported by a system of certification (currently the certification system for vocational trades does not enjoy acceptability from the users. The students

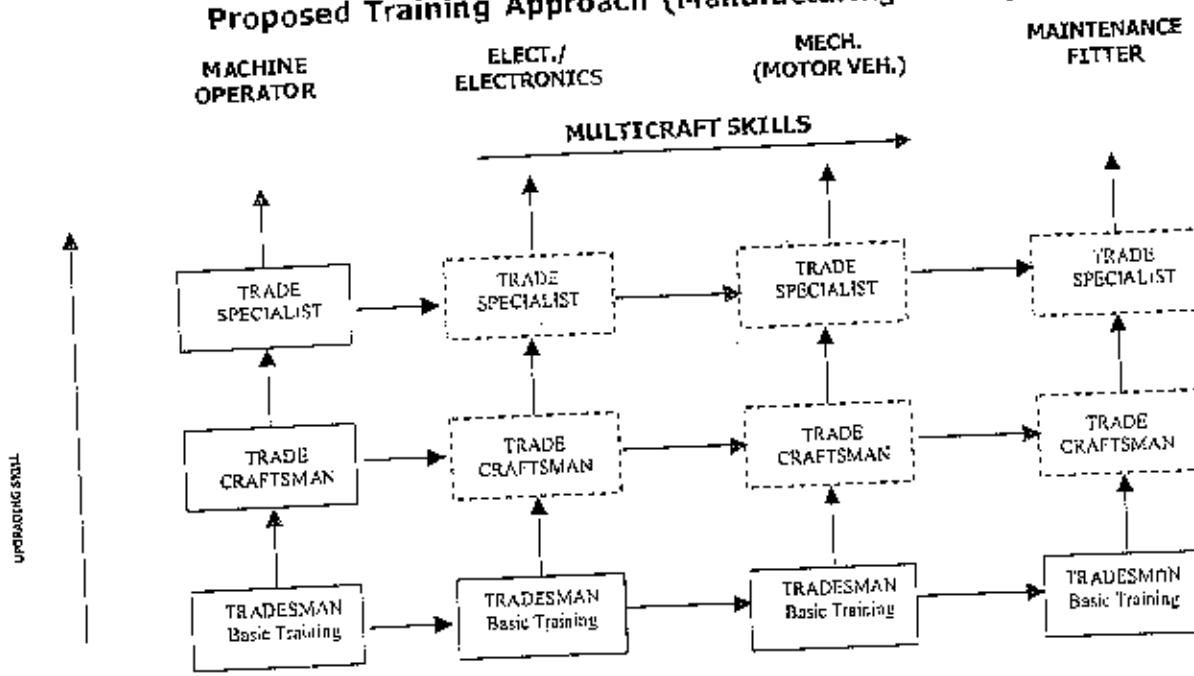
carrying certificates are being re-tested/retrained in the same trade.). Certification system has been discussed separately in later paragraphs.

#### MOOULEAR APPROACH

10.30 The proposed training approach (Manufacturing Sector) is denoted graphically in Figure 10.6. A relevant example from the services sector (Paramedical) is denoted in Figure 10.7. A detailed note on the proposed training relating to the figure is given below.

Figure 10.6

#### Proposed Training Approach (Manufacturing sector)



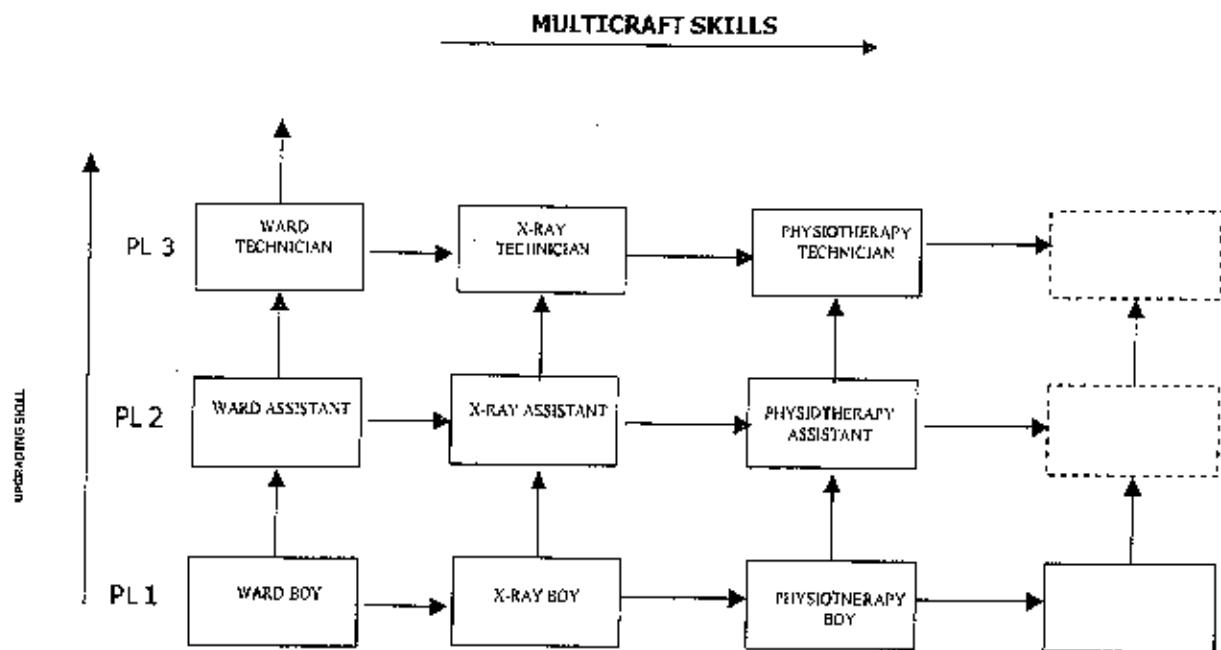
PL = PROFICIENCY LEVEL

Note: Wherever feasible, an individual can also move diagonally across various crafts/ vocations

Source: Study Group Discussions

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**Figure 10.7**  
**Proposed Training Approach (Paramedical)**



PL = PROFICIENCY LEVEL

Source : Study Group Discussions.

- a) PL<sub>1</sub>, PL<sub>2</sub>, PL<sub>3</sub>, etc. are proposed Modules with increasing proficiency levels for a particular group of trades such as, say Machine Shop. Each module will be a cluster of sub-modules, which are designed as a learning element. Each sub-module will represent the smallest possible segment of a required body of knowledge and skill for which

measurable learning objective can be defined. These sub-modules will have a learning objective, a list of exercises to be performed, tools and equipment, standards of performance expected and a mechanism for continuous checking of progress and definite period.

- b) The first Module PL1 would be for a broad based foundation training and common to various trades from a particular trade group. Through this a trainee could be prepared for undertaking a wide range of jobs demanding basic skills rather than too specific skills.
- c) An apprentice after completing first module will be tested to confirm the acquisition of a defined competency/proficiency level – All India Trade Test may be conducted at this stage under the aegis of National Council for Vocational Training (NCVT) to certify the acquisition of 1<sup>st</sup> level of proficiency. This first certification by National Council for Vocational Training (NCVT) would qualify the trainee for employment.
- d) The trainee, after completing the first module will have a choice to undertake a higher proficiency module, which will give him vertical mobility. This will be up gradation of his skill in the selected trade area. It is further proposed that examinations at higher 'P' levels may be conducted by respective States under the aegis of State Council for Vocational Training (SCVT). The trainee may also have a choice to undergo training across other trade areas. This will provide him horizontal/lateral mobility i.e. an apprentice from machining skill group undertaking 1<sup>st</sup> module from Electrical group. By undergoing such courses the trainee becomes more versatile/ multi-skilled.
- e) Thus, a trainee with modular approach can pick up either high skills (skill promotion) or greater variety of skills (versatility-mobility across trades). An apprentice of a course will be required to fulfil certain qualifying norms such as certain number of years of shop floor experience etc. for undergoing training at higher proficiency level or across the trades.
- f) Figure 10.8 gives the break-up of a Module into sub-Modules. A module for a Machine Shop Operator has been considered for the sake of example. Sub-modules A, B C would be

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common for other modules at PL1 level in other trade areas. Thus, by completing only the sub-module D, E, F from other trade area, the trainees can achieve the performance level

PL1 across the trades. They, in turn, save time (20 weeks in the example taken) and become skilled in one more area. Continuing this, they can become multi-skilled.

**Figure 10.8****Break-up of Modules into sub-Modules**

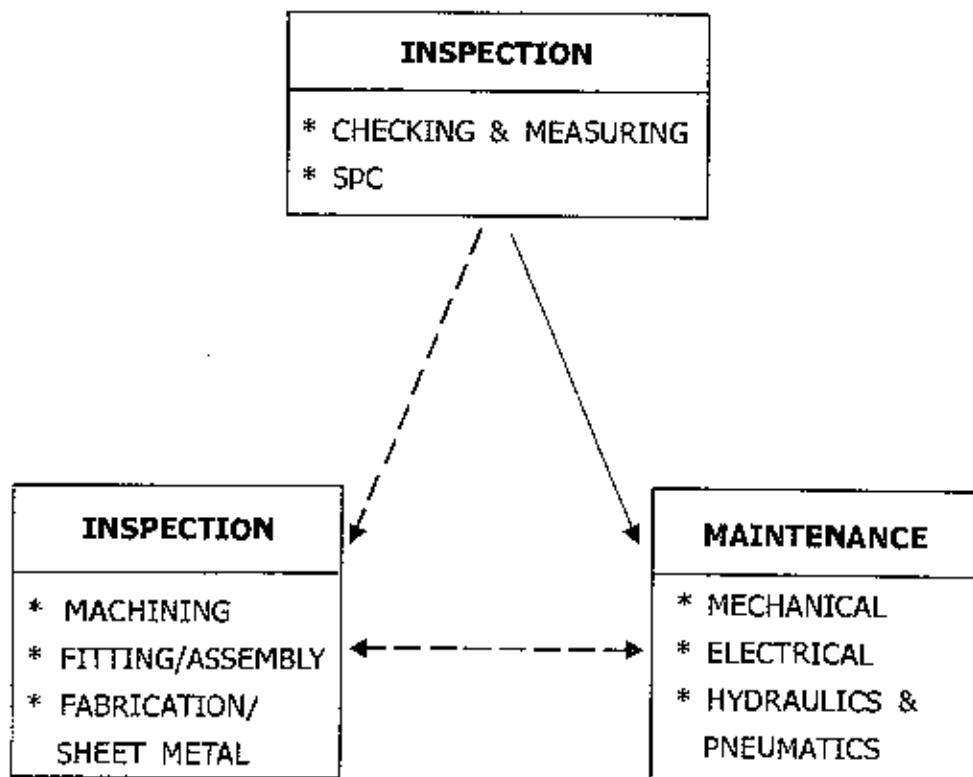
	1	2	3	4	5	6	7	8	9	10	11	12	13			
1	A			B		D							Task To Be Completed By Group Team Work E			
2													Task To Be Completed With Group Machines F			
3				C		D										
4																

	DESCRIPTION	WEEKS
MODULE	A Basic and allied skills	12
	B Maintenance skills	4
	C Inspection skills	4
	D Basic trade skills including hi-tech areas	24
	E Project to be completed by team	4
	F Project to be completed by working on multi machines simultaneously by trainee	4
	<b>TOTAL</b>	<b>52</b>

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- g) Figure 10.9 indicates the modular approach towards cross-functional training. A trainee from the 'Production' area may be able to move to 'Maintenance' or 'Inspection' group, by selecting and undertaking appropriate modular

training on fulfilling the necessary qualifying norms and at appropriate time. This cross-functional training would help a person to move up into Supervisory or Technician positions.

**Figure 10.9****Modular Approach to Cross-Functional Training**

Source: Study Group Discussions

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- h) Thus there is an inherent motivational dimension incorporated in modular training approach and the ongoing modular programmes may enhance the career prospect of the individuals.
- i) The concept of continuing Vocational Training will be possible with this module system and then it will become an accepted part of career growth and development.
- j) Once the modular concept is accepted the structure modules could be designed. The existing facility available at ITIs could be rearranged/realigned to make these modules available to the trainees. Establishments having basic training facilities also could take up this new system of modular training. Individuals on their own can take up these modules if employed even after working hours. Facilities at ITIs could be made available on part-time basis for employed persons. Industries may also sponsor the workmen to undergo training in appropriate modules considering their own skill requirements of future at ITIs or they may impart training according to modular plan in their own premises and allow workmen to appear for final examinations and certification.
- k) Fig. 10.10 shows a rotational programme for various trade groups to ensure the optimum utilisation of facilities. It has been observed that the present Apprenticeship Training Programme recommends a set of machines / equipment for each trade. To cite an example Lathe, Milling, Grinding, Drilling machines are prescribed for each of the trades like Turner, Machinist, Grinder, Fitter, Tool & Die Maker, and Millwright Mechanic etc. It is seen that a cluster of such machines are made available in the respective trade training areas at ITIs. These machines remain idle once the respective skills are imparted. This could be avoided by a rotation plan, which makes training cost effective.

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Figure 10.10

**Cost Effective Training Plan (Optimal use of Training facilities)**

ALLIED TRAINING : ROTATIONAL PROGRAMME								
WEEK NO ->	1	2	3	4	5	6	7	8
TRADE	AREAS OF TRAINING							
GROUP : 1	MILLING	TURNING	GRINDING	WELDING	ELECTRICAL	SHEET METAL WORKING	TPM	INSPECTION
GROUP : 2	INSPECTION	MILLING	TURNING	GRINDING	WELDING	ELECTRICAL	SHEET METAL WORKING	TPM
GROUP : 3	TPM	INSPECTION	MILLING	TURNING	GRINDING	WELDING	ELECTRICAL	SHEET METAL WORKING
GROUP : 4	SHEET METAL WORKING	TPM	INSPECTION	MILLING	TURNING	GRINDING	WELDING	ELECTRICAL
GROUP : 5	ELECTRICAL	SHEET METAL WORKING	TPM	INSPECTION	MILLING	TURNING	GRINDING	WELDING

Source: Study Group Discussions

**MODULAR APPROACH TO THE SERVICE SECTOR**

10.31 The modular approach mentioned above is also applicable to the services sector. As an illustration, the approach for the paramedical field is shown at Figure 10.7. The broad level occupations and the course

content (as illustration) are mentioned subsequently.

- a) Few Occupations under Para-Medical field are:
  - i) Ward Technician
  - ii) Operation Theatre Technician
  - iii) X-ray Technician
  - iv) Ophthalmic Technician
  - v) Medical Lab. Technician

- vi) Life Support Care (ICU) Technician
  - vii) Occupational Health Centre Technician
  - viii) Dressers / First Aiders
  - ix) Physiotherapy technician
  - x) Dental technician
- For the occupation of Ward Technician, the basic module for the Ward Boy at Proficiency Level PL<sub>1</sub> can be as follows (given as illustration only):
- b) Course Contents covering both Theory and Practice – Hands on experience in Hospital / Laboratories / Clinics / Physiotherapy Centres.
  - i. Study/ understanding of the 'Human Body.' Different parts and their functions
  - ii. Understanding of common anatomical terms
  - iii. Surface Anatomy
  - iv. Study of function of different organs (Basic Physiology)
  - v. Human health and disease
  - vi. Acquaintance with Medical Terms used in 'Clinical Practice'
  - vii. Aseptic precautions / Sterilisation of Instruments, Dressings, Linen
  - viii. Patients handling / Communication with patients & relatives
  - ix. Basic 'Bio-chemistry'
  - x. Training in day to day working like measuring body temperature, administering injection, dressing, bandaging etc.
  - xi. Housekeeping and sanitation in hospitals / Labs etc.
  - xii. Preparation of beds
  - xiii. Safety precautions while handling patients, instruments
  - xiv. Basic 'First-aid' treatment
  - xv. General Lab Management and Ethics
- c) On completion of the entire training course in one of the occupations, the trainee may have wage employment or self-employment as illustrated below (for the occupation of medical laboratory technician):

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**OCCUPATION : Medical Laboratory Technician**

<b>Wage Employment</b>	<b>Self Employment</b>
<ul style="list-style-type: none"> <li>• Technician / Lab. Technician in</li> <li>• Blood Bank</li> <li>• Public Health Lab</li> <li>• Pharmaceutical Labs / industrial or Occupational Health Centres</li> <li>• Taluka, District Hospitals</li> <li>• Private Hospitals, Nursing homes &amp; diagnostic Labs</li> <li>• Primary Health Centres</li> <li>• Dental / Pharmacy Colleges</li> <li>• Micro biology / Bio-chemistry / Pathology Dept. of Medical Colleges &amp; Hospitals etc.</li> <li>• Physiotherapy clinics</li> <li>• Municipal Dispensaries</li> </ul>	<ul style="list-style-type: none"> <li>• Diagnostic Laboratory</li> <li>• Sale of Readymade treatment kits / medicine</li> <li>• Distributor for Lab chemicals</li> <li>• Distributor for lab wares, equipment / spare parts.</li> </ul>

**TRAINING MODULES FOR SELF EMPLOYMENT**

10.32 While developing modules based on proficiency levels PL<sub>1</sub>, PL<sub>2</sub> etc. (Fig 10.6), one sub-module, covering necessary inputs useful for the trainee to engage themselves in

selfemployment on completion of training, could be designed wherever possible, depending upon the trade group areas. Separate training modules suitable for only self-employment could otherwise be designed keeping the modular approach in mind.

10.33 The institutes may develop small sections with appropriate training facilities in the selected self-employment areas. To illustrate this point a sub-module on "Plumbing Skills" may form part of the main module of Assembly Fitter or Maintenance Fitter (these details are available from PSS Central Institute of Vocational Education, Bhopal – an NCERT division). Initially, a trainee will learn all plumbing skills in the well developed/equipped section and then practice on live jobs. The Institute may provide on the job training by exposing the trainee to real life situations. For example, the trainee can be put on the job by the institute, if the institute has an annual repair contract with the Bungalow Owners or Housing Societies in the neighbouring residential areas. Institutes thus, would continuously get repair jobs in plumbing; the customer would get prompt service and trainees would get the opportunity of real life experiences and on the job training.

10.34 With this approach towards training for self-employment the institute would be able to earn 'Revenues.' The institute may, at its

discretion, pay a small portion of the earning to the trainee to motivate them to perform well. Trainees will also learn how to communicate with the customer and develop self-confidence in doing repair jobs independently. They can also be trained to keep accounts, spare part inventory and to take proper care of tools and equipment. Such modules would certainly help in developing and consolidating the necessary skills of entrepreneurship.

10.35 Many such modules covering the service sector like "Repairs of Electrical Domestic Appliance" or "House Wiring" or Motor Winding, which form a part of main module of "Mechanic Electrical and Electronics," could be designed to promote self-employment.

10.36 The modular approach to vocational training is applicable to the labour force both in the organised and the unorganised sectors. As has been indicated in the illustrative examples pertaining to manufacturing (machinist) and service (paramedics – ward boy) sub sectors, this system is applicable for horizontal, vertical and diagonal upgradation of skills.

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This system results in creating a multi-skilled workforce as well as in increasing the employability of the workforce.

#### **RECOMMENDATION : COMPETENCY BASED TRAINING SYSTEM**

**10.37 Salient Feature:** In order to meet the new challenges facing the Indian workforce, the Study Group has recommended setting up of a competency based continuing training system covering all sectors of the economy. The training system will have a well-defined certification system for the competencies acquired during the program. It will help in providing learning, training, retraining, assessment and accreditation opportunities, with desired academic flexibility to those who wish to achieve higher skill standards and performance at the work place. This means that the trainees are free to leave the training and join work as and when they feel that they have received adequate amount of training. After some time, they can again join in for training if the situation demands or they feel a need to upgrade or shift laterally.

**10.38 The purpose of competency**

based training (CBT) is to develop a competent workforce which will consist of individuals who can consistently perform work activities to the standards required in employment over a range of contexts or conditions.

**10.39 CBT** differs from the traditional training on the basis of which the training cycle is operated. In CBT, the basis of training design is explicit, standards of performance are measurable and reflect the actual expectations of performance in a work role.

The key features of this approach are:

- a) Competencies to be demonstrated are derived from the job function/ roles of different categories of employees
- b) The methodology for assessing the performance is based upon achieving specified competencies and is made public in advance
- c) The rate of progress through

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the training programme is determined by demonstration of competency rather than time required for completion

- d) The learning programme is individualised as far as possible, through the use of instructional modules for each competency, which offer different instructional alternatives
- e) Some of the competencies like leadership, team work will be developed in group situations

during the contact sessions

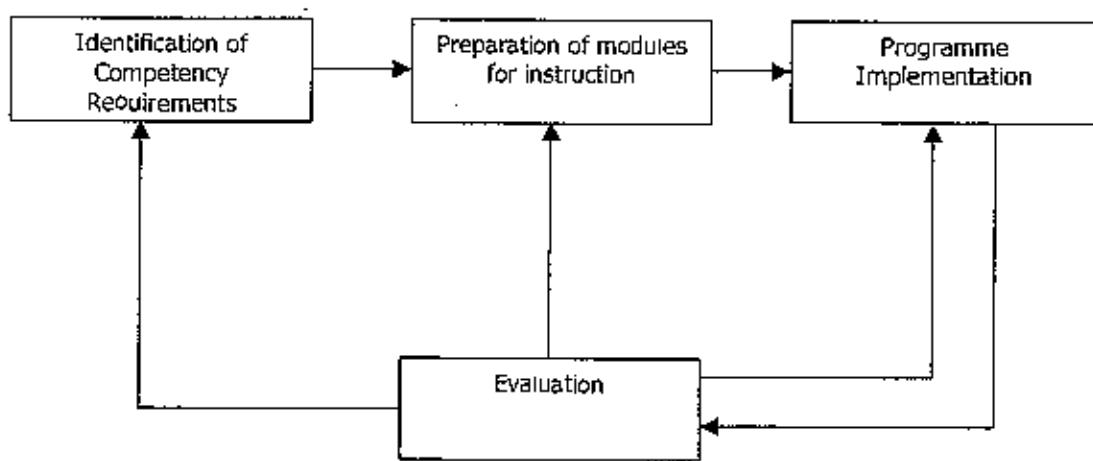
### **MODEL FOR COMPETENCY BASED TRAINING**

10.4O A model for Competency based training for developing required competencies is given as Figure 10.11. It consists of 4 core areas:

- a) Identification of Competency Requirements
- b) Preparation of Modules for Instruction
- c) Programme Implementation and Evaluation

**Figures 10.11**

#### **Model for Competency Based Training (CBT)**



Source: Model for Designing Competency Based Training, Prof. PC Jain et.al.

## **IDENTIFICATION OF COMPETENCIES**

10.41 The first step in the development of this CBT method is the identification of the target group for which the CBT programme is being designed. The target group is that category of the people, which has to undertake a specific vocation (occupation) after the stipulated programme of study. Their occupation (when technical education is considered) could be at various levels such as craftsmen/ technicians/ engineers etc. Every occupation consists of a number of jobs (roles) that are to be performed.

10.42 Identification of competencies is done by analysing the job functions, receiving feedback from allumini employers and trainers looking into

personal growth needs and assessing the future requirements of the occupation. Identification of competencies will also provide us with a list of attitudes, which are desirable for performing the job proficiently. Desirable attitudes represent those qualities relating to the readiness and willingness in the employee to use cognitiveand practical skills in the work situation (without much hesitation, ability to work as a team member, to take leadership, to be sensitive to the environment) and those qualities, which deal with feelings, emotions and interests.

10.43 An example of the competencies required by a Plumber attendant at the lowest level (new entrant) is summarised in Table 10.8.

Table 10.8

**Plumber Attendant (Competencies)**

S. No.	Task	Knowledge	Skills	Personality Traits
1.	Handling of plumbing tools	- Types of plumbing tools	-Identification of plumbing tools - Handling & uses of tools	- Carefulness - Alertness
2.	Various Operations involved in plumbing e.g. cutting, threading, jointing etc.	- Types of pipes - Types of various operation	- Identification of pipe - Laying of pipe - Types of jointing - Installation of plumbing fixtures	- Hard work - Skilfulness - Accuracy
3.	Fitting of various fixtures and domestic appliances	- Types of fixtures/ domestic appliances such as cocks, showers, traps, water meter, valves, sink, fitting, basin, bath tub, urinal posts etc.	- Identification of fixtures domestic appliances, selection of fixtures - Handling of fixtures - Assisting the plumber in all plumbing operations	- Keenness - Accuracy - Carefulness

Source: Compendium of Occupations based modules, PSS Central Institute of Vocational Education, Bhopal

10.44 The next step is to identify who should be deciding the group of competencies to be included for a particular level of job/role. A systematic and scientific process calls for a group consisting of all the stakeholders such as representatives from the industry and educational institution that will undertake this work. Alternatively, Needs Assessment Boards (NABs) comprising the stakeholders can be established. Their function will be focussed on assessing, compiling and standardising competencies required for selected occupations, on a continuous basis, for both the near and the far future of the labour force of unorganised sector.

#### **PREPARATION OF MODULES FOR INSTRUCTION**

10.45 After identification of competencies, skills and enabling objectives for a given training programme, development of instructional modules will start. The instructional process is through modules and the module will have the following characteristics:

- a) The focus is on a competency consisting of distinctive identifiable skill/ skills.

- b) Modules are individualised to allow the learner to work at his own place.
- c) It would blend theory and practice, reading, reflecting and acting.
- d) It would include an objective assessment procedure to the extent possible, whether self-monitoring or requiring partner/ observer or both.

It would be reality oriented involving the learners in real or simulated situations fairly directly and immediately.

#### **PROGRAMME IMPLEMENTATION**

10.46 The three critical factors on which the success of the implementation of competency-based training depends are given below.

- a) Feedback on programme: A CBT programme will function effectively if appropriate strategies are put into place which will gather information leading to modifications in the programme. Such strategies could include normal feedback

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channels from learners, their employers and the faculty involved in implementation. Yet another strategy could be research into the job performance of employees before and after attending the CBT programme. It may also be possible to explore a mixture of such strategies to provide reliable data on which decisions could be based.

b) **Resource Mobilisation and Delivery:** The modular approach with its emphasis on individualised instruction demands a great deal of updated learning materials. Hence, there should be planned generation of resources such as filmstrips, slides, video CDs, apart from the usual print material. Provision has to be made for competency testing at different stages, as the concept of an end or terminal examination is no more valid. Further, considering the need to provide basic occupational competencies to a large number of learners in a short time, it may be possible to identify a select group of competencies to be included in

the first phase of the CBT programme, which may be about one to two months duration or more, depending on the needs of the clients. In subsequent phases, optional competencies could be offered. An achievement of about 75% of the competencies offered could lead to career advancement.

c) **Commitment:** Another key factor for the successful implementation of the CBT programme is the commitment of the institutions and the individuals responsible. Such commitment could be ensured by involving the entire faculty at each stage of development and implementation and by adopting a group strategy.

**10.47 Evaluation:** The evaluation in the CBT model means evaluation of learners and evaluation of programme effectiveness.

a) **Evaluation of Learners:** Competency assessment is carried out through post test(s),

for each competency. A learner who demonstrates performance of the competency up to a pre-determined proficiency level is declared successful (pass).

Separate tests may be designed for evaluating the knowledge component, skill component and attitude assessment. The knowledge component can be assessed by a written test using objective and short answer questions. It is not necessary that every competency will have a component of knowledge assessment. This will depend upon specific requirements of the competency. The skill component may consist of assessment of cognitive skills and/or psychomotor skills depending upon the requirement of the competency. This assessment can be either in a simulated situation and/or real life situation. For the attitude assessment, no standard questionnaires are suggested. However, the instructor will assess this component by responses got through the questions/ exercises from each

learner during the classroom/ field exercises and formal and informal interactions.

- b) Evaluation of Programme Effectiveness : As mentioned earlier, the success of the CBT method depends partly on obtaining the feedback and using it to modify the programme. A programme can be modified from time to time to refine the module objectives, improve the learning experience for the trainees, and upgrade the learning materials it uses. The programme evaluation should also attempt to address the criteria for performance assessment and objective attainment.

The competency based training system is applicable to the labour force both in the organised and the unorganised sectors. As has been indicated in the illustrative example pertaining to plumber attendant, this system can be effectively used to develop competencies in any job/vocation in all sectors of economy, such as manufacturing, service, trade and agriculture.

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## **RECOMMENDATION : COMPETENCY BASED CERTIFICATION SYSTEM**

10.48 Many developed and developing nations the world over, have evolved a standard of certification of competencies at different levels. Applicable normally to

formal education and training programmes, it can be extended to courses or modules in informal training programmes, as and when required. Some of the certification systems as they exist in foreign countries have been mentioned as Table 10.g.

**Table 10.9**

### **Certification Systems in some countries**

**United Kingdom:** United Kingdom (UK) has evolved a National Vocational Qualification (NVQ) at five levels. These proceed from NVQ-I, at the certificate level, to NVQ-5, at the Higher Diploma level, passing through stages of advanced certificate, diploma, advanced diploma. The basis here is to recognise performance at higher complex levels of advanced skills at par with those offered in formal education programmes, depending upon their levels such as diploma, degree etc.

The colleges of higher education offer competency based vocational education with modularisation of curricula. They conduct conventional courses, general academic programmes, access programmes, retraining and outreach programmes, and short training and recreational courses. NVQ originally assessed performances in work place, pass or fail. At present they have modified it to include college-based courses and assessment at colleges also.

**South Korea:** South Korea conducts three months to one year training programmes for (full time or part time) for developing job skills. The Ministry of Education accredits the training institutions for equivalence of qualification with those of the formal system of technical and vocational education and training. Skill certification is done by Korean Skill Certification Corporation based on proficiency in skills as a skilled worker or a technician. Skilled workers are given grades of Master, Grade- I, Grade- II and Assistant. Technicians are graded as Master, Grade-I and Grade- II.

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**Philippines:** Philippines conduct non-formal education for literacy, employability, development of technical skills and for development of values and attitudes. Many Ministries and Boards offer non-formal vocational training programmes and accreditation/certification is according to standard criteria.

**Singapore & Mauritius:** These countries have evolved a policy for certifying skilled workers at three levels starting from National Training Certificate (NTC)-III at the lowest, NTC-II and NTC-I levels. These are considered as equivalent to certificate, advanced certificate/diploma and higher diploma levels.

**USA:** In USA, certification is done normally at State/District Levels. The informal education consists of a bewildering set of different activities and programmes. These are provided by employers, labour unions funds and secular philanthropic groups as well as by schools and colleges through extension and continuing education.

10.49 In India there is a large network of ITIs, Vocational Schools, Institutions, Export Promotion Councils, Commodity Boards, KVIC/KVIBS, KVKS, Community Polytechnics, Extension Centres of Agriculture/ Horticulture, Universities, NGOs, Professional Bodies & Associations, Chambers of Commerce and Industries, Confederation of Industries at district, state, regional and national levels etc., conducting a large variety of formal and non-formal training programmes. These sectors

include: Agriculture and allied activities, Mining & Quarrying, Manufacturing, Electricity, Gas & Water Supply, Construction, Trade, Hotels, Tourism, Transport and Communication, Financial, Real Estate and Business Services, Community & Social Services and Personal Services. The annual training capacity of the various formal training providers has been given before in Table 6.

10.50 In order to make the infrastructure more productive and efficient, a national level certification for different trades/skills is recommended. An independent professional body needs to implement competency standards in all vocational trades. Active user involvement in defining quality standards and ensuring that these are duly implemented can be done only by involvement of user associations or individual experts from user sectors.

#### **INDEPENDENT REGULATORY AUTHORITY**

10.51 We, therefore, recommend that an independent regulatory authority be constituted by the Government, whose functions shall, among other things, include setting standards for skills required for a particular competency, standards for programme implementation and standards for accreditation of institutions imparting training programmes for skill development and retraining. Such an authority needs to have statutory powers in the formulation of policies (including the mechanism of fees and funding), action plans and programmes for

providing a continuing, coordinated and fully integrated skill development programme. A case in example is the National Council for Vocational Qualifications (NCVQ), which was created in 1986 in the United Kingdom (UK). The NCVQ, in turn, accredited over 150 industry associations to develop standards for their industries. Supplementation of the NCVQ in UK gained momentum, though slowly, and by 1998 about 2.2 million NCVQ certificates were awarded. The NCVQ is now known as Qualification and Curriculum Authority (QCA). It enters into contracts with the National Training Organisation (NTO) to develop standards and provide training.

10.52 The independent National Authority will have the following functions:

- a) Formulation of policies, action plans and programmes for providing a continuing, coordinated and fully integrated skill development programme
- b) To set sector-wise standards for skill acquisition, development and training programmes

- c) To work out plans for more participation and involvement of industry in vocational education
- d) To allocate resources amongst programmes and schemes
- e) To monitor and review various vocational education programmes and make changes based on the feedback
- f) Accreditation of training institutions/ organisations

10.53 The National Authority can also seek support of another agency, which will solely focus on qualification and curriculum development. This institution may be made responsible for accreditation of training providers and setting up of sector-wise skill standards on which the curriculum gets developed. It may be mentioned that the training providers/institutions which will be accredited for providing certification will be required to get their systems and processes revalidated after a prescribed period of time.

#### **CERTIFICATION SYSTEM**

10.54 A person who has gained relevant knowledge and skills, formally

or informally in a designated occupation can undertake an Evaluation Test for certification and recognition of his/her qualification (of competencies). This means that certification of trainees/learners is competency based. Accredited persons and institutions, can conduct the tests at specified intervals. As the training is modular, credits will be assigned after completion of each module depending on the performance at the test. The agency for qualification and curriculum development will also prescribe minimum credits essential for job positions belonging to categories of technical workforce and would include compulsory accumulation of a minimum number of credits related to one's job.

10.55 The credits will be valid for a pre-defined period, thereby necessitating revalidation of the competency. In case a person already possesses competencies, gained hereditarily, formally or informally, through distance learning systems such as internet, self-learning modules, previous work in a work place or training in an organisation, he/she can appear for the test with

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the accredited person (assessor) or organisation for testing and certification of the level of prior learning. This would help a person in assessing competencies in a particular field and also in deciding the modules to be offered for obtaining a particular qualification. Accreditation of prior learning can be done through the formal or informal education and training method. It could be obtained by an individual in an institutional setting or a course undertaken at an industry training centre or 'on-the-job.'

10.56 It is also desirable that certification of competencies be done with actual involvement of the user organisations like employers, industry and other user systems. A conscious effort must be made to involve the trade unions to contribute effectively in this endeavour.

10.57 A case in example is of TAFE, Australia where a competency-based certificate is issued in a modular manner upon completion of a unit of up to 40 hours of training in a week. Such units can be accumulated over time and can be used for certification based on modules completed.

## **ENTRY QUALIFICATIONS AND RE-CERTIFICATION OF INSTRUCTORS**

10.58 In order that the training is effective at the grass root level, it is essential that the trainers are highly skilled and they also are subject to re-certification of their skills after a set period of time. There is a need to strike a balance between the skill level of the trainer and his/her pedagogical abilities. If the trainer is not a master craftsman, it might turn out that the focus is more on the theoretical aspects and the practical part gets less attention. Also, the trainers/ instructors are to be re-trained in a planned manner for keeping up to date with the changes taking place both in their skill development field as well as the methods of training for skill development. The industry itself can prove to be an appropriate source from where training talent can be recruited for a full time role as skill developers.

10.59 Thus, competency based certification system is applicable to the labour force both in the organised and the unorganised sectors. It is not only the trainees who have to be

certified, but also the trainers under this system. It will also enable persons, who have acquired skills hereditarily, by experience on the job without formal education or by acquiring skills through self learning, Internet as well as other methods (as outlined in section 2.3), to get certification. They can use this certification to enhance their earnings as well as employability.

#### **ADDITIONAL RECOMMENDATION ON SKILL DEVELOPMENT, TRAINING & WORKERS EDUCATION**

10.60 In the previous paragraphs we have already referred to the:

- (a) Modular Approach to Vocational training enabling Multi-skilling
- (b) Competency based Training System
- (c) Competency Based Certification System

These are applicable to labour force both in the organised and unorganised sectors. Apart from these, we would like to make the following additional

recommendations as given below.

#### **INCREASING LITERACY LEVELS OF LABOUR**

10.61 Keeping in view the fact that 44% of the Indian workforce is illiterate, the current literacy programs initiated by the central and state governments should also be targeted at the future entrants into organised and unorganised labour market.

#### **ASSESSMENT OF TRAINING NEEDS THROUGH COMPETENCY ASSESSMENT BOARDS/ GROUPS FOR THE UNORGANISED SECTOR**

10.62 For the implementation of Competency Based Training across all sectors of the economy, it is imperative that the competencies for various occupations are established. This also requires imparting attitudinal training requisite for the occupation for which the learner is being trained. Competency Assessment Board should be established at the National Level. This will focus on assessing, compiling and standardising competencies required for selected occupations on a

continuous basis. The competencies will be identified by interactions with the industry associations, detailed regular surveys aimed at projecting the nature and characteristics of the unorganised sector activities and its workers. It will also focus on curriculum development including attitudinal training requirement for the various occupations.

10.63 The competencies will be identified by interactions with the industry associations, by utilising the services of various specific institutions, and through detailed regular surveys. The aim of these surveys will be to project the nature and characteristics of the unorganised sector – its activities and its workers. They will contribute information that is relevant for structuring the curricula of Competency Based Training programmes.

#### **SELF-EMPLOYED TRAINING IN THE UNORGANISED SECTOR**

10.64 As has been observed in this report, a large part of the employment is being generated in the services sector and, there too, mostly in the self-employed sector. The self-

employed sector requires additional skills in the area of accounting and marketing which cannot be imparted through structured formal training. It is felt that 'mentors' in actual business conditions will help in the development of skills. The Bhartiya Yuva Shakti Trust, which is a Confederation of Indian Industry (CII) initiative established in 1991, is one of the relevant models in this context. (The details of this model are available in Appendix-VI of the Chapter). The Trust fosters entrepreneurial activity by providing seed capital loans and practical business advice through mentors. About 1700 people have been employed in 500 ventures between 1991-2000 spread over rural and urban areas. However, it is worth noting that the loan recovery rate is 94%, indicating strong economic viability. Skill development and Training in the construction trades and a three-step approach for achieving it, has been given in Appendix – II.

#### **TRAINING OF RURAL LABOUR**

10.65 In order to undertake development of rural areas in the true sense, the country would be

required to establish training institutions at the doorsteps of the rural masses. It would be appropriate to establish Block Level vocational educational institutions in a phased manner in each block, so that the country can economise on the creation of a large infrastructure for such institutions. These institutions are to be set up with the financial support of Government, Non Resident Indians, corporate sector, NGOs. These institutions should aim at two important levels: (a) spread of literacy and (b) spread of vocational education with a view to creating marketable skills and continuous employability of rural labour.

#### **ROLE OF TRADE UNIONS, NGOS & OTHER INTEREST GROUPS**

10.66 The objective of achieving a skilled workforce is possible only when all the stakeholders act as partners in training. Trade unions at the national, regional, industry and plant level should all have a say in the running of workers' education programmes.

10.67 The Non Governmental Organisations (NGOs) provide an effective interface between the organised sector and the unorganised

sector. NGOs provide the most conducive means for providing training at the small and micro level. The workers in the unorganised sector require training linked to specific production activities. The NGOs play a vital role in achieving this objective. The Government's decision to support voluntary organisations from the VII<sup>th</sup> Plan period onwards was based on the realisation that voluntary organisations not only provide a new modal approach to the rural development but also secure the involvement of families living below the poverty line in the developmental efforts.

10.68 The role of the NGOs assumes more importance in view of the fact that India is a vast country with immense occupational and cultural diversity. With a vast population of Indians living in the rural areas being illiterate, training by formal means becomes difficult. The NGOs are also equipped for capacity building as they can introduce innovation and experimentation since they are unencumbered by Government Rules and Regulations.

10.69 Our Study Group conducted

two workshops especially in the Unorganised Sector on Skill Development, Training and Workers' Education (inviting participation from Non Government Organisations, Trade Unions and Academia), to share the experiences of the participants in providing skill development and education in the unorganised sector. The findings from these workshops have been mentioned as Appendix - III.

#### **FORECASTING OF MARKETABLE SKILLS THROUGH THE ESTABLISHMENT OF A LABOUR MARKET INTELLIGENCE SYSTEM**

10.70 For better matching of demand and supply of marketable skills, a labour market intelligence system needs to be set up. This system will forecast the demand of various marketable skills at the national level and at the district level through the existing government machinery, but in consultation with the industry associations, entrepreneurs, experts, NGOs etc. on a continuous basis. This system would take into consideration existing and emerging business opportunities in India and abroad. It will also be applicable for forecasting of marketable skills in both

the organised and unorganised sectors.

#### **STRENGTHENING OF ITI'S AND AUGMENTING THE SUPPORT FROM THE INDUSTRY**

10.71 At present, there is insufficient capacity in the areas of skill development and training. Hence, there is a pressing need to enlarge the training infrastructure as well, so as to effectively and productively utilise the existing infrastructure. While infrastructure is available in the form of 4274 Industrial Training Institutes (ITI), there are a number of problems with the ITIs. They need to restructure and reorient their courses at a much faster rate so as to respond effectively to current and future needs of the labour market. Further, the Industry-Institute interaction continues to be weak. So far, inputs from the industry into ITIs are merely of advisory nature, which are not very effective. It is necessary to see that advisory inputs are supplemented with managerial inputs.

10.72 We, therefore, recommend that ITIs need to:

- (a) Run market-driven courses

- (b) Review, and if necessary, revise curriculum every 5 years to keep it contemporary
- (c) Give refresher training on new technologies and tools to teachers at ITIs
- (d) Discontinue obsolete (not required by market) courses

10.73 Further, to ensure effective involvement of industry in the training process, we recommend that some ITIs may be selected, on a pilot basis, for development into Institutes of Excellence. They should be managed jointly with the industry. In this regard, institutionalisation of Industry-Institute interaction and empowerment of training institutions would be important.

10.74 It may be mentioned that in 1997, a study was made in eleven ITIs in North India with the participation of senior officers from Directorate General Employment & Training (DGE&T), State Directorates, Confederation of Indian Industry (CII) and local industry representatives. In January 1998, CII organised a workshop on 'Industry-Institute Interface for the years 2000 and beyond. One of the major

recommendations of this workshop was to set up an Institute Managing Committee (IMC) with the participation of local industry for at least one ITI in each State. It was also proposed that a Steering Committee at the State level, be constituted, which would decide the powers to be devolved to the IMCs. The suggested composition of the IMC with roles and responsibilities is mentioned as Appendix - IV.

10.75 The IMC model has been already tried successfully in ITIs located in the Northern States.

10.76 Broad areas of co-operation and key areas of responsibilities of Industry and Institute are given as follows:

#### **RESPONSIBILITIES OF INDUSTRY**

- 10.77 a) The local industry will assist in recommending and monitoring the future needs of the local areas and suggest the courses which the institute should focus on
- b) Selection of candidates at the entry level
- c) Development of training curriculum and up

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| gradation of existing and new courses<br>d) Faculty upgradation and development<br>e) Industrial visits of Trainers and Trainees<br>f) Providing slots for actual hands on experience<br>g) Joint Research and Development Projects<br>h) Sharing of testing and inspection facilities<br>i) In-plant training of faculty/students<br>j) Advise on generation and utilisation of revenue for the institute<br>k) Participation of experts from industry in invigilation and as part-time lecturers<br>l) Assistance in placement<br>m) Accreditation of Institutes and Faculty<br>n) Organising continuing educational programmes for working professionals | Recognition of blue collar workers by way of special awards and publicity material.<br><b>RESPONSIBILITIES OF THE INSTITUTE</b><br>10.78 a) Ensuring quality of theoretical inputs<br>b) On-the-job training to the students<br>c) To encourage faculty for upgrading their knowledge through visits or short-term training courses<br>d) To generate revenues through short term training courses for the existing workers of the local industry<br>e) Proper maintenance of building and workshops of the institute<br><b>NEW TRAINING DELIVERY SYSTEMS</b><br>10.79 In order to expand training capacity as well as to provide training anytime and anywhere, new delivery mechanisms such as computer based training, web-based training, distance |
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learning etc. can be adopted which would offer flexibility in timings, pace of learning, and customisation of content to serve the varying needs of the different target groups.

### **INTEGRATING VOCATIONAL EDUCATION AT SCHOOL LEVEL**

10.80 In view of the large number of individuals entering the workforce, vocational education should be integrated at the school level. This will also help in standardisation of training courses. It is relevant to consider, in this context, whether vocational training should be added onto the general school system or whether it should be imparted through separate schools. However, school students should be allowed entry into courses on some trades such as masonry, after the 8<sup>th</sup> standard (due to low skill level requirement).

### **INCENTIVES FOR THE CREATION OF TRAINING FACILITIES**

10.81 In order that skill development and training get the due focus, it is felt that fiscal incentives should be extended to industry and other

providers of training. They can be given incentives by the government in the form of providing land at concessional rates, a part-funding of the capital cost, tax benefits on the amount spent by them for training and skill development, awards, teachers' training, provision of training material etc. The same can also be extended by way of tax concessions on the amount spent on training and skill development.

10.82 We also recommend that the entire expense in training should be treated as a revenue expense and all capital expenditure on training and infrastructure should be eligible for an accelerated depreciation equal to 1.5 times the amount spent during the same financial year. The investment in training and infrastructure is made to encourage the culture of training and to improve the skills and attitude of performance.

### **SKILL DEVELOPMENT FUND (FOR THE NEXT 10 YEARS; SUBJECT TO REVIEW)**

10.83 As per the World Bank report on Skills Development, well-designed levy-grant schemes can induce firms

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to train. Several East Asian economies have effectively used direct reimbursement of approved training expenses, funded out of payroll levies, to encourage firms to train their employees. Successful schemes such as those in Singapore, Malaysia and Taiwan are flexible, demand-driven, and often accompanied by an information campaign and a programme of technical assistance to smaller firms. The introduction of such a scheme in Taiwan led to dramatic increases in the volume of training, which continued even after the program was terminated in the 1970s. The Study Group set up by us has thoroughly reviewed such programmes, which are prevalent in Singapore and Malaysia, besides the system prevalent in other countries. References in detail made in Appendix - V.

10.84 In order to provide for:

- (a) Retraining of workers rendered surplus/obsolete by layoffs, retrenchment and Voluntary Retirement Schemes/Early Separation Schemes, and
- (b) Training of labour in the unorganised sector;

We recommend the establishment of a Skill Development Fund (SDF), in the manner in which it has been established in Singapore.

10.85 The key features of the Skill Development Fund are as below.

- (a) The fund will be contributed by organisations which are eligible to contribute Provident Fund either through the Provident Fund office or through their own trust.
- (b) The amount of contribution to be paid by such organisations will be 2.0% of the provident fund contribution by the employer. In addition, the employee will also contribute 1.0% of his/her provident fund contribution. The government will also contribute every month, two times the amount collected from the employer and employees to this Fund. A proposed source of the government's contribution is by way of amount received from disinvestments in public sector units.

- (c) For the purpose of collection of the contribution, we propose it be routed and administered through the Regional Provident Fund (PF) Office (as per the system prevalent in Singapore), so as to avoid extra administrative burden. The PF office will receive the contribution along with the Provident Fund and deposit the same into a separate account within a week of the receipt. We endorse the view of the Group that no new collection mechanism involving additional government machinery should be devised.
  - (d) The respective individuals/ organisations making this contribution to the SDF will be given tax concession for an amount equal to the amount contributed to the SDF.
  - (e) At all points of time, 25% of the total amount in the SDF will be invested in a corpus with high safety and reasonable return. The balance amount in the SDF will be used for purposes that have been mentioned in preceding paragraphs.
  - (f) The collections to this SDF shall continue for a period of 10 years. It is expected that by that time the SDF corpus would be self-sustaining. Thereafter, contributions to the SDF may be discontinued. However, this is subject to review based on the requirements of the labour situation at that point of time.
  - (g) The utilisation of the amount so collected in the SDF, should be monitored by persons of eminence and reputed industry associations in association with the Central and State Governments.
- 10.86 Further, for granting the amounts to be paid by the Fund as an incentive to the organisations, certain norms may be required to be set. The organisations fulfilling the norms make an application, giving details of the training efforts being put by them. After evaluation of the quality of training efforts and the quality of trainees turned out, a committee may prescribe the grants. Guidelines for committee formation and identifying norms can be explored further in consultation with experts.

10.87 The grants offered to organisations by the Skill Development Fund as an incentive for promoting skills would also help in developing a training culture among employers as well as employees and ultimately, we believe it would help to build a world-class workforce for the nation. The fund would also encourage industries to further strengthen their training infrastructure and commitment towards training. Efforts could be directed towards identifying high-end skills, critical for economic growth and encouraging employers to invest in such skills. This will help in increasing the reach of training, to promote skill deepening and in enhancing the employability of the workforce.

#### **COORDINATION OF TRAINING EFFORTS**

10.88 Various Ministries of the Government of India are providing vocational education and training systems in India (refer table 10.6). The Government should find out ways and means to coordinate the work of the Ministry of Human Resource Development, Ministry of Labour, Ministry of Rural Development and Ministry of Industry, to avoid duplication.

#### **WORKERS' EDUCATION**

10.89 Workers' education is a special kind of education designed to give workers a better understanding of their status, rights and responsibilities as workers, as union members, as family members and as citizens. It differs from vocational and professional education, which is for individual advancement in that, workers' education places emphasis on group advancement. Workers' education also enables the workers to assess the approaches and technical skills of professional management.

#### **THE IMPORTANCE OF EDUCATION AND TRAINING**

10.90 The emerging economic scenario has brought great changes not only to the ways of working and transacting business but also to the management of households, upbringing of children, cultural activities, leisure and social relationships. The success of all technical training will depend not only on the acquisition of work skills but also on the values and attitudes imparted by general education. Education and training also have

other objectives in addition to vocational ones, because they open up access to culture, to knowledge and to political and social life and are essential factors in the development of the individual and the values that guide the life of the individual and social groups. If the training of workers is purely technical, they are unable to adjust to new values, new concepts of the nature of work, new ways of interacting with their peers, colleagues and with work itself. This brings out the fact that workers' education has to continue, and needs to upgrade itself, to meet the expectations of the target groups in order to achieve their goals.

**10.91** Thus, a comprehensive programme of education of workers has to be established with the following key objectives:

a) To instil a sense of belonging in the workers vis a vis their work and organisation, through a better understanding of their work and the work organisation; to inculcate amongst workers a positive sense of dedication and hard work so as to achieve

higher productivity and improvement in the quality of products

- b) To improve the bargaining power of the workers, through understanding of their rights and environment, and through organising and collective bargaining
- c) To assist the worker in identifying skills he/she needs to pick up in order to improve value in the job market, and to provide the avenues for acquiring the skills
- d) To encourage the workers to look at alternatives in organisation of their work, like worker cooperatives, in order to improve their collective bargaining power and their quality of work. Specialised programmes may also be conducted for creating interest in self-employment, or in the acquisition of skill upgradation in the situation of job loss

## **THE SCOPE OF THE EDUCATION PROCESS**

10.92 The education programme should not be a mechanical approach of skill development towards a changing job market. It also needs to look at the vital question of allowing the workers to understand the environment and processes of which they are a part. They should be enabled to have a say in the way in which the processes affect them, through programmes that improve their individual and collective bargaining abilities.

10.93 It is in the context that the education process should specifically focus on an understanding of the economy, industry and the business organisation of which the worker is a part. The scope should include understanding the business and work processes along the supply chain. It should include the potential for workers to keep abreast with changes in technology and work processes in the industry of which they are a part.

10.94 The education programme should also look at issues of alternative forms of organisation as

ways of improving the involvement and control of workers over their work. These include forms of self-organisation, including producer and consumer cooperatives and the Gandhian value of Trusteeship. These alternatives are particularly significant in the context of current business strategies of dispersal and contractualisation of work.

10.95 The programmes should also discuss organisation of workers, and the history of collective bargaining. The new working class should be able to trace its lineage back to older worker class traditions, in order to grow organically and retain a collective identity. This collective identity is essential for developing a sense of worth, and for retaining some control over their work life.

## **ORGANISATION OF THE EDUCATION PROGRAMME**

10.96 As is evident, such a programme cannot be confined to the classroom. There has to be a context of continuous education. The education process should allow continuous interaction and consultation between various

participants in the labour movement. It should encompass the process of tripartite negotiations and collective bargaining between management, government and labour.

### **OWNERSHIP OF THE PROGRAMME**

10.97 The involvement of workers and workers' organisations in the design, conduct and control of such a training programme is essential to its success. As such, their prominent role in the ownership of the programme is necessary. Trade unions at the national, regional, industry and plant level should all have a say in the running of the programme.

### **THE ROLE OF THE CENTRAL BOARD OF WORKERS EDUCATION**

10.98 Since its inception in 1958, the Central Board of Workers' Education (CBWE) has done significant work in injecting an understanding and enthusiasm among workers for the success of industrial growth, production and productivity and harmonious industrial relations.

10.99 The CBWE is a tripartite body, which is headed by a part-time non-official Chairman nominated by

the Government of India. The Director, CBWE is the Principal Executive Officer who is assisted by one additional Director, 3 Deputy Directors, a Financial Advisor and other supporting staff. The Headquarters of the Board is at Nagpur and has a network of 4 Zonal Directorates, 49 Regional Directorates, 10 Sub-Regional Directorates spread throughout the length and breadth of the country, and an apex training institute viz. Indian Institute of Workers' Education at Mumbai.

10.100 Initially, the focus of the programme of the Board was on industrial workers i.e. on workers of the organised sector. As an outcome of the recommendations of the Estimates Committee of Parliament in 1971, the Workers Education Review Committee in 1975 and the Ratification of ILO convention No. 141 concerning organisation of rural workers and their role in economic and social development in the year 1977, CBWE launched programmes for workers of the unorganised and rural sectors during 1977-78. Presently, the Board organises 20 to 25 types of programmes for the workers in the organised, unorganised and rural sectors.

10.101 The Study Group has set up by us has identified certain areas where the CBWE can play a vital role which are given below.

- a) The CBWE can play an important role in creating awareness on specified skill training required for the development of the industry and availability of such training facilities. The Board may further coordinate such training programmes by bringing together workers, managements and nearby training institutes
- b) Though the CBWE organises training of trainer programmes, so far as the conduct of classes in the unit level by the trainers is concerned, the performance has not been satisfactory. A suitable mechanism needs to be devised for regular training programmes through the trainers trained by the CBWE. The Board can play the role of a nodal agency to enforce training programmes through the trainers and also to monitor the same so as to achieve larger coverage of the target groups.
- c) The CBWE, through its wide network, may organise specialised training courses for the retrenched workers/workers who have taken VRS so as to help them in proper investment of money, which can ensure a regular income. These training programmes may also help in creating awareness regarding areas of skill development and related issues.
- d) The CBWE should become more focussed and should organise specialised, need-based programmes for the various target groups in the unorganised and rural sectors. These programmes can also help workers identify opportunities and areas for self-employment
- e) The Co-operative is yet another sector in which there is ample scope for training by the CBWE. There is a lot of demand from this sector for the training programmes of the CBWE. The Board, may therefore give suitable training programmes to the workers in the co-operative sector.
- f) As the Panchayati Raj plays a

crucial role in the Indian system of governance providing for effective local administration, the functionaries of the Panchayati Raj institutions may be trained on a regular basis by the CBWE in subjects of importance from the point of view of changing scenario.

- g) There is a need for more follow-up programmes i.e. to conduct more refresher courses, to repeat the training programmes for the same target groups by the Board as these alone can have a better impact and will sustain the effect.
- h) The Board may also involve non-governmental organisations, academic institutes etc. in conducting various training programmes. This is necessary for a larger coverage, as the Board, with the existing strength, cannot reach the entire workforce.

#### **LEADERSHIP DEVELOPMENT PROGRAMME**

10.102 In an era of transformation,

the trade union movement faces its own urgent need for adjustment, for the modernisation of its own stock of technical knowledge and operational skills, for the rethinking of policies and priorities, and for reflecting of leaders capable of forming and implementing the strategies needed to ensure that the best long term interests of workers are safeguarded. The problems of social and economic development can be surmounted only with the full, knowledgeable and responsible participation of organised labour.

10.103 A systematic re-education and training of workers based on their developmental needs and national interest demands a high place on the agenda. It is important that unions themselves take the initiative in studying these problems and that they focus attention on the long-term interests of workers. The training programmes organised by the CBWE for trade unions must be re-designed to focus on the above areas.

#### **INVOLVEMENT OF STATE GOVERNMENTS**

10.104 At present, the Workers

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Education Programmes are carried out with the grants-in-aid made available by the Central Government. As the majority of workers being trained belong to the States, and as their contribution by way of improvement in skills, work culture, personality development, leadership qualities, awareness of responsibilities goes in a big way to the State's development, the State governments must also participate in the Workers Education programmes. State Governments may be approached for contribution to the scheme either by giving grants or providing infrastructure and other facilities.

10.106 The recommendations made in this Chapter have been made

keeping in view the present profile of Indian labour, and the existing and future challenges that Indian labour face. As India integrates more with global markets, more business opportunities will emerge, specially in the area of knowledge based, technology driven and services industries such as Information Technology (IT) Enabled Services, IT Services, Biotechnology, Telecom, Tourism, Infrastructure, Healthcare etc. These opportunities will change our perceptions of present and future challenges. This will call for working out additional and appropriate recommendations for the labour force in the unorganised and organised sectors.

**APPENDIX III****INDEX****THE OCCUPATIONAL HEALTH AND SAFETY BILL, 2002**

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**THE OCCUPATIONAL HEALTH AND SAFETY BILL, 2002 (DRAFT)**

An Act to assure safe and healthy working conditions for employees and other persons by authorising enforcement of standards/codes developed under the Act; by assisting and encouraging State Governments in their efforts to assure safe and healthy working conditions; by providing for research, information, education, training and statistics in the field of safety and health and for certain connected matters.

It is hereby enacted as follows: -

**1. Short title, extent, commencement and application**

- (a) This Act may be called the Occupational Health and Safety Act, 2002.
- (b) It extends to the whole of India, including offshore activities.
- (c) It shall come into force on a date as notified by the Central Government, in the official gazette.

**2. Definitions**

"State" includes Union Territory.

"Standards" include Rules, Regulations or Codes notified under section 15 of this Act.

(\* More definitions to be added)

**3. General Purposes**

The objective of this Act is to provide safe and healthy working conditions to employees working in industry and to regulate the working of industry so as to protect persons who may be adversely affected by unsafe working practices of the industry, specifically:

- (a) By encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new programmes and perfect existing programmes for providing safe and healthful working conditions.
- (b) By providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions.

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- (c) By building upon advances already made through employer and employee initiative for providing safe and healthy working conditions.
- (d) By providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems.
- (e) By exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety.
- (f) By providing medical criteria, which will assure in so far as practicable that no employee will suffer diminished health, or functional capacity, or diminished life expectancy as a result of his work experience.
- (h) By providing for training programmes to increase the number and competence of personnel engaged in the field of occupational safety and health.
- (i) By providing for the development and promulgation of occupational safety and health standards.
- (j) By providing an effective enforcement programme which shall include a prohibition against giving advance notice of any inspection and sanctions to any individual violating this prohibition.
- (k) By encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws, by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith.
- (l) By providing for appropriate reporting procedures with respect to occupational safety and health, such procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem.

- (m) By encouraging joint efforts of labour and management to reduce injuries and disease arising out of employment.
- (n) By encouraging interaction between the management and community, in general and other industries located in the vicinity in particular, in order to take appropriate remedial actions in case of an accident.
- (o) By reviewing the provisions of law relating to workmen's compensation to determine whether the provisions are adequate and prompt.

#### **4. Applicability of the Act**

The provisions of this Act shall apply to:-

- (a) Factories as defined in the Factories Act, 1948.
- (b) Mines as defined in the Mines Act, 1952.
- (c) Plantations as defined in the Plantation Labour Act, 1951.
- (d) Dock Workers as defined in the Dock Workers (Safety, Health and Welfare) Act, 1986.
- (e) Establishments as defined in the Delhi Shops and Establishment Act, 1954 but also including all hospitals and educational institutions.
- (f) Building Constructions Workers as defined in the Building and Other Construction Workers (Regulation of Employment, Conditions of Services) Act, 1996.
- (g) Beedi workers as defined in the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.
- (h) Employees engaged in transport of goods and passengers.
- (i) Employees engaged in agriculture, fisheries, sericulture, forests (etc.)
- (j) Worker as defined in the Industrial Disputes Act, 1947. It would also include persons employed in supervisory, managerial or administrative capacity.
- (k) All employees except those engaged in domestic work (excluding those in home-based industrial activity).

#### **5. Supercession of the existing laws**

The existing Acts relating to occupational health and safety shall be superseded and be replaced by the Occupational Health and Safety Standards as and when notified by the Central Government.

**6. General duties of employers to employees**

Every employer shall ensure to his employees, employment that is free from recognized hazards that cause or is likely to cause injury or occupational disease, and shall comply with the OHS standards prescribed under this Act.

**7. General duties of Employers to persons other than their employees but who are on the premises of the employer**

Every employer shall ensure and be responsible for the safety of persons who are on the premises of the employer, with his consent.

**8. General duties of employers and self-employed persons to persons other than their employees and who may not be on the premises of the employer**

Every employer will conduct his undertaking in such a way as to ensure that persons in the vicinity of the industry are not exposed to any hazard to their safety or health due to acts of omission of commission of the industry.

**9. General duties of manufacturers etc. as regards articles and substances for use at work**

Every person who manufactures, imports or supplies any article for use in any workplace shall ensure, so far as practicable, that the article so designed and manufactured is safe and without hazards to the health of the users when properly used. Such persons will also ensure supply of adequate instructions regarding the use of these articles.

**10. General duties of employees**

Every employee at work shall –

- (a) take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and
- (b) shall comply with the safety and health requirements prescribed under this Act and standards laid down under this Act.

**11. Duty not to interfere with or misuse things**

No person shall interfere with or misuse any device or instrument provided for safety and health.

**12. Duty not to charge employees for providing safe and healthy work environment**

No employer shall levy or permit to be levied on any employee, any charge in respect of anything done or provided for maintenance of safe and healthy working environment.

**13. Rights of employee**

- (a) Every employee shall have the right to:
  - obtain from the employer information relating to health and safety at work; and
  - represent to the employer directly or through a member of the Unit Safety Committee regarding inadequate provision for protection of his safety or health in connection with the work activity in the workplace, and if not satisfied, to the Safety Committee.
- (b) (a) where the employees in any work place have reasonable apprehension that there is a likelihood of imminent serious personal injury or death or imminent danger to health, they may bring the same to the notice of their employer directly or through a member of the Safety Committee and simultaneously bring the same to the notice of the Inspector.
- (b) The employer shall take immediate remedial action if he is satisfied about the existence of such imminent danger and send a report forthwith of the action taken to the Inspector.
- (c) If the employer is not satisfied about the existence of any imminent danger as apprehended by his employees, he shall, nevertheless, refer the matter forthwith to the Inspector whose decision on the question of the existence of such imminent danger shall be final.
- (d) No person shall make frivolous and repetitive complaints.

**14. Occupational Health and Safety Commission**

- (a) The Government shall appoint an Occupational Health and Safety Commission. The functions of the Commission shall be to formulate and recommend to the Government legislative measures, implement and periodically review a coherent national policy for the establishment and promotion of Occupational Health and Safety Management Systems.
- (b) The Central Government shall appoint a Chairman, and three members and a Secretary of the Occupational Health and Safety Commission. One of the three members shall be an occupational health and safety expert and the Commission and its members shall be full time functionaries with a tenure of three years. They would be assisted by such officials as considered necessary. Such officers will also be declared as Inspectors

and shall exercise powers under this Act and the powers of Inspectors under standards as established in section 15 of the Act.

- (c) The National Policy on Occupational Health and Safety shall establish general principles and procedures to: -
  - formulate comprehensive standards on occupational health and safety.
  - Facilitate and improve voluntary arrangements for systematic identification, planning, implementation and improvement of occupational health and safety activities at national and organisational level.
  - Promote participation of workers and their representatives in various aspects of occupational health and safety at all levels.
  - Promote participation of members of the public in general and people working or living near the industry, in the occupational health and safety programmes of the industry.
  - Promote participation of members of the medical profession working near the industry in the occupational health and safety programmes of such industry.
  - Recommend steps for continuous improvement in occupational health and safety programmes, while avoiding unnecessary administration and costs.
  - Provide for research, information, education in the field of occupational health and safety.
  - Promote awareness about occupational health and safety to students at school and college level and also in engineering, medical, agriculture and veterinary institutes and colleges.
  - Collect, compile and analyse occupational health and safety statistics in order to set up improved standards.
  - Provide a model occupational health and safety policy for organisations.
  - Develop and authorise an audit mechanism for assessing effectiveness of occupational health and safety in industry.
- (d) The Occupational Health and Safety Commission shall have the power to conduct or direct the conducting of inquiries in matters of occupational health and safety.

15. Occupational Health and Safety Committee .

- (a) The Central Government shall set up an Occupational Health and Safety Committee to advise and assist the Occupational Health and Safety Commission in its functions..

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- (b) The Occupational Health and Safety Committee shall comprise the following members: -
- DG: FASLI
  - DG: MS
  - Director, National Institute of Occupational Health
  - Controller of Explosives
  - Chairman, Central Pollution Control Board
  - Chief Labour Commissioner (Central)
  - Labour Commissioners of 3 States
  - DG: ESI
  - DG: Health Services
  - 3 representatives of employers
  - 3 representatives of employees
  - 3 eminent persons connected with the field of Occupational Health and Safety
  - Chairman of the OH&S Commission
  - Members of the OH & S Commission
  - Secretary of the OH&S Commission
- (c) The terms of the following members shall be three years or co-terminus with their office whichever is earlier: -
- Labour Commissioner of a State
  - Representatives of employers
  - Representatives of employees
- Provided that all the above persons shall be eligible for reappointment to the Committee, the membership of the Labour Commissioner of a State shall rotate amongst Labour Commissioners of various States.
- (d) Chairman of the Occupational Health and Safety Commission shall be the Chairman of this Committee.
- (e) The Committee shall meet at least twice a year, but may meet as often as considered necessary.
- (f) The Committee may constitute a sub-committee which will visit various industries to gain first hand knowledge of the conditions relating to occupational health and safety prevailing in such industries.

- (g) The members of the Committee will work on an honorary basis but will be entitled to daily allowance and travelling allowance at the prescribed rates.

#### **16. Occupational Health and Safety Standards**

- (a) The Central Government shall as soon as practicable during the period beginning with the effective date of this Act and ending three years after such date, promulgate specific or general standards of occupational health and safety for industries, processes and occupations.
- (b) Every rule made under the Act shall be published in the official gazette and unless otherwise specified, shall take effect immediately on publication.
- (c) The standards so framed shall be laid before both Houses of the Parliament within 6 months.
- (d) These standards will be reviewed and, if necessary, revised on the basis of the recommendations of the Occupational Health and Safety Commission.
- (e) The State Government may add to or amend the standards prescribed, without diluting the standards by the Occupational Health Safety Commission.
- (f) The Central Government, in promulgating standards dealing with toxic materials or harmful physical agents, shall set the standard which assures, to the extent feasible, on the basis of the best available evidence or functional capacity, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to hazard dealt with by such standard for the period of his working life. Development of standards under this section shall be based upon research, demonstrations, experiments and such other information as may be appropriate.
- (g) Any standard promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that the employees and users are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment and proper conditions and precautions of safe

**S 24**

use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure.

- (h) Standards for medical examination and compensation shall also prescribe norms for medical examination and compensation to be extended to the workmen even after he ceases to be in employment, if he is suffering from an occupational disease which arises out of and was in course of employment.
- (i) Any employer may apply to the appropriate Government for a temporary order granting a variance from a standard. Such application shall contain: -
  - A specification of the standard or portion thereof from which the employer seeks a variance.
  - A representation by the employer, supported by representations from qualified persons having first hand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefore.
  - A statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard.
  - A statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard.

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\* A certification that he has informed his employees of the application by giving a copy thereof to their authorised representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means.

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition to the appropriate government for a hearing.

- (j) The appropriate government may, by an order, exempt the employer from complying with the mandatory standards for a specified period, on conditions which it feels appropriate, if it is satisfied that (i) the employer is unable to comply with a standard by the effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standards or because necessary construction or alteration or facilities cannot be completed by the effective date, (ii) the employer is taking all necessary steps to safeguard his employees against the hazards covered by the standard and, (iii) the employer has an effective programme for compliance with the standard at an early date.

Provided that no such exemption shall be for more than one year. Provided further that such exemption may be renewed for a further period of one year subject to the employer furnishing details to the appropriate government that he has taken adequate steps to achieve the target of complying with the standards. Application for renewals must be received at least 90 days prior to the expiration of the order or the exemption.

#### **17. Research and related activities**

- (a) The National Institute of Occupational Diseases in consultation with the Occupational Health and Safety Review Commission shall conduct or shall cause to be conducted research, experiments and demonstrations relating to occupational health and safety.
- (b) The Central Government, on the basis of such research, demonstrations and experiments and any other information available

to it, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment including, but not limited to the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work.

**18. Training and employee education**

- (a) The Occupational Health and Safety Commission shall in association with the DG: FASLI, DG: MS, Controller of Explosives Central Pollution Control Board, Chief Labour Commissioner (Central), DG: ESTI, DG: Health Services, National Institute of Occupational Health organisation of Employers & Employees and other organisations concerned with occupational health and safety, carry out programmes to provide training in the field of occupational health and safety to persons in the industry.
- (b) Such training programmes shall provide for the education of employers and employees for the recognition, avoidance and prevention of unsafe or unhealthy working conditions in employments covered by this Act.

**19. Statistics**

- (a) In order to further the purposes of this Act, the Central Government and the State Government shall develop and maintain an effective programme of collection, compilation and analysis of occupational health and safety statistics.
- (b) To carry out the above functions, the appropriate government may promote, encourage or directly engage in programme of studies, information and communication concerning occupational health and safety statistics.

**20. Power of the Central Government or the State Government to direct inquiry in certain cases**

- (a). The appropriate Government may, in the event of the occurrence of an accident which has caused or had the potentiality to cause serious danger to employees and other persons within, and in the vicinity of the workplace, whether immediate or delayed, appoint one or more persons possessing legal or special knowledge to inquire into the

causes of the accident, fix responsibilities and suggest a plan of action for the future to prevent such accidents.

- (b-i) The appropriate Government may direct a Chief Inspector or any other official under the control of the Government concerned or appoint a committee to undertake a survey on the situation relating to safety or health at work at any workplace or class of workplaces or into the effect of work activity on the health of the employees and other persons within and in the vicinity of the workplace.
- (ii) The officer or the committee of persons mentioned in subsection:
  - May, at any time during the normal working hours of the workplace, or at any other time as found by him or the committee to be necessary, after giving notice in writing to the employer, undertake such survey and the employer shall make available all records and afford all facilities for such survey including facilities for the examination and testing of plant and collection of samples and other data relevant to the survey.
  - For the purpose of facilitating a survey under this subsection, every employee shall, if so required by the person or the committee conducting the survey present himself for such medical examination and furnish such information in his possession and relevant to the survey as may be considered necessary by the person conducting the survey.
- (c) The person appointed to hold an inquiry under this section, shall have the powers of a Civil Court under the code of Civil Procedure, 1908 (V of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects, and may also so far as may be necessary for the purposes of the inquiry, exercise such powers of an Inspector under this Act as may be necessary; and every person required to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1960).
- (d) The person or persons, or persons holding an inquiry under this section shall make a report to the Government concerned.
- (e) The Government concerned may, if it thinks fit, cause to be published any report made under this section or any extracts therefrom.

- (f) The Central Government may make rules for regulating the procedure at inquiries etc. under this section.
21. **Restriction on disclosure of information**
- (a) No person shall disclose otherwise than in connection with enforcement or for the purposes of any of the relevant statutory provisions, any information relating to any manufacturing or commercial business or any working process which may come to his knowledge in the course of his official duties under any of the relevant statutory provisions or which has been disclosed to him in connection with, or for the purposes of any of the relevant statutory provisions.
  - (b) Nothing in subsection (1) shall apply to any disclosure of information made within the previous consent in writing of the owner of such business or process or for the purposes of any legal proceeding (including adjudication or arbitration), pursuant to any of the relevant statutory provisions or of any criminal proceeding or proceeding before a tribunal under this Act which may be taken, whether pursuant to any of the relevant statutory provisions or otherwise, or for the purposes of any report of such proceedings as aforesaid.
22. **Protection to persons acting under the relevant statutory provisions**  
No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith or intended to be done under any of the relevant statutory provisions.
23. **Penalties**  
Any person who wilfully violates the provisions of section 6 to 13, shall be punishable with fines which may extend to one lakh rupees. Regulations made under this Act as provided in Section 16, may prescribe higher penalties as warranted by the gravity of the offence.
24. **Cognisance of offences**
- (a) No Court shall take cognisance of any offence punishable under this Act, except on a complaint made by or with the previous sanction in writing of an officer specified by the appropriate Government in this regard.
  - (b) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

**25. Limitation of prosecutions**

No Court shall take cognisance of an offence punishable under this Act, unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of the officer specified by the appropriate government.

## **APPENDIX IV**

### **MODEL SAFETY AND HEALTH POLICY**

The Management recognises people as its most important asset and is committed to provide a safe and healthy work environment for those working on and visiting our operations. Management at all levels will be responsible and will be held accountable for the occupational safety and health performance of the Company. At the same time, it is the duty of every employee to work in a safe manner so as not to endanger himself and his colleagues at the work place and during travel.

Accordingly, the aim of the Management is to prevent injuries and occupational ill health through the following actions:

- (a) Develop and design processes and plants which, as far as is reasonably practicable, and encompassing all available knowledge and information, are safe and without risk to health.
- (b) Operate and maintain plants within the designated safety criteria throughout their working life.
- (c) Develop, introduce and maintain safety and health management systems across the Company to meet the Company standards as well as statutory requirements for safety and health and verify compliance with these standards through regular auditing.
- (d) Set annual improvement objectives and targets and review these to ensure that these are being met at the individual unit and corporate levels.
- (e) Involve all employees in the implementation of this policy and provide appropriate training.

- (f) Provide for appropriate dissemination of information of safety and health at work through suitable communication networks both within the company and with external bodies.

## THE VISION

The Management's vision is to be an injury and disease free organization.

We will achieve this through an Integrated Safety Management approach, which focuses on People, Technology and Facilities, supported by Management Commitment as the prime driver for ensuring a safe and healthy work environment.

## RESPONSIBILITIES

### Corporate

The Board of Directors of the company is committed to occupational safety and health performance of the Company. The Management will:

- (a) Set mandatory standards and establish occupational safety and health improvement objectives and targets for the Company as a whole and for individual units, and ensure these are included in the annual operating plans.
- (b) Formally review occupational safety and health performance of the Company once every quarter.
- (c) Review safety and health at work when visiting units and recognize exemplary performance.
- (d) Nominate:
  - A senior line manager for occupational safety and health at the individual sites.
  - Corporate safety and health coordinator(s).

The Management, through the nominated safety and health manager will:

- (a) Ensure implementation of the policy and compliance with the standards stipulated under national/local legislation.
- (b) Establish strategies for safety and health at work and key implementation steps.
- (c) Establish appropriate management systems for safety and health at work and ensure auditing to verify compliance.
- (d) Arrange for all employees, appropriate training in implementation of safety and health management systems at work and during travel.

- (e) Ensure that all employees are made aware of individual and collective responsibilities towards safety and health at work and during travel.
- (f) Establish appropriate systems to impart adequate induction training to all personnel on the company sites particularly at initial employment and change of jobs.
- (g) Encourage development of inherently safer and cleaner manufacturing processes to further raise the standards of occupational safety and health.
- (h) Arrange for expert advice on all aspects of occupational safety and health.
- (i) Prepare an annual performance report on occupational safety and health.
- (j) Maintain close liaison with appropriate industry and Government bodies.

### **INDIVIDUAL UNITS**

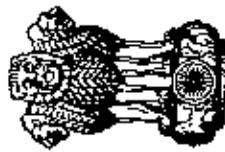
The overall responsibility for safety and health at each unit will rest with the Unit Head, who will ensure implementation of the Management policy on safety and health at unit level. Concerned line managers/heads of department shall be responsible for safety and health at department levels.

In order to fulfil the requirements of the safety and health policy at each site, the Unit Head will:

- (a) Designate safety and health coordinator(s) who will be responsible for coordinating safety and health activities at unit, providing/ arranging for expert advice and collating safety and health statistics.
- (b) Specify safety and health improvement objectives and targets for the unit and ensure that these are incorporated in the annual objectives of the concerned managers and officers.
- (c) Ensure that the unit complies with the Company's mandatory standards and statutory regulations with respect to safety and health.
- (d) Ensure strict adherence to the mandatory standards on road safety for all work related travel.
- (e) Arrange appropriate awareness training for all employees on safety and health management systems and standards.

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- (f) Regularly review safety and health performance of the unit against set objectives and targets.
  - (g) Ensure periodic audits to verify compliance to safety and health management systems and personally carry out sample safety and health audits to check efficacy of safety systems.
  - (h) Report safety and health statistics to Corporate Safety & Health Manager on a monthly basis.
  - (i) Ensure that safety committees are constituted with adequate representation from employees.
  - (j) Ensure formal task and process reviews to identify associated hazards and take appropriate steps to control risks at acceptable levels.
  - (k) Ensure that all new operations are subjected to a systematic and formal hazard identification and risk assessment exercise. Findings of such exercises should be implemented prior to commencement of the activity.
  - (l) Manage change in People, Technology and Facilities through planned regular promotional campaigns and employee participation through training, safety committees, emergency drills etc.
  - (m) Ensure dissemination of necessary information on safety and health within the unit and with outside bodies.
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REPORT OF THE  
NATIONAL COMMISSION  
ON LABOUR

VOLUME - II

MINISTRY OF LABOUR  
GOVERNMENT OF INDIA  
2002

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## CONCLUSIONS AND RECOMMENDATIONS

### CHAPTER - I THE TERMS OF REFERENCE

- 1.1 The Resolution of the Government of India that announced the appointment of our Commission set two tasks before us: i) "to suggest rationalisation of existing laws relating to labour in the organised sector;" and ii) "to suggest an Umbrella Legislation for ensuring a minimum level of protection to the workers in the unorganised sector." It has also suggested that we take into account various factors that contributed to the creation of the context in which the Government deemed it necessary to appoint the Commission.
- 1.2 The Resolution identified those factors as the globalisation of the economy and liberalisation of trade and industry; the rapid changes in technology and their consequences and ramifications; the effects that these changes were likely to have on the nature and structure of industry, on methods and places of production, on employment and the skills necessary to retain employability and mobility; and the responses that are necessary to acquire and retain economic efficiency and international competitiveness.
- 1.3 The Resolution also desires that the Commission takes into account the need to ensure a minimum level of protection and welfare to labour, to improve the effectiveness of measures relating to social security, safety at places of work, occupational health hazards; to pay special attention to the problems of women workers, minimum wages, ensuring a healthy relation between wages and productivity; and to improve the protection and welfare of labour.
- 1.4 Factors shaping the need for an urgent review arise from the experiences that all social partners, entrepreneurs, workers and the State and Central Governments have had of the way the existing laws have worked. All three partners have complained that the laws are unsatisfactory, ill wanted a comprehensive review, and reformulation of the legal framework, the administrative framework and the institutional structures in the field of social security. Reforms for reforms have been voiced in the Labour Conferences for many years.
- 1.5 We do not feel that the terms are too narrow for a comprehensive review of all the relevant crucial issues. We feel that the two specific instructions, are only to give precision and focus to the area in which we have been asked to make recommendations. The paragraphs of the Resolution that refer to the context give ample scope for a comprehensive survey and study. In fact, it is not possible or desirable to make specific recommendations without a comprehensive study.

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- 1.9 The Terms of Reference talk of 'rationalisation' of existing laws. In our understanding, rationalisation means only making laws more consistent with the context, more consistent with each other, less cumbersome, simpler and more transparent.
- 1.11 We understand that protection and welfare measures are required for those who are employed, as well as those who are unemployed; those who are prospective entrants, as well as those rendered incapable by debilitating disease, accidents or old age.
- 1.12 Protection includes the ability to meet the essential requirements of life, as well as protection of the rights that are essential to protect one's bargaining power and social status.
- 1.13 We are aware that the degree of protection will depend on the resources available to the State(s) and the contributions that citizens/members themselves can make.
- 1.14 A scheme of protection and welfare has to include assistance to meet exigencies as a result of unemployment, temporary unemployment, under-employment, accidents at places of work; insurance against accidents and occupational health hazards; the demands of pecuniary, domestic and other kinds of care in old age; the need for housing, education of children, medical and nutritional care of the family and the constant upgradation of the skills necessary for continued employment.
- 1.19 The context makes a special mention of the need to attain and retain the degree of 'international competitiveness' that our economy needs in the era of globalisation. Competitiveness should not be regarded as the need of any single sector of our society or economy.
- 1.20 Competitiveness depends not merely on technology, credit, inputs and managerial skills, but also on the contribution that labour makes. The commitment of the workforce to quality and productivity must be high. This commitment and the new work culture that it calls for, can be created only when workers feel that they are receiving fair wages, a fair share of profits and incentives, and the respect er consideration due to partners.
- 1.21 The crucial link between productivity and industrial efficiency cannot be denied. The level of wages depends on the economic efficiency of an undertaking or industry. Workers have to be interested in productivity as the management is.
- 1.22 The Resolution wants the Commission to give special attention to the problems and potential of women workers. Any society that ignores the resources or potential that one half of it holds, will fail in mobilising its human resources to the full. The Commission has given special attention to the problems and potential of women workers of the workforce.
- 1.23 The future will require concurrent training in multiple skills, and the constant updating and upgradation of skills.
- 1.27 It is one thing to hold that the role of the State should be minimal, and quite another to hold that industrial relations should be based only on bilateralism. Bilateralism is an essential ingredient of industrial relations, and both parties should rely on it as far as possible. But it cannot be denied that there is a role that mediation, arbitration, adjudication or third party intervention can play to ensure industrial peace with justice to both sides and to society.
- 1.29 The laws that the State formulates have to be relevant to the context of social life in the country. The State conceives or formulates those laws on the basis of the fundamental beliefs on which it has come into being. This bedrock of beliefs may have taken shape from an ideology or from perceptions and axiomatic beliefs and norms that have determined the tradition and ethics of the country.
- 1.30 Our Constitution describes our State as a Sovereign, Secular, Democratic and Socialist Republic.
- 1.70 There is another set of factors. They are the new concepts of Human Rights and the Conventions and Standards that have emerged from the United Nations and the International Labour Organisation (ILO).
- 1.71 The rights that the Universal Declaration of Human Rights talks of include the Right to Work; to Free Choice of Employment; to Just and Favourable Conditions of Work and to Protection against Unemployment (Article 23); Right to Life; Liberty and security of a Person (Article 3); Right against Slavery and Servitude (Article 4); Right to Freedom; Peaceful Assembly and Association (Article 27); Right to Social Security (Article 22); Right to Rest, Leisure, Paid, Holiday with Pay and Limitation on Working Hours (Article 24); and Right to Standard of Living adequate for the health and well-being (Article 25).
- 1.73 India as a member has accepted and ratified many of the ILO's Conventions and accepted many of the standards set by it; these have acquired the status of inviolable commitments. Any law that we make in our country should not be such as violate or dilute the solemn commitments made by us.
- 1.78 Globalisation is both a consequence and a reminder of the paradigm of inter-dependence within which humanity lives, survives and prospers. The paradigm of inter-dependence imposes limits on the role of competition.
- 1.80 Both workers and employers, therefore, depend on industry and the cooperation each gives to the other.
- 1.81 Our economic security and the success of our efforts to improve the standard of living of our people will, therefore, depend on our ability to identify the conditions that can ensure co-operation between our workers and employers.
- 1.82 Attitudes of confrontation must give place to an attitude of genuine partnership. Organisations of workers as well as employers, and the State itself, should identify and create the conditions on which the harmonious relations that we need can be created and maintained.

## CHAPTER - II

### INTRODUCTORY REVIEW

- 2.44 Once the major concerns of developmental planning in the country has been the unbalanced population growth. The decline in population growth has been painfully slow over successive decades, and has not also been uniform across the States.
- 2.45 Urban population is now estimated to be about 29%. An undesirable feature of the demographic trends in the country has been the almost steady decline in the share of females in the population as recorded by the successive Censuses in the twentieth century. Provisional results for the Census of 2001 have indicated a welcome reversal of this trend. The age distribution too has been changing as a result of falling fertility rates and, in recent years, rising fertility rates, leading to a decline in the proportion of children below the age of 15, and an increase in that of the elderly over the age of 60. These trends have a bearing on the quantum of labour supply. The country is nowhere near the goal of universal literacy. The situation is even worse in the case of females. In 1991, 56.7% of the population had less than 3 years of schooling, 23.7% had 3 to 6 years, 11.0% had 7 to 11 years, and 6.9% had 12 to 14 years of schooling.
- 2.46 There has been a steady increase in the proportion of population in the working age group of 15-59. This has resulted in a rapid growth in labour force over the years.
- 2.47 Between 1993-94 and 1999-2000, the estimated total labour force grew from 382 million to 402 million or at an average annual rate of about 0.9%. The growth rate in urban labour force was 2.1% per annum, and in the rural areas it was only 0.4%.
- 2.48 Beginning with the Fifth Five Year Plan (1974-79), the gross domestic product increased at an average rate of 5% or more per year. This rate is much higher than in the first four Plans (3 to 4% per annum). Since the economic reforms were ushered in, the growth rate has picked up further and has been above 6% per year.
- 2.49 The Net National Product per capita increased at an average annual rate of 2.7% in the Fifth Plan, 3.1% in the Sixth Plan, 3.7% in the Seventh Plan, and 4.6% in the Eighth Plan. It has continued to grow at a rate of over 4% per annum so far in the Ninth Plan period as well.
- 2.50 Half a century of planned development has transformed the structure of the Indian economy. The share of agriculture and allied activities and mining and quarrying in the Gross Domestic Product gradually came down from 59% in 1950-51 to about 35% in 1990-91 and further down to 28% by 1999-2000. The share of manufacturing, construction, electricity, gas and water supply sectors improved from 13% to 24% in the four decades 1950-51 to 1990-91, and has remained more or less at that level in the subsequent years. The tertiary sector, accounted for an increasingly large share of the GDP over the period. The organised sector of the economy has been growing faster than the unorganised segment in terms of value added, the share of the former increasing from 30% in 1990-91 to 40% in 1995-96, while the share of the latter, declined from 70% in 60% over the same period.
- 2.53 Widespread inequalities in income persist. Over a quarter of the population lives below the poverty line in both urban and rural areas, but the poverty rates have been coming down.
- 2.55 Work participation rates have remained stable, and varied around 44 % in rural areas and 34 % in the urban areas over the two decades from 1972-73 to 1993-94. After 1993-94, there seems to be a decline in the work participation rate both in the rural and the urban areas, being more marked in the rural areas and sharper in the case of females.
- 2.56 Over the three decades since 1970, the proportion of the workforce in agriculture and allied activities declined from about 74% to 62% while that in manufacturing, construction, trade, transport and services improved significantly. During the period 1993-94 to 1999-2000 however, there are indications of a decline in the share of services in employment, perhaps because of stagnancy in public sector employment and decline in some sectors like banking.
- 2.57 The surveys of the National Sample Survey Organisation (NSSO) shows that in the rural areas, 55.8% of the workers were self-employed, 6.8% were in regular salary/wage employment, and the remaining 37.4% were working as casual labour in 1999-2000. The corresponding percentages for the urban areas were 42.2, 10.0 and 17.8 respectively. The conclusions that emerge from these data are:
- A steady decline in the proportion of the self-employed in the rural areas, both among men and women;
  - A corresponding increase in the proportion of casual labour in the rural areas, both among men and women;
  - A steady decline in the proportion of regular employment in the case of rural men and a fluctuating situation in the case of rural women;
  - A gradual decline in the share of regular employment for men and gradual improvement in the case of women in urban areas;
  - A marked shift from casual employment to regular employment in the case of women in urban areas during the post-reform period (1993-94 to 1999-2000).
- 2.58 In 1993-2000, the Usual Principal Status Unemployment rate of the unemployed persons among the labour force was 1.9 in the rural areas and 5.2 in the urban areas. If the work done in subsidiary capacity is taken into account, these rates drop to 1.5 in rural areas and 4.7 in the urban areas.
- 2.59 Between 1993-94 and 1999-2000, which roughly coincides with the post-reform years, unemployment rates increased in rural areas according to all the criteria and for both the sexes, while the rates declined for females in the urban areas. In the case of urban males, only the UFS unemployment rate declined.
- 2.60 The National Commission on Labour that was appointed in 1966 was asked to review the changes in conditions of labour since Independence. However, our Commission has not been asked to undertake such a review. Even so, we found that a brief review of the changes that have taken place in the conditions in the main sectors of employment has to be the starting point for the study and examination of some of the questions that have been entrusted to us. We propose a quick and brief review of the situation in the Plantations and Forests, Mining and Quarrying, Construction, Textiles, Chemicals,

Agriculture, Engineering and other industries. The review that we present is by no means comprehensive or exhaustive.

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2.68

The picture in the handloom sector has, however, changed from one of moderate to slow growth to decline in the 1990s. From the data collected during the Hamilton Conference of 1987-88 and 1995-96, it is seen that monthly production has come down from about 2.96 million metres to 2.60 million metres or roughly 13%. The number of looms shows a decline of about 8%, from 3.78 million to 3.49 million though the number of weavers/workers is virtually stagnant, at 6.55 million.

2.70 The extreme distress in which the families of weavers find themselves in many states is reflected in the waves of suicides that have been reported from states like Andhra Pradesh and Tamil Nadu.

2.71 The potentiels seven more onwards with the removal of almost all quantitative restrictions on imports from 1<sup>st</sup> April 2001, and the full opening up of the textiles sector from 2005.

2.74 The growth of the textile industry, which slowed down during the seventies, picked up again and, spearheaded by the spinning and man-made fibre in the organised sector, particularly in the post-liberalisation years, a conspicuous exception is the case of production of cloth in the mill sector, which has suffered substantially. The fall has become steeper in the post-reform period.

2.76 The textile industry in the mill sector has been plagued by sickness and industrial unrest.

One of the major events that showed the extent of unrest among workers was the strike of textile workers in Mumbai, which commenced in January 1982 and continued for more than a year. With the structural transformation in the mill sector, and the competition faced from powerlooms, the textile industry in the mill sector began to face increasing sickness.

The other reasons for sickness were comparatively low productivity, lack of modernisation, increase in cost of inputs, etc. The growing incidence of sickness is reflected by the increase in the number of closures which increased from 123 in the year 1992-93 to 349 in 1999-2000. Globalisation has also had adverse effects on the already sick textile industry as imports have increased and textile products from other countries are available in abundance at cheaper rates.

2.77 The condition of workers in the decentralised sector is very pathetic. The wage levels in this sector are also on the low side. It is estimated that more than 2.50 lakh textile workers have been affected adversely due to closure and curtailment of activities. Powerlooms were considered to be viable propositions. But due to the vast expansion of capacity, they are also becoming uneconomical.

2.88 India continued to be the 8<sup>th</sup> largest steel producing country in the world during 1999-2000. This sector directly provides employment to over 5 lakh people.

2.91 The world steel industry has witnessed major ups and downs in the last few decades, especially over the past five years.

2.93 It is in this global context that the Indian steel industry will have to identify its future role, with the coming of liberalisation, the steel industry, especially the public sector, has now to face up, not only to do more competition but also to global competition in terms of product range, quality and price.

2.99

The factors affecting production and productivity are labour, material, technology and capital. The most important factor for the improvement of productivity is the workforce. High productivity is necessary for the survival of the industry.

2.103 The total number of workers employed by all tea plantations has since risen from 7.31 lakhs in 1967 to 11.38 lakhs in 1999-2000.

2.109 The number of workers employed in coffee plantations has since risen from 2.60 lakhs in 1967 to 5.33 lakhs in the year 1999-2000.

2.110 In the year 1999-2000 the total employment in rubber plantations has risen from 1.27 lakhs in 1967 to 3.48 lakhs.

2.111 In the year 1999-2000 coir/cotton plantations were employing 30,000 workers.

2.113 Plantation operations are carried out in open fields. Employment depends upon the intensity of operations and crop availability. The industry can be described as seasonal. Because of the harsh conditions workers are often exposed to miseries. Every plantation is required to provide medical facilities such as dispensaries for the workers and their families. The Commission had opportunities to see the medical facilities and dispensaries maintained by some plantations. We realise that there has been some improvement in the post decades. But more attention has to be devoted to make the facilities adequate and satisfactory.

2.114

The minimum wages fixed for agricultural workers apply to plantation workers as well. The workers are mostly paid the minimum wages fixed by the state government for agricultural workers. In Kerala, wages are fixed through negotiated settlements or under arbitration settlements.

2.115

The plantation industry is at present facing a severe crisis. The prices of coffee have come down about 50%.

2.119

The average price of rubber has come down from Rs. 47.50 per kg in 1995-96 to Rs. 27/- per kg in 1998-99. In 2000 the price stood at Rs. 28.50 per kg, which was about Rs. 14.35 per kg below the cost of production.

2.120 Russia was one of the biggest consumers of Indian tea. But exports of tea to Russia have come down drastically. The import duty on Sri Lanka tea under the Indo-Sri Lanka trade agreement has been brought down to 7.5%. As a result the prices of indigenous tea, particularly from the Nilgiris have also come down. Producers are losing about 65-17 per kg.

2.124 Competitiveness and low costs of production have to be achieved through increased productivity, improved quality, uniqueness, and so on. The workers/unions will also have to accept the crucial role that productivity and profitability norms play in ensuring the competitiveness necessary for the survival of the industry.

2.125 The government will, therefore, have to urgently examine measures that can be taken to ensure the viability of the industry without adversely affecting the interests of the workforce employed in the industry. There is a strong case for reducing the tax burden on the industry.

- 2.127 The overall existing employment in the chemical industry is rated around 4.5 million. The industry generates additional indirect employment to nearly 1.2 million workers in transport, distribution, sales, packaging, exports, etc. It is expected that despite the ongoing restructuring the chemical industry will continue to offer high job opportunities.
- 2.130 India's main competitive strengths lies in specialty chemicals. It appears that in the future one of the main competitors of India would be China.
- 2.132 Sixty per cent of synthetic detergents is produced in the small-scale sector. The small-scale industries account for more than 5% of the total detergents production. In drugs and pharmaceuticals, the small-scale units account for 40% of the total production with more than 1,100 manufacturing units. The small-scale industries in the drugs and pharmaceuticals industry provide employment to more than 1,70,000 workers directly and in the plastic processing industry to 1,65,000 persons directly. The share of the small-scale industries in the production of rubber products is 30%. In the surface coatings industry, i.e., paints, varnishes, etc. there are 2,600 small-scale units producing around 50% of the total production. The toleries, cosmetics and agarbatti industry has more than 15,000 units in the small-scale sector.
- 2.130 The chemical industry carries out many hazardous processes and operations. Workers in chemical factories are often exposed to dangerous chemicals, fumes, and gases. There is an imperative need for paediatric medical check-ups for early identification of occupational health hazards as well as technological vigilance at safety norms.
- 2.142 There is hardly any industry or productive activity which does not depend on minerals or mineral products.
- 2.143 At the time of independence in 1947, a total number of 2,21,537 people were employed in the coal mining industry. In the year 1993-1994 the Coal Industry employed about 5,50,000 workers.
- 2.145 The nationalisation of the industry brought about considerable change in the lives of the workers engaged in coal mining. They now get the wages settled through negotiations. The housing satisfaction in percentage terms has increased from 25.71% to 75.05%. There is considerable increase in the number of hospitals. The numbers of schools and colleges too has increased.
- 2.146 Globalisation has had an adverse impact on the coal industry in India. Low & slow burning coal required for making steel is not available in the country to the extent that is required. The western coastal states like Gujarat, Maharashtra, Karnataka and Kerala that do not produce coal, or where surface transportation cost to consumption centres is high, find imported coal much cheaper. The cost of production of coal in India is very high. The labour cost of Indian coal is as high as 50% of the total cost of production, whereas it is only 20% in some of the other coal producing countries in the world.
- 2.147 In the year 1997, non-coal miners employed 85,726 persons in about 1,074 non-coal mines. According to 1990 figures, the non-coal mine industry including oil employed about 1,95,000 persons.
- 2.151 The frequency of accidents in mines in India in terms of fatal and serious accidents

- calculated on the basis of per 1000 persons employed is not worse than that in many others countries, but it is perhaps the highest in terms of million tonnes of minerals produced.
- 2.157 Construction industry covers a wide field of activities and provides employment for workers of various levels of skills. Much of the work in this field goes on under conditions that are often very strenuous and hazardous.
- 2.159 Construction industry is the second largest economic activity in India. Construction has accounted for about 10% of the investment in the country during the last 45 years. An estimated 14.6 million persons were directly employed in construction work in 1995-96.
- 2.162 A recent study gives estimates and projections on employment in the industry for the period 1995-96 to 2004-05 according to which total employment in the industry is expected to increase by 32.6 million in 2004-05 from 14.6 million in 1995-96. While in 1995-96, unskilled workers comprised 73.48% of the workforce; in 2004-05 it is likely to be 55.08%. Comparatively, the percentage of skilled workers is likely to increase from 15.3% to 27.62.
- 2.163 For the existing workforce of 14.6 million, and against an annual increase of 1.2 million employees in construction, the average rate of formal training is around 14,000 persons per year since 1989 in 15 construction trades and 8 manufacturing skills.
- 2.164 There are constraints in the modernisation of construction activity. These are inherent in the technology itself, and due to the social linkages of technology. Due to the scope for easy entry, small firms with scant resources and limited technical capabilities proliferate. Sub-contracting and low wages justify the continuous use of archaic methods of construction. Low wages produce poverty on the one hand, and low productivity on the other.
- 2.165 Workers are exploited because they are illiterate, socially backward, unskilled, unorganised, uninformed and poor. The industry functions at low productivity because the technology it employs is among the 'most backward in the world'.
- 2.167 Labour based technologies can be best used in construction operations such as excavation, earthmoving, on-site handling and moving of construction materials and mixing and pouring of concrete. They should be encouraged wherever they are competitive with capital-intensive construction.
- 2.175 With rapid industrialisation requiring the use of more advanced technology and skilled personnel, industrial workers engaged in the formal sectors of the economy unbundle themselves and restructure their employment relations. Such is not the case with the construction workers. The construction sector is an aggregate of numerous discrete elements. This facilitates contracting. The worker wants improvement in his economic and social situation in the construction labour market. Skills and organisations are what can strengthen workers in the construction industry.
- 2.176 Studies have found that construction labour is dominated by young, married, illiterate and unskilled males, often rural migrants who were mostly landless labour moving to cities in search of work, or who are helped to do so by jamadars and mafus. About half of the total workers start as unskilled labour.
- 2.177 Some laws are of direct relevance to construction labour, namely (i) Contract Labour (Regulation and Abolition) Act, 1970; (ii) Inter-State Migrant Labour Regulation of

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Employment and Conditions of Service) Act, 1970; (ii) Building and Construction Workers (Regulation of Employment and Conditions of Service) Act, 1948; (iv) Building and other Construction Workers Welfare Cess Act, 1996. The problem is that the laws are not implemented in the construction industry. Construction labour does not get the benefits of the ESI Act, but is covered by the Workmen's Compensation Act, 1923. While the Employees Provident Fund Act, 1952 applies to the construction industry both the employer and employees normally prefer to avoid implementing the Act for their own reasons. While the Maternity Benefit Act, 1961 applies, the number of beneficiaries is likely to be limited due to the intermittent nature of employment. The industry does employ a sizeable number of women workers, although largely as unskilled labour. It is estimated that the percentage of women in the construction industry is 30-45.

2.179 **The extent of unionisation in the construction industry has been very low.**

2.180 Important leaders of Trade Unions often attribute the low level of unionisation in the construction industry to the migratory and seasonal nature of the work, the scattered location of work sites, and the fear of victimisation by landlords and contractors.

2.181 **Wages in the industry are by and large at the minimum or sub-minimum level.** The nature of the industry proves to be a deterrent for wage negotiations. The industry functions in the open. Workers are exposed to scorching heat, rain, cold, dust, hazardous materials etc. They and their family, live in huts or under canopies which lack toilet facilities. There is no access to clean drinking water.

2.182 Subtle differences in theory have often led to a mix of economic and political motivations, with their perceptible impact on methods of "industrial action" reflecting varying nuances of the political or the revolutionary on the one hand, and the pragmatic and the strictly Trade Unionist on the other. This has led to tussles between those who wanted to preserve the Party's domination over Industrial Trade Unions and those who wanted to preserve the autonomy of the Trade Unions in spite of ideological loyalties or approximations. This has also led to the creation of separate Trade Union departments in Political Parties and tussles between the political apparatus and the Trade Union oriented sections in Political Parties. India cannot claim to have been an exception.

2.183 **A number of contributory causes have been identified by analysts for the growth in industrial unrest and strikes in the decade from the mid-sixties:** discontent with wages, feeling that labour was not getting a fair share of the profits it was helping to generate, discontent with laws and rules relating to the identification of bargaining agents, competitive militancy among unions; the rise of what has sometimes been described as adventurism in unions, or leadership more concerned with personal ambitions. Other causes that have been pointed out are the haughty and irresponsible attitude of some entrepreneurs who used industry as a means of self-aggrandisement. The mix of economic and political motivations and the dictates of competitive militancy also led to the introduction of new methods of protest and new tactics in the theatre of conflict. This period saw frequent resort to go-slow, work-to-rule, dharmik, gherams and bandhs. The resultant conditions became so grave, that the High Court of West Bengal (in 1968) and the High Court of Kerala (in 1977) delivered judgements that held that these forms of

protests or 'struggle' were illegal and an infringement of the Fundamental Rights that the Constitution guarantees to the citizens of the country. Experience shows that industrial action that deteriorates into or gets transferred into law and order situations, does not benefit those who go on strike.

2.239 Another aspect that cannot be ignored is public support which cannot be gained by alienating public sympathy. The absence of public sympathy helps those who are on the other side of the conflict, and often creates conditions that justify government intervention. In general, it can be said that whenever there are prolonged strikes affecting medical services in hospitals, the public not only suffers, but also turns hostile, and demands administrative or judicial intervention.

2.241 Trade Unions that lead and represent workers have to reflect on the current situation. The organisations of the working class are weakened by fragmentation, disengagement, poor unionisation, etc., and the forces ranged against them are strong and further strengthened by multinational forces. The organisations of the working class have to depend on public sympathy and cannot afford to alienate public sympathy by driving common citizens to the camp of those ranged against them. We feel that these are genuine considerations that every leader and well-wisher of the working class have to keep in mind while choosing the tactics of the struggle.

2.238 The years beginning with 1980 saw a number of changes in economic policy. There was considerable growth in the economy, but fall in employment generation. Employers began to implement 'outsourcing' of their production to the unorganised sector. The period from 1980 to 1991 saw two major strikes that were both significant to the Trade Union Movement in different ways. The first strike that we refer to is that of all public undertakings in Bangalore during 1980-81. This involved industrial relations in public sector undertakings. This was a massive strike that lasted for many days.

2.240 The second strike that was of considerable significance to the Trade Union Movement was the Bombay Textile Strike of 1982 which lasted for about two years. The strike was perhaps the most massive strike (industrial confrontation) that Indian industry has seen.

2.241 It is perhaps accepted by us that it is frustration and indignation that prompted workers to ignore Trade Union loyalties and turn to the leadership of Bapuji Samaj, although they were aware that his style and tactics were unconstitutional.

2.245 The textile industry, the single largest manufacturing industry of India has had a strong impact on the development of the labour and trade union movement in India.

2.246 A major transformation came about in the textile sector in the 1970s, although the relative decline in the weightage of the organised textile mills, these changes had a profound impact on the origin and course of the Strike of 1982. In 1950s, the Textile Mills accounted for 70% of the total cotton woven cloth manufactured in India. By 1979, the proportion had fallen to 53%, and in 1980, it had declined rapidly to 41%. In 1976, for the first time since cotton yarn came from the disclassified sector (54%) than the mill sector. The disengagement of modernisation and under-utilisation of the installed capacity contributed to the absence of modernisation and under-utilisation of the installed capacity contributed to the problems.

- 2.247 Low productivity and lack of capital intensification in the textile industry contrasted sharply with the emergent trend in the 'new industries' especially in Bombay. There was a shift in the 1970s. Between 1960-1969, Maharashtra witnessed expansion outside the old traditional organised industries like textiles, and in sectors like engineering, pharmaceuticals, and chemical products. The annual average enrolments per worker in the textile industry (Rs. 7120) was roughly half of what was paid in the chemical industries (Rs. 14,263).
- 2.248 As opposed to the industry-wide bargaining structure existing in the Textile Industry, the new industries were overwhelmingly dominated by plant level wage bargaining structures.
- 2.249 During the late 1970s, the scenario witnessed a major change in the growth of Independent Employees' unions and economic unionism, mainly in the new capital intensive industries. This was best exemplified in the rise of Dr. Datta Samant. His strikes were characterised by long strikes, substantial, sometimes over-reaching economic demands, complete bypassing of legalistic struggle and significant use of violence against recalcitrant workers or opposing Trade Union Centres. The changing industrial relations scenario in Bombay city with the decline in credibility of what was described as the straitjacket imposed by the BMS Act, was accompanied by changes in the industrial structure of the city and the position of textile industry within it.
- 2.250 Whatever we have said in the earlier paragraphs should not be taken as appreciation for Dr. Samant's style and tactics. We have referred to them only to point out the nature and consequences of the long strikes. It is estimated that between 75,000 to 1,00,000 workers were dismissed, retrenched or simply never taken back. The strike seemed to have immensely strengthened the hands of the mill owners.
- 2.251 Another grave threat to the authentic Trade Union movement seems to be emerging from the underworld. There are also reports of some cases where such unions have succeeded through other means. Many questions arise. The primary question perhaps is: what are the methods or abnormal methods that these new "Leaders" employ, and how can the authentic Trade Unions, the management and industry as a whole be protected from the threats and tactics of these interlopers from the underworld. The use of terror in any form will only nullify democratic rights by creating an atmosphere in which people are forced to act or not to act merely to protect their skin. It has therefore, become necessary to protect the workers as well as managements from such forces.
- 2.252 There are Trade Union leaders who ask for the abolition of contract labour but ultimately relect if the contract assignment is given to them or their 'bewani' agents. This makes a mockery of the Trade Union movement and brings down the Trade Union leaders in the esteem of employees.
- 2.253 There are Trade Union leaders who ask for the abolition of contract labour but ultimately relect if the contract assignment is given to them or their 'bewani' agents. This makes a mockery of the Trade Union movement and brings down the Trade Union leaders in the esteem of employees.
- 2.254 Another practice that undermines respect is that of permitting permanent workers to get their jobs done through proxy workers or letting others work in their place, and taking a cut from the wages of their proxies. Similar is the effect of so called unions that take up the grievances of workers and charge a commission on the monetary gains they may secure.
- 2.255 A fourth practice that compromises the Trade Union movement is - the tendency to convert Unions into closed shops.

- 2.257 The Trade Union Movement in India has now come to be characterised by multiplicity of unions, fragmentation, particularisation, and a reaction that shows a desire to stay away from politically oriented Central Federations of Trade Unions and searches for methods and struggle for co-operation and joint action.
- 2.258 One sees an increase in the number of registered unions in the years from 1983 to 1994. But one also sees a reduction in the average membership per Union and in the number of unions submitting returns.
- 2.259 There are other unions that have founded into bodies relating to certain industries or employment, but have kept out of the main central Trade Union Federations. This includes National Alliance of Construction Workers, National Fish Workers Federation, National Alliance of Street Vendors, etc.
- 2.260 We must also make specific mention of the emergence of the Trade Union SEWA group of organisations. It did not confine itself to the traditional method of presenting demands and resorting to Industrial action in pursuit of them. It took up the work of organising the women workers who were engaged in unorganised sector of employment, combining either constructive activities like marketing, the provision of micro-credit, banking, training, representing the views and interests of workers.
- 2.261 There is yet another development on the Trade Union scene to which we must refer - the increasing tendency on the part of Trade Unions, to get together in ad hoc struggle committees to launch struggles, or to support a struggle that one of them has launched.
- 2.262 We have witnessed such joint action in the Bharat Aluminium Company (BALCO) struggle against disinvestment; the one day All India strike by all Central Trade Unions against disinvestment, privatisation and the economic policies of the Government on 25<sup>th</sup> July 2001, and the strike organised by Federation of Central Trade Unions against the Bill to open the oil sector to private industry.
- 2.263 Another new feature is the readiness and the determination of Central Trade Unions to espouse the objective to matters of government policy like, disinvestment, privatisation, etc. Instances of such action were witnessed in the strike on BALCO Disinvestment, the Rajasthan agitation by the Government servants and the strike by electricity workers in U.P., government employees in Kerala, and so on.
- 2.264 Throughout the period between the setting up of the first Chamber of Commerce in Calcutta in 1833 and Indian independence in 1947, we find the division of employers' organisations, or Chambers of Commerce into those composed overwhelmingly of British businessmen and those belonging to Indian businessmen.
- 2.265 There were many areas or conflict between British business interests and Indian business.
- 2.266 Two factors contributed to the development and growth of Indian chambers. Early in the twentieth century the Swadeshi Movement came to be intensified in the country and Indian companies had a stake in the struggle. Through their chambers they participated in this national movement against the use of imported goods. As a sequel to this movement, the then British Government refused to permit the use of state funds for matters like setting up departments of Industries and Public Sector Development. As a result of this attitude Indian Chambers of Commerce aligned with the Indian National Congress and Congress leaders, and participated actively in the national movement.

## CHAPTER - III INDUSTRIAL DEVELOPMENT & PROGRESS AFTER INDEPENDENCE

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- 3.7 India used its import policy for the healthy development of local industries. A good number of restrictions were put on the import of industrial goods, and the effort was to encourage the production of these goods indigenously.
- 3.8 Levying higher tariffs and a total or partial physical ban on the imports of such products gave a much-needed sheltered market for Indian goods. But, at year's end by, industries acquired experience in manufacturing and turned out quality products.
- 3.9 During the Second and Third plans, the emphasis was on the development of capital goods industries. Encouragement was given to import technical know-how and to enter into foreign collaborations to undertake manufacture of capital equipment locally. This gave a fillip to industrial development.
- 3.10 The Government gave encouragement to industries to import parts and components required for indigenous production. Actual users of imported raw materials as products were given preference over the category of established importers i.e. traders. Items that were scarce were channelled through the State Trading Corporation, Mines & Minerals Trading Corporation and such other Government bodies. Imports were strictly controlled by the import policy announced every year by the Government of India.
- 3.11 Customs tariffs were raised in some cases to 250 to 300% on imported products. This gave protection to local industries. The Government also followed a policy of low tariffs on the import of raw materials, parts and components compared to those on finished products. This encouraged Indian industries to manufacture or assemble final products in India.
- 3.12 To provide the financial infrastructure necessary for industry, the Government of India established the Industrial Finance Corporation of India (IFCI) (1948), Industrial Credit and Investment Corporation of India (ICICI) (1955), Industrial Development Bank of India (IDBI) (1964), Industrial Reconstruction Corporation of India (IRI) (1971), Unit Trust of India (UTI) (1953), and the Life Insurance Corporation of India (LIC) (1956). For financial assistance to small entrepreneurs, hence cooperatives were established in all states on the basis of an Act that was passed by Parliament in 1955. The National Small Industries Corporation was also established at the Centre and a Small Industries Development Bank of India was established in 1989.
- 3.14 Regulations under the Foreign Exchange and Regulation Act (FERA) restricted foreign investment in a company to 40%. This ensured that much of the control in companies with foreign collaboration remained in the hands of Indians.
- 3.15 Encouragement to small-scale industry by providing a number of support measures covered industrial extension services, factory space in industrial estates, credit facilities at concessional rates of interest, low margins for technician entrepreneurs, supply of scarce raw materials through special quotas and import licenses, training facilities, subsidised power tariffs and exemption of electricity duties, machinery on hire purchase basis, assistance for marketing, incentives for setting up units in backward areas, differential excise levies for the small-scale sector, preference for products produced in small-scale industries in Government purchases, reservation of products for exclusive manufacture in the small-scale sector, creation of institutions to help small enterprises, and training in entrepreneurship development.
- 3.17 The Central and State Governments made huge investments in providing such infrastructure facilities like power generation and distribution, roads, communications, creation of port facilities etc. Various State Governments made developed plots of land at industrial estates available to entrepreneurs.
- 3.23 To cater to the growing needs of industries during the last fifty years, the Government set up a large number of Industrial Training Institutes, all over the country. It also set up Indian Institutes of Technology, Management Institutes and Engineering Colleges to train persons with higher management and technical skills.
- 3.25 The Government of India set up 18 national laboratories to undertake applied research in chemistry, physics, electronics, botany, etc.
- 3.27 The Central Government and the State Governments followed a policy of encouraging industries in backward areas. The Central Government selected a few backward districts and offered 25% capital subsidy for industries set up in these areas. Various State Governments also offered similar capital incentives, exemption from sales tax levy, subsidies on power rates, cheap developed land, sales tax loans and other facilities.
- 3.29 In the Industrial Policy Resolutions of 1948 and 1959, a very important role was assigned to the public sector, power, telephone, communications, atomic energy, defence industries and some areas were reserved for the public sector. Industries like life insurance, civil aviation, banks were nationalized and were included in public sector.
- 3.31 The policy of the British Government was against encouraging industrial development in India. There were many hurdles placed in the way of the growth of Indian industry.
- 3.35 In 1951, the Industrial (Development and Regulation) Act was passed by the Parliament. The main provisions of the Act were that all existing undertakings at the commencement of the Act, except those owned by the Central Government were required to register with the designated authority, i.e. the Central Government would be permitted to set up any new industry underlining "except as in accordance with a licence issued by the Central Government"; such a licence or permission prescribed a variety of conditions, such as, location, minimum standards in respect of size and technique to be used; such licences were also required in cases of "substantial expansion"; the industries to be brought under regulation were divided into two parts, Part I and II in the Schedule to the Act. (In regard to the industries listed in Part I of the Schedule, the Central Government could issue necessary directions in respect of quality production, prices etc., and could transfer industries specified in one part to another.)

- 3.37 The IED Act resulted in more or less complete control by the bureaucracy on the industrial development of the country.
- 3.39 A new Industrial policy was announced in 1956.
- 3.40 This Policy divided industries into three categories. All basic and strategic industries were to be set up in the public sector, called category A type of industries. In Category B industries, private enterprise could participate along with public enterprises and was called the joint sector. All remaining industries falling in category C, were left to be developed by the private sector.
- 3.41 The Industrial Policy of 1956, for the first time, emphasised the role of small-scale industries in providing employment, equitable distribution of national income and the effective mobilisation of resources.
- 3.42 In April 1964, the Government of India appointed a Monopolies Inquiry Commission. This Commission drafted a law to control monopolies and recommended the setting up of a permanent Monopolies and Restrictive Trade Practices Commission. An Act was passed and a Monopolies Commission was appointed by the Government in 1969.
- 3.43 In July 1969, an Industrial Licensing Policy Inquiry Committee was appointed to examine the shortcomings in licensing policy. Following the report of the Industrial Licensing Policy Inquiry Committee (ILPEC), a number of new restrictions were put on the large industrial houses in the industrial licensing policy announced in February 1970.
- 3.44 The Foreign Exchange and Regulation Act (FERA) was amended in 1973. This brought a great change in the foreign investment policy of India. Foreign firms were not allowed more than 40% or equity, FERA companies, were subject to many restrictions, and were not allowed to participate in certain industries. They were also not allowed to expand and take up production of new products.
- 3.45 The Policy Statement of 1973 drew up a list of Appendix E industries to be started by large business houses so that the competitive share of small industries was not affected. A Secretariat for Industrial Approvals (SIA) was set up in November 1973, and all industrial licenses, capital goods, import licences, terms of foreign collaboration were brought under the SIA.
- 3.46 The thrust of the Industrial Policy Statement of December 1977 was on effective promotion of cottage and small industries widely dispersed in rural areas and small towns. The focal point of development of small-scale industries was taken away from the big cities to districts. The concept of District Industries Centres was introduced.
- 3.47 Within the SSE sector, a new concept of tiny sector was introduced. This tiny sector was to be given special attention and extended help.
- 3.48 The policy statement considerably expanded the list of reserved items for exclusive manufacture in the small-scale sector. This concept recommended by the Karve Committee was introduced in 1967 with 47 products. The list of such reserved items was 504 in 1977. The new policy expanded this list to 867.
- 3.49 After 1980, an era of liberalisation started. The trend was to dilute the strict licensing system and allow more freedom. The steps taken included re-endorsement of licenses (1981), automatic re-endorsement of licensed capacities (1983), broad banding and selective delicensing (1985-86) extended to 25 industries, exemption from licensing for all new units and those having an investment of Rs. 2.5 crores in fixed assets, investment of foreign equity up to 40% freely and removal of locational restrictions and investment ceiling for small industries (May, 1990).
- 3.50 The enactment of the IDR Act acted as a great deterrent to the growth of industries in the country. The bureaucracy acquired unprecedented powers over industrial activities. A number of other Acts acted as obstacles and retarded the industrial development of the country. Despite industrial licensing, an entrepreneur had to obtain clearance from many agencies.
- 3.51 Thus, which the Government of India announced the new economic policy in July 1991, Indian industries were not competitive in the world market.
- 3.52 Our industries were suddenly required to face international competition. Many of these industries allowed their foreign collaborators to take over. Those who remain in the field are trying to survive. It is becoming increasingly difficult not only to face competition in the world, but also competition at home with the products of multinationals.

## CHAPTER - IV

### IMPACT OF GLOBALISATION

- 1.3 We propose to concentrate our attention on the impact and the response that are necessary to improve the competitiveness of our industry and economic activities, to ensure increasing opportunities of employment, to ensure at least the minimum level of protection and welfare for workers in all sectors of the economy – organised as well as unorganised.
- 1.4 Our recommendations will be restricted to the areas of employment, skills and training necessary for acquiring and retaining employability and employment, healthy industrial relations and laws that can promote harmonious industrial relations, machinery for the speedy and just solution of equality and social security. For the rest, whatever we say in our review is only meant to outline the context and the factors that contributed to the dynamic nature of the context.
- 1.5 During 1980s, India had a fairly good economic performance. But towards the last years of the decade, and particularly in 1990-91, Indian economy entered an unprecedented liquidity crisis. As a result, India found it difficult to raise funds in the international markets. India was on the verge of default on external payment liabilities. Under these circumstances, it was felt that there was no alternative but to undertake drastic economic reforms.
- (a) The broad features of the economic reforms:
- 4.11 The broad features of the major factors of the economy to the private sector.

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- (b) Foreign investment was invited in all these sectors.
- (c) All restrictions on the entry of the private sector into the field of infrastructure and strategic industries were removed.
- (d) There is more freedom for financial institutions.
- (e) By the cuts in CRR and SLR over a period of years, more funds have been made available by the RBI to the banks. Banks can also approach capital markets for raising funds.
- (f) Private capital and foreign investments have been allowed in such areas as construction of roads, ports, airports, telephone services etc.
- (g) The Government wants to reduce its investment in the public sector enterprises.
- (h) Import restrictions have been reduced
- (i) Subsidies are being cut, tax rates are being reduced and the entire fiscal system is being streamlined.
- (j) The Controller of Capital Issues stands abolished.
- 4.74 The post-reform growth has been at least marginally better than the average rate of growth achieved during the pre-reform period.
- 4.75 The wide fluctuations in our national income growth have been curbed in the nineties.
- 4.76 The industrial sector has been very badly affected during the last few years and the slow down and loss of production and employment in this sector has, in turn, led to lower demand for consumer goods which has resulted in a general levelling down of all productive activities. The implementation of the new economic policy has hit this sector hardest.
- 4.77 The inflation rate as estimated by the consumer price index for Industrial Workers, remained below 4% till July 2001 and rose to 5.1% in December 2001. The liberalisation policy certainly took some credit for keeping prices under control.
- 4.78 It has been observed that the strength of India's external sector management has turned out to be among the most noteworthy successes of the structural reforms undertaken since 1991.
- 4.79 The Government was interested in augmenting the country's foreign exchange reserves so that such an eventuality should not occur in future. On 30 December 2001, these resources touched a figure of 48.11 billion dollars. By the week ending 1 March 2002, we found that the reserves have jumped by as much as 5 299 million, and they stood at \$ 50.744 billion. This is a significant achievement of the new economic policy.
- 4.80 In the global context too, India's indebtedness position has improved over the years. In terms of absolute levels of debt, it ranked as the third largest debtor country after Mexico and Brazil in 1991. Now, it is the tenth largest debtor country. For the first time the World Bank has classified India as a less indebted country.
- 4.81 Indian exports have remained stagnant at around 5% of the GNP for almost a decade.
- 4.82 If exports remain stagnant, the overall economic growth of the country is likely to be affected.

4.73

Diversification and the broad base of Indian manufacture are not reflected in our exports. This means that only a few manufactured products enter the export market. This is one reason why our exports are not growing.

4.74

The new economic policy has not succeeded in promoting exports on a sustainable basis and improving our international competitiveness.

4.75

The rupee has depreciated significantly even after its devaluation in 1993. In the last ten years, the rupee went down from Rs.18 to a dollar to Rs.97.91 now.

4.76

Foreign collaborators first increased their shares from 40% to 51%, and then took over the entire management of the company.

4.77

Therefore, gradually the management of the majority of foreign collaborated companies went into the hands of foreign investors.

4.78

In recent years, there is a substantial amount of growth in Mergers & Acquisitions activities in India.

4.79

It implies that takeovers or acquisitions are the dominant feature of Mergers & Acquisitions activity in India. It appears that foreign companies are not interested in mergers because mergers gradually take place between equals while acquisitions involve buying existing firms. They are, therefore, interested in acquiring Indian companies and eliminating the Indian management.

4.80

Another method of takeover that foreign companies are employing is to convert their joint ventures in India with a local Indian partner into wholly owned Subsidiaries (WOS). During the last decade the trend has been very much in evidence.

4.81

In the absence of a generalised improvement of economic activity and the growing competition from cheap imported goods and goods produced locally by MNCs in India, the Indian entrepreneurship has, as a consequence, gone into a state of stupor and indecisiveness. More and more Indian entrepreneurs seem to be feeling that it is difficult to survive against the multinationals whose resources cannot be matched.

4.82

A large MNC can perhaps acquire most of our large Indian companies.

4.83

What is important is that the transnational companies seem to be more interested in consolidating their stakes in existing joint ventures in India rather than investing in fresh green-field projects.

4.84

These overseas investors can manipulate and also create problems for the Indian economy. Thus, the new economic policy seems to be resulting in the closure or disappearance of many Indian companies, especially those engaged in consumer goods industry. Some may say this is survival of the fittest, and consumers now get a better product. But in the process, India seems to be losing the indigenous breed of entrepreneurs and innovators who once played an important role in developing Indian industry.

4.85 It appears that the days of importing technology and collaborating with a foreign company are over. Since a foreign company can export its goods freely to India, manufacturing in India is probably a second consideration for such a company. Readiness to the market and

- volume or sales are important considerations, and on that count, if a foreign company decides to manufacture in India, the company owners to do it alone with 20% foreign equity without joint hands with any Indian manufacturer.
- 4.113 During the last few years, multinational companies (MNCs) have started acquiring the entire equity of Chinese industrial firms, both after and then dealing from the stock exchanges.
- 4.121 With their exit, the markets will be poorer. The Indian shareholders will no longer be able to participate in the prosperity of these MNCs.
- 4.122 Since 1997, India's share is declining and has come down from 2% in 1997 to 1% in 1999.
- 4.125 One must look at the cost of foreign capital to the country. One should also weigh the advantages of foreign equity versus foreign borrowing.
- 4.126 We will confine our observations to what we could understand from authoritative and authentic sources about labour laws and laws that relate to industrial relations, and to the extent that is necessary for our Report.
- 4.129 We were told by all the authorities what we met that the Central Labour Law were applicable to the whole territory of the People's Republic of China. That there were no areas or zones or industries or enterprises that were exempted from these laws or where any relaxation was permitted in these laws.
- 4.131 Laws can be circumvented through contrivance or corruption or corruption induced by corruption. We can make no comment on whether there are cases of laws being circumvented in this fashion in China.
- 4.132 We should scratch the idea if anyone is naive enough to entertain it, that any entrepreneur can go to China and establish or close an enterprise without the knowledge or approval of the Government.
- 4.133 There are detailed "Regulations" laid down to regulate recruitment places, recruitment, the signing of labour contracts with individual employees, the signing of collective contracts with Trade Unions in the enterprise, conditions for "firing," to provide basic living allowance, etc., to the laid off and retrenched etc. We can refer to the Shanghai Municipal Regulations of Labour and Personnel Management in Foreign invested enterprises.
- 4.135 Article 2 - "This regulation is applied to all the foreign invested establishments in the Shanghai Municipality and their staff and workers."
- 4.137 Article 3 - "The foreign invested enterprise must set up and institutionalise relevant regulations according to the law in order to secure labour rights for and labour responsibilities of its staff or workers"
- 4.138 Article 4 - "The foreign invested enterprise can determine its own organisation structure and personnel system in accordance with the need of production and business operation."
- 4.139 Article 5 - "Talks of methods or procedures for recruitment of staff."
- 4.140 Article 11 - "The foreign invested enterprise must conclude the labour contract with its

recruited employees according to the law, and on the basis of equality, self-willingness, coordination and consistency. The labour contract must be in accordance with relevant laws and regulations of the PRC.

4.145 The labour contract, when concluded, is a legal document and binding upon both parties, Article 13, 14 and 18 lay down conditions under which an employee can be terminated.

4.148 When dismissed by the foreign invested enterprise, the worker shall get economic compensation from the enterprise in accordance to the employee's length of service in the enterprise.

4.152 Article 15 talks of codes under which the labour contract cannot be dissolved.

4.156 Labour disputes between the foreign invested enterprise and its employees may be settled through consultation between the concerned parties; should the consultation fail, the concerned parties may apply to the labour dispute mediation committee of the enterprise for mediation and, should mediation fail, the concerned parties may apply to the labour dispute arbitration committee for arbitration. Either party that is not satisfied with the adjudication of arbitration may bring the case to the proper court of the district or severtly whilst the enterprise is located within 15 days upon the reception of the adjudication.

4.157 According to the National Labour Law, the Chairman of the Mediation Committee in an enterprise is a representative of the Trade Union. The Arbitrator is a representative official of the Government.

4.158 In general, 15% of the disputes fail to get resolved at the levels of the Mediation Committee and Arbitration, and go to the People's Court.

4.160 Enterprises of any kind have to fulfill certain stipulated conditions before laying off or retrenching.

4.163 It is clear that the law does not contemplate or permit "hire and fire"

4.164 We were told that the number of industrial disputes had increased by 40% and 60% in the last few years.

4.165 With the transition to the Socialist Market Economy, the concept of jobs has changed. The basic changes that come about, where jobs are suddenly contractual, and the lay-off and retrenchments have resulted in increase in disputes.

4.166 The Trade Union Law in China makes no mention of strikes. It neither mentions them as a legal instrument in the hands of the workers, nor prohibits them.

4.167 There is only one trade union in China, the ACFTU.

4.168 Globalisation, and the consequent downgrading of its enterprises have also affected Chinese economy.

4.169 Various Social Security Schemes :

1. Old Age Pension Scheme

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- 4.172 There is a second reason that makes it difficult for us to recommend that we adopt the laws that have been promulgated in the People's Republic of China. The basis of our State is different. The concept of freedom and fundamental rights that we have in India, in our Constitution and our Society is different from what prevails in China.

4.173 The leaders of the Trade Unions have themselves identified the main problems that they are encountering as:

  - 1) Conflicts have increased and become increasingly complicated because of "the slavish return of state owned enterprises and the burgeoning development of non-public sectors."
  - 2) "Rampant violation of the Labour Law by preventing workers from joining Trade Unions"
  - 3) Illegally hiring workers without signing contracts.
  - 4) Forcing workers to work extreme hours
  - 5) "Skimping on salaries"
  - 6) Non-payment of wages on dates stipulated by law
  - 7) Re-hire by some enterprises to buy their workers insurance for unemployment, industrial accidents and whereabouts
  - 8) Encourage by entrepreneurs to offer working protection facilities
  - 9) Raking of women workers at factories
  - 10) Inadeq. etc. Incentives
  - 11) It is obvious that such transgressions or failures to enforce the laws may be more in non-state owned enterprises i.e. enterprises - foreign owned, joint, etc. in the "private sector."
  - 12) It will be erroneous to think that 'flexible' labour laws are the main reason for China's progress. We would also like to place on record the arguments and observations that have been put forward to explain why China has made spectacular progress in globalisation and the just globalisation scenario, as compare to the torpid progress that India has made. We state them without going into pros and cons.
  - a) China followed a policy of market economy since 1978. India introduced the new economic policy only in July 1991.

4.174 Perhaps those who advised us to recommend labour laws similar to what China has, may have second thoughts after seeing the provisions in the Chinese laws that we have quoted because the kind of freedom that they thought the entrepreneur had in China is not found in the laws as they exist.

4.175

  - i) China followed a policy of competition rather than ownership for higher productivity
  - ii) China did not give too much importance to balanced regional development
  - iii) China gave lot of importance to provide excellent infrastructure of international standard in Shanghai, Shenzhen and Guangdong provinces and attracted foreign enterprises over there.

4.176

  - i) Ourselves, Chinese have played a very important role in attracting foreign investments.
  - ii) China followed proper sequence of reforms. China, instead of initiating reforms with foreign trade and convertible rate liberalisation, started with agriculture. Then, China introduced export orientation for Township and Village Enterprises. Then, special economic zones were opened which afford foreign investors excellent infrastructure, special fiscal and financial incentives and flexible labour relations by their innovative contract system.
  - iii) A new policy was first tried in a small region, and after gaining experience of such a policy and the difficulties encountered, this policy with modifications was introduced in a wider area.

4.177

  - i) The administration in China is completely decentralised. Local municipal corporations can also take a decision regarding foreign investment up to a limit. T-B laws are simple.
  - ii) China allowed its companies to grow. Chinese companies are much bigger in size than Indian companies. In India, because of our different issues of monopolies, industrial licensing, etc., Indian companies were never allowed to grow in the licence permit regime and even the largest companies in India are smaller as compared to global players. As a result, they cannot effectively compete.

4.178

  - i) It is not merely the flexible labour laws, but because of all these factors that foreign investment is attracted to China and China has been able to achieve phenomenal progress.

4.179 During the first few years of economic reform, there was a general growth in all sectors of the economy. But since 1996-97, industrial growth has slowed down, and this has affected almost all sectors of industries. During the last two years and especially in 2001, the growth rate has been very badly affected.

4.180

  - i) There are some signs of recovery in the intermediate and consumer durable goods industry. The performance of the radial goods sector has been disappointing.

4.181

  - i) The value added growth after 1991 has not been substantially better than what declined during the last 15 years of Indian planning.

4.182

  - i) If we look at the various individual sectors of industry, we do not get an encouraging picture. The textile industry is in great difficulties.

4.183

  - i) Indian textile firms lack economies of scale. Indian wage costs are also 50% higher at 60

- 4.228 The iron and steel industry is affected because of globalisation. There is a glut in the global steel market.
- 4.229 The plantation industry is perhaps the worst affected industry. Prices of rubber, tea, coffee, etc., have come down drastically during recent years and production in the plantation industry is no longer ergonomic. The Indian industry is not in a position to compete with them. Workers in plantation industry are deeply concerned with this trend of globalisation and increased mechanisation in the industry to reduce the costs.
- 4.230 In the chemicals industry, large-scale imports of chemicals, dyestuffs, intermediates and specialty chemicals are coming at a cheaper price from China.
- 4.231 Indian mining industry is also affected because of globalisation. But for many coastal states the cost of transportation of oil is very high. Moreover, the cost of production of coal is very high in India. Because of reduction in labor and other factors, imported copper is much cheaper than indigenous produced copper. Over-manning of operations is a contributing significantly to the losses.
- 4.232 The list of industries affected by globalisation is much longer. Because of duty free import imports, industrial units like Bharat Heavy Electricals are affected, as their products are costlier compared to imported ones. The machine tool industry in India is affected because of cheap imports and imports of ergonomic new machine tools. The major toy industry is affected because of import of cheap Chinese toys. In fact, cheap Chinese imports have affected a wide range of industries like electrical accessories, bulbs, batter, etc., locks, lamps, lighting fixtures, silk, yarn and so on. The only industries, which are progressing, now are the information technology, Telecommunications and entertainment industry. The other potential sunrise sector industries are pharmaceutical and biotechnology industries.
- 4.233 Small-scale industries are more vulnerable to the new trends of globalisation. Their survival seems to be at stake.
- 4.234 One of the characteristics of the new economic policy of liberalisation is that the policy has concentrated on the private sector and particularly in attracting foreign investment and trade liberalisation. The reform process has effectively bypassed the public sector enterprises.
- 4.235 The new policy of economic liberalisation neither specifies any role to the public sector nor did it say anything about restructuring this sector so as to be made more useful and efficient.
- 4.236 This is somewhat surprising when one observes that during the previous turbulent decade, the mid-tier, the central public enterprises generated Rs. 1, 10,000 crore through internal accruals alone. There is hardly any evidence to show that the Government thinks that a reformed financial sector can play an effective role in economic recovery.
- 4.237 The Indian stock market is one of the most liquid and stable markets in the world since 1975. In 1980, the Securities and Exchange Board of India (SEBI) was set up and the reform process got momentum only when the external payment crisis occurred in 1991 followed by the securities scam of 1992.
- 4.238 A large number of leading Indian companies have raised resources in Euro markets at low interest rates. One must say that because of globalisation a new avenue of raising funds

is now open for Indian companies.

- 4.239 With the development and the diversification of FIIs in daily basis to set up equity line which considerable influence on the market behaviour of stock exchanges.
- 4.240 Apart from raising funds in the international markets, their entry and participation in Euro market has introduced a qualitative change in the Indian stock exchange as well. The technology of stock exchange operators has changed as also the market practices with the introduction of airline operations. Some consequences of globalisation pattern can be seen in the use of new technologies, on line operations, on line settlements and quick settlements.
- 4.241 The Government policy during the 1990s was aimed at attracting foreign investment of all varieties. But in this process, still in the wave of globalisation and the pressures from international bodies like the IMF, World Bank, WTO etc., it seems that some of the vital sectors of the economy did not receive adequate attention like, for instance, agriculture and small-scale industries which provide largest employment and also contribute substantially to the growth of the GDP.
- 4.242 During the decade after economic liberalisation, most of the state governments in their budget have reduced the share of investment and allocation to the rural sector.
- 4.243 Since insufficient investment is made in agriculture and rural areas, agro-local production has been affected adversely. Agriculture which is still the backbone of the Indian economy and which practices employment to almost 60% of our population does not deserve to have got the distrust it deserves.
- 4.244 Agriculture zinc a key subsector still contributes about 25% of GDP and increase of over 2% in its output would make an incremental contribution of 1.5% to real growth of GDP.
- 4.245 Another area of concern is the declining level of capital formation in Indian agriculture. The inadequacy or new capital formation has slowed down the pace and pattern of technological change in agriculture with adverse effect on productivity.
- 4.246 Agriculture zinc a key subsector still contributes about 25% of GDP and increase of over 2% in its output would make an incremental contribution of 1.5% to real growth of GDP.
- 4.247 At the end of the first quarter of 2000/01, the total foodgrain stocks including coarse grains were 61.96 million tonnes. Procurement prices offered to farmers by the Government are higher than wheat could be obtained in the open market.
- 4.248 It will be interesting to note that :-
- While foodgrain production is stagnating, procurement operations are increasing while food procurement is rising, PDS sales are falling.
  - Supply demand mismatch is leading to build up of huge food stocks.
  - At current levels of annual PDS stocks, now stocks can be well lost for the next three years.
  - It is not that there is no demand for grain under PDS. But what does do not have enough purchasing power to buy foodgrains.
  - Small entrepreneurs had hoped that the Government would come out with specific measures of a package of assistance to SEZ units immediately. But after almost a decade, and despite various promises given by the Government no concrete steps seem to have been taken to implement these policies.

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4.251 It was only on 30 August, 2000, that the Prime Minister announced a comprehensive package for small-scale industries and the MSME sector. The intent on this package was to support this sector in areas of policy, taxation, credit, infrastructure, technology marketing, etc.

4.252 A Committee under the chairmanship of Dr. Abid Hussain was appointed to report on policies relating to the MSME sector.

4.253 The Government promptly implemented some recommendations of Dr. Abid Hussain Committee. Since then, the other important and positive recommendations of the Committee, which would have helped the MSME sector to hold its own, and even progress, have not been implemented.

4.254 On 20 August, 2000, it is doubtful whether these will be any encouragement to existing industries.

4.255 The MSME units, which are producing inferior quality products of their own, are in deep difficulties because of the oligopolistic markets from other countries.

4.256 On 30 August, 2000, the Prime Minister announced a comprehensive policy package covering fiscal, credit, infrastructure, and technological support to small and tiny industries. The report contains many valuable recommendations. We were told that implementation of these recommendations could help healthy growth of small enterprises in India.

4.257 Trends in unemployment, unemployment rates, industrial legislation of India, workers :-

a) Overall unemployment is estimated to have grown at around 1.01% per annum in 1990s compared to 1.55% per annum in 1980s.

b) The number of unemployed in 1997 more than the number employed in organised sector.

c) About 5% in 5% of the workforce in the organised sector is protected while 92% to 93% is unprotected, unorganised and vulnerable.

d) There is a trend in growth of casual labour in the total workforce during all these years. The proportion of self-employed has come down from 58.5% in 1977-78 to 52.9% in 1992-93. But the number of casual workers has gone up substantially from 27.2% in 13.2%.

e) Employment is not growing in the organised sector.

f) Forty-four percent of the labour force in 1990-2000 was illiterate. Only 5% of the workforce had necessary vocational skills.

g) It is not enough to create employment opportunities. The quality of jobs is equally important.

4.258 Due to lack of global competition most of the companies want to reduce costs and be competitive. The first casualty is the number of workers employed, and since 1992, many Indian companies have resorted to downsizing by introducing Voluntary Retirement Schemes (VRS).

4.259 we list some of the main recommendations made by the Task Force:-

- Accelerating the rate of growth of GNP, with particular emphasis on sectors likely to ensure the spread of income to the low-income segments of the labour force.

- Pursuing appropriate structural policies in industrial sectors which are particularly important for employment generation. These sector-level policies must be directly consonant with the overall objective of accelerating GNP growth.

- Implementing focused special programmes for creating additional employment and enhancing income generation from existing networks among rural and vulnerable groups that may not be sufficiently benefited by the more general growth-promoting policies.

- Pursuing suitable policies for education and skill development which would upgrade the quality of the labour force and make it capable of implementing a growth process which generates high-quality jobs.

- Enacting statutory policy and legal environment governing the labour market enclosures labour absentees, especially in the organised sector.

4.259 The report of the Task Force has evoked considerable criticism.

4.260 A review of industrial relations in the pre-reform decade (1981-92) reveals that, on average, 45.1 million man-days lost during the decade (1981-92) i.e. in the pre-reform period, the number of man-days lost declined to 1.0 million during 1991 to 2003 - i.e. the post-reform period. But more man-days have been lost in lockouts than in strikes.

4.261 A large number of workers have lost their jobs as a result of VRS, retrenchments and closures both in the organised and the unorganised sector. The exact number is not available. According to our information, no data on this subject has been compiled by any State Government.

4.262 We have received a large number of complaints on VRS schemes. We have also been told of elements of indirect discrimination, pressure tactics, invasive forms of mental harassment, compelling employees to resign by seeking to turn into them, and in some cases, physical torture and threats of violence against themselves or dependents.

4.263 We shall make a few other general observations on matters that have come before us about the industrial relations scenario.

1) It is increasingly noticed that trade unions do not usually press a case for strike because they are afraid that a strike may lead to the closure of the unit.

2) Service sector workers feel they have become outsiders and are becoming increasingly disinterested in trade union activities.

3) There is a trend to resolve wage disputes through negotiations at the parastatal level. The nature of disputes or demands is changing.

4) The attitude of the Government, especially of the Central Government, towards workers and employers seems to have undergone a change. New negotiations for closure or retrenchment are now easily started.

5) The Conciliation Machinery is more eager to consider problems of employers and today

consider issues like increase in productivity, cost reduction, financial difficulties of the employer, competition, market fluctuations, etc.

(v) Recovery proceedings against employers who could not pay heavy dues of workers are not being seriously pursued by the industrial relations machinery. If the financial position of the employer is very bad.

7. The labour adjudication machinery is more willing to sacrifice the concerns of industry. Globalisation is affecting collective bargaining. Earlier in the public sector, the emphasis was on greater parity across sectors and reducing the gap between the lowest and the highest paid employees. Now the gap is widening. Over 100 out of about 240 public sector companies have not had pay revision since 1992.

4.287 The incidence of industrial conflict seems to be on the decline. Most long drawn strikes in the private sector do not seem to have come results from the workers' point of view. Even as far as trade unions are concerned, it is not catering the government's job.

4.288 Since 1991, a number of reforms have been introduced in the financial sector and a good number of structural and organisational changes have taken place in the financial system.

4.289 But in spite of the new regulations, storms take place at frequent intervals. They expose the inadequacy of the present institutional and regulatory systems.

4.290 On 1 January 1995, the WTO (World Trade Organisation) came into existence. India was a signatory to the Agreement, and as a result we became a member of the WTO from its inception.

4.295 In some industries like chemicals, plantation, household goods, toys, etc., products have been imported in a big way and are outpricing Indian products. More and more of such goods are likely to come into India and if Indian manufacturers are not able to compete with them on price and quality, they will have to pull their shutters down. This is a real threat to Indian industry and therefore to employment.

4.306 Many countries are dumping their goods in Indian markets at a cheap price. There is urgent need to develop the set-up responsible for this purpose, including augmentation of the power and capabilities to enable prompt action for the benefit of domestic industries.

4.308 In the new regime, we have to encourage foreign investment and give them treatment on par with local investors. A large number of individuals have entered the field of low technology, high volume products and this will pose an area of opportunity for small entrepreneurs.

4.310 Since imports are freely available, one may not be interested in manufacturing such products in the country. Therefore, one avenue for SSUs will be permanently closed.

4.311 The migration of workers across international boundaries is one of the most striking aspects of the globalisation of the world economy, with a major impact on well over 100 countries. Increased internationalisation of production, trade and finance is expected to exert additional pressure on the countries of origin and destination for larger flow of skilled or unskilled labour in the immediate decades to come.

4.313 In such a context, it is imperative that attempts are made to examine the implications of the contemporary migration flows so as to evolve a more purposeful migration policy framework aimed at the maximization of benefits from migration in the wider context of socio-economic development.

4.314 Since Independence, two distinct types of labour migration have been taking place from India. The first is characterised by a movement of persons with technical skills, etc. to industrialised countries; the second type of migration is the flow of unskilled workers and semi-skilled workers in manual or clerical occupations to the oil-exporting countries of the Middle East.

4.315 The basic characteristics of the 'labour-focus' from India to the industrialised countries are:

- Such outflows are made up almost entirely of permanent migration.
- A large proportion of these migrants are persons with vocational experience, technical qualifications or other skills.

4.316 The destinations have been the United States, Canada, the United Kingdom, Australia, and in recent times some countries in Europe.

4.318 The oil price increases of 1973-74 and 1979 saw an enormous growth in the demand for foreign labour in the oil exporting states of the Gulf. This sudden spurt in the demand for labour was met by drawing labour from labour surplus economies like India.

4.319 The oil glut in the early 1980s resulted in a reduction of development expenditure in most Middle East States. This had an adverse impact on the demand for labour.

4.321 There has been a clear shift in the pattern of labour demand in the Middle East – a shift away from several categories of unskilled and semi-skilled labour towards service, operations, and maintenance workers requiring higher skills – thus, generating new opportunities for labour exporting countries.

4.322 Apart from providing a 'safety valve' for the massive unemployment problems at home, migration to the Middle East would continue to be an important source of revenue exchange for the economy all over the world. Developed countries with their well-established social security systems, easily take care of workers displaced by such closures. Developing economies, with their limited irretrievable resources and relatively limited alternative employment opportunities, however, cannot easily afford their productive assets and labour force turning non-operational. Industrial sickness and its resultant consequences have, therefore, to be handled carefully to see that its adverse impacts fall least on workers and on society.

4.329 The major issue that emerges is how the industrial units, which are sick or closed or under liquidation, need to be dealt within India, particularly the displaced workers and locked assets of these units.

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- 4.330 There is evidence to indicate that both real wages and productivity of labour have registered an increase during the 90s. This growth is visible in all segments of the workforce, even among casual workers.
- 4.333 In spite of impressive increase in labour productivity in 90s, India's labour productivity is lowest amongst 47 countries covered by the World Competitive Year Book 2000.
- 4.337 The Economic Survey 2001-02 claims that poverty reached an all time low of 26% in 1999-2000. According to the latest estimates in the Economic Survey, the number of poor people in the country stands at 260 million.
- 4.339 There is some evidence to show that growth has favoured urban India, the organised sector, the richer states and property owners as against rural India, the unorganised sector, the poorer states and the wage earners. The period of growth during 80s and 90s has also seen the period of growing inequalities.
- 4.341 The Capital market is an important indicator of the economy. The present state of the market only indicates the uncertainty and loss of confidence of the entrepreneurs about the future prospects of Indian economy.
- 4.342 Through a number of changes have taken place in the Indian economy, bureaucratic systems and procedures seem to retain their role.
- 4.343 We were sometimes told of the "Social clauses" or clauses on labour standards which were being used by developed countries to prohibit or restrict the import of goods manufactured in India to other developed countries.
- 4.344 India was the second largest economic power, next only to China, in the entire Asia-Pacific region, at the time of its independence. The position continued till the end of the 1970s. Thereafter, first Japan, and then the other tigers in the region have overtaken India.
- 4.345 India's share in both foreign direct investment and foreign trade are well below one per cent of the world's total. In this sense, India is a marginal player in the globalisation process. But India is quoted to have a middle class whose size is equal to that of the whole of Europe.
- 4.346 South Asian countries, including India, continue to fare badly in terms of productivity and competitiveness because of the underdevelopment of infrastructure. The arguments for liberalisation and privatisation should be seen in this context. The Government can probably release its energies from routine commercial activities and focus more on education, health, transport and telecommunications and other key concerns of the infrastructure.
- 4.348 The events of September 11, 2001 and its aftermath have resulted in a sharp deterioration in confidence across the globe, which has contributed to a downward revision in the IMFs projection of world growth to 2.4% from 3.5% a few months ago.
- 4.355 The latest trends indicate that the US has ended the year 2001 with a surplus, with capacity utilisation and industrial production reaching the lowest for two decades, in December 2001.

## CHAPTER - V

### APPROACH TO REVIEW OF LAWS

- 5.1 One has to accept the fact that we have traveled quite some distance along the road to full-scale globalisation. It is technology that had made globalisation possible. It has generated new issues and given rise to new dangers and uncertainties. Its impact can already be seen in many fields of human activity. Old mindsets may prove a hindrance in responding the new situations and factors that have emerged.
- 5.2 Globalisation has not altered this fundamental; it has underlined its importance for communities that choose to enter the arena of competition.
- 5.3 In a regime of competition, this means that every nation has to acquire and retain sufficient competitiveness to be able to survive and prosper in world markets. The consequences cannot be envisaged without harmonious relations or at least neighbourly relations in industry. The first requisite for the employers and employees today, therefore, is to develop a mindset that looks upon each other as partners, to develop a work culture that respects technology and the context of globalisation crucial.
- 5.5 It is an overstatement to say that labour or labour laws are the only cause of our unsatisfactory economic development. There are other factors that affect the efficiency of industry like managerial skills, intensity and honesty, efficient and reliable infrastructure, etc. If there are many causes, and one deals only with one, and ignores all others, one cannot overcome the disease or hope for cure. All these reasons make it necessary for us to place labour laws in perspective, as a part of what we have to look at.

- 5.6 This does not mean that we do not believe in the need for important changes both in laws and in attitudes.
- 5.7 Most of the witnesses before the Commission, talked of the imperative need to evolve a new work culture in our country.
- 5.8 It has to be conceded that the worker has a stake in the viability and growth of the undertaking, and an attendant responsibility as well as right. Wages have to be looked upon as incomes that are earned through hard work, not merely monetary payment but also a balance of responsibilities and rights.
- 5.9 The individual worker's attitude to work has to include, (i) pride in maximizing his own productivity to repay his debt to society and (ii) pride in his commitment to excellence, as reflected in the quality of his work.
- 5.10 In the evidence tendered before the Commission, many witnesses pointed out that many workers in private and public undertakings work only 4 or 5 hours a day. This is not only true of Government or administrative offices, but true of factory workers as well.
- 5.11 The prevailing situation in our country is one that should cause deep concern and distress. We must be concerned at the moral capability of "short charging" or working less and accepting the same payment. The loss in time and output caused by the underutilisation of resources, and the atmosphere that we create with the resultant fall in efficiency even during working hours, further compounds loss of output.
- 5.12 Our regulation should shows that our workers are capable of creating and maintaining the highest levels of work culture. The question 'why is that we do not create and maintain such high standards of work culture in our own country' is a muller for concern, and reflection. The Commission feels that each of the partners involved should seriously reflect on how they can contribute to the transformation of our work culture.
- 5.13 We must make a few observations on the contribution that managements can make to improve our work culture. Industrial relations relate to the relations between management and the workforce employed in the undertaking. In the ultimate analysis industrial relations are a branch of human relations. Human beings like to be treated as human beings. It is imperative then, that old perceptions and mindsets about the workforce have therefore to change, and new methods have to be identified and pursued to elicit co-operation and respect.
- 5.14 In the ultimate analysis, the level of work culture in any undertaking will depend on the level of awareness or realisation of identity, of interest, or, in the least, the sense of belonging, and the sense of interdependence.
- 5.15 The systemic arrangements that will help us to maintain a high level of work culture includes fair wages, equitable profit sharing, effective organs of participatory management at all levels and opportunities to interact.
- 5.16 Many witnesses drew our attention to the difference in the application and efficiency of workers who were on probation, whose status was temporary, and the attitude to work that one could see in those who had been confirmed as permanent employees. It must be accepted that one needs to find measures to correct this situation.

- 5.19 Over manned organisations are also a cause of poor work culture. It lowers nominal levels of work efficiency and the work hours per employee.
- 5.20 The work environment also plays a role in promoting good work culture. A vibrant work environment will result in greater output.
- 5.21 We have the maximum number of holidays. A study reveals that three out of every seven days are holidays for an average Government servant. All commercial and industrial activities are closely connected with various departments of the Government and if the Government offices are closed, many economic activities in the country also come to a standstill.
- 5.22 We recommended that the Central Government and all State Governments should have a uniform policy on holidays, only 3 national holidays be gazetted - viz. Independence Day, Republic Day and Gandhi Jayanti Day (October 2). Two more days may be added to be determined by each state according to its own tradition and apart from these each person must be allowed to avail of 10 restricted holidays in the year. Government holidays should be delinked from holidays under the Negotiable Instruments Act. In case of the case of a five-day week, if a holiday occurs during the week, Saturday should be a working day and the movement of quality circles should be encouraged. This will enable workers to take interest in the work they perform and contribute to the improvement in the overall work culture in the organisation.
- 5.23 The attitude to hours of work should not be rigid. The total number of hours per day should not be more than nine, and hours of work per week should not be more than 48. But within these limits there may be flexibility, and compensation for overtime.
- 5.24 Most of those who demand the right to live and die also want to bring about a fundamental change in the nature or perception of employment. They want all employment to be on the basis of contracts for stipulated periods. This introduces a basic fundamental change in the current system in which kinds of employments. While we understand that non-permanent jobs or temporary assignments can be an contract for specified periods, we are acclimated to look upon employment against permanent jobs as permanent service. Attempts to change the basis of labour in all jobs (permanent as well as non permanent) to contractual, and for stipulated periods, involves a basic change in attitudes and notions. If transforming the basis of all employment is a social necessity because it has become an economic necessity for industrial or commercial enterprises, then, it is equally necessary to create social acceptability for the change, and the social institutions that can take care of the consequences.
- 5.25 A fundamental change of this kind has to be preceded by (i) the evolution of a socially accepted consensus on the new perception of jobs; (ii) the evolution of a system of constant upgradation of employability through training in a wide spectrum of multiple skills; (iii) the setting up of a system of social security that includes unemployment insurance and provisions for medical facilities; and (iv) the institution of a mandatory system of two contracts-one, an individual contract, and two, a collective contract with the workers' union.
- 5.26 There are weighty considerations that should temper the demand for an immediate switchover to the contract system and to unrestricted rights of hire and fire.

5.38

Most of the developed countries where the majority of jobs are contractually have elaborate and effective systems of social security. China which we may cite as an example, too has stringent laws on a social security system that takes care of the workers' income and requirements at least for two or three years of transition or unemployment. In India, we do not have such legal provisions or practices. We are convinced that social justice as well as the benefit of the economic returns that accrue from a moderately assured workforce, demand the establishment of a socially acceptable link between transition to a contract based employment system and the establishment of a viable social security system to which the entire vulnerable workforce has access.

5.40

The mindset that was rooted in faith in the power and resilience of private initiative and industry to take over the role of the State in economic matters was shaken by September 11, 2001 and the crush of forces have altered the scenario in many ways. The "centrality" of the state in ensuring security - security against forces of disintegration and terrorism, and social security - has had to be acknowledged again. Human beings and families are not mere statistical entities. Unless backed by adequate compensation and security system, starvation and suffering can become causes of acute and explosive social unrest.

The danger of such social and national hazards is reflected in the State of the Union address that President Bush delivered to the American Congress on the 20th of January 2002. It may be useful to quote what the President said on social security:

"Americans who have lost their jobs need our help, and I support extending unemployment benefits and direct assistance for health care coverage.... My economic security plan can be summed up in one word: jobs."

"...Good jobs must be the aim of welfare reform... the goal is to reduce depending on government."

"...economic security can vanish in an instant. I ask Congress... to give uninsured workers credits to help buy health coverage."

"A good job should lead to security in retirement. Employees who have worked hard and served all their lives should not have to risk losing everything if their company fails.... Retirement security also depends upon keeping the commitments of social security."

We need not point out that these are as necessary in our country as in America. Those who look to America as a model should see the need for policies directed to the creation of jobs and the focus on basic social security.

The crash of the Energy giant Enron has exposed many of the weaknesses and the socially harmful effects of the Corporate system. It has administered a severe shock, and created apprehensions about mechanisms that were meant to assure accountability and redressal. We should learn from this experience.

The new mind-set that the new context calls for must be reflected in all attitudes and activities in industrial relations, or employer-employee relationships. All efforts must therefore be made to promote arbitration based on mutual interests and universally accepted fundamental rights and norms. The legal system should therefore promote bilateralism. Where differences persist the law must enable contending views to be settled through mediation and arbitration, including compulsory

arbitration where the disputes may lead to disruption of social life affecting public health, sanitation, drinking water supply, medical facilities and transport and cause suffering to large sections of people who are unrelated to the disputes.

Processes of adjudication must be quick, expeditious and inexpensive. They should not involve always that clipper the worker. Workers should be encouraged to organise themselves with the awareness that struggles on the basis of extraneous issues may divide and weaken them.

## CHAPTER - VI

### REVIEW OF LAWS

6.1

We have Article 23 prohibiting traffic in human beings and forced labour, and Article 24 prohibiting unpayment of children in factories etc. These are Constitutionally binding. Besides we have a very large number of Directive Principles of State Policy in Part IV of the Constitution. These principles are not enforceable by any court but are nevertheless fundamental in the governance of the country, and it is the duty of the State to apply these principles in making laws. Articles 38, 39, 39A, 41, 42, 43 and 43A are principles which are relevant to the work of the Commission.

6.2

The ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference in June 1998, declares inter alia that all Member States whether they have ratified the relevant conventions or not have an obligation to respect, to promote and to realise the principles concerning the fundamental rights which are the subject of those conventions, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

6.3 The primary goal of the ILO today is to create opportunities for women and men to obtain decent and productive work in conditions of freedom, equality, security and human dignity. The goal is not just the creation of jobs but the creation of jobs of acceptable quality.

6.7 Government of India ratified Convention 122 on Employment and Social Policy in 1958. Article 1 of the Convention says down:

#### "Article 1

(1) With a view to stimulating economic growth and development, at the levels of employment, meeting manpower requirements, and reducing unemployment, and under employment, each Member shall adopt and pursue, as a major goal, an active policy designed to promote full, productive and fairly chosen employment.

- (2) The said policy shall aim at ensuring that
- (3) There is work for all who are available for and seeking work.

- (b) Such work is as productive as possible
- (c) There is freedom of choice of the employment and the fullest possible opportunity for each worker to qualify for, and to use skills and the undemanding in a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.
- (3) The said policy shall take due account of the static and the level of economic development and mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices.
6. 8 This convention was ratified by India at a time when unemployment levels are high. One, therefore, has to presume that the Government is now committed to pursue an active policy designed to promote full, productive and freely chosen employment.
6. 9 From the commitments of the Government of India, it can be deduced that the following rights of workers have been recognised as inalienable and must, therefore, accrue to every worker under any system of labour laws and labour policy. These are:
- Right to work of one's choice
  - Right against discrimination
  - Prohibition of child labour
  - Just and humane conditions of work
  - Right to social security
  - Protection of wages including right to guaranteed wages
  - Right to redress of grievances
  - Right to organise and form trade unions and Right to collective bargaining, and
  - Right to participation in management.
6. 10 One cannot overlook the fact that rights are also related to duties.
6. 11 Keeping all these in view it would appear that perhaps the safest approach, in the context of coverage under labour laws, would be to define the organized sector as consisting of establishments which have a minimum employment limit
6. 12 Whatever be the employment limit, there are certain provisions like maternity benefit, child care, workers' compensation, medical benefits and other elements of social security and safety which must be applicable to all workers, irrespective of the employment size of that establishment, or the nature of its activity.
6. 13 The Commission has given considerable thought to the number of employees that should be fixed as the threshold point for the organised sector. It does not want workers who are already enjoying the protection of laws to forfeit their protection or benefits of provisions for safety and security. Nor does it want to add to the problems of small entrepreneur's financial difficulties that affect the viability of their enterprises or compel them to work under informal conditions. Balancing both these factors, the Commission feels that a limit of 19 workers should be accepted as the socially defensible mean.

6. 14 The Commission considered the question whether there should be any salary limit above which the protection of the labour laws will not be available or there should not be any such limit for coverage of workers under the labour laws.
6. 15 Relatively better off section of employees categorised as workers categorised as workers like Airlines Pilots, etc. do not merely carry out instructions from superior authority but are also required and empowered to take various kinds of on the spot decisions in various situations and particularly in exigencies. Their functions, therefore, recommend that Government may lay down a list of ordinary workers. We, therefore, recommend that Government may lay down a list of such highly paid jobs which are presently deemed as workers category as going outside the purview of the laws relating to workers and included in the proposed law for the protection of non workers. Another alternative is that the Government fix a cut-off limit of 25,000/- p.m. beyond which employees will not be treated as ordinary "workers".
6. 16 It would be logical to keep all the supervisory personnel, irrespective of their wage/salary, outside the rank of worker and keep them out of the purview of the labour laws meant for workers. All such supervisory category of employees should be clubbed along with the category of persons who discharge managerial and administrative functions. The Commission would also recommend that such a modified definition of worker could be adopted in all the labour laws. We expect managements to take care of the interests of supervisory staff as they will now be part of the managerial fraternity.
6. 17 Existing set of labour laws should be broadly grouped into four or five groups of laws pertaining to (i) industrial relations, (ii) wages, (iii) social security, (iv) safety and (v) welfare and working conditions and so on. The Commission is of the view that the coverage as well as the definition of the term 'worker' should be the same in all groups of laws, subject to the stipulation that social security benefits must be available to all employees including administrative, managerial, supervisory and others excluded from the category of workers and others not included as workers or excluded from the category of workers.
6. 18 The Commission agrees with the Study Group that it is necessary to provide a minimum ex cl of protection to managerial and other (excluded) employees too, against unfair dismissals or terminations. This has to be through adjudication of labour court or Labour Relations Commission or arbitration.
6. 19 Constitution of India has included labour and related matters in the concurrent list. The Commission does not consider it necessary or desirable to change this.
6. 20 There is no need for different definitions of the term 'appropriate government'. There should be a single definition of the term, applicable to all labour laws. Central Government should be the appropriate government in respect of Central government establishments, railway, pcfcs, telecommunications, major ports, telehouses, SAIL Corporation of India, Central Warehousing Corporation, banks (other than Cooperative banks), insurance, financial institutions, mines, stock exchanges, shipping, mints, security printing presses, air transport industry, petroleum industry, atomic energy, space, broadcasting and television, defence establishments, Contourment Boards, Central social security institutions and institutions such as those belonging to CSTR, TCA, ICMR, NCERT and in respect of industrial disputes

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between the contractor and the contract labour engaged in these enterprises/establishments. In respect of all others, the concerned State Government/Junior Territory Administrations should be the appropriate government. In case of dispute, the matter will be determined by the National Labour Commission that we want to be set up.

- b. 23 We had earlier indicated that in our attempt to rationalise labour laws, we could, with judiciously, merge the existing labour laws into well-recognised functional groups. While the ultimate object must be to incorporate all such provisions in a comprehensive code, such a codification may have to be done in stages and what we have proposed is, hopefully, the first step.

b. 25 Central laws relating to the subject of Labour Relations are currently the Industrial Disputes Act 1947, the Trade Unions Act 1926 and the Industrial Employment (Standing Orders) Act, 1945. Mention must also be made of the Sales Promotion Employees (Conditions of Service) Act 1970 and other specific Acts governing industrial relations in particular trades or industries. There are state level legislations too on the subject. We recommend that the provisions of all these laws be judiciously consolidated into a single law called the Labour Management Relations Law or the Law on Labour Management Relations. However, we would leave out a section of those workers who are employed in establishments with an employment size of 10 and below, for a different kind of dispensation. In view of our approach, we recommend the repeal of the Sales Promotion Employees (Conditions of Service) Act, 1970 and other specific Acts governing industrial relations in particular trades or occupations, and also specific laws governing wage fixation in particular trades or occupations, in the light of what we recommend later in respect of the law on wages. The general law on industrial relations and wages will apply to them.

- b. 28 We would recommend the enactment of a special law for small scale units. We have come to the conclusion that the reasonable threshold limit will be 10 workers. Any establishment with workers above that number cannot be regarded as small. The composite law suggested by us for small enterprises has provisions for registration of establishments, (provisions pertaining to) securing safety, health and welfare of the workers, hours of work, leave, payment of wages, payment of bonus, compensation in case of lay off, retrenchment and closure, resolution of individual and collective disputes of workers, etc. The law suggested by us also has provisions pertaining to social security. We are of the view that a composite law will not only protect the interests of the workers in these enterprises but will make it easier for the small enterprises to comply with the same.
- b. 31 We are advocating certain approaches in drafting the law on Labour Management Relations.
- b. 32 Firstly, the Commission would prefer the gender neutral expression 'worker' instead of the currently used word 'workman' that we find in the Industrial Disputes Act and some other Acts.
- b. 33 Secondly, the law will apply uniformly to all such establishments.
- b. 34 Thirdly, we recognise that today the extent of unionisation is low and even this low level is being eroded, and that it is time that this trend was reversed and collective negotiations encouraged. Where agreements and understanding between the two parties is not possible, there, recourse to the assistance of a third party should as far as possible be through arbitration & where adjudication is the preferred mode, through labour courts and labour tribunals commissions of the type we propose later in this regard, and not Governmental

intervention. A settlement entered into with a recognised negotiating agent must be binding on all workers.

- b. 35 Fourthly, we consider that provisions must be made in the law for determining negotiating agents, particularly on behalf of workers.

- b. 36 Fifthly, the law must provide for authorities to identify the negotiating agent, to adjudicate disputes and so on, and these must be provided in the shape of labour courts and labour relations commissions at the state, central, and national levels.

- b. 37 Sixthly, the Commission is of the view that changes in the 'labour laws' be determined by a well defined social security package that will benefit all workers, be they in the 'organised' or 'unorganised' sector and should also cover those in the administrative, managerial and other categories which have been excluded from the purview of the term 'worker.'

- b. 38 One of the most important steps that one needs to take is rationalising and simplifying the existing labour laws i.e. in the area of simple common definitions of terms that are in constant use, such terms include 'worker', 'wages' and 'establishment'. By making the law applicable to establishments employing 10 or more workers, irrespective of the nature of the activity in which the establishment is engaged, we have avoided the need to define 'industry'. After examining all aspects of the question, we have come to the conclusion that the persons engaged in domestic service are better covered under the proposed type of umbrella legislation, particularly in regard to wages, hours of work, working conditions, safety and social security.

- b. 39 Likewise, we define establishment as a place or places where some activity is carried on with the help and cooperation of workers.

- b. 40 It is desirable to define two terms, 'wages' and 'remuneration', the former to include only basic wages and dearness allowance and no other for the purpose of contributions to social security and for calculations of bonus and gratuity and all other payments including other allowances as well as overtime payment together with wages as defined above will be 'remuneration'.

- b. 41 We do not discuss the question whether any distinction should be made between 'firm' and 'work shop' and come to the conclusion that the existing definitions of 'firm' in the Industrial Disputes Act 1947 (i.e. stand, "go slow" and 'work to rule' are forms of unfair labour practices already include them and provide for action both in the case of "go slow" and "work to rule".

- b. 42 Term 'retrenchment' should be defined precisely to cover only termination of employment arising out of reduction of surplus workers in an establishment, such surplus having arisen out of one or more of several reasons.
- b. 45 Driving the dispute into the realm of law and order, and using the strong arm of the State to convert industrial disputes into matters for the police or the law and order enforcement machinery is not to the advantage of the workers, and perhaps to that of the industry as well.

6. 45 There are some industries or services where the effects of industrial action create situations which threaten the lives and morale and essential trade and activities of the vast majority. Great liberty has to be seen in the light of the equal right that everyone else has to demand and enjoy liberty. Social intervention thus becomes justified and necessary to protect the interests of all concerned.
6. 46 We, therefore, recommend that in the case of socially essential services like water supply, medical services, sanitation, electricity and transport, when there is a dispute between employers and employees in an enterprise, and when the dispute is not settled through mutual negotiations, there may be a strike ballot as in other enterprises, and if the strike ballot shows that 50% of workers are in favour of a strike, it should be taken that the strike has taken place, and the dispute must forthwith be referred to compulsory arbitration (by arbitrators from the Panel of the Labour Relations Commission (LRC), or arbitrators agreed to by both sides).
6. 47 We are recommending the withdrawal of the Essential Services Maintenance Act.
6. 48 Coming to the question of Trade Union Act 1925, it would have been desirable if the Act had also provided for a ceiling on the total number of trade unions of which an 'outsider' can be a member of executive bodies. Amendments made in Section 4 recently appear to disentitle workers in the unorganised sector from getting their trade unions registered. To overcome this difficulty, a specific provision may be made to enable workers in the unorganised sector to form trade unions, and get them registered even where an employer-employee relationship does not exist or is difficult to establish; and the proviso stipulating 10% of membership shall not apply in that case.
6. 49 A question was raised whether the right to registration as Trade Union should be confined to organisations of workers only or employer's organisations should also enjoy the right as provided in the existing provisions. We have come to the conclusion that the present system of eligibility for registration may continue. All benefits which accrue to workers as a result of collective bargaining do not distinguish between those who are members of Trade Unions and those who are not. A worker who is not a member of any Trade Union will have to pay an amount equal to the subscription rate of the negotiating agent, or the highest rate of subscription of a union out of the negotiating college. The amounts collected on this account may be credited to a statutory welfare fund.
6. 50 Any such dispute, which currently goes under the appellation of injunction or interunion rivalries, should be capable of being resolved by reference of the dispute to the labour court having jurisdiction, either suo moto or by one or both the disputing parties or by the state.
6. 51 Federations of trade unions as also Central organisations of trade unions and federations should be covered within the definition of trade union and be subject to the same discipline as a primary trade union. The same dispensation will apply to employers' organisations and employees' organisations.
6. 52 We do not favour craft based or caste based organisations of workers or employees or unregistered. An unregistered organisation shall not be entitled to any privileges, immunities, and rights.

6. 56 Other provisions of the Trade Unions Act 1925 including the provision to set up a separate political Fund may be allowed to continue and appropriately included in the proposed integrated law. However, care must be taken to ensure that the general funds of trade unions are not used for political purposes.
5. 57 We strongly believe in the role that bilateral interaction, dialogue and negotiations can play in promoting harmonious industrial relations. In a sense, bilateralism is the recognition of the stake that workers and the management have in the viability and success of the undertaking. Our Trade Union movement today is fragmented. Everyone talks of the value of unity, the imperative need of unity today, but in practice, rarely anyone seems to be willing to give up separate identities. One of the ways to strengthen the incentives for consolidation can lie in the field of registration and recognition, where the criteria for eligibility can be upgraded or at least proportionately upgraded.
6. 68 Negotiation agent should be selected for recognition on the basis of the check off system, with 60% enabling the union to be accepted as the single negotiating agent, and if no union has 60% support, then unions that have the support of more than 25% should be given proportionate representation on the college.
6. 69 The question of the method that should be used to draft by the bargaining agent has been the subject of discussion and debate for many decades now.
6. 70 The Commission carefully considered the advantages and disadvantages of the relevant options. In dealing with this issue, we had to keep in view our belief that collective negotiations require a strong trade union movement, which, in its turn, demands an increasing degree of unionisation. Any formula which militates against increasing unionisation should, therefore, ab initio be avoided.
6. 71 Soviet model even on a restricted basis is logically and financially a difficult process to industries like railways, banks, post offices, mines and other undertakings operating in a number of states.
6. 72 Check off system has the advantage of offsetting the relative strengths of trade unions based on continuing loyalty reflected by the regular payment of union subscription. This argument advanced against the check off system is that it exposes the byplay of the workers and this may make them vulnerable to victimisation by the management or persecution by members of other unions.
6. 73 Check off system in an establishment employing 300 or more workers must be made compulsorily for members of all registered trade unions;
6. 74 Through the check off system will be preferred in the case of establishments employing less than 300 persons to the mode of identifying the negotiating agent in these establishments may be determined by the LRCs. Any union in each smaller enterprises may approach the LRCs for conducting a secret ballot. We are recommending a slightly different dispensation for units employing less than 300 as we feel that it is such units that the possibility of victimisation has to be provided against.

6. 75 The Commission has taken note of the practice of industry level negotiations on interest issues, which obtain in several industries and would like the practice to continue. However, it would also like that as far as possible, negotiations and decision making on wages, allowances, general conditions including total number of hours of work, leave, holidays, social security, safety, and health, productivity negotiations, manpower adjustments, change in shifts etc. should be concluded at the establishment level so as to maximize the efficient functioning of the individual establishments.
6. 76 We would also recommend that recognition once granted, should be valid for a period of four years, to be renewable with the period of settlement. No claim by any other trade union/affiliation/centre for recognition should be entertained till at least 4 years have elapsed from the date of earlier recognition. The individual workers' authorisation for check off should also be co-extensive with the tenure of recognition at the negotiating agent or colleague.
- b. 77 Establishments employing 25 or more workers should have standing orders or regulations. There is no need to detail the issues on which standing orders can or need be framed. As long as the two parties agree, all manner of things including multi-skilling, production, job enrichment, productivity, and so on can also be added. These standing orders will be prepared by the employer(s) in consultation with the recognition unions/affiliations/centres depending upon the coverage, and where there is any disagreement between the parties, the dispute will be determined by the certifying authority having jurisdiction, to which either of the parties may apply. Any amendment to the Standard Orders can be asked for by either party and agreed to by both parties or referred to the certifying authority or the Labour Court for determination. However, no demand for amendment can be made until at least a year has elapsed. The appropriate Government may subscribe a separate Model Standing Order for units employing less than 50 workers. We append a draft of Model Standing Orders for such small establishments. The employer will have to append a copy of Model Standing Orders or the Standing Orders, mutually agreed upon with the workers, to the appointment letter of every employee.
6. 78 The appropriate government may also frame model standing orders, including the classification of acts of misconduct as major and minor, and providing for graded punishments depending on the nature and gravity of the misconduct, and publish them in the official gazette. Where an establishment has no standing orders, or where draft standing orders are still to be finalised, the model standing orders shall apply.
6. 79 Any worker who, pending completion of domestic enquiry, is placed under suspension, should be entitled to 50% of his wages as subsistence allowance, and at 75% of wages for the period beyond 90 days if the period of suspension exceeds 90 days, for no fault of the worker, so however the total period of suspension shall not, in any case, exceed one year. If as a result of continued absence of the worker at the domestic enquiry or if the enquiry ends disciplinary action cannot be completed in time for reasons attributable wholly to the worker's dereliction or indiscrepancy, the employer will be free to conduct the enquiry ex parte and complete the disciplinary proceedings based on such ex parte enquiry and further, there would be no increase in subsistence allowance beyond 50% for the period exceeding 90 days in such cases.
6. 80 Every establishment shall establish a Grievance Redressal Committee consisting of equal number of workers' and employers' representatives. The Grievance Redressal Committee shall be the body to which all grievances of a worker in respect of his employment, including his non-employment will be referred for decision within a given timeframe.
6. 82 There need be no statutory obligation for the employer to give prior notice, in regard to item 11 of the Fourth Schedule for the purpose of increase in the workforce, as is the position now under Section 9A of the IL Act. Further the Commission is of the view that notice of change, issued by an employer, is per provisions of Section 9A, should not operate as a stay under Section 33 through such a decision, of the management will be justifiable under Section 33 A.
- b. 83 Employers to foresee and arrange for appropriate training to the workers so that they are equipped and ready for different kinds of jobs that restructuring may entail. Refusal to go for such training, which must be at the employers' cost and in the employer's time, may be included as an act of misconduct under the standing orders if such refusal is without valid reasons.
6. 85 We are aware that Chapter IVB of the IL Act has aroused intense debate. We will approach this question from the point of view of society as a whole. The answer lies in finding a fine balance, because industrial efficiency is essential for social progress and the protection and promotion of employment also imperative for social justice and social progress. Leaving matters of this nature solely to bilateralism at this juncture may lead to widespread industrial unrest, strikes and lay offs and closures of industrial establishments.
6. 86 The alternative then is to pay adequate compensation, offer outsourced jobs to retrenched workers or their cooperatives, if any enterprise decides to close down give workers of trade Unions a chance to take up the management of the enterprise before the decision to close is given effect. Or underwrite facilities for medical treatment, education of children, etc. and provide for a third party or judicial review of the decision, without affecting the right of the management to decide what economic efficiency demands.
6. 87 In the new circumstances of global competition, it may not be possible for some enterprises to continue and meet the economic consequences of competition. In such cases, one cannot compel non-viable undertakings to continue to bear the financial burden that has to be borne to keep the economy going. They should, therefore, have the option to close down. It would be good if there can be a prior scrutiny of the grounds on which the closure is sought, especially it is for this reason that the provision for prior permission was incorporated. But experience has shown that governments do not want to give quick decisions, even though they know that delay in taking decisions only adds to the burdens that such enterprises are forced to carry. Permission for closure are kept pending for months and years and employers keep waiting. Sometimes management try to seek some such subterfuges to close the enterprise and disappear from the scene without paying compensation, dues, etc. to workers. In these circumstances the Commission came to the conclusion that the best, and most honest and equitable course will be to allow closure, provide for adequate compensation to workers, and in the event of an appeal, leave it to the Labour Relations Commission to find ways of redressal - through arbitration or adjudication.

6. 85. Price: permission is not necessary in respect of lay off and retrenchment in an establishment of any employment size. Workers will, however, be entitled to two month's notice or notice pay, in lieu of notice, in case of retrenchment. We also feel that the rate of retrenchment compensation should be higher in a running organisation than in an organisation which is being closed. Again, we are of the view that the rate of compensation may vary for sick units and profit making units even in cases of retrenchment. It would however, recommend that in the case of establishments employing 300 or more workers where lay off exceeds a period of one month, such establishments should be required to obtain first, facts approval of the appropriate government. We recommend that the provisions of Chapter VA pertaining to permission for closure should be made applicable to all establishments to protect the interests of workers in establishments which are not covered at present by this provision if they are employing 300 or more workers. Necessary changes in chapter VA in regard to retrenchment and closure will have to be made accordingly. Every employer will have to ensure before a worker is retrenched or the establishment is closed, ineffective or the unemployment size of the establishment, that all dues to the workers, be it arrears of wages earned, compensation amount to be paid for retrenchment or closure as indicated in the next paragraph, or any other amount due to the workers are first settled as a precondition to retrenchment or closure. These provisions will not bar industrial disputes being raised against a lay off or retrenchment or closure. Having regard to the national debate on this issue and the principle outlined above, the Commission would like to recommend that the compensation per completed year of service at the rate of 30 days on account of closure in case of sick industry which has continuously run into losses for the last 3 financial years or has filed an application for bankruptcy or winding up, and other non profit making bodies like charitable institutions etc. and at the rate of 45 days for retrenchment by such sick industry or body where retrenchment is done with a view to becoming viable. It would also recommend higher retrenchment compensation at the rate of 60 days of wages and similarly a higher rate of compensation for closure at the rate of 45 days wages for every completed year of service for profit making organisations. For establishments employing less than 100 workers half of the compensation mentioned above in terms of number of days wages may be prescribed. However, these establishments will also be required to give similar notice as prescribed for bigger establishments before retrenching the workers or closing down.
6. 86. We are recommending the restoration of the original threshold limit for prior permission, increased rates of compensation; consultation with the representatives of the workers without giving workers a right to refer judicial review to the LRC in case of dispute; and legal provisions or review by the appropriate Government(s) that make it obligatory for employers to purchase insurance cover for employees.
6. 87. Apart from the above, we recommend that while the lay off compensation could be 50% of the wages as at present, in the case of retrenchment, Chapter VA of the law may be amended to provide for sixty days notice for both retrenchment and closure or pay in lieu thereof. The provision for permission to close down an establishment employing 300 or more workers should be made a part of Chapter VA, and Chapter VB should be repealed. In case of closure of such establishment which is employing 300 or more workers, the employer will make an application for permission to the appropriate Government 90 days before the intended closure and also serve a copy of the same on the recognised

negotiating agent. If permission is not granted by the appropriate Government within 60 days of receipt of application, the permission will be deemed to have been granted.

6. 92. We have referred to arbitration or adjudication for determining disputes between management and labour. We feel arbitration is the better of the two and would like the system of arbitration to become the accepted mode of determining disputes which are not settled by the parties themselves. In fact it would be desirable if in every settlement, there is a clause providing for arbitration by a named arbitrator or panel of arbitrators of all disputes arising out of interpretation and implementation of the settlement and any other disputes.

6. 93. A panel of arbitrators may be maintained and updated by the LRC concerned, which would contain names of all those who are willing and have had experience and familiarity with labour management relations, labour lawyers, trade union functionaries, economists, managers, officials of the labour department, both serving and retired, academics, retired judicial officials and so on.
6. 94. We recognise that, in the area of industrial disputes in our country, adjudication is still the prevailing mode. We do hope that, over time, collective bargaining and arbitral arbitration will result in the bulk of the disputes between parties being settled amicably. We envisage a system of labour courts, lok adalats and Labour Commissions as the integrated adjudicatory system in labour matters. This system will not only deal with matters arising out of employment relations but also trade disputes in matters such as wages, social security, safety and health, welfare and working conditions and so on. The Labour Relations Commission at the State, Central and national level will be preferably bodies that have as presiding officer, a sitting or retired judge of the High Court or a person who fulfils the qualifications for being appointed as a High Court judge. The National Labour Relations Commission may also be on similar lines with the presiding officer being a sitting or retired judge of the Supreme Court or a person who fulfils the qualification for being appointed as a Supreme Court Judge. However, we are of the opinion that the machinery for conciliation which the First Commission wanted to be included as a part of the LRC, needs to be kept separate and vested in the executive. We are also of the opinion that inspectors should not be appointed as Conciliation Officers as that may undermine their efficiency as Conciliation Officers. The Conciliation Officers should however, be clothed with sufficient authority to enforce attendance at proceedings of conciliation. The conciliation officers will carry out such directions as may be given by the Labour Relation Commission in addition to performing their duties as prescribed under the law.
6. 95. Instead of waiting for the publication of the awards in the official gazette, awards of the competent court including the labour courts and the Labour Relations Commissions should be deemed to have come into effect unless an appeal is preferred within the prescribed period. The Labour Courts shall be empowered to enforce their own awards as well as the awards of Labour Relations Commissions. They should also be empowered to grant interim relief in cases of extreme hardship. Officials of labour departments at the Centre and the States who are of and above the rank of Deputy Labour Commissioners/Regional Labour Commissioners with ten years' experience in the labour department and a decree in law, may be eligible for being appointed as presiding officers of labour courts. The Central and

State Labour Commissions should be declared as set up under Article 227-B of the Constitution. The National Commission should be empowered with the powers of the Supreme Court of India.

6.46

All matters pertaining to individual workers, be it termination of employment or transfer or any other matter be determined by recourse to the grievance redressal committee, conciliation and arbitration/ adjudication by the labour court. Section 2A of the Industrial Disputes Act 1947 may be amended. Individual disputes may be taken up by the affected workers themselves or by TUs and the collective disputes by the negotiating agent or an authorised representative of the negotiating collegic for resolution. A union which does not have at least 10% membership amongst the employees in an establishment should have no locus standi in that establishment. A union which has at least 10% members amongst the employees in a unit should only have the right to represent individual workers in various forms such as conciliation, arbitration or adjudication and a provision in this regard may be made in Section 36 of the Industrial Disputes Act. The appropriate Government may also approach the Labour Relations Commission on any individual or collective dispute in any establishment. All disputes, claims or complaints under the law on labour relations should be raised within one year of the occurrence of the cause of action. Section 11A of the ID Act 1947 may be reduced. However, the law may be intended to the effect that where a worker has been dismissed or removed from service after a proper and fair enquiry on charges of violence, sabotage, theft and/or assault, and if the labour claim comes to the conclusion that the grave charges have been proved, then the court shall have the power to order reinstatement of the delinquent worker.

6.47

During the Commission's visit to Chandigarh, the representatives of the state Government of Punjab, namely, the Labour Secretary and the Presiding Officer of the Industrial Tribunal spoke concerning the role that Lok Adalats are playing. More than 11,000 pending labour cases, which constituted two third of the total pending cases had been disposed off in three rounds of Lok Adalats. It should, however, be emphasised that Lok Adalats are not used to 'brow-beat' workers into accepting payments which may be only a fraction of what they may be entitled to under the law. However, the system of Lok Adalats on labour matters appears promising, and should be pursued.

6.48

A system of legal aid to workers and trade unions from public funds be worked out, to ensure that workers and their organisations are not unduly handicapped as a result of their inability to hire legal counsels.

6.49

Jurisdiction of civil courts be limited in respect of all matters for which provision is contained in the relevant labour laws. The existing provisions regarding consent of the other party for the appearance of legal practitioners should remain. In the case of conciliation and before Lok Adalats, appearance of the legal practitioners should not be permitted. We would also recommend levy of a labour court fee in respect of all matters coming up before labour courts and labour relation's commissions. The State Governments may also decide the differential rates for court fees for the unorganised sector.

6.50

Strike could be called only by the recognised negotiating agent and that too only after it had conducted a strike ballot amongst all the workers, of whom at least 51% support the strike. Correspondingly, an employer will not be allowed to declare a lock-out except with the approval at the highest level of management except in cases of actual or grave

opprobriation of physical threat to the management or to the establishment. The appropriate government will have the authority to prohibit a strike or lock-out by a general or special order and refer for adjudication the issue relating to the strike/lock-out. The general provisions like giving of notice of not less than 14 days, not declaring a strike or lock-out over a dispute which is in conciliation or adjudication or so on will be incorporated in the law. In this context we also recommend that an illegal strike or illegal lock-out should attract similar penalties. A worker who goes on an illegal strike should lose three days wages for every day of illegal strike, and the management must pay the worker wages equivalent to three days wages per day of the duration of an illegal lock-out. The union which calls an illegal strike must be de-registered and debarred from applying for registration or recognition for a period of two or three years.

6.502

We feel that the time has come now to legislatively provide for a scheme of workers participation in management. It may be initially applicable to all establishments employing 300 or more persons. For larger establishments, a non-statutory scheme may be provided. The system of recognition by the bargaining agent, as also the information available under the check-off system will furnish enough data to select representatives of workers at each tier of participation.

6.503

There are a large number of small issues for which provision can be found in the existing laws. The Commission is broadly in agreement with such provisions and to the extent they are not inconsistent with what we have recommended above, all of them may be suitably incorporated in the consolidated law.

6.504

We would urge that these recommendations are taken up as a whole, and not in a piecemeal manner that may destroy the concept of inter-relation, and the holistic approach.

6.505

In the enforcement of labour laws, there is discrimination between the private sector and public sector. The latter allegedly being handled leniently. Such discrimination should be removed either by law or in practice, as the purpose of labour laws will be defeated by such discrimination.

6.506

The provisions in respect of small establishments can be in the form of a separate law named Small Enterprises (Employment Relations) Act or be included in the general law as a separate chapter. As may be seen from the draft law given at Appendix, the law seeks to cover all aspects of employment including wages, social security, safety and health, and so on. A system of self-certification has been introduced to offset the criticism of 'Imperial RA'. An obligatory provision for social security with contributions from the employer and from the worker as also a compulsory bonus bonus at 5% of the wages (a month), wages etc. also features of the law that we have proposed. These provisions will ensure that the interests of the workers are fully protected, even while lessening burdens on the management and providing them with guidance in exercising managerial functions.

6.509

The Commission is conscious of the fact that in the fast changing economic scenario and changes in technology and management, which are entailed in meeting current challenges, there cannot be a fixed number of posts in any organisation for a long time to come. Organisations must have the flexibility to adjust the number of this workforce based on economic efficiency. It is essential to focus on core competencies if an enterprise wants

to remain competitive. We would, therefore, recommend that contract labour shall not be engaged for core production/services activities. However, for sporadic seasonal demand, the employer may engage temporary labour for core production/service activity. We are aware that manufacturing permanent non-core services like packing, watch & ward, clearing, etc. to other employing agencies has to take care of three aspects - (1) there have to be provisions that ensure that permanent core services are not transferred to other agencies or establishments; (2) where such services are being performed by employees on the pay scale of the employer, no transfer to other agencies should be done without consulting, bargaining (negotiating) agents; and (3) where the transfer of such services do not involve any employee who is currently in service of the enterprise, the manufacturer will be liable to cultural due service to cultural agencies. The contract labour will, however, be remunerated at the rate of a regular worker engaged in the same organisation doing work of a comparable nature or if such worker does not exist in the organisation, at the lowest salary of a worker in a comparable grade, i.e. unskilled, semi-skilled or skilled. The principal employer will also ensure that the concerned workers receive other benefits are extended to the contract worker. There is a reason that companies "make this arrangement". At many of the counters we visited, we were told during confidence, that there were cases of contractors making deductions from the wages of contract workers as their contribution towards social security, and then according without depositing either the contribution realised from the workers or their own contributions into the appropriate social security fund.

6.113 The Commission would recommend that no workers should be kept continuously as a casual or temporary worker against a permanent job for more than 2 years.

6.112 Minimum wage payable to anyone in employment, in whatever occupation, should be such as would satisfy the needs of the worker and his family (consisting in all of 3 consumption units) arrived at on the Need Based formula of the 15th Indian Labour Conference implemented by the recommendations made in the Judgment of the Supreme Court in the Kapilakos Ratt & Co case. However, before fixing the minimum wage, the appropriate Government should keep in mind the capacity of the industry to pay as well as the basic needs of the workers.

6.113 The Commission recommends that every employer must pay each worker, his one-month's wage, as bonus before an appropriate festival be it Diwali or Dham or Puja or Ramzan or Christmas. Any demand for bonus in excess of this upto a maximum of 25% of the wages will be subject to negotiation. We also recommend that the present system of wage ratings for reckoning entitlement and for calculation of bonus should be suitably enhanced to Rs.750/- and Rs.350/- for entitlement and calculation respectively.

6.114 There should be a national minimum wage that the Central Government may notify. This minimum must be revised from time to time. It should, in addition, have a component of gearness allowance to be declared six monthly linked to the consumer price index and the minimum wage may be revised once in five years. This will be a wage below which no one who is employed anywhere, in whatever occupation, can be paid. Each State/Territory should have the authority to fix minimum rates of wages, which should not be, in any event, less than the national minimum wage when announced; where a state is large, it may, if it chooses, fix different rates of minimum wages for different regions in the state but no

such wage can be less than the national minimum wage. The Commissioner also recommends the abolition of the present system of fastening scheduled employees and of fixing/limiting the minimum rates of wages beneficially for each scheduled employment, since it feels that all workers in all employments should have the benefit of a minimum wage.

6.115 Where wages are fixed purely on piece rate basis the employer should pay at least 75% of the notified time rate wages to the piece rated worker if the employer is not able to provide him with work.

6.116 We, therefore, recommend that fixation of piece rate wages must be so done as to enable a diligent worker to earn after 8 hours work what would be the time rates daily rate.

6.117 We have been asked whether those who are employed in the relief works organised directly by the Government - or by NGOs on behalf of the Government - should also be paid the minimum wage. There is a case to distinguish between regular wage employment or full or remuneration in return for some token work for which opportunities are created under relief works. Where the nature of the work cannot be described as lucid, where it is a full day's work on a project that builds durable common assets, there is a case to insist that the remuneration must be equivalent to the minimum wage. We recommend that this distinction may be borne in mind in determining whether the law on minimum wages should be deemed applicable to this situation. If there is a dispute in this regard, it can be resolved before the National Labour Relations Commission.

6.118 There is no need for any wage board, statutory or otherwise, for fixing wage rates for workers in any industry.

6.119 It may be that in respect of safety, the dispensation may have to be different for different work situations, but surely this does not call for separate laws.

6.120 We would recommend enactment of a municipal law relating to hours of work, leave and working conditions, at the work place. For ensuring safety at the work place and in different activities, one omnibus law may be enacted, providing for different rules and regulations on safety applicable to different activities. (We have drafted a draft indicative law on hours of work and other working conditions after this chapter and an omnibus draft indicative law on safety in the chapter on Labour Administration). Such general law on working conditions etc. may provide for the following:-

- a) The law should have a provision for letters of appointment along with a copy of Standing Orders of the establishment (in the local language); and issue of a Photo Identity card giving details of the name of the worker, name of establishment, designation, and so on.
- b) It should specify the maximum number of working hours in a day/week, and payment of overtime at double the rates of wages. The limitation on employees' workers on overtime needs to be relaxed, and we recommend that the present ceilings be increased to double to enable greater flexibility in meeting the challenges of the market. Sub section (2) of Section 64 of the Factories Act contains a provision that the State Government can give exemptions in certain circumstances. We recommend that

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- a) There should be reduced working hours for substances, prostitution or underground work in mines for women workers, prohibition of work by women workers between certain hours and so on.
- b) On the question of night work there need not be any restriction on this if the number of women workers in a shift in an establishment is not less than two, and if the management is able to provide satisfactory arrangements for their transport, safety and rest after or before shift hours.
- c) At the same time, the Commission is not in favour of any exemptions being granted in respect of establishments in export promotion zones or special economic zones from labour laws.
- d) The Commission feels that the appropriate Government may be empowered to grant exemptions from different provisions of law in case of emergency situations that may arise in the workplace of an establishment or in cases of extreme hardship.
- e) Each establishment having an employment size over a specified limit must provide for a canteen.
- f) Normal provisions as now obtaining in sweat laws regarding washing facilities, latrines and urinals (separate for men and women workers) and canteens may also be incorporated in the law.
- g) The half of municipal and other local bodies and NGOs may be taken for the creation of these enterprises, common to a market or small industrial units.
- h) Grants should not be dependent on the number of women workers or the number of children. Every establishment employing 20 or more workers must run a creche.
- i) There should be provision for holidays, earned leave, sick leave and casual leave at an appropriate scale to the workers, apart from maternity benefits for women workers. We do not approve of the practice of declaring a holiday on the death of a person. Likewise, we do not also see the necessity to declare public days as holidays. Only half a day's holiday may be permitted on such a day to those who have to go to cast their votes, the timings of which should be decided by mutual consultation amongst employers and workers.
- j) We would say that the present laws on welfare outside the workplace should be integrated as far as possible with the law on social security.
- k) As regards Wickrem's Compensation (Amendment) Act 2000, the deletion of words 'and who is employed otherwise than for the purpose of the employer's trade or business' may cause uncharred hardship. We would urge the Government to reconsider the matter as the Commission feels that amendment has in fact extended the Act to the domestic sector. The Commission recommends that the domestic sector be kept out of the purview of the Act.

b. 125 That Schedule II to the Act though long is not complete. This schedule can be widened. Many employers' organisations have drawn our attention to item no. (ii) of the schedule and have suggested that there is no reason why persons working in certain capacity should be excluded from the provisions of Wickrem's Compensation Act as they are frequently required to go on the shop floor for performing their functions and are equally exposed to risks.

b. 126 We do not see why we should still have on the statute book laws like Employees' Injury Act 1938 and the ancient Fatal Accidents Act 1855, if necessary, the relevant provisions of these Acts may be suitably incorporated into the Workmen's Compensation Act 1973.

b. 128 Small enterprises are presently deprived of the opportunities of having apprentices since the law lays down a minimum strength of trainees of different categories in an establishment for allowing apprentices on a proportional basis. There is need to provide flexibility so that even if the strengths of different categories of trainees in a small enterprise does not match up to what is required to have apprentices, if the combined strength is such as to allow keeping an apprentice of a particular category as per the proportion laid out, the small enterprises should be allowed to engage such apprentices.

b. 131 (i) The Commission regards the implementation of Bonded Labour System (Amendment) Act by the Ministry of Labour as appropriate.

(ii) The Commission has suggested a new law on the subject of Child Labour to substitute the provisions of the existing law & the benefit of children which would also aid the abolition of child labour.

(iii) We are shocked at the proviso to the definition of 'an agreement of pledge of the labour of child' in Children (Prohibition of Labour) Act, 1933. This proviso could amount to approving child labour if reasonable wages are paid. We think that, given this proviso, the entire purpose of the law is violated. Prohibiting of child labour can be made a crime under the criminal law of the land, and ergo, therefore, recommend the repeal of this law.

(iv) Dock Workers (Safety, Health and Welfare) Act 1985 should be of much importance to workers of minor ports too. We would recommend that the Director General (Factory Advisory Services and Labour Inspection) Under the Ministry of Labour, who looks into minor matters as far as minor ports are concerned, be enabled to advise suitable State governments as well, at least in respect of some of the larger minor ports and also the newly established private sector ports.

We feel that a strict and imaginative implementation of Employment Exchanges Act will help in the long-run. We therefore recommend that the provisions of this law be made applicable to all establishments to whom the general law of employment relations will apply. Salary level of rupees sixty five rupees, above which alone vacancies will have to be notified, be raised suitably.

(v) Manual Scavenging and Construction of Dr Latrines Act applies in the first instance to the states of Andhra Pradesh, Goa, Karnataka, Maharashtra, Haryana and West Bengal and to all union Territories. The law be made universally applicable without further delay with deterrent penalties for infringement.

- (vii) In our suggested law on wages, we have incorporated the provision of equal pay for equal work. The Commission however, recommends that the important provisions of the Rajiv Gandhi Employment Act other than on wages i.e. prohibition of discrimination against female workers in matters of recruitment, training, transfers and promotions should be incorporated either in the Employer-Employee Relations Law or in the law on Working Conditions or Wages law.
- (viii) We feel that the Government may not be in a position to legislate separately for inter-state migrant workers who migrate on their own or provide the benefits of the present Act by extending coverage to them in view of the constitutional provisions entitling a citizen to seek employment anywhere in the country (Article 19). However, these observations should not be construed to mean that we do not endorse the need to deal with the problems of migrant workers. Adequate provisions will be made in the general law that we are recommending, to keep proper records and access to information, employers in the host state he required to inform the state Government as well as the Government of the state to which the worker belongs whenever they engage any worker having from another state for work in the unskilled category.
- (ix) There is no reason why the simplification of returns to be sent and registers to be maintained cannot be extended to all aspects, including social security. In fact, we would suggest that simplification can be extended to all establishments irrespective of the employment size. We would suggest the setting up of a high power group which can deal with this question and come up with recommendations. After all, it must be recognised that the returns are being used, essentially for statistical purposes and in some cases for information on compliance with safety regulations. We would urge that this matter be pursued vigorously. Some States have already simplified the forms that are to be submitted, and are experimenting with one simple form. There is no reason why this should not be prescribed and given effect to.
- 1.32 As per the evidence received by the Commission with regard to the Maruti Works in Mahindra and Mahindra and Hindustan in Kerala, though unavoidable, the system seems to have lent itself to certain abuses such as the closed shop system of working where new entrants are not allowed, and proxy work is allowed. The closed shop system also creates problems for the employers who hire workers but are not able to get the work done as per their requirements. Perhaps better results can come from the system if due steps are taken to prevent the closed shop system and work by proxy.
- 1.33 Social security protection, including economic security, is a sine qua non and also the starting point of labour protection and in such a scheme of things, infantry clauses have to be placed. The State may consider assisting new enterprises in other ways.
- 1.34 We would broadly exclude from the coverage of labour laws that we propose, all functions and functionaries, including defence forces, para military forces, police, fire services and prison services, services connected with tax and order, tax collection, internal and external security law making, administration or justice, and external relations. Where the functions are not so very discreet and include other activities the matter may be decided

by the appropriate government, whose decision will be final. At the same time, we strongly urge that persons employed in these 'sovereign' tasks are also adequately protected, including protection of their right to form associations and unions as enshrined in Article 19 of the Constitution of India.

6. 135 We recommend that the KVIC reviews its remuneration system to reach the level of prospective or prescribed national minimum as soon as possible, within five years at the latest; that it adjusts its piece rates for hours of work to reach the ratio that is being prescribed with time rates; that the workers whom it serves or organises have access to a security system that is equivalent to what is available to workers in small scale industries with 10 or less workers or that prescribed for workers in the unorganized sector.
6. 136 Any violation of a law or rules thereunder be treated as an offence, which must be made triable by a labour court which will have to be empowered for the purpose. Any offence that is not merely a violation of labour laws but also a violation of basic human rights should attract more stringent punishment.
6. 137 Law may provide for compounding; such compounding may be permitted. We recommend that at least 75% of the proceeds of such 'compounding' be credited to an appropriate welfare fund for being used for the benefit of workers. A subsequent offence of the same type by an employer will not be allowed to be compounded, but will invite double the penalty in addition to imposition of fine to: each day of continuance of offence or infringement.
6. 138 In an offence coming up for hearing if it becomes necessary for the complainant worker to attend hearings more than once, the worker must be reimbursed for loss of wages and expenditure incurred by him for travel etc., in respect of the second and subsequent hearings.
6. 139 Further, a provision may be made in the laws that all cases must be disposed off in a span of three hearings, and where this is not possible, the labour court should in its award give reasons for taking more hearings. The Labour Relations Commissions may also be entrusted with the responsibility to assess the work of the labour courts, particularly in the matter of expeditious disposal of cases. With this constellation of a All India Labour Judicial Service that we are recommending, we hope that we will have a dedicated and competent set of men and women as presiding officers of labour courts who will be able to discharge their responsibilities efficiently and expeditiously.
6. 140 The right to file a complaint in the court of competent jurisdiction may be vested, in addition to an inspector or an officer authorised for the purpose, in the person aggrieved or an office holder of a trade union of which the aggrieved person is a member or in a recognised welfare institution or organisation.
6. 141 Rules and Regulations first be published as draft Rules or draft Regulations, giving a period of fifteen days for comments, and must be finalised only after the comments, if any, received within the stipulated period are examined.
6. 142 Rules and Regulations first be published as draft Rules or draft Regulations, giving a period of fifteen days for comments, and must be finalised only after the comments, if any, received within the stipulated period are examined.
6. 143 We would only urge that when a State goes in for special legislation, it observe all the recommendations that we have incorporated in our report.

6.144 Through labour administration is the executive arm of the State, we would like to see the administration as the guide, philosopher and friend of both workers, employers and their organisations, rather than be a policeman. This calls for appropriate orientation and training to the functionaries at all levels. Equally it becomes necessary to expose the functionaries at various levels to the changing situation, occasioned by globalisation, liberalisation and privatisation, all of them demanding a high level of competitive performance and ever increasing productivity. Despite our emphasis on administration, the role of the State qua State, we strongly recommend that every large State and groups of small States set up institutions for training and research in labour matters. V.V. Gir National Labour Institute will take the lead in this regard, and along with other institutions, help the State Governments in their efforts to transform the calibre of labour administrators.

6.145 We would also recommend that the law may provide for bipartite committees or tripartite committees to be set up in areas of industrial and/or commercial activities to function as watchdogs to ensure the implementation of labour laws by the establishments and to bring to the notice of the administration any cases of violation.

6.147 The labour relations commissioners have multiple duties including the important task of identifying collective bargaining/negotiating agents. We have also suggested that all matters in the labour field involving adjudication, be it a labour-management dispute (except collective disputes) or a workman's compensation claim or disputes arising out of and relating to coverage of labour laws or disputes relating to social security and the like, will have to be determined by the labour courts at the lowest level, with appeals to the Labour Relations Commissions. Collective disputes between the negotiating agent and employer if not resolved bilaterally or in conciliation or arbitration should be dealt with by appropriate Labour Rotation Commission. This will need considerable increase in the number of labour courts. In setting up of labour relations commissions also increases the demand for high-level labour adjudicating functionaries. All these call for us to recommend an All India Labour Judicial Service which in the new dispensation will be viable and necessary.

6.148 Equally important in our view is the need for constituting an All India Labour Administrative Service. Labour being in the concurrent list of the Constitution, the advantages of such a service, which will also enable exchange of officers between the centre and the States, are obvious. It must be recognised that the bulk of the labour administration in the States and union territories relates to implementation and enforcement of labour laws. We are of the view that if all the posts of the labour department of and above the rank of Dy. Labour Commissioners/Regional Labour Commissioners at the State and the Centre are included in the service and also senior level appointments such as Executive Heads of Welfare Funds, Social Security Administration and so on, there will be an adequate number of posts justifying such a service.

6.149 We would urge that the feasibility of generating further employment through alternative means including systems of tax incentives be examined.

6.150 In spite of the paucity of the time at our disposal, we have attempted to make a draft of what a comprehensive Law on Labour Management Relations, as visualised in this Chapter would look like. It should be taken as our indicative draft, and not the one or

## CHAPTER - VII UNORGANISED SECTOR

which the Commission has arrived at a word-by-word agreement. Even so, it has been drafted incorporating the recommendations in the Chapter, more to provide an approximate picture of the system that is visualised.

- 7.1 One of the two main tasks entrusted to the Commission is to propose an umbrella legislation for workers in the Unorganised Sector to ensure at least a minimum protection and welfare to the workers in that sector. This task is more difficult and complicated because of the dimension and the variety of the workforce in the sector.
- 7.2 Unlike the organised sector in this sector we are dealing with the workers who have not acquired a 'high profile', thus the benefits that can be gained from organisation, or derived the advantages flowing from the high visibility.
- 7.3 Though other Committees before us have also looked at the unorganised sector it is for the first time that the Government has specifically asked a Committee to propose umbrella legislation to ensure protection and welfare of the workers in this sector.
- 7.4 We preface our observation by saying that on account of the variety, complexity and the dimension of the sector and the paucy of information about the conditions of work of workers in this sector, our work may bear the marks of shortcomings that arise from incomplete access to data.
- 7.5 The first difficulty that we came across was in identifying or defining the unorganised sector. It could not be defined solely on the basis of the nature of work of the workers or on the basis of the number of employees in the undertaking and also not on the basis of the level of organisation.
- 7.6 It is equally difficult to identify an employer in some of the areas of the unorganised sector, and hence, an employer-employee relationship.
- 7.7 The unorganised sector is too vast to remain within the confines of conceptual definition. Hence, descriptive means are used to identify the unorganised sector.
- 7.8 In official records, the unorganised sector is defined as residual of the organised sector; problems of underestimation and insufficient coverage lead to problems in deriving the residual estimate of the unorganised sector. The definition based on this approach which considers the organised sector as that employing 10 or more workers and the unorganised sector on the residual, is not dependable.
- 7.9 Many efforts have been made to identify the characteristics of employment in this sector. It will be useful to list some of the characteristics namely, low level of organisation, rural labour relations, small own account or family-owned enterprises or micro enterprises, ownership of fixed and other assets by self, involvement of family members, easy entry and exit, free mobility, use of indigenous resources and technology, absence of fixed working hours, unregulated and unprotected nature of work, lack of employment security and social security, use of labour intensive technology, lack of support from Government, etc.

- 7.22 The unorganised sector is in no way independent or exclusive sector but is dependent on the organised sector and the rest of the economy through variety of linkages such as raw material, capital, remittance of employment, market facilities and so on.
- 7.23 Despite existence of labour laws, the workers in this sector do not get social security and other benefits for various reasons and there is hardly any trade union or institutional mechanism to fight for them.
- 7.24 In the organised sector too permanent workers are getting casualised and contractualised as a consequence of new economic and industrial policies. Such workers (casual or contract) in the organised sector as well as unorganised workers in the unorganized sector can be considered to be included in the unorganised sector.
- 7.25 All workers who are not covered under the social security laws can be considered as part of the unorganised sector.
- 7.26 The term unorganised sector includes definition. Its main features can be identified and the sectors and processes where unorganised labour is used can be listed though not exclusively. Apprenticeship, casual and casual workers, home-based artisans, a section of self-employed persons involved in jobs such as vending, rag picking and rickshaw pulling, agricultural workers, migrant labour and those who perform manual and helper jobs come under this sector, as well as those who depend on natural resources that are open or common property.
- 7.27 The official definition of the informal sector enterprises consists of directory establishments that employ between 6 and 9 persons and non-directory establishments which employ 5 persons or less and own account enterprises.
- 7.28 The study group appointed by the Commission has brought out certain general characteristics of enterprises or employment in this sector such as low wages and low earnings, high percentage of employment of women, employment of family labour, child labour and migrant labour; piece-rate payments, home-based work or contractual work, seasonal or intermittent employment, lack of organisation into trade unions, casual and multiple jobs, existence of debt bondage, existence of cooperatives of self-employed workers, dependence on others for supply of raw material, less access to capital, existence of health hazards, etc.
- 7.29 We may look at some of the specific groups of employment and problems confronted by them.
- 7.30 Home-based workers fall within a grey area between the employed workers and self-employed workers. There are self-employed workers as well as unemployed workers amongst the home-based workers.
- 7.31 Article 4 of the ILO Convention No. 177 of 1996 on home-based work calls for promotion of equality of treatment for home workers including right to organise, to protection against discrimination, to occupational safety and health, remuneration, social security, access to training, etc. The Commission feels that ratification of this Convention will offer substantial safeguards to millions of workers.

- 7.36 In the National Consultation held on the 17<sup>th</sup> January, 2000 the paper presented by the Ministry of Labour defined the home-based workers as those who are otherwise unemployed, intending to but not absorb by the organised sector, with skills learnt to certain jobs which have economic value. The home-based worker is thus a self-employed person conducting his activity for a person or an organisation as there is no direct employer-employee relationship between a home-based worker and the person or organization for whom he works.
- 7.39 Among the home workers there are some for whom this is the main economic activity while for others it is a supplementary source of income.
- 7.40 In many cases the head of the family or the member of the family does the work himself with the help of other members of the family. It is a collective self-employment effort since there is neither an employee nor an employer.
- 7.41 The paper presented by Ministry of Labour further mentions that the absence of specific data on home-based workers in official statistics is a reflection of lack of recognition of their legitimacy as workers and also of a refusal to acknowledge their economic contribution. Their contribution to national income in quantifiable terms is yet tiny but substantial. Studies point out that female workers constitute the majority of home-based workers.
- 7.42 The National Consultation was of the view that terms like home worker, self-employed person and own account worker should be defined and suitable formulae to cover them.
- 7.43 Recommendations from the National Consultation suggested that the home-based workers should be entitled to wage earners working for outside employers, they should be included under the Minimum Wages Act and the welfare schemes and provisions existing under some of the labour laws should be extended to them and the existing provisions pertaining to the organised sector should not be transplanted to home-based workers.
- 7.44 There is no reliable estimate of number of persons engaged as domestic workers. Through somewhat visible in urban areas, they are also engaged in households all over the country even in most distant and intractable areas. An estimate made by College of Social Work in Mumbai claims that 80% of domestic workers are women.
- 7.45 The work does not require any special skill. The persons employed as domestic workers are extremely poor, illiterate and come mostly from rural areas.
- 7.46 There is no system of social security on which the domestic workers can fall back. They work for long hours and do variety of work and sometimes get few hours of undisturbed sleep. In many cases they are not provided with safe and clean places where they can rest or sleep. Since many domestic servants are women and children they run the risk of sexual harassment and exploitation in many houses.
- 7.47 There is need to ensure satisfactory conditions of work, humane treatment and acceptable level of social security, issue of identity cards and payment of minimum wages to domestic workers.
- 7.48 In the interest of public health, sex workers should be subject to periodic health checks, should be registered and should be treated as self-employed for the purpose of protection or welfare.

7.58 They should be entitled to benefit of all the schemes that we are recommending for self-employed workers. Children of sex workers should not be denied opportunities for education.

7.59 At present no worker in plantations is covered under the Plantation Labour Act which stipulates the wage limit of Rs. 750 p.m. We were told that large number of Goud and contract workers are employed in plantations even on jobs which are regular and not substantial. All plantation workers should be provided with gumboots to protect them from insect and snake bites. The workers employed on handling fertilisers and spraying of pesticides should be trained and provided with safety equipments.

7.60 Plantation workers should be paid wages as per settlements or notified under the Minimum Wages Act and the midmen should not be allowed to siphon away the part of wages of these workers.

7.63 The existing facilities for plantation workers should be continued and made more satisfactory in plantation located at inaccessible places. The facilities may be provided by a group of plantations on cost sharing basis. It will involve efforts on the part of the State Government to persuade employers to set up joint hospitals, schools, creches, etc.

7.64 We are of the opinion that the plantation industry should be helped to be competitive by reducing the tax burden and the cost of production.

7.71 The working conditions of the miners working in underground mines are full of hazards and the workers are at the risk of losing limbs or lives due to flooding, fire, collapse or roof, emission of gases, failure of ventilation or collapse of sides. There is high incidence of lung diseases like TB and pneumoconiosis in mines. The workers above ground are also exposed to risk of being injured by fall of sides, flying or falling objects, moving of vehicles, material handl in excavations and injuries due to blasting. The rate of accident in India in mining activities is very high as compared to other countries.

7.72 The unorganised small mines and quarries which fall in the 3rd category of mines, do not have the benefit of any welfare measures. The employers try to avoid implementing social security norms, due to ways by circumventing the laws in various ways. There is high incidence of child labour and bonded labour in small mines and quarries.

7.78 Abandonment of labour on the basis of caste is one of the fundamental tenets of caste system. As per Government estimate, 1 millions dalits are scavengers who clean public toilets and dispose off the dead animals.

7.83 The National Commission for Scheduled Castes in its report in 1992 claimed that many scavengers are totally cut off from the mainstream of progress and are subjected to the worst kind of oppression and indignities.

7.100 Given the insignificant amount of remuneration and the need to engage several family members in the work assigned to one, it comes as a little surprise that many families of scavengers borrow money from their upper caste neighbours and consequently go into bondage.

7.101 Through the employment of manual scavengers and construction of dry latrines (Prohibition) A.C. 1993 punishes the employment of scavengers or construction of dry latrines with imprisonment of one year and fine of Rs. 2000, the practice is continuing. The

Government launched a national scheme that called for identification, training and rehabilitation of safai karmacharies throughout the country.

7.102 According to National Commission for Safai Karamcharis the scheme has benefited a few handful of safai karmacharies and their dependents due to inadequate attention paid to it by the State governments and concerned agencies.

7.103 Ship-breaking industry in Alang, Saurashtra ship-breaking yard is the biggest yard of its kind in Asia.

7.104 The industry dismantles 300 old ships per year and employs about 17000 (1995-2000) workers which has now come down to about 7000 workers presumably due to competition from other Asian countries. We find it difficult to believe that this is the only cause.

7.105 Between the periods 1993-94 till 1990-2000 the average number of deaths in the industry has been 28 and the number of ships broken has ranged from 183 in 1995-96 to 348 (1999-2000). About one fourth of the total deaths have been on account of fire, 10% deaths have occurred on account of gasping and strike against objects each and about 18-19% of deaths have taken place due to fall from heights and from falling objects each.

It is obvious that the safety standard is not what it should be. There has been no satisfactory effort to enforce what is necessary in such an inherently risk-prone activity. In the ship breaking yards the workforce is largely migrant from U.P., Bihar, and Orissa and to some extent from Maharashtra and other states.

7.109 The ship breaking industry needs support from the Government for making provision of water, migrant system for the lighting, piped portable water, LPG/oxygen cylinder, zinc film, site and waste management, setting up a safety institute, improved road connections, straw water supply, etc. There is need to raise productivity of the industry to meet competition from countries like China, Pakistan and Bangladesh. The Commission is of the view that the regulations that relate to safety and health of the workers were meant not only for safety and welfare of the workers but also to ensure health of the industry itself. Most of the workers in construction industry are employed on casual basis. Instable employment earnings and shifting of workplaces are the basic characteristic of work for construction workers. Though child labour is prohibited, children are engaged in unauthorised jobs.

7.111 Women engaged in construction work are the most exploited. Frequent changes in their work and instability deprive them and their children of primary facilities like health, water, etc given maternity benefits, though obligatory.

7.112 Temporary residential sheds put up for construction workers lack minimum facilities. Existing facilities are not available at work sites and social security benefits are virtually non-existent because of various contradictions such as lack of stable nexus between employer and employee, instability of employment, poor and uncertain earnings of workers, unreliable duration of work, etc.

7.113 There is violation of laws on minimum wages, equal wages, child labour, contract labour and interstate migrant workers. Construction workers remain invisible, vulnerable, voiceless and unorganised.

- 7.114 A system of be-budge exists and gets extended from one generation to the next through child labour in construction industry.
- 7.115 In the post-liberalisation period the construction industry in the country is witnessing many structural changes which will radically transform the industry as well as construction labour market. The industry, which hitherto has been based on labour intensive technology providing ready source of employment will become technology intensive and mechanised leading to elimination of large numbers of the workforce.
- 7.117 Rag picking and scrap collection have a bearing on the urban economy. Many production enterprises depend upon recycling of the wastes.
- 7.118 As per available estimates there are about 50 lakh scrap collectors in the country. Literates, unskilled persons, illegal aliens and the poorest of the poor are pushed into this occupation as they are not able to find any other kind of employment. There is generally no employer-employee relationship in this trade and the waste collectors are, therefore, categorised as self-employed. No social security benefits are available to them.
- 7.119 Between scrap collectors and representatives various levels of traders such as retailers, stockists and wholesalers exists.
- 7.120 A study shows that about 92% of scrap collectors are women in the age group of 19-50 with the mean age of entry between 9-10 years.
- 7.121 The Commission recognises the useful role played by scrap collectors both in helping recycling activities as well as in maintaining civic hygiene. It is therefore, essential that they should be protected from insecurity of various forms by measures like, provision of identity cards, receipts for transaction, minimum wages if employed, health facilities, creation of welfare funds, prohibition of child labour. The municipal bodies should also give thought to the questions we have raised (in our report) and make appropriate regulations and arrangements.
- 7.122 The Commission feels that there should not be any prejudice against the direct engagement of migrant workers by fish processing units of other states on terms and conditions that the state authorities may like to lay down to ensure compliance by the employer.
- 7.123 The Commission finds that there is urgent need to ensure that fish processing units acknowledge their legal obligations on wages, overtime, maximum hours, and amenities. The contracts of work with the contract workers may be reduced to writing and signed with free and informed consent of all parties and the workers may be provided with a copy of the same. The employers should maintain proper records of wages, overtime etc. and the workers should be provided with protective equipment necessary for safety such as aprons, gloves and gumboots, clean and hygienic quarters/dormitories and facilities of drinking water, toilets etc. It should be ensured that the movement of workers is not restricted after working hours and they are not coerced to restrict their movement to the precincts of factory complex. Workers should be able to form their own associations and associate with people outside without fear or intimidation.
- 7.124 The provisions of the Inter-State Migrant Workers Act, Contract Workers Act, and the Minimum Wages Act should be strictly implemented in fish processing units and welfare

boards should be set up to look after the needs of social security and health security of workers in the fishing sector.

7.125 India has tremendous potential for development of fish processing. The Commission fears that while creating conditions for growth and health of the industry, the interest of the workers engaged in it should also receive equal attention.

7.126 According to rough estimates by the Fisheries University in Mumbai, fishing and allied occupations can generate a large number of jobs which may well be second only to employment in the agricultural sector.

7.127 Unemployment can be generated in marine sector, fresh water sector, captive fisheries sector, inland captive fisheries sector, coastal aqua culture sector and post harvest sector. The employment in fishing sector includes net making, processing industry, marketing of fish products, boat building, fishing in sea, river related workshops etc.

7.128 The total working population in fisheries (marine and inland) is estimated to be around 5 million, the largest proportion (66%) being in the harvesting activity which consists of mainly men, though women are sometimes involved in inland fishing. Women dominate the herring and processing activity accounting for about 70% of the workforce.

7.129 Harvesting of fish is conditioned by the weather and availability of fish in the aquatic terrain. A fisherman gets about 150-200 days of work in the year.

7.130 Seasonality of employment in other sectors is also related to weather at sea; the range of days of employment in herring, processing and marketing sectors is from 100-250 in the year.

7.131 Wages are paid by piece-rate, daily rate or as a share of net income. The last form is most common in harvesting activity.

7.132 The earnings of workers in fisheries sector as a whole are rather low and marked by very wide day-to-day fluctuations.

7.133 The fisheries sector of Kerala is noted for migration of workers within the state as well as migration of skilled workforce to the fisheries sector of other maritime states of India.

7.134 Risk of accidents is especially high amongst the workers in harvesting activities particularly on mechanised boats and the artisanal, fishermen using non-mechanised crafts in the coastal waters.

7.135 Social security and welfare measures in fishing industry are of two distinct types i.e. those that have been evolved from traditional community caring and sharing systems and those that are instituted as part of the organised obligations towards workers on the part of the employers and the state.

7.136 The Government of Kerala has measures to cover accident, risk to life and equipment, educational scholarship to children of fish workers, grants and subsidies for housing, relief measures during the monsoon season and so on.

7.137 The social security and welfare measures provided by employers like owners of mechanised boats, peeling sheds, processing firms, etc. leave much to be desired.

- 7.199 Maharashtra is one of the states where traditional fishing community have benefited greatly by establishment and effective functioning of cooperatives that play a role in all three sectors of activity i.e. catching, chilling, processing and marketing. In most of the other areas the record of performance of cooperative movement and quasi-Governmental organisations has been inadequate.
- 7.201 In Kerala the small, weak and militant unions are not found among wage workers but among largely self-employed fish workers involved in fishing and marketing.
- 7.202 The glass bangle industry in Ferozabad in UP is a technically backward industry employing absolute technology. The working conditions in most of the units in the industry are inhuman.
- 7.204 A large number of children are working in this industry, the estimates of which vary from 5000 to over 1 lakh. The industry exploits the exemption of family labour from the provisions of the Child Labour Act and increasingly resorts to sub-contracting terms of production.
- 7.205 The bangle industry as it is operating poses serious health hazards to workers. Temperatures inside the factories are very high and very often cause burn injuries. The environment in factories is highly polluted with emission of chemical fumes and coal dust leading to respiratory disorders and TB.
- 7.206 No security and safety measures are available in this industry to the workers, specially in houses and unregistered factories. In each household, the traditional furnaces may be seen with large number of children working on them.
- 7.207 58% of the children work in family run units. Only Compulsory Enrollment of Children in schools can prevent exploitation of children in sweatshops.
- 7.208 A research study conducted by the Centre for Operations Research & Training in 1998 has recommended that to improve existing cut-throat working conditions in the industry, it is necessary to improve existing technology and work environment besides training and equipping the workers with higher skills.
- 7.209 The Glassware industry in Moradabad employs about 1,50,000 workers directly and many more indirectly. About 45% of workers are children in the age group of 8-12 years and 40% of the workers engaged in moulding and finishing works are children below the age of 14 years. There is increasing practice of sub-contracting of jobs which gives scope for free use of cheap child labour.
- 7.210 Many units are unregistered and the workers have no rights for entitlements like ESL, PF, etc.
- 7.211 According to one estimate, women constitute about 50% of the total workforce in the brassware industry. Apart from respiratory disorders and TB the children also suffer from eye burns.
- 7.212 75% of the carpet looms in the country are located in the Shirazpur-Bhadoli area of UP which holds a very important position in manufacturing and exporting of hand-knotted woolen carpets.

- 7.213 Hand-knotted woollen carpet industry has a share of more than 15% in the handicraft exports.
- 7.214 The carpet industry is full of potential for generating employment as well as foreign exchange for the country.
- 7.215 In order to meet the demands from organised labour sub-contracting system was introduced even for in house activities, clipping, washing, binding and packaging, etc.
- 7.217 The carpet industry is full of all kinds of middlemen who make fortunes from the cuts from wage components. These powerful intermediaries control loom-holders/weavers and use different methods to recover advances and material if not supplied in time. There are reported instances of unorthodox behaviour and not up to mark loom-holders and weavers.
- 7.219 Carpet weaving is not a full-time employment for everyone who is involved in weaving. There are ratemakers of weavers right from full-time weavers to part-time weavers and casual weavers. Landless weavers having no other means of income are involved as full-time weavers while those who do not entirely depend on weaving are engaged as part-time weavers. Being indebted to the middlemen because of advances taken, they do not have freedom to cross to other middlemen.
- 7.220 Dyes and chemicals used in the carpet industry for colour fastening are of high health hazards. The environmental pollution caused by the industry is becoming higher increasingly in and around carpet industry.
- 7.221 Although estimates of child labour vary, still it remains a fact that the industry is most likely to labour endemic.
- 7.223 Street vendors and hawkers are among the most visible category of workers in the informal sector. Most of them come from impoverished rural families. Street vending absorbs millions of those who come to cities as economic refugees from villages and either the occupation with small amounts of capital. They not only create employment for themselves but also generate upstream employment in agriculture and small-scale industry. They are a vital link between consumers and producers, thus making a valuable contribution to the economy.
- 7.225 Hawkers and vendors of various cities have fought long drawn battles, both in the streets as well as in the courts, to assert their right to an honest and dignified livelihood. The apex court has in some cases directed the city administrations to facilitate hawkers in acquiring legal status and providing spaces for their hawking.
- 7.226 With the exception of Kolkata, most municipalities provide licences for hawking. Kolkata municipality not only considers street vending as illegal but also provides stringent punishment for hawking which is a cognisable and non-bailable offence.
- 7.229 Street vending is looked upon as a nuisance or frowned upon by law and gives a cover to municipal authorities and police to extort money from vendors. Municipalities should seriously think of alternative solutions. Legalising vending and providing licences may solve many problems. Sanction and corruption will decrease and it will provide municipalities with extra earnings through license fee. The street vending will also get more orderly, disciplined and regulated.

- 7.232 Vendors who do not paying bribe are often beaten up and have their goods confiscated sometimes even those who have licences are not spared. In a public hearing held by Mahishi, it was concluded that 5 lakh vendors of Delhi are paying bribe to the tune of Rs. 40 crores in a month.
- 7.233 A study conducted in Ahmedabad indicated that while the legal fees paid by street vendors in 1998 was 35, 5.6 crores, legal fees paid was Rs.5.5 crores.
- 7.234 Vendors have to deal with many authorities, municipal authorities, police, district administration, regional development authority etc. Policy makers seem oblivious of the negative impact of street vendors on the social life of a city.
- 7.235 It is necessary to evolve national and state policies on street vendors and these could be borne in view while determining urban plan and schemes.
- 7.236 The Delagio International Declaration of Street Venders adopted in November, 1995 while highlighting the importance of street vendors, the harassment caused to them by authorities and the absence of public policies in this regard, urged upon Governments to issue a National Policy on Hawkers and Vendors giving them legal status by issuing licences, enacting laws and providing appropriate hawking areas in urban plans etc. and sought for setting up of participative monitoring mechanism and for a with representation of street vendors to look into their problems.
- 7.237 Rickshaw pullers, particularly in the north, are mostly migrants from the states of Bihar, UP, Chhattisgarh, MP and Rajasthan. Most of them are small peasants and landless workers who were forced to migrate to the cities due to feudal oppression or exploitation by land mafia, or natural calamities like recurring floods.
- 7.238 Rickshaw pulling is one of the most preferred avenues of employment in the cities for the unskilled and illiterate but able-bodied persons provided it is a source of employment.
- 7.239 Besides unregulated condition the rickshaw pullers' vulnerability is further accentuated by the fact that majority of those who pull rickshaws do not own the rickshaws themselves.
- 7.240 Though in principle, in most cities only the rickshaw owner can be the rickshaw puller, in practice this happens only as an exception.
- 7.241 The nature of work of rickshaw pullers has a number of hardships built into it such as badly maintained roads, pulling rickshaws in chilling winter, blistering heat, and rains when the roads are waterlogged.
- 7.242 The rickshaw pullers have no scheme of social security to take care of them during sickness, most municipalities and Governmental authorities treat rickshaw pullers as a hindrance rather than an agency which is performing irreplaceable and useful work for the citizens and make it difficult for the individual rickshaw pullers to obtain licences.
- 7.243 Apart from providing direct employment, rickshaw pulling provides indirect employment to several others such as manufacturers and to those engaged in rickshaw repair activities.
- 7.244 Recently the Prime Minister intervened to help rickshaw pullers and wrote to the Lt. Governor of Delhi stressing the need to recognise street hawking and cycle rickshaw pulling

- as legitimate occupations which help reduce poverty and facilitate their integration into formal economy.
- 7.254 A good number of workers depend on natural resources in their livelihood such as forest wasteland, water bodies and mineral stone deposits. The ownership of some of these resources has been taken over by the State through legislation or by village panchayats. The rich players who are given lease to exploit these resources do not depend upon these resources for their livelihood and therefore, do not mind exploitation these resources to their exhaustion at the cost of social assets.
- 7.255 Society and State will have to give thought to the remedial strategies advocated by the effected people including involvement of communities in sustenance of these resources like village communes, grazing lands, the source of wood, fuel and other fuel items which are an the decline, putting people who are dependent on these into further degrees of impoverishment and poverty.
- 7.256 The tribals and other pastoral groups who depend on forests are increasingly losing their livelihood or getting displaced because of lapsided policies and depleting forest cover.
- 7.257 Traditional artisans such as basket weavers and tape makers depend on resources taken from forest and village commons, forests and village commons are also source of food, fodder and fuels for the poor villagers.
- 7.258 All workers depending on common property resources whether employed or self-employed have low earnings mainly due to depletion of resources and lack of work. Debt bondage is prevalent amongst them.
- 7.266 Pluralistic system of payment is rampant in the unorganised sector. Many among the home-based workers, contract workers, earth diggers, brick workers, etc. fall in this category. Though the Minimum Wages Act has provisions for time-rates and piece-rates, the mechanism for fixing piece-rates is not clearly spelt out.
- 7.267 Casual and contract workers in the organised sector are more or less equal to unorganized workers as far as benefits are concerned, though they are eligible for most of the benefits under the law.
- 7.268 Agricultural workers get employment for less than 6 months in a year and they have to often migrate to other avenues of employment like construction and similar other occupations during the off-season. Circumstances force most agricultural workers to borrow money from time to time from private sources.
- 7.269 Though agriculture is the single largest contributor to the GDP and also the biggest sector for employment, the agricultural workers are badly exploited and oppressed class of the rural society. Powerful Zamindars often treat them as slaves and pay wages in kind. They have been unable to organise themselves despite being a distinct class because of absolute dependence on land owners. Most of the labourers are from lower castes and tribes.
- 7.270 The National Commission on Rural Labour (NCLR) had observed that there was acute indebtedness amongst the rural and agricultural workers and mentioned that 15.08 million rural households including those of agricultural labourers were infected.
- 7.271 The NCLR further observed that approximately 40% of agricultural workers are migrants

ranging from inter-district to inter-state migration. Workers from Bihar migrate to Punjab and UP and workers from Chhattisgarh migrate to Punjab, Maharashtra and Gujarat. The problems of all migrant workers are very severe. Working as they do 12 hours a day and getting no weekly rest, they are hardly provided any housing facility and their payments are delayed and defaulted. The inter-state Migrant Workmen's Act has proved ineffective because of reluctance of the state labour departments to cooperate with labour departments of originating states, ineffective enforcement and ignorance of the workers. Trade unions also have not given much attention to the plight of the migrant workers. The most severely affected migrant workers are women and children. The agriculture of prosperous state like Punjab depends on migrant workers and therefore, they should ultimately meet out fair treatment, ensure fair housing, adequate wages and social security benefits.

7.272 Through the employment in agriculture is covered under the Minimum Wages Act, the minimum wages fixed by the different States range from Rs. 20 per day to Rs. 60 per day. The wide variations raise questions on the criteria that is followed in fixing the minimum wages. The enforcement of minimum wages is a real problem because contractors are generally reluctant to visit farms and fields and employers are reluctant to co-operate with them. Ignorance and illiteracy of workers further galls them at receiving end.

7.274 The Commission believes that agriculture can offer job opportunities to lakhs of unemployed if it is given due priority and the states do not neglect it. Countries like China, Japan, and USA could grow on a strong base and at a faster rate only after giving priority to agriculture. The areas requiring special policies and programmes in agriculture include agro-based food processing industry, culti-crops of medicinal plants, floriculture, aquaculture, poultry, horticulture, natural resource management, farm management, technological improvement, bio-technology, multi-dimensional research, development of agriculture financing network, development of markets, etc. The improvement in agriculture could generate employment in agricultural machinery production, fertiliser distribution, construction and in small-scale industry. It is all the more urgent because globalisation has reduced job opportunities in the organised secondary sector particularly in industries and mining.

7.275 There are large numbers of laws which apply to agricultural sector such as the Workmen's Compensation Act, Minimum Wages Act, Personal Injuries (Compensation Insurance) Act, 1973, Standard Labour System (Abolition) Act, Inter-State Migrant Workmen Act, Industrial Act and Dangerous Machine Regulation Act. Government has also implemented several schemes and programmes for the welfare of rural and agricultural workers. Considering inadequacy of these measures and welfare schemes, attempts have been made to enact a separate comprehensive law for agricultural workers. However, the efforts of the Central Government have not succeeded so far in this regard because of the opposition of some of the states.

7.279 We have neglected the agricultural sector during the last 50 years although it has been the backbone of our society and economy. It holds the promise of prosperity. It is time that effective framework of laws and social security was put in place for workers in this sector!

7.280 Traditional forest-based agriculturists, mostly adivasis, are facing a livelihood crisis following the legislation on forests that has vested monopoly rights in the state over the forest. Today the forest people do not have property rights over their traditional habitat in the forest.

7.281 Forests provide a large number of non-timber products which have been the income of livelihood for millions of people. These products are leaves, tendu leaves, fruits, sal seeds, mitha betis, jhum, kamini, amla, medicinal herbs and roots, honey, etc. Though trading in these items is a big business, the collectors of these products do not get adequately paid. Through in some states there are state sponsored bodies like Forest Development Corporations who work as buyers, but they too buy the products at prices that are kept inordinately low.

7.282 The encroachment of rights of forest dwellers and nearby people over the reserves has impacted lives of hundred millions forests dwellers and another 2.75 million for whom forests constitute an important source of livelihood. Non-timber forest produce has huge potential in processing industries, particularly for women. Studies have shown that non-monetised consumption from forest products is about 10% of the per capita income, and inclusive of firewood and grazing facility, the benefits tend to equal the per capita income levels. Though the State initiatives have increased the forest cover in the country and reversed the earlier trend, in some areas like state monopoly in Orissa/Jharkhand forest produce which has led to monopoly state operations in collection and sale involving a large complement of government/public sector staff and large overheads, there is scope for reducing the grip and opening up the sector to private initiatives especially for forest people and those dependent on forests like tribals and womenfolk.

7.286 We feel that Raingya workers are entitled to considerable treatment and should be rehabilitated with alternative jobs/land, and their villages should be treated as revenue villages.

7.288 Pastoral tribes like shepherds and nomads who depend on domestic animal herds and animal graziers, utilising village commons and forest lands, are another category of self employed group who often live below subsistence level.

7.290 When earnings and wages are below the statutory minimum wage, and workers have to live by borrowing, the conditions of workers slide to bondage. When the worker is paid below the法定 wage and the farmer does not get justifiable price for his produce it attracts Article 23 of the Constitution as interpreted by the apex court.

7.294 The Apex Court ruling in the Kedai Case has added an important dimension to the definition of bonded labour when the court ruled that the force arising out of the economic compulsions to make one volunteer to work below minimum wages, is also forced labour.

7.305 The cases of farmers who do not get minimum prices for crops and workers who do not get minimum wages need a constitutional legislative step.

7.307 Agawal and dalit workers are getting only nominal wages called honoraria. These are other similar workers, are considered part of the unorganised sector. They are entitled to minimum wages and relevant social security measures which we propose in the legislation for these workers.

7.308 Most of the workers in the unorganised sector are women. The share of casual labour and

Self-employed workers among female labour is higher compared to that among the male labour. The NSO round of 1993-94 showed that while 56.8% of female workforce was self-employed the figure for males was only 53.7%, and amongst casual labour the percentage of females was 37 against 29.6 for males.

7.309 The Annual Report of the Ministry of Labour for 1993-2000 which is based on 1991 census gives the following information about unorganised workers. Out of the total workforce of 343 million in main workers and 26 million are marginal workers. Out of the 343 million main workers, 258 millions are in the unorganised sector, in relative terms, organised labour accounts for 90.6%. Out of 191 million workers engaged in agriculture, forestry, fisheries and plantations, 150 million (99.28%) are in unorganised sector. Out of 28.52 million workers in the manufacturing sector, 21.62 (75.3%) are in the unorganised sector. In building and construction, 78% are in the unorganised sector. In trade & commerce, 98% are in the unorganised sector and in the transport, storage and communication, 61.5% are in the unorganised sector.

7.311 If we find that existing laws do not cover or adequately cover the workforce in the unorganised sector, we have no escape from concluding that more than 90% of our workforce do not enjoy the minimum protection and security that they need.

7.313 The alternatives are whether to extend the protection and security by amending the existing laws or to providing an umbrella law that provides a minimum protection, access to social security, and redressal of grievances while retaining the existing sub-sectoral laws and sub-sectoral systems.

7.314 It is necessary for us to examine the laws which are on the Statute Book.

7.316 The Factories Act is applicable only to manufacturing units organised as factories and its provisions do not apply to vast masses of workers in the unorganised sector.

7.317 The Minimum wages Act is the most important law enacted for the benefit of unorganised labour. The Act is meant to ensure that the market forces and the law of demand and supply are not allowed to determine the wages of workers covered by this law.

7.319 60% of the workforce in the unorganised sector is self-employed by home-based and thus remain outside the purview of the Minimum Wages Act.

7.322 Under the Workmen's Compensation Act, the employer is liable to provide monetary compensation to workers or dependents in the case of death provided it occurs out of and in the course of employment. The relief under the Act, if not available in case the injury takes place when the worker is not actually engaged in discharging duties related to employer's trade or business.

7.323 The method of claiming compensation for disability is so long and tortuous that one rarely gets compensation to which one is entitled by law. Workers often find it difficult to prove employment and as a result cases are prolonged and often workers die without receiving compensation.

7.328 All migrant workers are not inter-state migrant workers as defined by law and cannot therefore enjoy the benefit of Inter-State Migrant Workers Act. To prove the applicability of the Act it has to be established that the workman was recruited from another state through a contractor.

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- 7.329 The Commission has, therefore, been urged by many witnesses to recommend amendments to make the Inter-State Migrant Workers Act more effective by recommending application of the Act to all inter-state migrant workers.
- 7.330 We have made recommendations on the Act in the Chapter on Review of Laws.
- 7.331 The Building & Other Construction Workers Act 1995 was enacted to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare.
- 7.332 Any worker between 18 and 48 year can get registered with the welfare board to become eligible for the benefits of the Act if he or she has put in 90 days of work in the previous year.
- 7.333 Under the above Act a fund has to be created with revenue from taxes collected from the employers and contributions by the workers. The benefits include assistance in case of accidents, payment of pension, house building loans, assistance in education of children and maternity and for treatment in case of major ailment. In practice the Act is not beneficial to the workers, as they do not work with a construction establishment continuously. It is not possible for unskilled and literate casual workers to make regular contributions to the fund. The responsibility for collection of contributions from workers and remitting the same to the fund should be entrusted to the employer. Some of the voluntary organisations have alleged that the states have not collected dues because the rules have not been prescribed and several thousand crore rupees of dues have been saved by the builders. They have demanded that the cess should be increased from 1% to 2% and the Act should be applicable to all residential houses without limit of cost of construction. They have also demanded that the board should have powers to regulate the employment of construction workers on the lines of Maharashtra Matadi Workers Boards.
- 7.334 The Contract Labour' Act has many loopholes and is not applicable to a contractor who employs less than 20 workers which leads to manipulations by employers and contractors.
- 7.335 The Beedi and Cigar Workers Act provides for licensing of all premises, provision of health and welfare measures at the workplace, and provides for hours of work, intervals or rest, weekly holidays and also prohibits employment of child labour, nightshifts for women and adolescents.
- 7.336 The employee who are given raw material by an employer or a contractor for making beedis and cigar at home are covered under the Act. But the Act does not cover the self-employed persons. None of these laws mentioned above provide protection to the vast majority of unorganised workers, self-employed workers or home-based workers.
- 7.337 There are a number of legislations and welfare measure that provide social security to unorganised sector workers. Some of these are applicable to certain categories of workers in the organised sector.
- 7.338 The EPF Act is applicable to factories & establishments that employ 70 or more persons. A large number of workers working in small units remain out of the ambit of the Act. Through contract workers in bigger establishments are covered, they are often denied the benefits. The Payment of Gratuity Act is applicable to all establishments employing 10 or

- more employees but it requires a continuous service of 5 years or more with one employer to be eligible for gratuity. It is obvious that a large number of workers do not meet this eligibility condition. The Maternity Benefits Act confers benefits only if a woman completes at least 80 days of work prior to delivery.
- 7.340 The Central Government has set up welfare funds for workers in some of the mining sectors, circ works, and boat workers. For building & construction workers the welfare boards and welfare funds are required to be set up by the State Governments (under the Central Act). Among the states, Kerala has the maximum number of welfare funds numbering 20 for the benefit of workers in the unorganised sector. Mahadai Boards exists for various groups of headload workers in Maharashtra.
- 7.341 Under the Special Workers Welfare Fund Act, a fixed cess is levied per thousand used manufactured. Similarly there is also cess for building and construction workers. Cess is levied on the iron mines and under other welfare laws on mine products on the basis of quantum of production. Under the Circ Works Welfare Fund Act, the cess is levied on the basis of production of firms and not on the basis of collection.
- 7.342 The Welfare Funds fall broadly in two groups: tax-based and contributory. While the Central Government funds are tax-based, the funds set up by the Kerala Government are mostly contributory which are more akin to social insurance. A combination of contributory and tax-based schemes can bring in resources and also encourage the participation of the actors involved, particularly the workers.
- 7.343 The Central Welfare Funds are used for improvement of public health, sanitation, medical facilities, water supply, education and prevention of disease. In actual practice, most of the expenditure from welfare funds has been on health, education and housing.
- 7.344 The Central Welfare Funds have adopted integrated model of healthcare and have undertaken to provide medical services directly. However, this approach of developing its own chain of hospitals does not help the boards or to the needy patients. The Fund's could have done better if they had assigned the responsibility to agencies specialising in health.
- 7.345 The central funds have no provision for meeting expenditure on any of the branches of social security such as occupational injury benefit, invalidity benefit, old age benefit, survivor benefit, unemployment benefit, etc.
- 7.351 The Tamil Nadu Welfare Fund established under the State law for manual workers has established labour welfare centres which consists of childcare centres and tailoring classes for wives and wards of the workers.
- 7.352 In childcare section, free primary education is provided to children apart from midday meals.
- 7.353 The Board established under the scheme maintains housing homes for workers and their families. It has separate TB wards constructed in different Government hospitals and TB sanatoriums.
- 7.355 For construction workers a welfare fund has been constituted under Tamil Nadu Manual Workers (Regulations of Employment & Conditions of Work) Act, 1952. The employers engaged in construction work are required to pay 0.3% of the total cost of construction

to the fund and the workers have also to pay registration fee of Rs. 25 which is non-refundable every two years by paying Rs. 10 p.a.

- 7.356 The Tamil Nadu Welfare Board for construction workers provides educational assistance, assistance in case of marriages, maternity assistance and assistance in case of death and provides for group personal accident insurance.
- 7.358 The Tamil Nadu Manual Workers Social Security and Welfare Scheme was formulated in 1999. It provides for the establishment of the Tamil Nadu Manual Workers Social Security and Welfare Fund.
- 7.359 The scheme provides for group personal accident relief, a maternity benefit scheme and a terminal benefit scheme. Workers are entitled to benefits after 12 months of their registration. Besides a grant of Rs. 40 lakhs given by the Government, the Boards received Rs. 47 lakhs from collection of 1% of the Motor Vehicle Tax (till 2.3.2000).
- 7.360 The Government of Tamil Nadu has announced a number of new separate boards such as for auto and taxi drivers, for rickshaws, bartenders, drivers, gain tree cultivars and handloom workers. A fee of Rs. 25 for registration and a monthly contribution of Rs. 20 are charged from the workers. Now there is a one-time contribution of Rs. 100 including the registration fee. A terminal gratuity and accident death insurance are part of the scheme.
- 7.361 Kerala state has set up more than 20 welfare funds for unorganised workers like toddy workers, agricultural workers, handloom workers, auto rickshaw workers, cashew workers, construction workers, motor transport workers, some artisans and others. These provide wide range of benefits including old age benefit, medical care, education, assistance for marriage, housing, etc. to the workers. The schemes are administered by autonomous boards and financed by contributions from employers, workers and others.
- 7.365 The Central and the Kerala models represent two extremes, one the minimalist approach and the other the maximalist approach. None of these can be considered ideal i.e. what needs to be done is to create a standardised list of benefits which may be provided from the welfare funds and to prioritise them, somewhat as follows: healthcare, invalidity, old age and survivor benefits, maternity and child care, educational assistance, and housing.
- 7.375 Mahadai Boards in Maharashtra have been successful in decasualising the head load workers to a great extent.
- 7.376 Though many witnesses who appeared before us in Maharashtra as well as in other States extolled the work done by Mahadai Boards and recommended it as a model for the unorganised sector all over India, some witnesses did point out that the system works like a closed shop. Some representatives of the management also felt that this system created a monopoly and resulted in arbitrary fixation of wages.
- 7.378 There are around 50,000 registered employers with almost 1.5 lakh workers registered under 20 different boards in Maharashtra.
- 7.379 There are some mahadai who earn enough to pay Income Tax. They pay professional tax as well. Their Dearness Allowance is linked to the CT. The PR contribution of workers is 8.33%. Their hospital contribution is 35. 20 per month. Wages fluctuate from less than Rs. 1,000 to Rs. 10,000 per month. Besides better health facilities and social security,

housing and education are also taken care of with the help of the *maternity* boards. Kerala is trying to integrate or interlink its various enactments in the area of social security, while in Tamil Nadu, the *unorganised* trend is towards separate set-ups. The *expansion* of welfare boards in both the States tells us it's a 'motherboard' that can accommodate variety serves as a better model.

An unecessary multiplicity of Funds has led to administrative problems in Kerala and proved unconstitutional. Cost of administration of central welfare funds has varied from 0.83% in the total benefit expenditure in the case of Central Workers Fund to 22.1% in the case of the Limestone and Dolomite Labour Welfare Fund. Average of administrative cost of central welfare funds was 7.96%. In some cases, it will be better to levy cess as a percentage of the tax at various points of transactions like the wholesale, retail, etc. It is advisable to combat tax-based as well as contributory systems of financing of the fund under the Board, because it would enhance the financial viability of the Fund on the one hand, and the inbuilture or the workers on the other. The model of the health service provision has proved to be neither popular nor viable. Better benefits can be achieved by adopting the alternative model of reimbursing expenditure, as providing services indirectly by entering into agreement with the providers of the service. Studies show that workers have to spend more on health facilities in the unorganised sector and therefore health care must form a component of social security. Central Welfare Funds have nothing in the application of the benefits of the welfare funds. This used to be Rs. 1,600, and was raised to Rs. 3,200 in 1991. Income ceilings screen most of the workers from availing of the benefits, and in some cases this measure goes against the very objective of the legislation. In spite of the many problems associated with the welfare funds and their implementation, they provide one of the most important ways of reaching workers in the unorganised sector. Welfare Boards at the State and Central levels have addressed situations where employer-employee relationships exist. Since most of the unorganised workers are self-employed or home-based, there will be no benefit if we replicate the structure and method of functioning of these Welfare Boards. The concept of a 'mother board' seems relevant in the light of our experience with the Central and State Boards.

7.382 Fifty years after Independence and the promulgation of the Constitution, if the 50% of the labour force do not enjoy guaranteed rights, there is every reason to say that we have not practised what we have prescribed. This provides a fertile ground for the birth and growth of movements that aim at overthrowing the system, like the Naxalite movement or similar violent movements that we see in many parts of the country. One, if not the most important, of the ways of reversing this trend is to fulfil the promises that the Constitution makes to the poor and under-privileged in the unorganised factor, in the rural, and in the urban areas.

7.383 Land reforms have not been implemented, in spite of reminders from many Commissions, and the manifestoes of political parties, Employment opportunities are not adequate. Those in employment often do not get the minimum wages that have been guaranteed in law. Working conditions are deplorable, sometimes, inhuman. It is, therefore, necessary to construct a new legal framework and system of social security that will provide protection and welfare to the workers in the unorganised sector.

7.384 It is, therefore, logical and wise to draft an umbrella type of law for the unorganised sector which would guarantee a minimum of protection and welfare to all workers in the unorganised sector, and would leave it open to the Government to bring in special laws for different enclavements or sub-sectors if experience indicates the need for it. It will also be open to Government to repeal existing sub-sector laws or merge existing (workmen) Boards with the Boards or Funds that we are suggesting in the Unorganised legislation.

7.385 Our Constitution, the ILO Conventions that we have ratified and the existing LEWS together guarantee basic rights to the workers. The Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations on 10 December 1948, is an assertion of the universal right to freedom and life with dignity. Article 23(1) of the Declaration states: 'Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.' This UN Declaration is one of the basic documents on human rights and justice that has become a standard-bearer or standard-setter for peoples, communities and nations.

7.386 The need to extend special attention and care to the child has been affirmed in the Geneva Declaration of the Rights of the Child (1924) and in the Declaration of the Rights of the Child adopted by the General Assembly of the UN in November 1959 (to which India acceded in 1982).

7.387 Fundamental Rights include the right to equality (Article 14), the protection against discrimination (Article 15), the rights to freedom of speech and association (Article 19), the rights to life and personal liberty (Article 21), protection against traffic in human beings, protection from forced labour (Article 23), and the rights of child (Article 25). Directive Principles of State policy (Part IV of Constitution – Articles 36 to 51) spell out the concept of social security. Article 38 of the Constitution requires the state to strive to promote the welfare of the people by 'securing justice – social, economic and political, and minimize inequalities in income and status between individuals, groups and regions.'

7.388 Article 39 (a), (b) and (c) of the Constitution requires that the citizens have the right to adequate means of livelihood, that the material sources are so distributed as per to serve the common good, that the health and strength of workers and the tender age of children are not abused, and that citizens are not forced or economic necessity to enter avocations unsuited to their age or strength. Article 41 requires that within the limits of its economic capacity and development, the state shall make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42 requires that the State should make provision for securing just and humane conditions of work and maternity relief. Article 43 requires that the state shall endeavour to secure work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. Article 47 requires that the State should regard the raising of the level of nutrition and the standard of living of its people, and implemental of public health, as among its primary duties.

7.389 Section 7(1)(d) of the Protection of Human Rights Act, 1993 (Act 10 of 1993) defines human rights as 'the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution.' The Act also justifies the need for legislation in favour of workers who are not yet covered by existing legislation.

7.390 ILO Conventions are codifications of universally applicable labour standards and have led many countries to accept labour rights as basic rights. Its Conventions protect children from

'about, women from night shifts, and all workers from forced labour. In 1998, the ILO adopted the 'Declaration on the Fundamental Principles and Rights at Work'. These fundamental principles lay down (1) Right to Organise and Collective Bargaining (Conventions 87 and 90), (2) Abolition of Child Labour (Conventions 138 and 182), (3) Elimination of Discrimination (Conventions 100 and 111) and (4) Against Forced Labour (Conventions 29 and 105). The follow-up mechanism envisaged in the Declaration makes it binding on member states; irrespective of the fact whether the concerned state has ratified the Conventions or not and to submit annual reports to the ILO on the observance of the respective Conventions.

7.395 It is, therefore, necessary to ensure that the proposed Umbrella Legislation for Workers in the Unorganised Sector incorporates the core rights that have been enshrined in the Constitution of India, UN Covenants and ILO Conventions.

7.396 Let us recapitulate the reasons that lead us in the conclusion that new and separate umbrella legislation is imperative to protect the workers in the unorganised sector. Labour laws do not offer protection and welfare to workers in the unorganised sector. Whatever exists is inadequate. Our Constitution and the International agreements we have entered into give us the mandate to secure their protection. The Unorganised Sector including the semi-cultured sector account for more than 92% of the total workforce, i.e., around one-third of India's population. In absolute terms, this sector contributes more to the economy and employment in India. National Accounts Statistics Report of 1995 confirms that nearly 55% of the national income is contributed by the Unorganised Sector. These workers, particularly women, have not been able to organise themselves and are further discriminated against. The existing labour laws do not define most of them as workers because a principal employer is not easy to identify in these kinds of work. If properly conceived and effectively implemented, a law for unorganised sector workers will make a definite contribution to the eradication of poverty. The unorganised sector cannot be wished away. The 'industrial divide' between the Organised Sector (Formal) and the Unorganised Sector (Informal) of the country's economy and the workers/labour engaged in them, is unreal because these sectors are interdependent. Legislation cannot be effective unless it integrates their needs for protection and welfare with those of the rest of our society and economy.

7.398 Workers in the Unorganised Sector are not recognised as workers. The first objective should be recognition of these workers by including them in official surveys.

7.399 To achieve recognition as a worker each person who is actually working should be given an official identity card. The identity card gives the worker a definite legal identity and recognition.

7.400 It is argued that the sheer magnitude of numbers in India would make the identification of workers an impossible task. However, in a country where voters lists are prepared, taking into account every adult over the age of 18 years, voters identity cards and ration cards are issued to every family, listing all family members, and a census covering 100 crore people is conducted every ten years, I should not be too fanciful a task to identify every worker.

7.403 Workers in this sector are entitled to protection and welfare not only because they are citizens, but also because they are the main contributors to the 'wealth of the nation'. Today, even without these entitlements they contribute their labour, skill and workers, to obtain legal redress.

entrepreneurship to the economy. When provided with these entitlements, both productivity as well as their purchasing power will grow. They will add to the country's gross national product, strengthen the economy and help fight economic crises. If their economic contribution is not recognised and enhanced, if they continue to be treated as the recipients of safety net notices, they will continue to be poor beneficiaries, living constantly on welfare and subsidies.

7.404 As structural adjustment proceeds, the entitlements of the organised sector are getting eroded, and the need for social security systems is becoming more urgent and central to the success of structural adjustment programmes. The concept of social safety nets may not be feasible in the economic situation that prevails in India. Difficulties may deepen with the increasing marginalisation of labour. Social safety nets would be viable if the number of people who fall into them constitutes a small percentage of the workforce.

7.405 This also means that the right to work would have to be viewed as a necessary commitment of the right to social security. According to us, social security must contain at least health care (including maternity, injury, childcare, shelter and old age support) which strengthens productivity.

7.406 Suggestions of aid recommendations of various committees or Commissions have exercised considerable influence on the choice of minimum wages. The criteria for calculating minimum wages came from the Committee on Fair Wages, the sessions of the Indian Labour Conference, the Central Pay Commissions, ILO Conventions, Reports of the National Commissions on Rural Labour and Agricultural Labour, the Committee on Wage Policy, the Committee of Secretaries, the Study Group on Wages, Income and Prices, and the Minimum Wages Advisory Boards.

7.408 The Report of the First National Commission on Labour devotees attention to labour in the unorganised sector and suggested that there should be detailed surveys from time to time to understand the problems of different categories of such labour. There should be protection by the state for unorganised/unprotected labour and their education and organisation should be encouraged.

7.409 The Commission on Self-Employed Women (Shram Shakti) enlarged its scope to include women workers in the unorganised sector and looked into the status of self-employed women with special reference to their employment, health, education and social status, and constraints that affect procurvity, the impact of various labour laws, especially those on Maternity benefits and health insurance, on self-employed women; gaps in training, credit, upgradation of skills and marketing; employment patterns including production relations and their impact on wages, and the effect of macro level policies on the health and productive and reproductive role of self-employed women.

7.412 The most important intervention towards improving the economic status of poor women working in the informal sector of the economy would be to devise strategies which would enhance their ownership and control over productive assets.

7.413 The Commission noted flagrant violation of statutory provisions regarding payment of wages, safety regulations, provision of housing and medical facilities, accident compensation, etc. In the context of non-observance of these laws, the Commission recommended simplification or judicial procedures, particularly to enable unorganised workers, to obtain legal redress.

7.414 For domestic workers, the Commission recommended the introduction of a system of registration.

7.415 Through 51% of the working women are engaged in farm labour, their contribution is not recognised. Women involved in seasonal agriculture should be helped to diversify into horticulture, fruit processing, vegetable growing, animal husbandry and dairying.

7.416 The Commission observed that the rates of minimum wage were low and would have to be increased keeping in view the requirements of the woman worker. Piece-rates must be fixed as to enable women workers to earn for 8 hours of work a wage equal to the then-rated minimum wage. Despite the Equal Remunerations Act 1976, wage discrimination was widely prevalent.

7.417 The Commission further recommended that the Right to Work, already a Directive Principle, should be made a Fundamental Right.

7.418 The Commission recommended setting up of an Equal Opportunities Commission under a central law, and also recommended that the Commission should have wide powers of investigation, direction, advice and monitoring.

7.419 The Commission recommended setting up of Tripartite Boards which have to be constituted in such a manner that workers have as many representatives as the Government and the employer. The Tripartite Boards will regulate implementation of legislation and also contribute to making women workers visible, and empower them.

7.420 It recommended setting up of a Central Fund from which welfare and social security measures for woman workers should be financed.

7.421 Another recommendation of the Commission was that a separate wing should be set up in the Labour Departments for unorganised workers with adequate number of women employees.

7.422 The Commission also felt that no solution to the problems of women at work would be complete without taking into account their reproductive functions, which can be effectively tackled through maternity benefit and childcare. Responsibility for this should be borne by all employers, irrespective of whether or not their employed women, through a levy calculated as a percentage of the wage bill. If the employer was not identifiable, the responsibility for providing maternity benefits must lie with the state.

7.423 The Commission underlined the need for an integrated approach on health as most of the health problems that women faced, related to their general life situation, which aggravated the problems they faced as workers such as inadequate nutrition, non-accessibility to health care, water, housing, sanitation, maternity benefits and childcare among others.

7.427 The National Commission on Rural Labour estimated Agricultural labour to be around 110 million or 73% of the total rural labour with nearly half belonging to the Scheduled Castes and Scheduled Tribes and suggested that a multi-dimensional strategy was needed to lift agricultural workers from the vortex of poverty. It also suggested that an infrastructure had to be created for irrigation, drainage, food control and rural electric supply; it was essential to enforce minimum wages and social security; it was necessary to introduce central legislation for agricultural labour providing security of employment, prescribed hours of

- work, payment and that a welfare fund should be set up with employers' contribution in the form of cess which would make provisions for (a) maternity leave for women agricultural labour, (b) old age pension, at a minimum of Rs. 100 per month.
- 7.430 The 34th session of the Indian Labour Conference (ILC) held in December 1947 recommended that the Government should issue identity cards to all workers both in the organised and unorganised sector in a phased manner.
- 7.431 The ILC recommended that all the State governments and Union Territories emulate the example of the Government of Kerala and a few others, who had set up welfare funds which would go a long way in meeting the bare minimum welfare needs of the unorganised workers.

- 7.433 We have to address the question, what is the minimum that the Umbrella legislation for workers in the Unorganised Sector should ensure. There should be a policy framework that ensures the generation and protection of jobs, and access to jobs; protection against the exploitation of their poverty and lack of organisation; protection against arbitrary or whimsical dismissals; denial of minimum wages and delay in payment of wages, etc. The system of Welfare should include access to compensation for injuries sustained while engaged in work; provident fund; medical care; pensionary benefits; maternity benefits and childcare.
- 7.434 The law should be capable of being implemented and monitored easily. It should, therefore, include machinery for the disposal of claims and complaints at a place that is not too distant from his place of work, with expedition.
- 7.435 The system for Social Security must be such that the worker can make a corollary financial contribution to the cost, consistent with as many of his needs as possible, and deliver the services as near his place. The machinery should not be cumbersome, costly, centralised, and burdened with many administrative layers and overheads.

- 7.438 The labour policy set out in the five-year plans since Independence was based on the belief that the basic needs of workers for food, clothing and shelter must be satisfied. An important aspect of labour policy outlined in the Seventh Plan relates to the formulation of an appropriate wage policy, and provisions for the welfare and working and living conditions of unorganised labour not only in the rural sector but also in urban areas. The Eighth Plan (Chapter III) said that improvement in the quality of labour productivity, skills and working conditions and provision of welfare and social security measures, especially of those working in the unorganised sector was crucial for enhancement of the status of labour. The plan laid emphasis on the enforcement of labour laws especially laws relating to unorganised labour and women and child labour.

- 7.444 In looking at the need for social security in the unorganised sector and the demands on a system of social security in the unorganised sector, we have to keep certain characteristics of the sector in mind.
- 7.445 A major obstacle to introducing contributory social insurance schemes for the unorganised sector is the difficulty in identifying the employer. Unlike the organised sector where steady and regular employment is more or less a given fact, unorganised sector workers need employment security, income security and social security simultaneously. The needs

of these workers often vary from those of workers in the organised sector.

- 7.447 We have to see how these constraining factors can be eliminated or mitigated to extend the benefits of social security to workers in the unorganised sector. We should not lose sight of the fact that in this sector social security should have promotional and preventive aspects addressing employment and income security and covering healthcare, childcare and old age.

- 7.448 The Social Security measures for the Unorganised Workers should include healthcare, maternity and early child care, provident fund benefits, family benefits, ameliorative benefits including housing, drinking water, sanitation, etc. compensation or employment injury, retirement and post-retirement benefits, cover in cases of loss of earning or the capacity to earn, schemes, either independent or in association with the Government, Welfare Bodies, NGOs and Social Organisations, for the upgradation of skills and the education of workers, and elimination of child labour, forced labour, and unfair labour practices and practices.

- 7.449 Before going into modalities of setting up of an Unorganised Sector Workers Board it is necessary to classify the occupation in the unorganised sector.

- 7.450 Minimum wages legislations have listed certain employer expectations.

- 7.451 Individual classification of economic activities has not been found helpful in arriving at the kind of distinct groups/classes of occupations and processes existing in the unorganised sector.

- 7.452 The factors considered for classification are recruitment, payment, utilisation, casual nature, relation to child labour, family labour, migrant labour, wage and earnings levels, skill levels, home-based activities, source of raw material, access to capital, nature of output, occupational hazards.

- 7.453 We have classified workers in this sector on the above basis.

- 7.454 National Industrial Classification of Economic Activities is on the basis of nature of economic activity carried out in an establishment. The National Classification of Occupation 1963 bases its report on the nature of occupation. In the unorganised sector both these principles can be used but combined with other elements.

- 7.455 If the classification is based on the distinction between the workers and a producer it will be more or less equivalent to distinction between the un-employed and the self-employed.

- In our analysis, an substantial group emerged as merely self-employed or employed. In almost all occupations we can find both self-employed and employed workers.

- 7.456 In some cases the same person is employed in different occupations. For example a marginal farmer is working as producer, own account worker and also self-employed. Further, the same person gets employed as agricultural workers and also as construction workers.

- 7.457 We believe that classification should be an on-going process. For instance if a child labour practice group exists under the board, after some time the group can be removed when sufficient improvement is reported in the incidence of child labour in that group. There should also be flexibility to accommodate newer classes and eliminate existing classes.

- 7.458 We are suggesting a tentative but a comprehensive list of groups that can be useful in wage fixation and in undertaking studies to assess the undergoing changes in respective

groups of industry and occupation. For the purpose of social security measures and census collection, separate group-based categorisation would be necessary.

- 7.472 It is clear to us that crucial guarantees of justice lie in minimum wages, job security, safety and social security.

- 7.473 To meet these crucial requirement we propose the constitution of unorganised sector workers board with constituent bodies that will extend to the level of Panchayats.

- 7.474 The employer's employing more than 5 workers shall ensure that the workers engaged by them are registered with the board and issued identity cards by the boards and the employing less than 5 workers shall help the workers in securing the registration and identity cards.

- 7.475 An indicative bill for the workers in the unorganised sector to ensure their minimum protection and welfare has been appended in our report.

## CHAPTER - VIII

### SOCIAL SECURITY

- 8.30 Our Commission accepts the need to consider social security as a fundamental human right.

- 8.32 We recommend a system in which the State bears the responsibility for providing and ensuring an elementary or basic level of security, and leaves room for partly or wholly contributory schemes. This will mean that the responsibility to provide a floor will be primarily that of the State, and it will be left to individual citizens to acquire higher levels of security through assumption of responsibility and contributory participation. Such a system will temper and minimise the responsibility of the State, and maximise the role and share of individual and group responsibility. Thus, there will be three levels in the system.

- 8.31 Considering all the conceptual issues as well as the demographic profile of the country we feel that no single approach to provide social security will be adequate. The problem has to be addressed by a multi-pronged approach that needs to relevant in the Indian context.

- 8.78 The Study Group on Social Security constituted by our commission felt that it might not be possible to ratify all the Conventions of the ILO immediately, but it is desirable to plan for their eventual ratification by upgrading laws and practices beginning with the Minimum Standard Convention. The Commission endorses the view of the Study Group.

- 8.93 The Task Force on Social Security recommended that 'wage ceiling and employment threshold can and should be uniform with a view to raising the wage ceiling and its eventual removal and lowering employment threshold and its ultimate removal'. The Compensation Act also agrees with it.

- B.95 The term 'workman' may be replaced by the term 'employee' so as to make the workers' Compensation Act applicable to all categories of employees, the term 'employee' may be

defined to mean any person employed in any employment specified in Schedule II; the entries in Schedule II may be revised so as to make it applicable to all classes of employees progressive; and restrictive clauses, wherever they occur in the Schedule, may be omitted.

B.97 The Workmen's Compensation Act should be converted from an employers' liability scheme to a social insurance scheme, its coverage should be progressively extended to more employments and classes of employees, and the restrictive clauses in Schedule II of the Act should be removed.

B.100 So far as the organised sector is concerned, the existing provisions for maternity benefit should be extended so as to be applicable to all women workers.

B.101 There are many classes of establishments where women are being employed increasingly, to which the Maternity Benefit Act is not applicable, we recommend that those classes may be brought within the scope of the Act on priority basis by following the National Industrial Classification.

B.102 So far as women in the unorganised sector are concerned, there is undoubtedly a need for a separate legislation for providing maternity benefits. Its implementation is possible through Welfare Funds or area-based schemes.

B.103 The National Health Policy assigns a minor role to health insurance to supplement the public services. The running of the medical services by the ESIC, parallel to the National Health Service might have been a historical necessity at the time when the ESIC Scheme was introduced. The object and scope of the Scheme needs to be reviewed in the current context when public as well as private medical services have increased.

B.104 It does not seem possible to extend the existing composite structure of the ESIC to all sectors of the workforce and all parts of the country in the near future. The Corporation has, therefore, to take a decision to de-link the employment injury and maternity benefits from the medical benefits, and to extend the application of the ESIS Scheme for the purposes of these benefits throughout the country. Alternatively, separate social insurance schemes confining to these benefits will have to be evolved.

B.105 The Study Group on Social Security has strongly urged that the benefit structure of the ESIS Scheme be unpacked, and provision be made for extension of the scheme for one or more benefits separately or in groups. The Study Group further suggested that immediate steps be taken to extend the scope of the Act for purposes of employment injury benefit and maternity benefit throughout the country without waiting for the corresponding provision for medical benefits. This Commission agrees with the views of the Study Group.

B.108 When the constraints on extension of the ESIS Scheme are removed, there would be no justification for retaining the other restrictions on the application of the Act. If necessary there may be a ceiling on wages for purposes of contributions and benefits.

B.109 Casual and contract workers may be covered for limited benefits at reduced rates of contribution as recommended by various committees and the LO. Exemptions may be granted from the ESIS. In cases where establishments provide similar or superior benefits,

Since the ESI Scheme is a contributory scheme, the rates of contribution should be fixed or, on actuarial basis, also be free from collective bargaining.

B.112 The Study Group has suggested a review of the decision to impose a ceiling for purposes of reimbursement, and the level of the ceiling, and to consider the desirability of its withdrawal. The Commission agrees with this suggestion.

B.113 The management of the ESI scheme should be professionalized. While a tripartite body may continue to remain the general body, day-to-day administration may be entrusted to a body of experts who should constitute the governing body.

B.114 The ESI Scheme has provision for payment for funeral expenses. It is suggested that it should be substituted by the term emergency expenses so as to include care of the sick and the elderly members.

B.115 A law to place all ESI provident funds under a common regime seems to be called for.

B.117 The P.F. Act be made applicable to all classes of establishments, subject to such exceptions as may be considered necessary for specified regions.

B.118 Regarding applicability of the P.F. Act, the Task Force on Social Security has recommended that the employment threshold should be brought down to 10 immediately, to 5 during the next 3-5 years, and to one within a short time-frame thereafter. The Commission agrees with these suggestions.

B.119 Our Study Group has suggested that the special dispensation granted to ESI operatives is not warranted, and should be removed. We endorse this view.

B.122 The Study Group constituted by us, commissioned a quick study to see whether the coverage of casual and contract labour has served the purpose for which it was intended. The study revealed that the provisions to cover persons employed on casual, or on contract basis were operating largely to the disadvantage of the workers.

Although the EPF Scheme requires that every employee should be provided with a passbook, the Organisation has failed to supply the passbooks. But with the introduction of computerisation such problem can be tackled. We suggest that appropriate provisions be made in the Act to enable the Organisation to frame different schemes with different contributory and benefit packages for application to different classes of establishments, employees and persons. This is particularly necessary to make the Act applicable to self-employed people.

B.124 The Commission suggests that the EPFO organise an inquiry into the working of all exempted funds by an independent agency and review the entire scheme or granting exemptions from the provisions of the Act.

B.128 Considering the likely expansion of the coverage of the Schemes under the EPF Act, there seems to be a greater need for decentralising the administration of the Schemes. One

- way to decentralise the administration is to authorise more and more employers to administer their own Provident Funds, the EPFO acting as a regulatory authority.
- 8.129 It is suggested that the Act be amended so as to do away with the distinction between different classes of contributions for purposes of the rate of contribution. This is, however, without prejudice to the suggestions made elsewhere to provide for different packages of contribution and benefits for different classes of employees.
- 8.130 The EPFO should streamline the procedure for tracking the defaulting employers specifically and to recover the arrears promptly.
- 8.131 We suggest that the EPFO should have its own mechanism for investment of its balances; investment patterns should be liberalised and government may consider issuing or increased bonds for investment of PF balances.
- 8.132 The Commission is of the opinion that the provisions for premature withdrawal of funds should be restricted.
- 8.133 There can be no justification for permitting premature final withdrawals in case of resignation.
- 8.134 Proposals to integrate the Payment of Gratuity Act with the Employee Divest Linked ?????? Scheme and also to introduce an Employment Insurance Scheme as part of the Scheme should be implemented soon.
- 8.135 It is desirable that an independent valuer and not the Actuary who designed the Employee ?????? Scheme, does three yearly or five yearly valuations.
- 8.136 All the ambiguities in the interpretation of the Employees Pension Scheme be referred to the Actuary and the Scheme be amended suitably as per his advice.
- 8.137 The Payment of Gratuity Act may be integrated with the EPF Act and converted into a social insurance scheme.
- 8.138 Integration of the Payment of Gratuity Act and the EPF Act will ensure automatic extension of the Payment of Gratuity Act to all establishments to which the EPF Act applies.
- 8.139 The scope of the Payment of Gratuity Act should be re-examined with that of the EPF Act.
- 8.140 An integrated insurance scheme providing for gratuity, unemployment benefit, lay off and retrenchment compensation may be evolved, and entrusted to the EPFO for its implementation.
- 8.141 An integrated insurance scheme could play a substantial role in coping with unacceptable levels of unemployment resulting from the implementation of the structural adjustment programmes and other economic reforms.
- 8.142 The scheme should preferably be implemented through the EPFO's organisation and be applicable to all establishments and employees to which the EPF Act is currently applicable.
- 8.143 The unempoyment scheme should be financed by a tripartite contribution to be determined annually.

8.179 The National Renewal Fund (NRF) was established in February 1992 to provide a form of a wage guarantee which had to be used for re-training, re-deployment, counselling etc. But in practice, NRF has mostly been utilised for implementing the PSS. There is need to restructure this Fund to serve as a wage guarantee fund.

8.182 A provision be made for payment of education allowances to all employees by amending the existing laws regulating employment and conditions of service of employees.

8.183 The welfare funds will do well to adopt models of reimbursing the expenditure, subject to such conditions as might be considered necessary for running the services directly by entering into agreement with the providers of the services, defining the function of the fund to the financing of the services.

8.222 The task force to review the working of welfare funds observed that the working of the welfare funds had suffered due to sparsity on the part of the management, want of infrastructure, inadequate resources, cumbersome procedures and unimaginative administration.

8.223 Welfare funds can be transformed into instruments of social security by expanding the coverage of the funds, broadening the range of benefits, modifying the financial arrangements for providing benefits and devolving the administration of the funds.

8.233 Employers are not averse to contributing to a welfare fund which would provide all the benefits including social security to workers through a trustee board. What they do not seem to want is regulating employment through registration of employers and workers, and allotment of workers to the employers by the tripartite board.

8.242 The Insurance Companies be required to develop two or more plans providing coverage for the major risks faced by people leaving it to individuals to choose from among them according to their capacity.

8.244 The IRDA has decreed that every insurance organization must provide social insurance cover to a prescribed number of persons belonging to the weaker sections in the unorganised sector every year. This Study Group has suggested that a separate organisation be set up to administer these schemes, and the insurance companies licensed by the IRDA be asked to make appropriate contributions to this organisation.

8.245 The cost of subsidy should be augmented by earmarking a part of service tax being levied on insurance business.

8.247 A reasonable alternative to the various occupation-based schemes would be to design a scheme on area basis. According to the ILO, the area based scheme envisages open membership to all adult workers in a defined geographical area, irrespective of the nature and the duration of employment or the place of work. A special focus is intended to be built for the inclusion of eligible women.

8.248 The basic benefits may include (a) insurance against death or disability, (b) health insurance and (c) life insurance.

8.249 The coverage under death and disability may be comprehensive. In case of disability the compensatory payment may be made periodically.

- 8.251 Under old age benefit, a pension based on a savings-linked scheme may be evolved.
- 8.252 The funding of the scheme is envisaged to be from contributions from members and from other sources.
- 8.253 The project is conceived at a state level project.
- 8.254 The area-based scheme appears to be suitable for application to the workers in the unorganised sector.
- 8.255 Self Help Groups have emerged as a promising partner of formal agencies. The democratic functioning of the SHGs, their skill in assessing and appraising the credit needs of members, their business-like approach and efficiency in recycling the funds with a high rate of recovery, are welcome features which banks can utilise in meeting the credit needs of the poor.
- 8.256 Unorganised workers may be mobilised to form Self Help Groups; local workers' economic organisations; district level cooperatives and village based militia, mandals or jumruk mandals or kisan sanghs.
- 8.257 These organisations could be actively involved in provision of credit, micro insurance by linking with savings and credit supplying groups or organisations and social security services through the area-based approach.
- 8.258 National Social Assistance Programme (NSAP) has served the long felt need for uniform national minimum standards for providing social assistance to weaker sections of the Society. More benefits may be added to this programme in due course of time.
- 8.259 The need to provide some form of public assistance to meet the distressing consequences of unemployment has become more urgent after globalisation. The only way to mitigate such stress or insure against such exposure, will be to provide at least a minimum of support that will enable the victim to face the rigours of unemployment during the period of transition.
- 8.260 Apart from NSAP, there are several schemes under which social assistance is being provided.
- 8.261 All such programmes should be integrated to maximise coverage, avoid overlapping and ensure a basic minimum to all.
- 8.262 There are a number of pension schemes in our country - old age pension, widows pension, pension for physically handicapped; national pension scheme and other pension schemes.
- 8.263 The quantum of maternity benefits may be raised to a minimum of Rs. 2,000/-.
- 8.264 The Commission endorses this suggestion that mothers must be provided to relieve all working women to leave their children under proper care, in a safe environment removing the burden from the shoulders of their siblings.
- 8.265 The food security policy calls for a review and rationalisation.
- 8.266 The Central Government should devise a scheme similar to the targeted PDS for foodgrains, to supply cloth free to destitutes, and at subsidised prices to the people below the poverty line.

- 8.292 Effort to implement a National Employment Assurance Scheme is of considerable importance. Such a Scheme would not be unfeasible and should be given a fair trial.
- 8.293 We feel that it is the responsibility of the State to provide a basic level of subsistence by an appropriate social security measure to those who have no employment and no source of income. The Central Government should consider introducing a National Scheme of Unemployment Relief to the unemployed persons subject to a means test.
- 8.294 Land is critical for rural people. Institutions and policy forums are needed to give better access and secure rights to all the critical assets that are unevenly distributed.
- 8.316 While basic health security has to be provided by the primary health care infrastructure, it may be supplemented by one or more of the various options. The PDS has an important role to play in supplementing the public medical service. It is, therefore, necessary to take all possible measures to improve its working and its expansion.
- 8.332 Our Study Group has suggested the introduction of a National Widow Pension Scheme coupled with a training programme to help the younger ones to be self-sufficient.
- 8.340 A National Scheme may be designed for the payment of children's allowance on a universal basis, subject to a means test, to persons below the poverty line.
- 8.341 We reiterate the need for a national policy for older persons. There is no alternative to the Central and State Governments taking the initiative to set up their own homes in sufficient numbers.
- 8.351 Appropriate schemes would need to be designed for the health care as well as long term care of the elderly.
- 8.356 Ceiling on the amount to be paid for maintenance of dependents, under the Cr. P. C., may be removed and it may be left to the courts to decide the amount depending on the facts of the case.
- 8.357 In order to ensure that the elderly keep healthy, it is necessary that they remain gainfully active. Their service can be utilised in various activities of the community for which they may be paid appropriate remunerations.
- 8.364 A comprehensive plan of action for social protection of disabled is necessary. It should include removal of the disabilities; reservation of jobs – the feasibility of extending this to employment in private sector may be considered; adequate job opportunities; in case of persons who cannot work, the State should provide a safety net and there should be a proper assessment of the numbers involved and the schemes prepared to cover them.
- 8.365 A National Scheme for Physically Handicapped be introduced.
- 8.372 We welcome the initiative taken by the Government in introducing a new Social Security Scheme for agricultural workers called the Kisan Mazdoor Sama Yojana. It seems, however, to be a departure from the original proposal to establish an employment board and a welfare fund for the workers. We suggest that these proposals may also be revived and implemented early.
- 8.380 A national scheme be drawn up for payment of pension to leprosy affected persons or the same lines as the pension for the physically handicapped persons, with the rate of pension being raised to Rs. 2,000/- per month.

- B.387 The State should support the families of the mentally ill by providing them community based services and where absolutely necessary, financial aid.
- B.388 A National Scheme should be drawn up for providing institutional care and means of livelihood to mentally sick people who are unemployable, and their dependants, treating them on par with the physically handicapped.
- B.389 Able-bodied beggars should be given training and help to get employment. Persons who may not be able to work would have to be provided the means of livelihood by the State by maintaining them in beggars homes or by giving them pension. A National Scheme may be drawn up for the purpose.
- B.390 Effective measures be taken for weaning people engaged in manual handling of night soil and for rehabilitating them in other compartments.
- B.391 There is a proposal to establish one or more welfare funds for rag pickers. It is suggested that the feasibility of setting up similar welfare funds for other scavengers also may be considered.
- B.392 An appropriate National Scheme for providing relief and rehabilitation to people affected by economic and social distress, including natural disasters, may be designed.
- B.393 A permanent commission for disaster management should be set up on the lines of the Election Commission. It should be responsible for the management of relief and rehabilitation after every drought, loss of crops, floods, cyclones, earthquakes and other disasters. This body could study how disasters are managed in other countries and suggest the equipment to be purchased. It should also be empowered to seek help from the Army, Police and other personnel in times of acute stress due to calamities.
- B.394 The Study Group of this Commission felt that in evolving an integrated and comprehensive system of social security in India, one should have a broad vision and one should develop a structure which will encompass the whole population with its diverse needs. It cannot be a single scheme but has to be a combination of schemes catering to the needs of different target groups with different needs and different pension capacities. The Study Group has expressed the view that, in India, there already exists a three-tier system which can be expanded and consolidated.
- B.395 The system envisaged by the Commission comprises of four tiers, (a) Social assistance programmes, financed from the exchequer and wholly based on tax revenue, (b) Schemes which are partly contributory and partly subsidised by the State; (c) Wholly contributory social insurance schemes; and (d) Voluntary Schemes.
- B.396 It is high time that a national policy on social security is formulated and a national plan to achieve the objectives set out in this policy evolved.
- B.397 It is necessary to create a small but strong agency in the Central Government which will be concerned with the national and vertical coordination of social security planning, monitoring and review.
- B.398 We strongly recommend the constitution of a high-powered National Social Security Authority, preferably under the chairmanship of the Prime Minister of India. The functions of the Authority will be mainly to formulate the National Policy on Social Security and to co-ordinate the Central and State level programmes.

- B.416 We would suggest a Department of Social Security within the Ministry of Labour. This Department would provide policy inputs and secretarial services to the National Authority, coordinate, monitor and review specific programmes among various ministries and the States. Similar arrangements can be made in the States.
- B.417 We feel that the unification of administrative responsibility in respect of the existing social security legislation, is both necessary and desirable.
- B.418 The Commission recommends the establishment of a comprehensive social security system covering various existing programmes of different Ministries/Departments. However, to begin with, functional integration of all social security programmes in the organised sector could be attempted, pending a review of the need for administrative integration.
- B.419 The mechanism of delivery should be based on two key principles: (a) It should be as decentralised and as close to the beneficiaries as possible; and (b) it should be tripartite or multipartite involving workers, employers, governments and other stakeholders.
- B.420 We recommend constitution of District/Area Level Committees, which may be tripartite or multi-partite as the need demands with necessary secretarial assistance.
- B.421 Services should be delivered at the doorstep of the beneficiaries.
- B.422 It is reported that many public social security institutions, in their effort to match their services with those of the private sector agencies, are experimenting with outsourcing the services. India has established such agencies; they have not been given the necessary autonomy or authority. The administrative arrangements with these agencies need to be reviewed and reformed. They could also be permitted to subcontract their services to voluntary organisations.
- B.423 Social insurance schemes are contributory, and their viability depends upon the rates of contributions received and the quantum of benefits paid out. Different packages of benefits with different rates of contributions should be designed to suit the capacity of the contributors to pay.
- B.424 A scheme may be contribution-defined or benefit-defined.
- B.425 The Commission feels that the Schemes should be benefit-defined.
- B.426 A Social Security Fund of India and a Social Security Fund of each State may be set up.
- B.427 There will be three kinds of social security schemes: social insurance type of contributory schemes, subsidised Insurance/welfare fund type of partly contributory and partly socially assisted schemes and social assistance schemes which will be wholly non contributory.

## CHAPTER - IX

### WOMEN & CHILD LABOUR

- 9.1 Approximately half the population of our country and, therefore, of the potential workforce is of the female gender. Any social, economic or industrial system that ignores the potential talents and special aptitudes of this half will be flouted on many counts. It is, therefore, necessary to ensure equal opportunities and protection from indignities.

- 9.3 The system and law have also to take cognizance of, and provide for, the special responsibilities that women bear to society and the sexes. While it has been proved that women can do any job that men can do, there are some social responsibilities that men cannot discharge.
- 9.5 The Commission is strongly of the opinion that our laws and systems of social security should prevent and eliminate discriminatory attitudes and practices.
- 9.6 The detailed recommendations that the Commission proposes to make to amend and improve the laws are included in the Chapter on 'Review of Laws.'
- 9.8 Our detailed recommendations on aspects of social security that are of special relevance to women workers, can be found in the Chapter on 'Social Security,' alongwith our recommendation for a comprehensive social security system for the entire workforce.
- 9.9 The Commission shares the view that the continuation of women as a category of workers, is grossly underestimated. This under-valuation manifests itself in disparities in wages, in access to and control over resources, in lack of infrastructural support, and above all, in great disparity in the work burden.
- 9.10 The Census of India and the National Sample Survey Organisation (NSSO) are two main sources of data on women's employment. But they have not followed identical definitions of work.
- 9.12 None of the definitions has fully captured the extent and degree of women's participation in the workforce.
- 9.18 "The low value attached to women's work requires a fundamental remedy: if women's work was more fully accounted for, it would become clear how much women count in development. To do that requires much better gender-specific data on development. There is a need to redesign national censuses, particularly agricultural surveys." We endorse these views. (Of Human Development Report of 1990)
- 9.19 Though the definition of work has been refined over time and the extent of women's work which is not enumerated is less today than what it was in the past, the data on work participation of women still remains questionable. The problems arising from inadequate definitions and inaccuracy and biases in enumeration, are compounded by the difficulties that are experienced in assigning economic value to the work of women, especially when it is unrelated to the market.
- 9.21 The participation of women in the labour force has always been lower than that of men, in the rural as well as urban areas. The difference has been greater in urban areas.
- 9.43 The main observations that the Commission wants to make on the forces of globalisation and their impact on the workforce, labour market, industry and industrial training, have been made in the Chapter on Globalisation.
- 9.47 Variations in new opportunities is more visible in the case of female workers. Women with degrees from good universities in metropolitan areas, from families that are well acquainted with English, have a large variety of possible job openings. Today, they have begun to work in a large number of non-traditional areas, from television to Information Technology. Women from rural areas and poor families have fewer opportunities. Even where opportunities exist, they are less appealing.

- 9.50 If there are major policy changes in forestry sector, and if the state is willing to open up areas for nurseries, cultivation of fodder, afforestation and conservation, new job opportunities may be created for women in this sector.
- 9.51 The main policy implication in the livestock sector is the need to recognise the potential for woman's contribution, to increase their skills and knowledge, and, to ensure their ownership of both the livestock assets as well as partnership in institutional set-ups such as co-operatives.
- 9.52 In spite of the fact that the maximum number of women work on land in the agricultural sector, they seldom own resources. The tasks performed exclusively by women are usually the most back-breaking and low paying. Yet, there is wide disparity between men's wages and women's wages, with women being paid far less than men in most States. Recent technological change have eliminated many jobs traditionally performed by women.
- 9.54 Beech rolling is a major area of employment for women, which, however, remains low-paid, insecure and hazardous for health. The risks to health are not confined to those who work, but extend to children who play around tobacco and to others who often live in unvaccinated houses in which the work goes on.
- 9.55 Women are concentrated in certain crafts; in recent years they are entering male-dominated crafts like brassware. For women artisans, there is a need to promote skill upgradation along with a more market-oriented approach to production.
- 9.56 Industrial sub-contracting has increased work opportunities for women, but it is unfortunate that the earnings are very low, sometimes well below the minimum wage. The Commission recommends that the Government formulate a National Policy on Home-based Work, in conformity with the provisions of the ILO Convention.
- 9.57 Food processing is one area where upgrading skills and bringing in modern technologies of food processing, preservation and packing can create many employment opportunities, particularly for women.
- 9.58 The textiles and garments industry is a major employer of women. The cotton textile, handloom and to some extent power loom industry and the growing garments sector, both factory and home-based, employ women. Unfortunately, employment in handlooms is declining. Linking of handloom weavers to market requirements and skill upgradation of the weavers, will improve their employment prospects.
- 9.59 In garment factories women earn more than as home-based workers, but require protection of the labour laws for social security. They also require continuous upgradation of skills for increased productivity and earnings.
- 9.60 The challenges in construction sector is to improve the working conditions and the social security support to women construction workers and to undertake rapid skill upgradation and policy measures, to accelerate employment opportunities for women workers in the scenario of changing technologies.
- 9.51 In order to preserve and expand employment of street vendors, it is necessary to make provisions for vendors at the stage of town planning and laying infrastructures. A similar

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attitudinal change is needed in the case of rag pickers who derive their employment from collecting waste and at the same time provide a cleaning and recycling service to the city.

9.63 With more investment in career training for nurses and midwives, and better working and earning conditions, there is great potential for employment, both for fully qualified nurses and auxiliary nurses and other para-medical staff.

9.65 The Commission is of the view that anyone who employs a worker directly or indirectly should be required to pay at least the minimum wage or assure a minimum income. An assured minimum income will go a long way for the worker, and will reduce the temptation to use minor family members to supplement the income.

9.68 Minimum status need to be fixed in all work situations even where there is no 'real' employer-employee relationship and a piece-rate system of payment is followed.

9.69 When liberalisation policies are being formulated, their effect on employment is rarely calculated or taken into account by economists and policy makers.

9.70 There is evidence to show that these policies have led to loss of existing employment; changes in employment; changes due to informalisation of work and creation of new employment opportunities.

9.96 All economic policies of the Government have an impact on employment, especially for workers in the unorganised sector. Therefore, the adoption of such policy that relates to finance, industry and agriculture must be preceded by an evaluation of its effect on employment.

9.97 To save jobs for the common people, it may also be necessary in some cases to restrict certain imports, either by imposing higher duties or by quantitative restrictions.

9.98 Another way of dealing with the loss of employment is to invest in rehabilitation. Some rehabilitation schemes may, in fact, not even be costly, but may only need some modifications in policy.

9.99 To deal with the shrinkage of employment that results from mechanisation and introduction of new technology, we recommend self-training and upgradation of skills for women. In a widespread and continuous scale, identification and promotion of technologies which increase the productivity of workers, but which at the same time have the least negative affect on employment.

9.100 It is a cause for deep concern that workers with security of work, fair incomes and social security, should be deprived of their employment. Our concern is to assure a minimum level of income and security to all women workers regardless of where and under what employment relations they work. Very strict implementation of the Minimum Wages Act with birth penalties for breaches is called for. All trades should be included in the Act, regardless of existing schedules. The Act should be extended to include workers under piece-rates, irrespective of whether employer-employee relationships can be proved or not. There should be identification of all workers and they should be issued identity cards. Social security should be ensured to all workers. We have proposed laws and policies for certain categories of workers like home-based workers, agricultural workers, domestic workers, manual workers and vendors.

9.101 General recommendations for increasing employment opportunities and increasing micro-finance; direct access to markets and training and skill development.

9.104 childcare is a major investment in the protection and development of human resources. The mechanisms of childcare should be multi-dimensional. Labour legislation should include provisions for creches where there are 20 or more workers irrespective of the gender of the worker. Childcare should find a place in the Integrated Child Development Services (ICDS) programme. It should be recognised as part of the policy on education. Just community based approaches should be encouraged and multiplied and the important role of the childcare worker should be recognised, and compensated.

9.105 In the absence of adequate childcare facilities, a working mother has often no option but to leave the child with a older sibling. A large part of sibling caregivers are girls children. Many of them not above the age in which they themselves need care and nurturing. Provisions of childcare facilities will release the girl child to attend school and to enjoy her own childhood.

9.108 ICDS has been quite successful in developing an infrastructure for childcare services, covering about 62% of the children and reaching out to rural and tribal areas. However, ICDS is not programmed to cater to the needs of working women, as it provides services for only 3-4 hours per day. Its total dependence on the Government for funds, further leads to lack of sustainability.

9.109 Several laws make it obligatory for employers to provide creches for the children of women workers.

9.110 However, the implementation of the laws is far from satisfactory. Existing laws that restrict the provision of creches to undertakings that employ 20 working women or more, have worked against women's employment.

9.111 The burden of childcare must be shared equally between both the parents. There should be a provision for creches where 20 or more workers are employed irrespective of the gender of the worker. If it is found that individual enterprises are not in a financial position to run their own creches, enterprises may jointly establish and operate them. Another possibility is that Panchayats or local bodies or local non-profit groups run creches, and employing units are asked to make a proportionate contribution to the costs.

9.112 The proposed BSY Amendment Bill will guarantee the right to education for children in the 6-11 age group. Only those who can afford to nurture their young children and provide them pre-school opportunities, will be able to take advantage of this right. The age group of 3+, must be included to ensure that children of disadvantaged groups have equality of opportunity in the school system.

9.113 A flexible, autonomous Childcare Fund may be set up. This Fund can be drawn upon to provide childcare facilities to all women, regardless of income, number of children or other considerations. The fund should be at the state, rather than the national level, for administrative convenience and adaptability. The fund should be raised from multiple sources, and should have autonomy in action and in developing income.

9.115 A variety of strategies are required to meet the varied needs of different groups in urban, centrally controlled childcare scheme or programme can provide solutions for all the varied scenarios.

9.1.6 The NGO sector in India is a good source of innovative, effective and low-cost approaches. Creative responses have also been developed by families that live outside the ambit of government or centralised services. While small in scale, they nevertheless offer a wealth of approaches that could be successfully incorporated into the practice of the mainstream Government sector.

9.1.17 The Accra Market Women's Association in Ghana developed a childcare programme that kept children safe while mothers conducted business.

9.1.18 Special efforts should be made to identify, develop and investigate low-cost, community-based approaches, in analyse their impact on the overall development of children, and to validate and legitimise them on the basis of evaluation. The most innovative and promising community interventions are those that respond to the reality at the grass root level; that involve all the stakeholders including the parents and the community, and have strong informal networks.

9.1.21 ILO Standards need to be redesigned to include the child under three. Current weaknesses in implementation and allocations need to be corrected. Wages, conditions of work, training and accreditation of childcare workers need consideration at the policy level.

9.1.22 A statutory scheme for the implementation of maternity entitlements should cover all women under income criteria. The scheme should provide financial support for childbirth, childcare and breastfeeding in the first few months of the child's life. The funds to support such a scheme should be raised from a basket of sources.

9.1.25 The main international convention covering maternity benefits is the ILO's Maternity Entitlement Convention, 2000.

9.1.23 It is universally acknowledged that there are inadequacies in both the CSI and Maternity Benefits Acts at the National Level. These Acts only cover workers in the organised sector. There is a need, therefore, to extend maternity benefit measures to women workers in the unorganised sector. These Acts provide no work protection for women. Many women are either forced to leave their jobs when they are pregnant, or are not hired at all because they will have to be provided maternity benefits during and after pregnancy.

9.1.30 Apart from these two Acts, there are several government schemes available for maternity benefits.

9.1.31 The population policy, particularly the two-child norm has an intimate relationship with the maternity benefits and entitlements issue.

9.1.33 While this Commission agrees that it is important to limit explosive growth in population, it wishes to point out that reducing deaths during childbirth and reducing infant mortality are important for society. It has been seen that better educated women have smaller families. The Commission recommends full baskets of maternity entitlements for the two live children, and a policy that discourages having more children.

5.1.34 The Study Group has proposed a statutory scheme for the implementation of maternity entitlements. The scheme is to cover all women, the only discrimination being one economic criteria, and that too for a brief period of time if funds are not available.

9.1.36 The access to this scheme should be through multiple channels and agencies. The sources of funding would be employees and the state at the central, state, district (or 'mukti' or local (ward or panchayat) levels; employers and community contributions & (except in Thailand and China, where the community sponsors one worker for every 200 families to ensure the proper delivery of benefits).

9.1.37 The scheme may also provide for the setting up of a Monitoring and Grievance Committee with representatives from workers, employers and local authorities.

9.1.38 Organising is the key to the empowerment of women. It helps them to unite, become conscious of their rights and obligations, increase self-esteem, and forge channels through which they can avail of financial and credit services, and enjoy their influence to bear on issues affecting them.

9.1.41 Women workers constitute the most vulnerable group in the economy.

9.1.43 Women are also physically vulnerable.

9.1.44 All recommendations for policies for women workers must be combined with an enhancement of their own strength, or what is called their 'empowerment'. Organisations, therefore, becomes the backbone for expanding legal protection and facilities, and for transferring them from the Scalp to the Rank to the lives of the individuals.

9.1.51 Women have also been active in the growth of the labour movement.

9.1.52 A new phase of the women's movement started in the 1970s. In 1974, the Report of the Committee on the Status of Women in India was released. This report gave a lot of prominence to the position of unorganised workers as well as to the status of poor women with regard to education, politics and the law. This report, followed by the extraction of the International Women's Year in 1975, saw a sudden growth and a new turn in the women's movement in India.

9.1.55 One of the significant features of the earlier experiences of organising women workers has been that an intervention to provide women with access to credit can have a multiplier effect, and can, by itself, be a strategy for organising women.

9.1.56 Today there are many different types of organisations that work with or for women workers. 9.1.66 The first step towards the effectiveness of an organisation is recognition. When an organisation and its office-bearers are recognised by the existing structures, they are able to represent its members.

9.1.68 The process of acquiring and maintaining recognition for an organisation in the unorganised sector is long and tedious, and full of struggle.

9.1.70 Organising women workers in the informal economy has been in practice in several parts of the country with varying degrees of success.

- 9.174 Trade unions have also been trying to bring in women into their fold but there is a feeling that women workers are marginalised in Trade Unions.
- 9.180 Organisations often face resistance against recognition when they apply for registration. Most Labour Commissions associate trade unions with the formal sector and they therefore tend to question whether these organisations can be recognised as trade unions.
- 9.182 Cooperatives face multiple problems while seeking registration.
- 9.183 The major problem that cooperatives face in registration is the amount of paper work and procedures involved.
- 9.184 These problems may now be overcome with the passing of the new Mutually Aided Co-operatives Act, which has come into force, first in Andhra Pradesh, and then, in other States.
- 9.185 The main success of most organisations lies in their capacity to mobilise workers, to raise awareness and to run campaigns.
- 9.186 The rules and regulations of the Government can encourage or discourage trade efforts to organize. Existing, established organisations such as trade unions and NGOs can also serve as an impetus to 'organising'. At the same time, membership-based organisations themselves need to learn from the experiences of others.
- 3.195 We recommend that the Government should allow widespread registration of NGOs of women workers under the Trade Unions Act; promote Mutually Aided Co-operative Acts in each State and issue special guidelines for the registration of such co-operatives of women workers; frame and enact a special law for micro-finance organisations; ensure that the economic demands and struggles of women workers' organisations are not in routine fashion treated as 'law-and-order' problems; issue identity cards to all women workers; wherever possible, recognise MEOs as implementing agencies for Government schemes; recognise MEOs in Export Protection Zones (EPZs) to protect women workers in this zone; set up Voice Representation Systems for MEOs of women; invest in training and research organisations for building up capacity for MEOs and sensitize state, district, block and zonal level functionaries on issues relating to women, so that village level women's organisations may seek their help.
- 9.196 Apart from MEOs, other agencies including NGOs, trade unions and various organisations can play a 'promotive' and 'supportive' role for MEOs; support mobilising efforts of MEOs, especially to increase awareness and membership; support the setting up of capacity building systems including many types of training programmes; support the attempts of MEOs to enter markets and advocate and assist in the setting up of various forms of voice representation for MEOs;
- 9.197 The MEOs themselves should try to aim at financial and managerial sustainability; recognise that growth and up scaling are important; try to develop second and third levels leadership; take the support of Government and NGOs, including TUS to build strength and work for systems of voice representation.

- 9.199 The last two decades have seen a significant increase in data and literature on the life and worlds of working children, especially children in highly exploitative occupations such as brick making, gem polishing, carpet weaving and so on. Children in India also experience other forms of oppression and traumatic extraction. Some are victims of sexual abuse and compelled into prostitution and pornographic performances. The number of children who are victims of trafficking in drugs is also increasing.
- 9.200 It is universally accepted that children should not be made to work.
- 9.201 There are two perceptions of what constitutes child labour. The first identifies child labour as work done by children from poor households outside their home/family for a minimal wage. According to this perception, child labour is synonymous with the exploitation of poor, young children working outside their homes, by mostly and exploitative employers. It is apparent that this definition does not consider work done by children within their home/family as being exploitative, and therefore, meritless description as 'child labour'.
- 9.203 The ILO says, it is "not concerned with children helping in family farms or doing household chores." It defines child labour to "include children leading permanently adult lives, working long hours for low wages under conditions damaging to their health and physical and mental development, sometimes separated from their families, frequently devoid of meaningful educational and training opportunities that could open up a better future to them" (ILO 1987).
- 9.204 The other definition of child labour put forward by groups critical of the conventional definition argues that all forms of work are bad for children.
- 9.208 A definition of child labour, which excludes all children not going to school with child labourers, emanates from the rights-based approach towards development which considers having-out-of-school as a denial of the child's right to education.
- 9.210 There are children who actually work in factories and workshops of different industries, while some of them work for wages, a sizeable section of these children work in industries and factories as bonded labourers.
- 9.213 Besides employing children who are mortgaged by poor parents, other methods are also used to recruit children to work in industries. A very common practice in the tannery industry is to use the services of middlemen or contractors, who are paid a commission for bringing child workers.
- 9.215 Depending on the nature of work, the industry in which they work and the circumstances of their coming to work, children are subjected to various forms of exploitation.
- 9.218 Besides the children who actually work in factories and workshops, a number of working children are also found in home-based work, helping their parents.
- 9.219 Children work in the agricultural sector as well.
- 9.220 The not so visible type of child labour its agriculture includes the young boys and girls who work as part of family labour.
- 9.222 Urban metropolitan centres and semi-urban areas are home to another category of working children viz., street children.
- 9.223 Working children are often found among migrant families as well.

- 9.24 It is also necessary to take note of the impact that work itself has on the health and education of children who work as child labourers. Working in unhygienic and crowded conditions, children suffer from many occupation related diseases.
- 9.245 As far as vision, it has been observed that child workers in India are largely illiterate.
- 9.247 Few children outside of agriculture and traditional crafts can be said to be apprentices, learning vocational family skills.
- 9.249 The approach of the Study Group on Women and Child Labour has been that the child, the child's welfare and the child's future should be central to our programmes, and to our laws. Children are the future of our society, and an economy. Every child should have the opportunity to develop his or her skills and potential, to participate both as a citizen and as a worker. The Commission endorses this approach.
- 9.252 The only way to prevent child labour is to recognise that the rightful place of children is in school, not in the workplace or in the home. So, the first step is to ensure compulsory primary education for all children. Historically and worldwide, whenever child labour has been abolished, this is how it has been done.
- 9.253 At the same time, a set of complementary measures needs to be put into place.
- 9.254 Public action must be mobilised along all fronts to change attitudes towards child labour and no third public pressure against hiring children.
- 9.255 Significant consideration is to see the link between eliminating child labour and universalising elementary education. One cannot be achieved without achieving the other.
- 9.256 The entire strategy would have to be based on puncturing the norm that no child should work, and all children should be in schools.
- 9.256 The Child Labour (Prohibition & Regulation) Act, 1986 is limited in scope. It does not cover all occupations and processes where children are working. The Act covers only some hazardous occupations and processes. It excludes children working in family based enterprises.
- 9.255 Whether the child is employed in enterprise and industry outside the home, or at home, for wages or to help in domestic chores or family occupations, it results in the forfeiture of important rights for education.
- 9.257 The law does not say what should happen to the child labourer once the employer is prosecuted.
- 9.258 The implementation of the Act depends entirely on the State's bureaucratic machinery. It assumes that the bureaucracy, poorly staffed and ill-equipped as it is today, will be able to ensure that children do not work in hazardous processes and occupations, and conditions of work in non-hazardous settings will be upgraded.
- 9.259 Education is referred to in three different types of Laws. Instead of enacting and empowering parents to send children to school, the law empowers the State to take punitive action against parents who do not send their children to school.
- 9.261 The National Policy on Education talks of universal elementary education, but education has not become compulsory upto 14 years of age in terms of law. Pre-primary education is not

legislated upon. Non-formal education, rehabilitation and general development programmes are talked about in the National Policy on Child Labour (NPL) but are not made a part of law.

9.262 The Commission feels that the close links between education and the prevalence of child labour demand a convergence of laws on education and child labour.

9.265 We recommend that the Government incorporates the suggestions contained in various judicial pronouncements in relevant laws or guidelines.

9.270 So far, our policies have approached the situation of the child in a fragmented way. We have tried to deal with the problem of universalising education on the one hand, and of approaching child labour as a hazard on the other. This fragmentation of approach has been matched by a lack of convergence of effort as reflected in our programmes/ schemes of the various departments.

9.271 The number of Ministries and Departments (of both the States and the Centre) which handle schemes and budgets that deal with children, are numerous.

9.274 What is evident is that a very large number of government agencies are currently offering welfare and other services which are meant to reach children. Unless we achieve convergence in operational terms, laws and schemes related to child labour and child development may prove ineffective and inadequate.

9.275 We are proposing an indicative law on child labour which would replace the existing Child Labour (Regulation and Prohibition) Act 1986.

## CHAPTER - X

### SKILL DEVELOPMENT

- 10.1 There is an increasing demand of skilled labour. This is an account of globalisation, changes in technology as well as work processes.
- 10.2 Countries like India, which have opened their economy in the last decade, need to invest in the skill development, training and education of their workforce.
- 10.18 The lacunae in the present trade apprenticeship training are inadequate coverage of skill requirements, mismatch in demand and supply relation, lack of flexibility in the ergonomical of trade apprentices within the same trade group, lengthy and clumsy administrative procedures of record keeping and filling up of returns, lack of incentives to encourage industries to modernise their training facilities and inadequate and poor quality of training facilities as well as training staff.
- 10.19 The seven key existing and future challenges for Indian labour are challenge of globalisation of labour competitiveness vis-à-vis China and other nations; of loss of employment of surplus manpower from agriculture and manufacturing to services and trade; of recognising labour as human capital rather than as a cost; of continuous employability of labour; of enlarging and utilising effectively the infrastructure for education and training; and of absorption of new technologies by labour using education and training.

10.21

Training targeted at achieving global competitiveness can be successful only through a set-up of shared purpose between employers and the employed.

10.24

There are different training systems prevalent abroad. It would be suitable for India to adopt a system that gets participation from government, industry and trade unions, as and when required. The Study Group recommends by us has recommended a new modular approach to vocational training, which will add multi-skilling, impart skills attuned to the needs of the labour market, and in consonance with the latest technology. We endorse these recommendations.

10.36

Training shall take a new format and consist of small result oriented modules. This permits timely induction of new and need based modular curricula in consonance with the needs of the target group. By undergoing such modular trainings, the trainee also becomes "work versatilis" skilled.

10.37

In order to meet the "new challenges" facing the Indian workforce, the Study Group has recommended setting up of a competency based continuing training system covering all sectors of the economy. The training system will have a well-defined certification system for the competencies acquired during the program. It will help in providing learning, training, retaing, retraining, assessment and accreditation opportunities, with desired academic flexibility to those who wish to achieve higher skill standards and performance at the workplace. This means that the persons are free to leave the training and join work as and when they feel that they have received adequate amount of training. After some time, they can again join in for training if the situation demands or they feel a need to upgrade or shift location.

10.47

The competency based training system is applicable to the labour force both in the organised and the unorganised sectors. This system can be effectively used to develop competencies in any occupation in all sectors of economy, such as manufacturing, service, trade and agri culture.

10.51

We recommend that an independent regulatory authority be constituted by the Government, whose functions shall, among other things, include setting standards for skills required for a particular competency, standards for programme implementation and standards for accreditation of institutions imparting training programmes for skill development and retaing.

10.54

A person who has gained relevant knowledge and skills, formally or informally in a designated occupation can undertake an Eratation Test for certification and recognition of higher qualifications (or competencies). This means that verification of trainees/learners' competency based, accredited persons and institutions, can conduct the tests at specified intervals.

10.55

The tests will be valid for a pre-specified period, thereby necessitating requalification of the competency. In case a person already possesses competency, gaining licensure formally or informally, through distance learning systems such as Internet, self-learning modules, previous work in a work place or training in an organisation, he/she can appear for the test with the accredited person (assessor), or organisation for testing and certification of the level of prior learning.

10.58 In order that the training is effective at the grass root level, it is essential that the trainees are highly skilled and they also are subject to re-certification of their skills after a set period of time.

10.59 Competency based certification system is applicable to the labour force both in the organised and the unorganised sectors. It is not only the trainees who have to be certified, but also the trainers under this system.

10.61 Keeping in view the fact that 94% of the Indian workforce is illiterate, the current literacy programs initiated by the central and state governments should also be targeted at the future artisans into unorganised and organised labour market.

10.62 For the implementation of Competency Based Training across all sectors of the economy, it is imperative that the competencies for various occupations are catalogued. This also requires imparting attitudinal training requisite for the occupation for which the learner is being trained.

10.63 A large part of the employment is being generated in the services sector and, there are 30, mostly in the self-employed sector. The self-employed sector requires additional skills in the area of accounting and marketing, which cannot be imparted through structured formal training. It is felt that 'trainors' in actual business conditions will help in the development of skills.

10.65 In order to undertake development of rural areas in the true sense, the country would be required to establish training institutions at the fringes of the rural masses. It would bring in early block, so that the country can concentrate on the creation of a large infrastructure for such institutions.

10.66 The objective of activating a skilled workforce is possible only when all the stakeholders act as partners in training. Trade unions at the national, regional, industry and plant level should all have a say in the running of workers' education programmes.

10.67 The Non-Governmental Organisations (NGOs) provide an effective interface between the organised sector and the unorganised sector. NGOs provide the most cohesive means for providing training at the small and micro level.

10.70 For better matching of demand and supply of marketable skills, a labour market intelligence system needs to be set up. This system will forecast the demand of various marketable skills at the national level and at the district level through the existing government machinery, but in consultation with the industry associations, entrepreneurs, experts, NGOs etc. on a continuous basis. This system would take into consideration existing and emerging business opportunities in India and abroad. It will also be applicable for forecasting of marketable skills in both the organised and unorganised sectors.

10.71 At present, there is insufficient capacity in the areas of skill development and training. Hence, there is a pressing need to enhance the training infrastructure as well, so as to effectively and productively utilise the existing infrastructure. While infrastructure is available in the form of 2274 Industrial Training Institutes (ITI), there are a number of problems with the ITIs. They need to restructure the current training courses at a much

faster rate so as to respond effectively to current and future needs of the labour market. Further, the Industry-Institute interaction continues to be weak. So far, inputs from the industry into ITIs are mostly of advisory nature, which are not very effective. It is necessary to see that advisory inputs are supplemented with managerial inputs.

10.72 We, therefore, recommend that it is need to run market-driven courses; review, and if necessary, revise curriculum every 5 years to keep it contemporary; give refresher training in new technologies and tools to teachers at ITIs and discontinue obsolete (not required by market) courses.

10.73 Further, to ensure effective involvement of industry in the training process, we recommend that some ITIs may be selected, on a pilot basis, for development with Institutes of Excellence. They should be managed jointly with the industry.

10.79 In order to expand training capacity as well as to promote training anytime and anywhere, new delivery mechanisms such as computer based training, web-based training, distance learning, etc., can be adopted which would offer flexibility in timings, pace of learning, and customisation of content to serve the varying needs of the different target groups.

10.80 Vocational education should be integrated at the school level.

10.81 In order that skill development and training get the due focus, it is felt that fiscal incentives should be extended to industry and other providers of training.

10.92 The online expense in training should be treated as a revenue expense and its capital expenditure on training and infrastructure should be eligible for an accelerated depreciation.

10.84 In order to provide for restraining of workers rendered surplus/benefits by lay-offs, retrenchment and Voluntary Retirement Schemes/Early Separation Schemes, and training of labour in the unorganised sector, we recommend the establishment of a Skill Development Fund (SDF).

10.85 The key features of the Skill Development Fund are the funds will be contributed by organisations which are eligible to contribute Provident Fund either through the Provident Fund units or through their own trust; the amount of contribution to be paid by such organisations will be 2.0% of the provident fund contribution by the employer. In addition, the employee will also contribute 1.0% of his/her provident fund contribution. The government will also contribute every month, two times the amount collected from the employee, and employees to this fund; for the purpose of collection of the contribution, we propose that it be raised and administered through the Regional Provident Fund (RPF) Office so as to avoid extra administrative burden. No new collection mechanism involving additional government machinery should be devised; the respective individuals/organisations making this contribution to the SDF will be given tax concessions; at all points of time, 25% of the total amount in the SDF will be invested in a corpus; the collectors for this SDF shall continue for a period of 10 years. It is expected that by that time the SDF corpus would be self-sustaining; the utilisation of the amount so collected in the SDF should be monitored by persons of eminence and reputed industry associations in association with the Central and State governments.

10.86 For granting the amounts to be paid by the fund as an incentive to the organisations, certain norms may be required to be set.

10.87 The grants offered to organisations by the Skill Development Fund as an incentive for providing skills would also help in developing a training culture among employers as well as employees and ultimately, we believe it would help to build a world-class workforce for the nation.

10.88 Various ministries of the Government of India are providing vocational education and training systems in India (refer table 10.5). The Government should find out ways and means to coordinate the work of the Ministry of Human Resource Development, Ministry of Labour, Ministry of Rural Development and Ministry of Industry, to avoid duplication.

10.91 A comprehensive programme of education of workers has to be established with the key objectives to instil a sense of belonging in the workers towards their work and organisation; through a better understanding of their work and the work organisation; to improve the bargaining power of the workers; to assist the worker in identifying skills he/she needs to pick up and to encourage the workers to look at alternatives in organisation of their work.

10.92 The education programme should not be a mechanical approach of skill development towards a changing job market.

10.93 The education process should specifically focus on an understanding of the economy, industry and the business organisation of which the worker is a part.

10.94 The education programme should also look at issues of alternative forms of organisation as ways of improving the involvement and control of workers over their work.

10.95 The programmes should also discuss organisation of workers, and the history of collective bargaining.

10.96 Such a programme cannot be confined to the classroom. There has to be a context of continuous education. The education process should allow continuous interaction and consultation between various participants in the 'labour' movement.

10.97 Trade unions at the national, regional, industry and plant level should all have a say in the running of the programme.

10.98 Since its inception in 1958, the Central Board of Workers Education (CBWE) has done significant work in injecting an understanding and enthusiasm among workers for the success of Industrial growth, production and productivity and harmonious industrial relations.

10.101 The CBWE can play an important role in creating awareness on specified skill training required for the development of the industry and availability of such training facilities. A suitable mechanism needs to be devised for regular training programmes through the trainers trained by the CBWE. The CBWE, through its wide network, may organise specialised training courses for the retrenched workers/workers who have taken VRS so as to help them in proper investment of money. The CBWE should become more focused and should organise specialised, need-based programmes for the various target groups in the unorganised and rural sectors. The Board may civic suitable training programmes to train workers in the co-operative sector. The functionaries of the Panchayati Raj institutions may be trained on a regular basis by the CBWE. There is a need for more follow-up programmes to repeat the training programmes for the same target groups by the Board.

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15.102 In an era of transformation, the trade union movement faces its own urgent need for adjustments, for the modernisation of its own stock of technical knowledge and operational skills, for the re-thinking of policies and priorities, and for reflecting of leaders capable of formulating and implementing the strategies needed to ensure that the last long term interests of workers are safeguarded.

15.104 At present, the Workers Education Programmes are carried out with the grants-in-aid made available by the Central Government. As the majority of workers being trained belong to the States, The State governments must also participate in the Workers Education programmes.

15.105 The recommendations made in this Chapter have been made keeping in view the present profile of Indian labour, and the existing and future challenges that Indian labour face. As India integrates more with global markets, more business opportunities will emerge, especially in the area of knowledge based, technology driven and services industries such as Information Technology (IT), Financial Services, IT Services, Biotechnology, Telecom, Tourism, Infrastructure, Health-care etc. These opportunities will change our perceptions of present and future challenges. This will call for working out additional and appropriate recommendations for the labour force in the unorganised and organised sectors.

## CHAPTER - XI

### LABOUR ADMINISTRATION

- 11.1 These who lead and man' the Ministry should have the highest degree of competence, vision, empathy, tact, skills in the arts of persuasion and inducing introspection, and activating social and group consciousness. These qualities should govern the recruitment and placement of officers and staff at every level, and every department of the Ministry of Labour, in the Centre as well as States.
- 11.4 Officers of the Labour Department should be provided with offices, infrastructure and facilities commensurate with the functions they have, and the dignity they should have.
- 11.23 It is necessary to have a clear and unambiguous definition of the 'appropriate government'.
- 11.26 There is a need to have uniformity in the definition of the term 'workman' which appears in many labour laws.
- 11.27 The ambiguity in the definition of 'appropriate government' and the multiplicity of the term 'workman' will be resolved. The amendments that we have suggested in Chapter VI are adopted.
- 11.36 In the Chapter on Review of Labour Laws, we have recommended that the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1968 should be made applicable to all establishments, and the Janata pravasi bao under the respective laws should be enhanced to make it at par with the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1968.
- 1.31 The employer should be required to maintain registers and display notices at the workplace and not elsewhere.

11.32 The procedure for prosecution for non payment of wages and payment of less than minimum rates of wages should be simplified.

11.33 To make enforcement effective, there should be commensurately deterrent punishment under all enactments.

11.34 Laws like Payment of Wages Act and Minimum Wages Act should contain a provision for recovery officers to be appointed by the Labour Department, as has been done in Section 3-n of the Employees' Provident Fund & Miscellaneous Provisions Act 1952.

11.35 Provisions to grant exemptions from various laws, in case of extreme emergency or hardship, should vest with the appropriate Government, and should be exercised by officers not below the rank of the Joint Secretary.

11.36 Minimum Wages Act should apply to all establishments and not be confined only to certain scheduled employments.

11.37 Criminal cases under labour laws be tried by Labour Courts, as is being done in Madhya Pradesh.

11.39 In rights disputes over dismissal, denial of regularization, promotion, etc., arbitration should be optional. The party should have the right to approach Labour Courts and the Labour Relations Commission straightforwardly. However, arbitration should be compulsory in case of industrial disputes related to interests disputes, like wages, allowances, fringe benefits etc. Conciliation proceedings should also be compulsory in the case of strikes and lockouts over any issue.

11.40 Industrial disputes not settled in conciliation should go for either voluntary arbitration or by arbitrators maintained by the Labour Relations Commission or adjudication i.e. the case of essential services the dispute should go for compulsory arbitration. In other cases, it should go for adjudication. Arbitrators should be chosen from eminent persons in industry, conciliators, trade unionsists and labour leaders.

11.43 All employing Ministries should be advised to implement awards or sanctions, wherever within one front, of the matter being referred to them, failing which it should be deemed that the sanctity has been given.

11.54 Qualifications for appointment of Presiding Officers of Labour Courts, the relevant Parliamentary Committees to be considered for appointment.

11.60 Labour Courts be given powers to issue decrees or initiate judicial proceedings for non-implementation or non-compliance of awards.

11.61 A Central Labour Relations Commission should be set up for Central scheme establishments, and State Labour Relations Commissions should be set up for establishments in the State sphere. Above the Central and State Labour Relations Commissions, there will be the National Labour Relation Commission to hear appeals and not the decisions of the two other Commissions. The National LRC, Central LRC and the State LRCs will be autonomous and independent. Thus, Commissions will now function as appellate tribunals over the Labour Courts. They will be charged with the responsibility of supervision of the work of the lower courts.

- 11.69 The Ministry of Labour should not depute its officers to employers' establishments. Different employing Ministries, where Assistant Labour Welfare Commissioners and Deputy Labour Welfare Commissioners are posted, should be advised to absorb them in the cadres of the officers of the respective Organisations. Officers who are not willing to get absorbed or who cannot be absorbed by different Ministries, should be withdrawn in phases, and posted in the other two streams of the CLS, i.e., Central Industrial Relations Machinery and the Welfare Commissions' Organisation. They may also be considered for deployment in the Organisations of CPSC, ESIC and DGET so that officers of the CLS can be groomed to take higher responsibilities in at least 25 % posts of the Ministry of Labour, particularly the R & Implementation Division, and in the Office of the O&GWC. This will also promote professional expertise and efficiency in the system.
- 11.70 It is also necessary to improve the knowledge, skills and competence of the officers of the CLS to enable them to win the confidence of the employers and workers. Induction, training and periodic refresher courses are necessary to improve the efficiency and effectiveness of officers of the CLS. To improve the status of these officers, there is need for an All India Labour Judicial Service. These officers should be given proper staff, infrastructural backup, and support facilities. There should be access to information on all matters concerning industrial relations. A database should be built up on all aspects relating to industrial relations and the officers of the CLS should have access to such database through computer connectivity.
- 11.71 The question of dealing with the existing posts of Assistant Labour Commissioners of the Central Labour Service at the Central level and its equivalents at State level and other Central Government bodies, as part of the proposed All India Labour Administrative Service, all needs to be looked into carefully. In countries which have sizeable Indian workers' population, our Embassies must have Labour Attaches, drawn from officials of the Labour Departments or the CLS and later from the proposed All India Labour Administrative Services.
- 11.72 State Governments should pay due attention to the professionalisation and empowerment of Labour Department because of the crucial role that it has to play in strengthening the economy.
- 11.73 The Central Government should lay down some norms for the less - inspector ratio and the infrastructure of the Labour Departments.
- 11.74 The enforcement and conciliation machinery in the Central and State Governments need to be equipped with suitable office accommodation, facilities for transport and communication, like fax machines, telephones with STD facilities and computers in the offices of the Central and State Labour Departments. All offices of the CIRM and the State Industrial Relations Machinery should have the benefit of computerisation.
- 11.75 All inspecting officers charged with the responsibility of the enforcement of multiple enactments should be of adequately high status. Their knowledge and experience should be updated through short term and long-term training and refresher courses.
- 11.76 Labour Inspectorate should draw its programme of selective inspections based on returns furnished by the employing units. Returns with self-certification can be treated as self-

inspection report from the establishments. The Labour Inspectorate has to be free to check the correctness of information received whenever they have doubts or in the basis of random sampling or complaints. Considering the limitations of the inspection machinery, routine inspections in the organised sector may be reduced, except where conditions of safety are concerned. However, routine inspections are necessary in the unorganised sector to protect the interests of the workmen. To make the enforcement machinery accountable, there should be at least 10% audit of inspections by superior officers at all levels.

- 11.77 To make conciliation effective, it is necessary to improve the status and competence and culture of conciliation officers through proper recruitment, training and placement. A Labour and Judicial Service can be formed.
- 11.78 For effective labour administration, there should be legislative back-up for the simplification of laws and procedures through uniform definitions of 'appropriate government', 'workman', 'employer', etc., enabling provisions to cover all employments in the unorganised sector under the Minimum Wages Act, speedy recovery of the dues payable to workers, empowerment of the appropriate government to exempt from the provisions of the laws in deserving cases, assuring that the employment of contract labour is restricted to areas beyond those of core competence, deterrent punishment to make the cost of violation dearer than the cost of implementation, cushioning of the existing set of labour law into five or more groups pertaining to (i) industrial relations, (ii) wages, (iii) social security, (iv) safety and (v) welfare and working conditions etc., and reduction in the number of registers to be maintained and returns to be submitted.
- 11.79 A voluntary resolution of disputes should be encouraged over legalistic approach of settlement of disputes through adjudication. Labour Administration should encourage better human resource management practices.
- 11.80 There should be a legislative framework for voluntary dispute settlement. A basic prerequisite is to place a system of recognition of negotiating agency on the statute. The responsibility of certifying membership of trade union membership for recognition of trade unions should be vested in the Central Labour Relations Commission and the State Labour Relations Commission. The Work Conference referred to in section 11A of Section 2 of the Industrial Disputes Act should be substituted by an Industrial Relations Committee to promote in-house dispute settlement.
- 11.81 The National Labour Relations Commission should function as the appellate authority in respect of the decisions of the Central and State LRCs.
- 11.82 The Indian Labour Conference should be an effective forum for review, consultation and formulation or evolution of perspective and policies.
- 11.83 The Indian Labour Conference has to be as representative as possible. Some means must be found to include representatives from the unorganised sector and from central organisations that are not affiliated to central trade union federations.
- 11.84 We are in general agreement with the proposals in the Draft Indian Labour Code for the strengthening of the Indian Labour Conference. The TLC can be used as a sounding board for proposal of institutions.

- 11.89 Suggested functions of the Indian Labour Conference would include review of labour legislation, consideration of Conventions and Recommendations of the ILO for adoption; Standing board for legislative proposals, etc.
- 11.90 The Standing Labour Committee should prepare the agenda for ILC. There should be a Director General of the ILC having specific functions.
- 11.91 The ILC should set up Tripartite Standing Committees to consider and review problems, legislations and implementation in all main areas.
- 11.92 Tripartite National and State level Councils of Employment should be set up to monitor and plan matters related to employment.
- 11.93 There are 41 tripartite Committees/Board and the Central Ministry of Labour. The Committees constituted under specific labour laws have specific roles and require a certain degree of expertise. The non-statutory committees examine and deliberate on a variety of issues. The Labour Ministry should scrutinise the necessity, utility and the effectiveness of these Committees. Members of these Committees should be chosen for their expertise, experience and/or representative capacity.
- 11.115 The amendments made in the Factories Act after the Bhopal Tragedy have been salutary and the spirit should be extended to organisations other than factories. The amendments which have been made should be implemented properly and if necessary the responsibilities of the non-technical provisions can be transferred to the Labour Inspectorate so that the Factory Inspectorate can concentrate on aspects of health and safety.
- 11.120 Workers engaged in the agricultural sector have to be educated about potential hazards by imparting knowledge of the work, means to identify work-related risk factors and information on first-aid.
- 11.127 We need to reflect and evolve a system that permits flexibility in empowerment patterns and at the same time assures rigorous standards for protection of safety and health requirements. Regardless of whether the production take place in the main enterprise or in the establishment of the contractor, strict standards of the safety should be maintained.
- 11.128 The national policy on OSH management systems should establish general principles and procedures to promote the implementation and integration of OSH management systems. It should facilitate and improve voluntary arrangements for the systematic identification, planning, implementation and improvement of OSH activities at national and organisation levels. It should promote the participation of workers and their representatives at all levels especially at the organisational level. The policy should promote collaborative and supportive arrangements for OSH management systems at the organisation level by inspectorates. The same level of safety and health requirements applies to contractors and their workers as to the workers, including temporary workers, employed directly by the organisation.
- 11.129 A competent institution, perhaps on the lines of Occupational Safety and Health Commission of the USA, should be nominated to formulate, implement and periodically

- review a coherent national policy for the establishment and promotion of OSH Management Systems in organisations.
- 11.130 The institution charged with the responsibility of formulating and implementing the national policy on safety and occupational health should establish a national framework to identify and establish the respective functions and responsibilities of the various institutions called upon to aid and implement the national policy.
- 11.131 Occupational Safety and health have to be the responsibility and duty of the employer. The employer should make appropriate arrangements for the establishment of OSH Management Systems. The system should contain the main elements of policy, planning, planning, implementation, evaluation and means of improvement.
- 11.132 The employer in consultation with workers should set out in writing an OSH Policy specific to its organisation. The policy must be communicated and be readily accessible to all workers. The policy should be reviewed for effectiveness and adequacy.
- 11.133 The employer should ensure established and efficient functioning of a Safety and Health Committee.
- 11.134 The employer should allocate responsibility, accountability and authority for the development, implementation and performance of the OSH management system.
- 11.135 OSH competence requirements should be defined by the employer and it should be ensured that all persons carry out their duties and responsibilities.
- 11.137 OSH documentation system should be established and maintained.
- 11.138 The organization's existing OSH management system and relevant arrangements should be evaluated by an initial review.
- 11.139 The OSH management system should support at the minimum, compliance with national laws and continuous improvement in OSH performance.
- 11.141 Measurable OSH objectives, specific to the organisation should be established.
- 11.142 Hazards and risks to workers' safety and health should be identified and assessed on a continuous basis.
- 11.143 Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should provide relevant information and training to all members of the organisation. Regular exercises and rehearsals must be conducted.
- 11.144 A disaster management plan must be formulated at every unit and industrial estate, and at the city, district, state and national level. The Zonal or National Aid Response Group (NARG) provides that workers working in a factory are given information about the hazardous nature of operations in other factories in their vicinity so that workers working in neighbouring factories would be in a position to seek assistance during emergency. Similarly, doctors working in major hospitals should be informed of the hazards involved in the factories in their vicinity.
- 11.145 Procedures to monitor measures and record OSH performance on a regular basis should be developed and reviewed.

- 11.140 The investigation of the origin and underlying causes of work related injuries, etc. should identify failures and shortcomings in OSH management system, and these should be documented.
- 11.150 Results of these investigations should be communicated to the safety and health committee.
- 11.151 The results or investigations, recommendations of the safety and health committee should be communicated to appropriate persons for corrective action.
- 11.154 Arrangements to conduct periodic safety or OSH audits should be established.
- 11.155 A safety audit policy and programme should be developed.
- 11.156 The National Accreditation Agency should approve auditors, after conducting examinations.
- 11.157 Management review should evaluate the overall strategy of the OSH management system to determine whether it meets pre-defined performance objectives.
- 11.160 The working Group on OSH set up by the Planning Commission had recommended evolution of a National Policy on OSH, Umbrella Legislation on OSH, Apex Body on OSH, etc.
- 11.162 The need for safety awareness is becoming increasingly critical necessitating constant safety awareness and observance of safety standards in all sectors and activities. This can be achieved by ensuring that safety related information reaches the young as far as the academic curriculum starting from primary school level.
- 11.188 The number of inspecting officers in the office or field is about 72 per cent more than the sanctioned strength due to procedural delays in filling up vacancies. Further there has hardly been any increase in the strength of inspecting officers since 1971, although the mining industry has increased manifold.
- 11.189 The OMS is an organisation that handles emergency distress situations, but most of the offices do not even have STD facilities. We cannot understand how they can be expected to respond to emergency situations when they do not have access ever to telephone facilities.
- 11.195 The inadequacy of staff in the DGS, is telling upon the work of enquiry even into serious and reportable accidents. Hardly one per cent of serious accidents are being investigated. This is not an acceptable situation and immediate steps should be taken to put an adequate number of officers in place.
- 11.196 Illegal mining is thriving in the States of West Bengal and Jharkhand and is also present in Meghalaya and Bihar.
- 11.200 Illegal mining has been going on for a long time, but a policy to tackle it was formulated only in 1978-1979 by the Committee on Illegal Coal Mining.
- 11.202 The present strength of inspecting officers cannot take the existing 6000 mines to be inspected. Recommendations of earlier committees, on the subject, have not been acted

upon. The possible reason may be shortage of budgetary support for creation of DGS. To use this situation, the DGS should be allowed to levy service charges. DGS may be permitted to hire services of retired engineers, engineering firms, surveyors, etc. to get the mines inspected promptly and pay them contractual amounts.

11.210 The provisions under the Mines Act 1952 must be amended to provide for deterrent punishments including imprisonment and special courts or designated courts must be set up to expedite trial. The Central Government Standing Committees are unable to influence the courts to do justice to the Government's submissions. The renumeration paid to them is low. The needs of safety require that this state of affairs is corrected without delay.

11.219 The Central Labour Institute and Regional Labour Institute should be accorded greater functional autonomy. They should be conferred with more financial authority and powers to retain their earnings.

11.221 The DGASLU has to play a proactive role in administering the Factories Act. This has necessarily to involve intensive and mandatory training of factory inspectors and preparation of manuals. It will perhaps be worthwhile to examine the functioning of a certain part of the State Inspectorate budget as well as that of DGASLU for the purpose of training personnel. The limited financial allocations in the State Budgets may be one of the reasons for the weakness of the infrastructure. But the risks involved are so serious that the State Governments as well as the Central Government should find ways of jointly addressing these shortcomings.

11.224 We have recommended the formation of a National Board to bring about necessary coordination among various organisations functioning under different Ministries that deal with the area of safety and occupational health.

11.225 Till such time the Board becomes functional, the activities of the Board can be undertaken by the DGASLU.

11.226 In view of the increasing pace of industrialisation, there is an urgent need to strengthen measures for occupational safety and health in industries. The DGASLU may be asked to devote special attention to hazardous chemical industry.

11.228 We endorse the proposal that a Commission on Occupational Safety and Health should be set up by the Central and State Governments. A draft bill for establishment of such a Commission is given in Appendix-II.

11.229 A Model Safety and Health Policy for organisations is given in appendix - IV to this Chapter.

11.236 It is necessary to undertake a comprehensive review of the work of the V.V. Gir National Labour Institute.

11.237 Research projects of the V.V. Gir N.I. should be formulated by a competent Research Committee set up by the Institute.

11.238 The Government should examine whether it will be advantageous if the V.V. Gir National Labour Institute and Labour Bureau, Shimla should be merged.

11.241 The objectives of the CBWE seem to have become somewhat inadequate in the light of developments since its establishment. While the original objectives have perhaps stood the test of time, it is necessary to give a new direction to these objectives in the light of recent developments.

11.242 CBWE can play an important role in promoting awareness of the special skills required for the development of industry and the availability of such training facilities.

11.243 The Board can play the role of a nodal Agency to carry out training programmes through the trainers and also monitor them to achieve larger coverage of the target groups.

11.244 Keeping in mind the limited manpower available with the CBWE, it would perhaps be more appropriate if the CBWE gives more stress on being a catalyst in organising programmes with the assistance of NGOs, trade unions, managements and other groups instead of attempting to organise all these programmes on its own.

11.245 Adequate attention needs to be paid to the raw skills and infrastructure provided to the officials of the CBWE.

11.246 We, thus, envisage a more proactive role for the CBWE, specially in times when workers and industry are facing grave challenges.

## CHAPTER - XII

### OTHER MATTERS

#### WORKERS PARTICIPATION IN MANAGEMENT

12.1 The Royal Commission on Labour (1929-31) had said that "We believe that if these Committees (Joint Committees) are given proper encouragement and the past errors are avoided they can play a useful role in the Indian industrial system". These recommendations could, however, be translated into law only in 1947.

12.2 The Industrial Disputes Act provides that the appropriate Government may require employers employing 100 or more workers in any industrial establishment to constitute Works Committees consisting of total number of members not exceeding 20, and that the number of representatives of workers should not be less than that of the employer. The functions assigned to these committees were to promote measures for securing and preserving amity and good relations between employers and workmen and to end comment upon matters of common interest or concern, and to endeavour to compose any material difference of opinion between the employers.

12.3 17th session of Indian Labour Conference held in 1959 discussed the functions of the works committee and approved a list of functions which could be assigned to the works committees such as conditions of work, ventilation, lighting, drinking water, canteens, safety and accident prevention, occupational disease, adjustment of festival and national holidays, administration of welfare and funds, educational and recreational activities, promotion of thrift and savings. The conference also laid down the issues with which the works committees should not normally deal such as wages and allowances, bonus and

profit sharing schemes, rationalisation, matters connected with the fixation of the standard labour force, programmes of planning and development, recruitment and lay-off, matters of victimisation, provident fund, gratuity schemes, quantum of leave, and national and festival holiday, incentive schemes, housing and transport.

12.7 The Industrial Policy Resolution adopted by the Government in 1955 declared that in a socialist democracy, labour was a partner. A tripartite committee that visited the UK, Sweden, France, Belgium, West Germany and Yugoslavia came to an agreement on the Constitution, functions and administration of joint councils. The committee recommended the setting up of Joint Management Councils.

12.8 National Commission on Labour (1956-59), observed that there was not much support for the institutions of the JMCs. It said that when the system of recognition of Trade Unions becomes an accepted practice both management and unions would themselves gravitate towards greater cooperation.

12.9 The tripartite committee which approved the draft model for establishment of joint management councils unanimously agreed in selecting the undertakings in which Joint Councils should be established. Such establishments should have well established strong trade unions, there should be willingness among the parties to try out the experiment, size of the undertakings in terms of employment should be such as employ at least 500 workers, the employer in the private sector should be a member of one of the existing employers' organisation and the trade union should be affiliated to one of the central federations and the undertaking should have a fair record of industrial relations.

12.10 On the suggestion of the Assam Government, a committee was formed which recommended that the Councils may have sub committees if the parties so desire. Workers' nominees on the Councils may be nominated by trade unions with the bulk of nominees from workers' categories should be limited to 25% or less depending on local circumstances. If it is decided to constitute technical committees, their constitution should be laid down and on these committees themselves be allowed to be nominated. The size of the council is should be limited to 12 persons, members of the councils should be compensated for loss of earnings. There should be provisions for recall. Necessary facilities for the work of the councils should be provided by the employer. A the percentage of minimum wages or income or profits to be given to council for welfare work, should be decided at the undertaking level, decision should be taken in the council by agreement.

12.11 The Machinery for Joint Consultation (CJC) in Government was set up on the model of Whitley Councils in U.K. with the objective of promoting harmonious relations and securing the greatest measure of co-operation between the Government in its capacity as employer and the general body of its employees in matters of common concern with the object of increasing the efficiency of public service.

12.12 The objectives of CJC are amalgamation of the objectives of the Works Committees, Joint Management Councils and agencies of collective bargaining.

12.13 CJC is confined to persons who are highly knowledgeable and do not suffer from a sense of inferiority or inferiority of status in initiating or conducting discussions with senior officers who represent the Government. No outsider can participate in the

- discussions in these bodies but an honourably retired employee of the Government can be a member.
- 12.15 The council have 3 tier or level e.g. office level, councils, departmental level and national level councils.
- 12.17 In regard to recruitment, promotion and discipline the consultations are limited to general principles.
- 12.18 Individual cases are not considered.
- 12.19 In case of difference of opinion on any issue at the office level council the matter can be taken up by concerned party in the departmental level and if no decision is taken at the departmental level council, the issue can be taken up at the national level council in a similar manner.
- 12.20 Issues which fail to get decided at any level cannot be taken up at the same level at least for one year. The issues which are looked into by a pay commission, and decision taken by the Government on the recommendations of the pay commission, cannot be discussed in JCMs for five years.
- 12.21 There is a provision for compulsory arbitration on certain limited matters such as pay and allowances, hours of work, and leave, if a disagreement is reached at the national level JCM on any of these matters.
- 12.22 In 1997, Tata Iron and Steel Commission Company at Jamshedpur has set up Joint Councils.
- 12.23 Joint Departmental Council operates at the level of every department or a combination of two or more departments. The Joint Works Council is for the ministry works and coordinates the activities of the Departmental Councils. There is also a joint town and Medical Council for dealing with matters relating to the township, medical, health and education matters. The Joint Consultative Council of Management if at the top. It is entrusted with the task of advising the management on all matters concerning the working of the industry in relation to production and welfare. The functioning of the joint councils in TISCOs reviewed in consultation with the Trade Union front line.
- 12.24 Nationalised Banks (Management and Miscellaneous) Scheme 1970 was notified for the appointment of a Workman Director and a Director representing the Officers' cadre to be nominated by unions/associations identified as the representative union/association after verification of membership on the board of the management of each Public Sector Bank.
- 12.25 Article 43A was inserted in the Constitution with the purpose to raise productivity, promoting industrial peace and create a sense of involvement amongst workers making it incumbent on the State to secure effective participation of workers in the management of enterprises.
- 12.26 Scheme of workers participation in industry notified in 1975 required setting up of shop floor and plant level councils to be implemented in the first instance in enterprises in the manufacturing and mining industries, whether these were in the public or private sector comprising of equal number of representatives of employers and workers. The employers'

representatives were required to be nominated by the management and the representatives of workers were required to be from amongst the workers engaged in the shop or department or establishment concerned.

12.27 Decisions were to be based on concensus and a decision once taken was required to be implemented within one month.

Turitions included not merely discussing production and productivity, achieving efficiency, eliminating wastage, arresting absenteeism, ensuring safety measures etc. but also the physical condition of workings, and welfare measure and it was expected to ensure a two way flow of communication between the management and the workers.

In The Scheme notified in 1977, scheme for participation of workers in which was meant for commercial and service organisations having large scale public dealings such as hospitals, pvtl and semi-pvtl, railway stations/booking offices, government provident fund and pensions organisation, road transportation, electricity boards, insurance and for other service industries was introduced.

Scheme was to cover organisations employing 100 or more persons in these activities. Under this scheme unit councils and the joint councils were to be set up. The objective was to promote confidence between the workers and the management, which it was believed would in turn promote the active involvement of the workers and secure greater satisfaction and better customer service. The scheme also emphasised on discipline, elimination of strike and all forms of comotion.

While both the schemes (of 1975 and 1977) initially generated considerable enthusiasm with large number of organisations setting up such forums, there was sharp decline in the number of units/enterprise having shop and joint councils after 1979. The schemes became controversial because of lack of the criteria for determining representation, exclusion of grievance redressal, the restrictions imposed on consideration of work related issues, the inadequate sharing of information, the lack of a supportive participative culture, the indifference of the management and the involvement of second rung union officials which also contributed to ineffective functioning of many forums and their eventual decline.

12.23 Another scheme notified in December 1983 was made applicable to central public sector undertakings which are undertakings of the central government, which are departmentally run, were excluded from the scheme because of availability of SCM.

12.25 The functions of council to be set up under 1983 scheme included consultation on production facilities, storage facilities, material, economy, operational problems, wastage control, safety issues, quality improvement, planning, implementation and fulfilment of monthly targets, development of new products, encouragement to and consideration of suggestions, works system, welfare measures, profit and loss statement, workers operational expenses, absenteeism, administration of social security schemes, workers training programmes, issues pertaining to welfare issues like housing, medical benefits, transport facility, safety measures, canteen.

In pursuance of recommendations of Tripartite Labour Conference held in May 1977, The Government of India constituted a Committee on 23rd September, 1977 under the

Chairmanship of Sh. Raydhara Varma, Vice-Chairman Minister of Labour and Parliamentary Affairs to consider and recommend the outlines of schemes for workers' participation at different levels of management in industrial establishments keeping in view the interest of the national economy, industry & also efficient management and the interests of workers.

12.3/

The committee in its report noted that despite the argument that there should be effective participation of workers in the management of undertakings and efforts made in this regard during the last three decades, it was found that the manner in which it has been implemented had led to dissatisfaction. The committee recommended that a scheme for workers' participation should provide for free flow of information, augmentation of productivity and production, effective machinery for resolution of conflict, democratization of work processes, safeguarding of the interest of workers and training of workers and managerial personnel in the art of participative management sector. Any scheme of workers' participation should disrupt industrial efficiency, create a sense of involvement in the work process, generate a sense of discipline, democratic decision-making and foster closer relationship between the workers and the management. A representative of the public sector mentioned that participation was essential for proper involvement of workers. The participation should be such as would create a society which ensured social justice. It was agreed that the Trade Unions had a very important role to play in protecting and furthering the rights and economic advantages of the workers. Any institutional arrangement should not ignore the vital role of Trade Unions. The committee by consensus felt that there was need to introduce the scheme by statute. No distinction should be made between the public, private and cooperative sectors. The Majority of the members favoured adoption of a three-tier system of participation namely, at corporate level, plant level and shop floor level. The Committee also suggested the functions for different level of councils.

12.3a

Taking into account the shortcomings of the various schemes implemented thus far to date and the experience gained, and to create a fresh approach to make workers' participation in management more effective and meaningful, it was felt that a stage had been reached when some kind of a legislative back up was necessary. The participation of workers in Management Bill was, therefore, drawn up and introduced in the Rajya Sabha on 30th May, 1990.

12.3b

It covers all the contractual arrangements or understandings as defined under the Industrial Disputes Act, 1947. Government will have the power to notify the classes of industrial establishments to which the two Act will apply. The Bill provides for formulation of one or more schemes to be framed by the Central Government for giving effect to the provisions of the law including the manner of representation of workers at all the three levels and of other workers. The bill proposed constitution of one or more Councils at the Shop Floor Level and a unit level Council and envisaged a Board of Management at the Apex level where representatives of the workers as defined under the ID Act shall constitute 13% and persons representing other workers shall constitute 12%. The bill was referred to Parliamentary Standing Committee on Labour & Welfare.

12.4/

The first five-year document plan contained a number of references about collaboration between the employers and the workers. It held the view that the employer-employee relationship is essentially of a partnership and calls for closest collaboration at all levels between the employer and the employees for increased production, improvement of quality, reduction of cost and elimination of waste.

12.4/

The second plan document said that envisaged the creation of industrial democracy was a pre-requisite for establishing a society where the worker felt that he was investing to build a progressive state in his own way.

12.4/

The third plan provided that the works committees would be strengthened and make active agencies for democratic administration.

12.4/

The sixth plan laid down that there should be emphasis on promotion of consultation between the workers and the employers through participation in management.

12.4/

The eighth five plan emphasised that participation in management was a means of achieving industrial democracy. There is need for introducing the workers' participation in management by law as many voluntary efforts made since independence had fallen short of the expectations.

12.4/

Workers' participation in management was discussed in the 35th session of the Indian Labour Conference, and there was general agreement that participation could be ensured through registration, or by mutual agreement between the employees and employers of selected industrial establishments. The employers' representatives wanted that they should be given a period of two years to operate the scheme on voluntary basis. The committee which was set up in that session recommended that wherever a representative or recognised union was there under the law, such unions should be consulted in deciding the method of selection of workers' representatives. The main function of the councils may include provision of means of communication, improvement of working and living conditions, and improvement in productivity. It would be desirable to consult the councils in matters like alterations in standing orders, retrenchment, rationalisation, closure, reduction in or cessation of operations and introduction of new methods. It would be preferable to exclude wages and bonus and individual grievances from the purview of joint bodies. To reduce the danger of apathy, councils of management may be entrusted with some administrative responsibility, such as administration of welfare measures, supervision of safety measures, operation of vocational training, etc. It would be advisable to devise some methods for closely associating the trade unions in the selecting of workers' representatives. It is necessary to enlist the willing cooperation of the management at the middle level. Government should provide advisory service to councils on personnel management, organising a sustained educational campaign for creating the necessary atmosphere.

12.4/

The issue was discussed again in 28th, 29th, 30th and 31st Session of ILC. It was envisaged that the statutory framework should be flexible enabling the Government to introduce the scheme in a phased manner beginning with the establishments above a certain number of employees. The mode of representation of the workers should be decided in consultation with the recognised Trade Union whichever recognises under the law and in other cases by secret ballot. Dismised employees whose cases are sub judice should

not be eligible for participation. There were differences as regards the participation at the board level. While the workers' representatives felt that in the board level 25% of workers' representation should be 35%, the employers' representatives wanted it to be confined only to one representative. State labour ministers were of the view that at board level the representation of workers should be limited to 25%. In the 32<sup>nd</sup> session of the ILC also deliberated on issue whether the workers' representatives by and large favoured a legal framework for workers' participation in management, but the employers' representatives expressed their opposition to the same.

- 12.49 We have seen that "The workers' participation in management introduced statutorily through the institution of Works Committees has not been successful perhaps because of the method of constitution of works committees and the functions assigned to these committees. Three voluntary schemes introduced also did not find many takers. Central Trade Union Organisations have been demanding introduction of workers' participation in management by statute and the employees' organisations have been against introducing schemes of workers' participation in management by law.
- 12.50 While looking at the institutions of workers' participation in management set up in various countries like Germany, Japan and now the member nations of European Union we find that - There is no evidence to show that workers' participation in management has in any way weakened an enterprise financially or otherwise. In fact there is overwhelming evidence to suggest that whenever the system has been introduced the enterprises and the economy as a whole have shown tremendous growth. Workers and the management have to join together to not only sort out their day to day problems, but build up confidence in each other, improve work culture, ensure the introduction of new technologies, improve production processes, achieve production targets, smoother retrenchment and welcome introduction of new technologies, to make the enterprises capable of standing up to global competition.

- 12.51 Our efforts made in this regard during more than half century underline the extreme importance of a cooperative approach. Almost all the economically advanced nations have worked out their own variants of industrial co-operation and co-determination. All of them have living systems of participatory management useful and beneficial for efficiency, and for creating the atmosphere necessary to meet the demands of competitiveness.

- 12.51 It has also improved human relations which has led to improved industrial relations.

- 12.52 Content of work has undergone a fundamental change in many essential processes and all production processes are no longer carried out under one roof. The knowledge worker has taken the place of the old unskilled worker. Collective excellence, it has been found, depends very much on cooperation, voluntary vigilance and coordination,

- 12.53 India cannot be an exception to this state of affairs in the age of new technology. Globalisation will accentuate and accelerate this process. It will, therefore, make it necessary for us to reach higher levels of participatory activity.

- 12.54 With globalisation the time has come when we cannot leave the question of participative management to be determined by the management or the trade unions. We believe therefore, that the time has come for the Government to enact a law to provide for

participatory forums at all levels keeping in mind the necessity to ensure that the responsibility and freedom to take managerial decisions are not fragmented to the detriment of the enterprise, the social partners in society at large.

## EMPLOYMENT SCENARIO IN THE COUNTRY

- 12.55 Commission has not been given a mandate to make recommendations or suggestions on policies and programmes that can promote the growth of employment in the country. Commission observed a continuous downsizing of workers in the organised sector and the miseries that it is causing to the retrenched working population. Without work, all talk about providing protection, improving conditions, and assuring a minimum wage and all talk of social welfare is futile. If there are no jobs, there is no economic stability.
- 12.56 The economy is expanding, but it is rarely creating any new jobs. Most of the existing industrial units are shedding, excess, layout, and in order to be competitive are resorting to sophisticated machinery and automation. The NSS data <sup>as at</sup> shows that the growth of employment has come down from 2% per year in the period 1983 to 1993-94 to less than 1%. Urgent action will have to be taken to promote the generation of more employment in the country. Otherwise it will result in a serious problem of law and order.
- 12.57 There is a reduction in the proportion of the workforce to the total population in both urban and rural areas. Out of 1600 persons, 41B were part of the workforce in 1.1.1994. But now only 395 persons are part of the workforce. There is a beneficial rise in the student population ratio indicating a rising participation in secondary and higher level education.
- 12.58 The growth of employment should not be compared with growth of population and it must be viewed in the context of growth rate of workforce.
- 12.59 The growth of employment has declined sharply from 2.43% in 1987-88 to mere 0.98% in 1999-2000 but the growth of Labour Force Participation Rate (LFPR) has increased from 2.29% to 3.03% during the same period. The growth rate of LFPR has gone up from 5.25% to 6.60% during this period.
- 12.60 The number of persons employed in agriculture has declined from 88.5% in 1963 to 64.5% in 1993-94, and further to 59.9% in 1999-2000. Employment in sectors like construction, trade, financial services, and transport, storage and communication has grown faster than average along with growth of GDP.
- 12.61 High rate of unemployment among the educated youth is a very serious problem.
- 12.62 The percentage of young unemployed persons having studied upto the secondary level and above has come down from 70.7% in 1995-96, but the unemployment rate among the youth as a whole has gone up and unemployment rate among technically qualified persons is almost constant.
- 12.63 As in June 2000, there were 958 Employment Exchanges in the country and the job seekers registered with these exchanges were 406.90 lakh. Between January-June 2000, 26.64 lakh were registered for new jobs, while Employment Exchanges were able to provide jobs to only 80,000 persons.

12.77 During the last few years there has been considerable talk of downsizing either through voluntary retirement schemes or through retrenchment. This is true of both public and private sector organisations. In public sector Banks 99,452 have opted for VRS. This accounts for 11% of its staff. Staff accounts for 65-70% of total costs in public sector Banks. National Textile Mills re-introduced VRS in its units in Tamilnadu. During the last one-year, 15,500 jobs have been cut between March 2000 and June 2001.

12.78 About 1,200 employees of the Taj Group of hotels have opted for VRS. Oberoi and Welspun Group of Hotels have downsized by about 2800. TDC may off load another 1500 after privatisation. Automobile companies are downsizing in order to remain competitive. Telsco got downsized by 9,375 workers. Bajaj Auto by about 4,785 workers and Hindustan Motors by 1500 jobs. Escorts, Oshawa India, Ltd. Ltd and Maruti Udyog have all cut the jobs. During the last one year 10,000 persons in the IT sector have lost their jobs. The software sector too is feeling the impact of the slow down. Indian Railways are the world's second largest rail transport system. Not only will there be no recruitment in the railways but it is considering proposals to cut 30,000 jobs every year. This is only a glimpse of the grave situation (and not a complete list).

12.79 The proportion of self-employed has come down from 55.9% in 1977-78 to 52.9% and the number of casual workers has gone up substantially from 27.2% to 33.2% Organised sector employment grew relatively slowly at 1.30% per annum during the 1983-91 period and has further slowed down to only 0.53% between 1991 and 1999. Since there is a general preference for jobs in organised sector, this trend is of great concern. 49% of the labour force in 1999-2000 was illiterate and 33% had schooling up to secondary education and above. Only 5% of the workforce had the necessary vocational skills. There is therefore large-scale unemployment and at the same time shortage of skill. The fact of being marginal is especially no guarantee for escaping poverty because of low under-employment. It is estimated that 6.5% of the total employed (367 million in 1999-2000) i.e. around 24.71 million are underemployed.

12.80 The Task Force appointed by Planning Commission has recommended acceleration of the rate of growth of GDP, with particular emphasis on rural areas to ensure spread of income, pursing appropriate sectoral policies in individual sectors which are important for employment generation; implementing targeted special programmes for creating additional employment for vulnerable groups that may not be sufficiently benefited by the more general policies for promoting growth; pursuing suitable policies for education and skill development, which would upgrade the quality of the labour force; the policy level environment generating the labour market that encourages labour absorption; accelerating GDP growth to a range between 8% and 9%; continuation with GDP growth of about 6-3% will help to achieve our objective of generating enough additional employment. The Task Force has further recommended lowering of import tariff to ensure competition and increasing efficiency; allowing agro industries to buy, cultivate, cultivate and sell vegetables and wastelands and allied organisations and taking these lands out of ownership of tenancy law; freedom of conversion of rural land into urban use; active involvement of large industrial units and MNCs in job-generating, de-risking and increasing FDI in the SS sector; expediting grant of necessary permission for setting up of good quality hotels; switching to modern retailing; emergence of modern and large transport companies; and removing present bias against large

construction firms. Central Government should completely withdraw from the delivery of vocational training and labour reforms should be undertaken.

12.81 Accelerations of the Task Force were criticized by the Smriti Jagran Panel, Bhupiya Kapoor Singh, Khan Mulla Judda Industries Board.

12.82 Therefore, in order to undertake a review of these recommendations, Planning Commission has now set up another expert committee headed by Planning Commission Member Sir S.P. Gupta. New committee is considering an agricultural driven job creation to be placed in the broad policy framework of socio-economic reforms. It is understood that using the latest census figures the committee has observed that unemployment is much higher at an estimated 10%. If the total work force is 400 million, the under-employment will account 40 million. The new emphasis may be on some of the sectors in agriculture such as watershed development, micro irrigation, fruit processing and many other diversified activities in agriculture and creating jobs in the small and medium sectors of industries.

12.83 Advisory Panel set up by the Commission constituted to Review the constitution has emphasised on the growth of the small and unorganised industrial sectors. Their emphasis is not on creating jobs but on creating conditions that will enable a large number of people to undertake activities on a self-employment basis such as sustained agricultural growth, on both farm and non-farm employment, setting up of primary processing of agricultural products, development of rural community assets, encouraging activities like horticulture, floriculture, sericulture.

12.84 According to the Panel, rural activities can create an additional 80 million jobs.

12.85 All these estimates are based on various specific studies by the International Commission on Peace and Food, ILO, UNCTAD, etc. These estimates therefore have a sound basis. According to the Panel, urbanization of this plan will result in improving living standard for the rural poor in terms of nutrition, health and education.

12.86 These recommendations appear plausible, and have a practical base. It is worthwhile examining these suggestions seriously.

12.87 We discuss this subject with many social activists working rural areas who have carried out a number of experiments, some of which have been successful. Their experiences can be good guide for planning future modes of employment growth.

12.88 If we consider the general trend of employment in different countries in South Asia, we find some common features such as slow down of economic growth and growth in employment, casualisation of employment, non-declining share of the informal sector in the total employment, static or rising unemployment, increasing incidence of long-term unemployment, declining labour force participation and low level of education and skills of labour force.

12.89 Casual workers are increasing in both the urban and rural sectors.

12.90 The major contributors to employment in 1999-2000 were agriculture (60%), manufacturing (12%), trade (9%), community, social and personal services (8%).

- 12.92 In manufacturing sector large and medium scale units together have contributed to 14% of employment while 86% of employment is in the small-scale industries. Owing to persistent pursuit of market driven development and increasing emphasis on efficiency of production activities, the large and medium scale industries have adopted capital intensive technologies which has resulted in the displacement of labour.
- 12.93 A GDP growth of about 4.80% was achieved in 1983 to 1986-87 but the employment growth during the period approximately was 1.54%. From 1993-94 to 1995-2000, the average GDP growth was 6.00% to 6.5%. During this period, employment has grown by a mere 0.99%.
- 12.95 Employment has been continuously growing in the small scale sector and this has gone up from 12.53 million in 1990-91 to 18.50 million having cumulative annual growth in employment of 4.13%.
- 12.96 There were 35,70 lakh small units in 2000-2001 (as against 19,40 lakh in 1990-91) with total production of Rs.5,39,30.5 crore employing about 1.8million persons and exporting goods worth Rs.55,978 crore.
- 12.97 A number of Committees have been appointed to study the difficulties and problems that small scale industries are facing, the latest being the S.P. Gupta Committee. The committee made recommendations regarding enhancing availability of credit, improvement in technology and the marketing of products. The small entrepreneurs have been complain of harassment by inspectors and the rigidity of labour laws. While the large corporate sector employed a total number of 6.4 lakh persons, the same -5.21e had employed 171.6 lakh persons in 1999-2000, which has gone up to 177 lakhs in 2000.
- 12.99 Except a few industries like garments or leather goods which are labour intensive, most of the manufacturing industries are highly mechanised employing very few workers. In comparison the services sector is much more labour intensive.
- 12.100 In manufacturing companies labour intensity, the highest being in Tata Steel, with labour costs of 15.3% of total sales. Compared to manufacturing companies, hotels have more than 22% of total sales as wages in India. Infotech companies have 42% of total as wages. The service sector accounted for 49% of our GDP. The services sector includes trade, hotels and restaurants, banking, transport, communications, insurance.
- 12.101 The efforts of the Govt. will have to be in creation of a congenial atmosphere for the services sector to grow.
- 12.102 Urban informal sector comprises very small units producing and distributing goods and services, and mostly consists of largely independent self-employed persons. This sector is also heterogeneous, and comprises of small scale modern manufacturing and service enterprises and consists of street vendors, shoe shiners, hawkers, rickshaw pullers, rag pickers, small commercial enterprises, repair shops, road side dinabas, paan shops, bakers, food processing units, leather goods manufacturers, etc.
- 12.104 Though unorganised sector has provided much additional employment in recent years, this sector has been neglected by the policy makers. No special efforts have been made to promote its growth. Most of the workers and entrepreneurs in this sector operate

at low economic levels and are not wanted by urban society. The municipal authorities remove them very often from their places of work, their work places are demolished and goods confiscated.

12.106 In a residential zone, processing and manufacturing activity is not allowed to be carried on, whereas a large number of undertakings have to be closed down. Activities like IT industry, which do not pollute or create noise, may be allowed in residential areas. Without such liberal provisions, small entrepreneurs will find it hard to start any business and survive.

12.107 We cannot depend on industrialization alone for creating new jobs. One has to turn to the rural sector and give emphasis on agriculture, and allied occupations including agri-business and processing.

12.108 The scheme based on the study by M.S. Swaminathan which spelled out strategy for creation of 100 million jobs and incorporated in 8th Plan needs to be revived and reworked to eradicate poverty and unemployment in India.

12.109 Some non-Government organizations in Maharashtra have made successful experiments in utilizing community common water resources and its equitable distribution among the rural communities. The Green revolution which took place, comparatively in a small area of the country seems to have become unsustainable. NGOs advocate and practice water management on a scientific basis, organic farming, and low capital-intensive agro-processing, and organise training programmes resulting in reverse migration from cities to villages in some cases. Similar experiments have been carried on by Anna Hazare and Gram Gaikav Pralashan in Maharashtra, Hotel Revival and Water Harvesting by Tarun Bhushan Sangh in Rajasthan, and by the Water Conservation Mission in Andhra Pradesh.

12.110 Agriculture productivity can be improved by use of fertilizers, soil health care, realignment of cropping pattern, water management including drainage, integrated horticulture, floriculture, medicinal plant propagation, production of seeds and planting materials, animal husbandry programme, integrated program of intensive aquaculture, agriculture, wasteland development, soil conservation, water conservation and land rehabilitation, compost generation, vermiculture and aquaculture farming, establishment of agro-industrial complexes, development of rural infrastructure (e.g., roads, health services, schools).

12.111 These improvements in agriculture will create jobs on a large scale.

12.112 The forestry sector holds large potential for creation of employment there is a large potential in agro-forestry on private agricultural holdings and also private sector plantations on Govt. lands lying barren/ wastelands. In addition to generating employment it will improve soil conservation, environment, protection, raw material supply for industries, ground water replenishment.

12.113 The overall budgetary allocations under the State sector for various programmes are not commensurate with the size and magnitude of the problem of maintenance and sustenance of forest wealth. The forest provide nutrition, food security in lean season, source of supplementary income and range of household items from fodder for livestock, fuel wood to construction material, medicinal plants and so on,

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- 12.114 A new trust for the creation of employment can be by way of encouraging large-scale private sector investment in forestry and promotion of Agro-forestry on agricultural land. The survey and settlement records in many States carried out during 1960s and 1970s categorised vast expanses of fallow land owned by the State as having 'nasty forest' growth and therefore those came under the control of the State Revenue Departments and came to be leased and Forest Conservation Act applies to them. Through very often, these lands do not have any canopy cover but some undergrowth or bushes in some areas which is deemed to be forest lands, when the State is unable to fully look after the lands classified as forestland and which are under the direct control of the State, there is perhaps need to review the provisions of the Act. Permitting private activities and initiatives will ensure that the areas would have canopy cover for medium term conferring benefits of soil and moisture conservation, groundwater recharging, arresting soil erosion and biosphere improvement benefiting surrounding agricultural land.
- 12.115 It has been reported that China has been able to bring down the percentage of people dependent on land from 70% to 45%. The Township, Village and Private (TVP) enterprises sector has become the most dynamic sector accounting for 40% of the country's industrial employment. It is worthwhile to study the organisation of these enterprises, the types of products manufactured by these units and marketed by them. For promoting the growth of employment, special skills have to be developed, and for this, training programmes have to be organized at different levels.
- 12.116 In rural areas there is a conglomeration of casual workers and self-employed persons who are in large numbers. New economic changes will provide opportunities and net jobs. Therefore, one has to take advantage of the opportunities. Both in urban and rural areas, there may not be an impressive rise in wage employment but there will probably be enough scope for self-employment.
- 12.117 There was no Ministry or Government responsible for executing plans for employment promotion. Ministry of Labour deals with employment, as far as questions in Parliament are concerned. It collects information from different departments and proposes replies to questions to be answered in the Parliament.
- 12.118 The obvious choice seems to be the Ministry of Labour. Unless there is someone responsible, there will be an initiative, no diligent execution and no monitoring.
- 12.119 There is general awareness that the travel and tourism industry has great potential in the country for generating jobs. This is particularly so because a large part of the potential in the country has remained unexplored. If it is promoted there will be resultant spin-offs like revitalization of arts and crafts, including the performing arts.
- 12.120 The specific components of development which are under way as per Tech Plan<sup>1</sup> include infrastructure development, product development and diversification, promotion of entrepreneurship and self-employment, human resources development, promotion and marketing trust with public and private participation with the Government working as facilitator. Specific development initiatives include development of mega tourism resorts, targeted approach towards development of tourism circuits, and promotion and marketing initiatives.
- 12.121 Estimated number of IT professionals in the country is 5,22,000, of which nearly 1,70,000 are in the IT software services export industry and 1,36,000 are working in the IT enabled services, and 2,20,000 in user organizations. The present level of about 1,06,000 personnel employed in the IT enabled services is likely to grow to ten times by 2008. The projected availability of over 17.76 lakh persons in 2002. Besides the Government approved for catering to the health needs of the rural population would suggest need of medical practitioners including from alternative forms of medicine. Similarly, in areas of sustainable jobs throughout the length and the breadth of the country, the country would need more than 2.5 lakh paramedical personnel by the year 2007 over and above the projected availability of over 17.76 lakh persons in 2002. Besides the Government approved for catering to the health needs of the rural population would suggest need of medical practitioners including from alternative forms of medicine. Similarly, in areas where there is an acute shortage of doctors, qualified nurses and midwives can be permitted to render simple primary health services.
- 12.122 With increasing efficiency leading to changes in the lifestyle and the health and the health choices associated with this, due to strains of urban life, there is also going to be a huge increase in the requirement for medical resources in the urban areas. This is further encouraged by the increase in population and migration. There is substantial scope for increase in employment in sectors like psychiatric counselling, fitness professionals and nutritionists.
- 12.123 The manpower available in the health care sector in the rural areas in the country shows a huge shortfall in the personnel levels which run to over 1.50 lakhs medical and paramedical personnel. There is considerable scope for absorption of medical and paramedical personnel for catering to the backlog and exploding requirements of this sector.
- 12.124 Promotion of domestic tourism has mostly been taken up by the State Governments based on their own resources. Development of the tourism sector of the travel and tourism industry has been largely in the hands of small enterprises/businesses, and mostly confined to pilgrimage and other commercially inclined centres.
- 12.125 The developments in the field of telecommunication, the Internet revolution and associated IT enabled technological developments are bringing about rapid informative and significant changes in different aspects of human life. In all sectors of human existence and activity, healthcare, communication, trade, manufacturing industries, entertainment, education, research and so on, interactive technology has been in the forefront of profound changes.
- 12.126 The resources to pay wages have also to be created. They have to come from the economic viability and profit of undertakings.
- 12.127 Our Constitution accepts the responsibility of the state to create an economic merit in which every citizen finds employment and receives a fair wage.

- 12.150 Committee on Fair Wages has influenced the principles of wage fixation, the form of wage fixation machinery and other matters for a long time.
- 12.151 The First and Second Five Year Plans gave importance to (a) laying down principles to bring wages in conformity with the aspirations of the working class and (b) setting up appropriate machinery to the application of these principles.
- 12.152 We have suggested elsewhere that the Government should appoint a high level committee with technically competent people including economists, trade unionists, entrepreneurs, to go into all aspects of the inter-related questions and to formulate a national wage policy.
- 12.153 A wage policy will also have to aim at a progressive rise in real wages. Wage increases can come on a count of increase in cost of living and improvement in standard of living.
- 12.154 In 1978, Government of India appointed a Committee on Consumer Price Index Numbers under the chairmanship of Dr. K. Rath.
- 12.155 There is a considerable delay in conducting the consumption survey and in constructing the new series of index numbers.
- 12.156 It is necessary that the consumption surveys are conducted with a fixed periodicity and new series of index numbers are constructed every ten years. A suggestion has been made that there should be a separate legislation so that new index series will be undertaken as per fixed time schedule. The Commission endorses this suggestion.
- 12.157 A national wage policy must bring within its purview problems of workers in the unorganised sectors who are not unionised and, therefore, who have no bargaining strength. The entire emphasis of Government wage policy should be on fixing minimum wages and implementing them for the workers in the unorganised sector.
- 12.158 Objectives of a national wage policy are :-
- Do we need a national minimum wage in order to ensure minimum necessities of life?
  - Do we need a wage policy under which we have to secure as much employment as possible?
  - Do we need a wage programme to combat poverty?
  - Do we want to remove the differentials of wages?
  - Is it possible to standardise wages in the same type of industry?
  - Should we give more emphasis on prescribing wages for unorganised sector and leave the wages in organised sector to be decided by collective bargaining?
  - What best we can do to ensure at least a minimum income to the workers in unorganised sector?
  - Can the wage rise be linked to productivity?
  - Can we have wage, income and price policy?

- 12.159 Various Committees and Commissions have discussed the necessity of introducing the concept of a national minimum wage below which no employer should be allowed to engage any worker in the country.
- 12.160 In such time as a National Minimum Wage Policy is evolved, the floor level wage may be treated as the current national minimum wage.
- 12.161 Our Commission feels that the Government of India should appoint an expert Committee to study the pros and cons of the national minimum wage and make suitable recommendations for construction of such a current national minimum wage.
- 12.162 In determining such a national minimum wage, the recommendations of different Committees, the 15th Session of the ILC, and the judgement of the Supreme Court should be used as guidelines.
- 12.163 It is difficult to lay down a clear-cut criterion for fixing an appropriate ratio between salaries of the top management and wages paid for the worker at the lowest rung of the ladder.
- 12.164 The country needs to reward persons who have put in more efforts to acquire specialised skills.
- 12.165 The differentials in wages are bound to persist and there is no way to eliminate them. Their differential ratio perhaps can be brought down by judicious wage policies to be pursued at the enterprise level. The Commission feels that Government cannot do much in this process to reduce these difficulties.
- 12.166 As long as we follow a disjunctive policy in respect of wages and both employers and employees are free to fix their wages, the Government has hardly any say in the matter.
- 12.167 In the changed circumstances with a variety of wage rates in different industries and in enterprises of the same industry, standardisation has become pretty difficult.
- 12.168 Collective bargaining is not common in the unorganised sector. In several cases bipartite collective agreements in the unorganised sector have provided for wages lower than the applicable minimum wages.
- 12.169 The organised sector which accounts for 8% of the total labour force of India enjoys privileges and perquisites which are considerably more than that of the rest of the country.
- 12.170 The principles of wage determination have been greatly influenced by Court decisions from time to time.
- 12.171 Differentials between different sectors of the economy are bound to exist in a dynamic society. They are indicative of differences in skills formation, capital endowment, risk taking abilities, forecasting skills.
- 12.172 Our Study Group on Unorganised Labour has recommended that the minimum wage prescribed by the Fifth Pay Commission for the lowest category of Government employees (Rs. 2400 + Rs. 2100 DA = Rs. 4500/-) should be the minimum wage for a worker in the unorganised sector.

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- 12.249 We fully appreciate the considerations that have prompted the Study Group to make this (para ...) recommendation. But we regret that we do not find it possible to accept and endorse this suggestion.
- 12.250 We feel that we should legislate only what is capable of being put into practice.
- 12.251 We agree that it is necessary and important to take the effective settlement machinery down to the local level.
- 12.252 The involvement and induction of local bodies including village panchayats in the enforcement of the rates and payment of wages is important.
- 12.253 Workers cannot be given minimum protection unless minimum wages are prescribed and enforced in the unorganized sector.
- 12.254 We feel that the state government should specify minimum wages for all unskilled category of workers and these wages should be the same for all industries. We recommend that the distinction between scheduled and un-scheduled employment should be given up. Whatever the employment, notification should prescribe the same minimum wage to all. The Minimum Wage Committee may fix minimum wage for a region and the minimum wage for a region can be made applicable to all employees in that region.
- 12.255 We feel that the second alternative (notification method of fixing minimum wages) is better because it gives an opportunity to all concerned to have a say in the matter.
- 12.256 We have to make our industries competitive by adopting suitable changes in the existing policies.
- 12.257 The policy of economic liberalisation has certainly helped some Indian firms who have the ability to face international competition.
- 12.258 If a productivity linked wage system is to succeed, it would need the involvement and commitment of all the parties particularly the employers and the union in carrying out such a Productivity linked wage system acceptable to all.
- 12.259 The methodology to link wages with productivity will depend on the nature of the enterprise, and the formulae used can be determined by consensus between employers and the employees.

## LABOUR STATISTICS AND RESEARCH

- 12.360 Statistical information on labour related matters is basically required for framing labour policies, understanding working and living conditions, formulating policies in respect of target groups, monitoring industrial relations, enforcing labour laws and assessing the nature of employment and unemployment, the skills required for different jobs, gaps in the skills development programmes, etc.
- 12.361 The Government requires a comprehensive, up-to-date, reliable and authentic data base.
- 12.362 The collection of statistics is the primary responsibility of the Government and it cannot be delegated to NGOs and private individuals.
- 12.363 There are many problems in restructuring Consumer Price Index numbers for Industrial Workers. The delay in revising the base year in conjunction of ILO Convention No. 150 and Recommendation No. 175 is a serious problem. The ILO Convention advises us to update the base year once in five years and not later than 10 years so that changes in consumption patterns and non-exhaustibility of specified items are effectively taken care of.
- 12.364 There are many problems in revising Consumer Price Index numbers for Industrial Workers. The delay in revising the base year in conjunction of ILO Convention No. 150 and Recommendation No. 175 is a serious problem. The ILO Convention advises us to update the base year once in five years and not later than 10 years so that changes in consumption patterns and non-exhaustibility of specified items are effectively taken care of.
- 12.365 The main problems in the area of wage rate index are outdated base year and limited coverage in terms of number of industries and occupations.
- 12.366 The Labour Bureau also compiles price indices of 31 selected essential commodities for urban areas. These index numbers are supplied to the Ministry of Food and Civil Supplies every month for monitoring the prices of essential commodities. We feel it is desirable to conduct such surveys and compilation for rural areas as well.
- 12.367 The series of productivity indices compiled by the Bureau has serious limitations which include (i) Base year of 1970-71, non-availability of input-output data in respect of individual industries, lack of comparability due to changes in classification and methodologies, etc.
- 12.368 There seems to be hardly any coordination in the research efforts by various government bodies like the Labour Bureau, National Labour Institute, the Central and State Governments, etc.
- 12.369 The report on employment and unemployment prepared by the Labour Bureau based on data on consumption expenditure in rural areas does not show the overall picture of unemployment in the rural areas. The Rural Labour Employment (RLE) is sent on migration relating to the intercensal period of two successive rounds of survey. This is a handicap for policy formulation.
- 12.370 The wage rate indices for 18 agricultural and non-agricultural occupations suffice the requirements of the Labour Bureau.

- Government has to decide as to which agency will collect this data and the methodology of such collection.
- 12.413 The Commission feels that collection and systematization of data on compensation to workers in general would be necessary. This would include data on allowances paid and monetary value of the various benefits given to workers. It is necessary to examine industry-wise or region-wise data on the total compensation paid to the workers in the organised sector.
- 12.414 A majority of wage agreements are normally filed in the office of the Labour Commissioner. If the Government itself publishes these wages agreements selectively & exhaustively by private institution to do so, this will be a valuable source of information.
- 12.415 Where there are industry-wise agreements on an All India level such as cement industry, banking, insurance, etc., this data can also be collected and published either by Labour Bureau or by some institute like the NLI.
- 12.416 Studies of what happens to the graduates of educational institutions and training programmes - especially labour studies - should be prevalent to obtain information on the correction, or lack of them, between the activities that create human capital and the realisation of their benefits in labour markets.
- 12.417 They could derive insights on the extent of misallocation of education and training resources.
- 12.418 A major shortcoming has been that the educational institutions or authorities rarely obtain information on about what happens to their graduates and dependents after they leave the institution. Trainee studies are an important method of gaining a picture of the dynamics of the labour force. Information from such studies should be fed back to educational authorities so that they can make better decisions regarding the structure of the system and content of their curricula, and better allocate the resources in the system.
- 12.419 Special evaluation studies of training and unemployment programmes can be made to evaluate the impact of the training or employment programmes by following the people who had been involved in it and observing their subsequent labour market experience. In designated countries such evaluation studies have yielded much better information about the effectiveness of alternative training and employment programmes.
- 12.420 A complete unique study in this regard is the Lancer Force Turnover Study of the Malaysian Ministry of Labour. This type of data gives a unique opportunity to measure the extent of the labour market dynamics and surpluses and how the market for different occupations evolves over time. Labour economists have looked at the characteristics of items in terms of labour force turnover, job security, and the costs of hiring and firing. Obtaining better data on such events in a consistent time-series way would give a much better picture of how labour markets operate and the extent to which, in particular situations, labour markets may be said to be malfunctioning.
- 12.421 The very nature of the informal sector means that many of its activities are unlikely to appear in regular data collection efforts, and are probably not in the household surveys. Therefore, more data has to be generated on informal sector. Such studies will have to be specific purpose studies, probably of a particular sector in a specific region.

- 12.422 Along with this some specialised studies as to what happens to a worker after he takes VRS needs to be undertaken. Private Research Institutes may be encouraged to undertake such studies.
- 12.423 A good number of Indian workers are working in countries in the Middle East and other countries. Statistics on such workers are given in the Annual Report of the Ministry of Labour. We feel that there are significant gaps in the collection of data and its presentation.
- 12.424 The primary source of information on migration from India is the data published by the Directorate General of Emigration, Ministry of Labour, Government of India. However, the Act exempts some categories of people for whom the Emigration Check is Not Required (ECNR category). The ECNR category of migrants affects the reliability of the data, as their numbers are not captured by the emigration acts. Over and above, outflow of the population of the labour force (ECNR Category) to the Middle East has been on an increase.
- 12.425 The partial nature of this data is further compounded on account of illegal migration through the mis-division of tourist and business visas.
- 12.426 One of the areas requiring immediate intervention is with respect to the creation of an appropriate information system on the international labour migration phenomenon from India. This is an important pre-requisite to make future context labour export strategy more purposeful and also to formulate effective re-settlement/rehabilitation schemes.
- 12.427 The status of migration data can be improved drastically by making the registration of entry of migrant workers mandatory in the fusion missions operating in labour importing countries. The visitors should also contain accurate information relating to work status and living conditions of the migrants so as to enable policy makers to frame appropriate measures for their welfare.

- 12.370 Among the major achievements of the Labour Bureau during the last five years is the compilation of CPI numbers on the basis of family Budget Enquiries. The Commission feels that such Family Budget Survey data need to be collected frequently and regularly on a mandatory basis in accordance with the relevant LO Convention.
- 12.371 There are two main亟待解决的问题 in the Annual Survey of Industries: (i) data on earnings need to be collected every year instead of in 4 years and (ii) there is need to collect data on wages in addition to the total labour cost of units, and (iii) the electricity establishments registered under the Central Electricity Authority were excluded from the ASI Survey (ref. 1998-99 vs due to different aspects of industry were available with the Central Electricity Authority). However, data on turnover, absenteeism, man-days worked, wages, earnings etc., may not be available with the Central Electricity Authority.
- 12.372 Occupational Wage Survey (OWS) data are of immense importance for conducting scientific studies on wage patterns and formulation of wage policy.
- 12.373 The main problems in the OWS are: it takes 5 yrs to complete one round of the survey which is a very long period; the delay has caused delay in revising the base year or Wage Rate Index (WRI) Numbers, there are large and varying gaps between consecutive rounds, and the surveys do not include all categories of workers.
- 12.374 An in-depth examination of the information compiled through voluntary returns reveals the deficiencies such as: time lag in submission of returns upto 35 months; low response in return submission, varying response, variety of definitions under different labour laws, problems in filling the returns, inadequate coverage, low wage ceilings excluding large number of workforce, etc.
- 12.375 The data generated by the Directorate General of Employment and Training provide estimates on the utilization of the labour force in different sectors, industries, and occupations in the economy and help to find the surplus and shortages of manpower in various industries. However, has a lacuna as it does not give complete picture of employment and unemployment scenario.
- 12.376 Many private placement agencies in urban and metropolitan cities are rendering services both for overseas and for domestic employment. However, there is need to integrate the private agencies in the national employment service.
- 12.377 The shortcomings of the data generated by the DGEST include non-inclusion of data of private recruitment agencies, no periodic updating of the employers and job seekers registers, poor and low response from the employers, lack of computerisation of data, lack of periodic revision resulting in the overestimation of employment level and underestimation of the employment level, lack of data on the unemployment level in rural areas, etc.
- 12.378 It is important to redefine the role of the employment exchanges to meet the new challenges.
- 12.379 The Directorate General of Mines Safety (DGMS) is an enforcing agency under the Mines Act 1952.estic manufacturers submit to the DGMS periodical returns containing detailed information on labour, output, accident, mechanisation, welfare, etc. The data gaps relate to: non availability of data regarding organised and unorganised sector due to definition.

missions, also responsible in innumerable mines, outdated base year for index numbers for wages of the workers in mines, old format of the statutory return of and non-updated of index numbers to workers in mines need to be revised/updated periodically.

12.392 In order to avoid the delay in publication of data by Labour Bureau and to have the latest information for use, Directorate General Factory Agencies' Services and Labour Institute (DGFASLI), DGFASLI collects data from State Chief Inspectors of Factories on quarterly basis.

12.393 However, the present system suffers from a problem. It is not obligatory on the part of Chief Inspector of Factories to submit returns and data sets produced manually which sometimes makes the available data faulty and inaccurate. What is required is to make it obligatory to submit the returns and to computerise the system. Also there is a need to establish/strengthen the statistical unit.

12.394 Employees State Insurance Corporation compiles the statistics through periodical returns and regular publications, periodicalistic surveys and research.

12.395 However, adequate data regarding industries and establishments and wage level of industry in areas where the scheme is not in force if not available. The main sources of statistics on medical aspects are the State Governments. However, due to lack of accuracy and delay of submission of returns, the quality of data is not satisfactory. There is need to enhance the scope and coverage of the ESI scheme for better and reliable statistics.

12.396 The data management system under the social security schemes should be computerised so as to ensure better management of the Employee State Insurance, the Employees' Provident Fund and other social security acts.

12.397 The census data gave the limitations of seasonal and intermittent nature of work characteristics of India, the liberal definition of workers, under-estimation of the female participation rate and considerable delay in release of data to the public.

12.398 National Sample Survey Organisation (NSSO) collects data on different parameters of employment and unemployment through its quinquennial surveys since 1972-73.

12.399 The limitations of data are: the data does not capture informal sector workers, need fairshare probing questions seeking information from the informants on subsidiary work in NSSO's quinquennial survey which would enable the capturing of information on part-time and intermittent work, the need for the NSSO to should provide standard error of estimates of employment related variables, and to the NSSO should publish data on distribution of persons by number of days at work and total intensity of work during the reference week, non-availability of annual statistics relating to work force by age and sex, level of literacy, state, industry, sector sphere is not available with NSSO.

12.400 The Labour Departments of the State Governments also do generation of data in respect of labour matters. Some compile and publish this data, while others do not.

12.401 There are certain areas in which no data is being collected in India. we propose to target some such areas and let efforts should be made to collect data in these areas. The

- 12.427 The nature of outflow data at home can be strengthened by a fuller utilisation of the data already available with government departments and recruitment agencies. Establishment of comprehensive counters of the Directorate of Migrants at all international airports in India will go a long way in strengthening database on migration.
- 12.428 The date relating to return migration can be strengthened by proper use of the disembarkation cards in the major airports.
- 12.429 Data on migration are as much essential at the state level as they are at the national level. The data collected at the national levels need to be classified state-wise. It would be desirable if the National Sample Survey Organisation (NSSO) conducts detailed surveys on international contract migration periodically, in all the migrant-sending states.
- 12.430 Our country is facing acute underemployment. We have to develop a system through which availability of skill and wage movement at household level are studied in detail on periodic basis.
- 12.432 The Ministry of Labour will have to develop a system with the help of the State Commissions for data collection. Since the data is to be collected periodically from the households, it will be necessary to involve the Panchayati, Municipal, District, Municipal, etc. Labour and manpower Departments of State Governments etc. The Ministry of Labour may suitably chalk out a programme in consultation with various State Governments to develop this database on occupation specific wage movement and skill development.
- 12.433 This was one recommendation made by the Task Force on Employment of the Planning Commission. The Commission endorses this recommendation and requests the Ministry of Labour to act upon the same.
- 12.434 The TFO has laid down certain standards concerning content and coverage of statistics relating to different subjects through various conventions. The Labour Bureau in consultation with the Ministry of Labour should formulate a plan to meet the requirements of different commissions with priority to the Convention Number 160 for ratifying the same.
- 12.435 After the 73rd Constitutional amendment, localisation of economic development has been strengthened by political decentralisation and greater decision making powers are given to the local bodies and state holders. But they are hindered by paucity of reliable information. Since local or district level employment planning is to be accorded high priority in future, it is necessary that local level data is collected. Such data would include: estimates of unemployment & underemployment, breakdown of employed labour force by sector, occupation, education and skill levels, facilities of skill development training at local level, institutional framework that exists at the local level to provide support services to self-employed persons, programmes of development of infrastructure such as roads, irrigation, watershed development, etc.
- 12.436 We regret to say that the Labour Statistics as it stands today is not dependable. The industries do not have an obligation to submit the returns prescribed under the law. The collectors of data do not have any obligation to publish the data on time. As a result of this poor quality and unreliable frequency of data, policy makers do not find it easy to rely on them or make use of them. Thus, one is left to wonder who benefits from all the effort and expense incurred to keep these surveys going.

- 12.439 The status usually takes a lot of time to submit the consolidated annual returns in respect of various Labour acts to the Bureau. The time lag varies from 2 months to 35 months. Some states do not submit any return at all. Apart from the time lag, there is very poor response for submitting these returns. Trade Unions are themselves defectors. Since 1994, the percentage of response of submission of returns from Trade unions has never been above 17%. In 1998, this response percentage was just 7.91%. Such a poor response makes statistics useless for any analytical research on public policy relating to industrial relations. The measures of Commission has recommended for trade unions may improve the present situation.
- 12.440 The Labour Bureau conducts occupational wage surveys. It takes about 8 to 10 years to complete one round of such a survey. Due to this, it has not been possible to revise the base year of Wage Rate Index (WRI) numbers since 1991. Moreover, the occupational wage surveys does not include all categories of workers and therefore it is of not much relevance.
- 12.441 The Director General of Employment & Training publishes 8 publications. All most of these publications are brought out with considerable time lag.
- 12.442 The Employment Market Information Programme (EMIP) does not cover employment in many sectors and therefore this data published by DGET is of not much significance.
- 12.443 One of the major irritants in data collection and compilation is the requirement on the part of an industrial enterprise to submit a large number of returns under different labour decrees. This requires huge resources on the part of the unit. There is a need to simplify and consolidate various returns into a few forms. The complexity of forms leads to poor response and poor quality of data being collected.
- 12.444 The prevalence of same terms with varying scope pose a problem especially to those filling and submitting the return. It also leads to confusion among the data users.
- 12.445 The Commission has proposed uniform definitions of terms under different laws. We hope the Government will accept these recommendations and pave the way for improvement of our statistical system. The present labour statistics suffers from serious deficiencies such as inadequacy of data, absence of fixed periodicity of getting the information, low quality and delayed response of the returns under various acts, poor quality and incomplete information, survey studies not reflecting the current economic scenario and non-availability of micro level/its-segregated information.
- 12.446 Our Commission has proposed uniform definitions and have the way for improvement of our statistical system. The present labour statistics suffers from serious deficiencies such as inadequacy of data, absence of fixed periodicity of getting the information, low quality and delayed response of the returns under various acts, poor quality and incomplete information, survey studies not reflecting the current economic scenario and non-availability of micro level/its-segregated information.
- 12.447 The recommendations made by the recently appointed Committee under the chairmanship of Prof. L.K. Deshpande (1999) and the National Statistical Commission (2002) should be carefully examined by the Ministry of Labour and action should be taken on them as early as possible.
- 12.448 We do not think that without the cooperation of the State Governments, it would be possible for the Labour Bureau to collect statistics.
- 12.449 The statistical system in the labour departments in the states should be strengthened from district level onwards.

12.451

We also feel that the Government should appoint a Technical Study Group to study the present activities of the Labour Bureau and other agencies like DGE, DGFSI, etc and review the contents of the studies that they are undertaking and the statistics that they are collecting.

12.452 The Group can suggest changes in the methodology in respect of construction of productivity indices. The Group can also make recommendations concerning or otherwise of occupational wage survey in its present form, inclusion of various economic activities under NSSO's Survey and so on.

12.453 The existing labour information system is "severely oriented towards quantitative parameters and indices which have become redundant in the present context. The choice between quantitative indicators and qualitative information has increased leading to serious problems. The Study Group can find a way to overcome these adverse interests.

12.454 The present series of consumer price index numbers for industrial workers is based on Working Class Family Income and Expenditure Survey conducted in 1981-82. As per ILO recommendation (Convention No.100) - revaluing Expenditure Surveys are to be conducted every ten years. The work has been initiated in 1999-2000 and new CPI (W) series is likely to be released in 2003. This time lag is too long. Hence the Government recommends that a legislation like the Census Act, 1911 be introduced so that such surveys can be conducted throughout the country at fixed intervals.

12.455 It is necessary to discard the present manual system of handling data compilation and revision. This system has already broken down and is unable to cope up with the size and complexity of data. Hence massive computerisation and introduction of digital labour information system is absolutely necessary. This labour networking will ensure better dissemination of information. It is necessary that labour related information is made available in a structured, comprehensive and meaningful manner.

12.456 Such a data base or information system should include inventory of all available sources of existing labour information systems, identifying the users and their requirements, designing an integrated system of collection, storage and retrieval of all the information available and designing appropriate policies and monitoring mechanism.

12.457 Towards this end necessary expertise will have to be built up at both the level of the Labour Bureau which may be a nodal agency to operate this system and also at state level (including district). Special training programmes will have to be organised at district and state levels to train staff in the use of hardware and software.

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**Annexure - I**

**Resolution of the Government of India to set up the National Commission on Labour**

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART I SECTION 1)

GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF LABOUR/SHRAM MANTRALAYA  
SHRAM SHAKTI BHAWAN, RAFI MARG  
NEW DELHI, dated the 15<sup>th</sup> Oct., 1999

**RESOLUTION**

No. Z-20014-SL99-Gord. - The Government of India have decided to set up a National Commission on Labour consisting of the following:

**CHIEF PERSON**

Shri Navindra Varma

**FULL TIME MEMBER**

1. Dr. D.R. Seade

**PART TIME MEMBERS**

1. Shri Sunil Shastri
2. Shri Sudhirshan Sarin
3. Shri Someswar Reddy
4. Shri Narendra Vir Gupta
5. Smt. Eva R. Briant
6. Shri Arvind R. Doshi
7. Shri Masubhai Dave

**MEMBER SECRETARY**

1. Shri N. Sanyal

2. The term of reference of the Commission will be as follows:

- (a) to suggest rationalisation of existing laws relating to labour in the organised sector; and
- (b) to suggest an "umbrella" legislation for ensuring a minimum level of protection to the workers in the unorganised sector;

While developing the framework for its recommendations, the Commission may take into account the following:-

- (i) Follow up implications of the recommendations made by the Commission set up in May 1998 for review of various administrative laws governing industry;
  - (ii) the emerging economic environment involving rapid technological changes, requiring response in terms of change in methods, timings and conditions of work in industry, trade and services, globalisation of economy, liberalisation of trade and industry and emphasis on international competitiveness and the need for bringing the existing laws in tune with the future labour market needs and demands;
  - (iii) the minimum level of labour protection and welfare measures and basic institutional framework for insuring the same, in the manner which is conducive to a flexible labour market and adjustments necessary for furthering technological change and economic growth; and
  - (iv) improving the effectiveness of measure relating to social security, occupational health and safety, minimum wages and linkages of wages with productivity and in particular the safeguarding and facilities required for women and Handicapped persons in employment.
3. The Commission will make its recommendations as soon as practicable but not later than 24 (Twenty Four) months from the date of publication of the resolution in the Gazette of India. It may, if it deems fit, submit interim reports for any specific problem(s).
  4. The Commission will make its own procedure. It may call for such information and take such evidence as it may consider necessary. The Ministries/Departments of the Government of India will furnish such information and documents and render such assistance as may be required by the Commission.
  5. The Government of India trust that the State Government/Administrations of Union Territories, Public Sector Undertakings, Organisations of Employers and Workers and all other concerned organisations will extend to the Commission their fullest cooperation and assistance.

(DR. L. MISMRA)  
SECRETARY TO THE GOVERNMENT OF INDIA

Z-20014/8/99-Coord.

New Delhi, dated the 15th Oct., 1999

**Annexure - II**

**Resolution of the Government of India appointing to**

**Shri C. K. Saji Narayanan, Part-time Member**

**GOVERNMENT OF INDIA-SHARAI SARKAR  
MINISTRY OF LABOUR-SHRAM MAMN BALAVA**

Shram Shakti Bhawan, Rani Marg,  
New Delhi, dated the 15th January, 2001

**O R D E R**

Ordered that the resolution be published in the Gazette of India Part

I Section I.

Ordered also that a copy of the resolution be communicated to all  
Ministries / Departments of the Government of India, State Governments /  
Governments/ Administrations of Union Territories and all other  
concerned.

**R E S O L U T I O N**

No. Z-20014/8/99-Coord. - In Resolution No. Z-20014/8/99-Coord. of  
the Government of India in the Ministry of Labour issued on 15th October,  
1999 relating to setting up of a National Commission on Labour, the name  
of Shri Nasubhai Dave appearing at Sl. No. 7 of the part-time Members may  
be substituted by the name of Shri C.K. Saji Narayanan.

**VINOD VARSHI**  
SECRETARY TO THE GOVERNMENT OF INDIA

No. Z-20014/8/99-Coord.

New Delhi, dated 15th January, 2001

**O R D E R**

Ordered that the Resolution be published in the Gazette of India Part

I Section I.

Ordered also that a copy of the Resolution be communicated to all  
Ministries / Departments of the Government of India, State Governments /  
Administrations of Union Territories and all other concerned.

**VINOD VARSHI**  
SECRETARY TO THE GOVERNMENT OF INDIA

**Annexure - III****Secretariat of the National Commission on Labour****Investigators**

<b>Chairman</b>	Shri Ravinder Varma
<b>Chairman's Secretariat</b>	
<b>Private Secretary</b>	
Shri P.N. Shakdar	
<b>Personal Assistants</b>	
Shri P. Sivan, Ms. R. Chingemphu,	
<b>Data Entry Operator</b>	
Shri Lissy Sunny	
<b>Full Time Member</b>	
Dr. B.R. Sabade	
<b>Member Secretary</b>	
Shri N. Samyal	
<b>Director</b>	
Shri T.C. Girotra	
<b>Joint Directors</b>	
Dr. Rashmi Agrawal Shri Piyush Sharma	
<b>Deputy Directors</b>	
Dr. R.S. Tiwari Shri D.P. Singh Shil. Priti	
<b>Administrative Officer</b>	
Shri G. Roy	

**Principal Private Secretary/Private Secretary**

Smt. B.K. Lamba	Shri Chander Kumar
<b>Personal Assistants</b>	
Shri Bharat Bhavnagar	Shri Vineet Grover
Shri Jaspinder Singh	Shri Gurbachan Singh
Shri Rajeev Kumar	Shri Naresh Kumar
Shri AVR Subrahmanyam	
<b>Assistant/Accountant</b>	
Shri Lala Ram	Shri P. Manmohan
<b>Lower Division Clerks-</b>	
Shri Arvind Kumar	Shri Vikram Singh
<b>Staff Car Drivers</b>	
Shri P. Sunder	Shri S.R. Pandey
<b>Peons</b>	
Shri D.D. Bhardwaj	Shri Gambhir
Shri K. Ramesh	Smt. Guddi Devi
Shri Sanjib Sasmal	Shri Suresh
<b>Farash</b>	
Shri Chunni Lal	

**Annexure - IV****RECRUITMENT & INDUCTION**

Questionnaire Circulated by the National Commission on Labour

# NATIONAL COMMISSION ON LABOUR

## SECOND

## QUESTIONNAIRE

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**Recruitment**

1. How is labor recruited in various establishments of different categories like :
  - (i) Private sector
    - a) Companies
    - b) Cooperative Societies
    - c) Private/Public Trusts
    - d) Firms
    - e) Proprietary concerns
  - (ii) Public sector
    - a) Companies
    - b) Cooperative Societies
  - (iii) Export processing zones
  - (iv) Industrial Disputes
  - (v) Very small Establishments or informal sector?
2. Indicate 90% satisfaction level against system of recruitment in each category?
  - (i) Is there a mismatch between demand for particular skills in industries which are emerging of etc as well as likelihood of such mismatch persisting in the short to medium term? If so, what steps should be taken to address the issue?
  - (ii) Whether at the time of recruitment statistical test is taken?
  - (iii) Whether the present system of allotment of work tasks into account the aptitude of the 'shair' If not, what measures do you propose so that the worker is given the work of his aptitude?
  - (iv) Will skill upgradation improve suicides in different categories of labour? If so, what should be the remedial measures?
  - (v) In what categories of industrial establishments are migration and reverse migration prevalent? What solutions do it pose in recruitment and reduction? and how could these be overcome?
3. Whether recruitment of permanent employees is directly connected with financial problems? What do you feel?
4. How do the existing statutory provisions in regard to unemployment of women affect recruitment of women labour? Consistent with international conventions on conditions of work for women, what modifications would be necessary in the existing provisions for protecting employment of women?
5. In the context of structural adjustments, joint planning production processes in the provinces, to what extent is organisational minimisation of labour is justified, and if unjustified, what steps should be taken to safeguard the interests of the justified categories of casual labour?

**NATIONAL COMMISSION ON LABOUR****MINISTRY OF LABOUR**

"NATR55" Building, 2nd & 3rd Floor,  
30-31, Institutional Area, Opp. 'D' Block,  
Janakpuri, New Delhi - 110 058  
Telex: 5617916, 5617911, 5617902, 5617904

7. What measures would you suggest to improve the scope of employment for physically handicapped in (a) wage employment and (b) self - employment?
8. In establishments within your knowledge, is there any discrimination in the matter of recruitment on the grounds of caste, community, region, language, etc.? Is such discrimination a) justified and b) unjustified?
9. Do you think trade unions be represented in the bodies providing labour recruitment?
10. What sort of employment formalities, appointment order, confirmation order, probation order etc. do you propose? Do you want it to be obligatory?
11. What is your opinion about the present workers education scheme of Government of India among the various types of training programmes that are organized under the banner of Workers Education Training Scheme? Is the scheme of any use to the workers under your management? What changes would you like to suggest in the present training programmes? Do you find them useful?
12. The aim of the workers education scheme is to turn out good and responsible citizens. Has the object been served by these training programmes?
13. A number of workers training programmes are conducted in the establishment and some are conducted outside the establishment. Which aspects, according to you, are not considered by the scheme? Whether the present system of conducting the programmes inside the establishment has served any purpose?
- INDUCTION**
14. Are the existing programmes for 'on the job' training for workers adequate? What are the directions in which improvement should be sought, particularly in the context of newly emerging technical changes?
15. What steps should be taken to encourage an employee to avail of the facilities outside the place of work for improving his skill? Is there any system of granting study leave to the employees in your establishment? If yes, please give the details.
16. (a) What should be the outline of a rational probation policy? what place would you assign in this policy to seniority, merit and trade test?
- (b) Should recruitments to positions at higher levels be made from among the existing employees only? If so, upto what level?
17. Industrial enterprises require casual and temporary workers on large scale. Do you suggest any change in the present legal provisions about the recruitment of casual and temporary workers? In which situation can one allow casual and temporary labour employment? How long should casual and temporary workers be continued? Should we provide a priority to such casual workers while filling up permanent posts?
18. At present there is no law which lays down conditions for the probationers, apprentices and trainees. Do you feel that legal provisions are necessary for such category of probationers and trainees such as their recruitment, their duration, provisions regarding specific training etc.?
19. For promoting a worker to higher posts, what considerations should be laid down? Should his suitability to higher post be based on criteria such as personal behaviour, past experience of size and structure of industrial establishment?
20. Do you think that present technical training institutes need any change and the curriculum be updated?
21. Can you propose new technical courses to be included?
22. Do you think it is the function of industrial establishments to run educational institutions to update workers as per their requirements? If yes,
- (i) Should that function be voluntary?
  - (ii) Should that function be made obligatory?
  - (iii) Can you suggest the size and status for the industrial establishments wherein the function is to be made obligatory?
23. Do you think that Human Resource Development is being pursued by the industrial establishments? Do you wish it to be made obligatorily? If so, what measures would you propose:
- (i) In house Training;
  - (ii) By allowing special leave or addition in shifts or hours of working for those desirous to get training outside;
  - (iii) Monetary assistance for training;
24. Regarding employment of women and disabled,
- (i) Are you satisfied with present mode of employment of women for work?
  - (ii) Are they discriminated?
  - (iii) Do they need special facilities?
  - (iv) What measures do you propose to do justice to working and employment of women?
  - (v) What statutory measure do you propose to help employment of disabled workers?
- CONDITIONS OF WORK**
- Working Conditions**
1. (a) Conditions of work in factories, mines and plantations, etc. are presently regulated by the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952 etc. The main provisions of such acts, inter-alia, relate to (i) safety and welfare, (ii) hours of work, rest interval, weekly off, etc., (iii) employment of young persons and women, (iv) annual leave with wages, (v) occupational disease and (vi) working conditions. What changes are necessary in these provisions? How should the implementation of these acts be improved?
- (b) What other steps are needed to ensure proper working conditions?
2. (i) In the nature of material and festival holidays, what is the extent of difference in the total number of holidays from region to region? Is this difference justified? If not, is it possible to bring about uniformity in the total number of holidays in different regions?
- (ii) Do you propose 'decolonialization' and/or uniform policy of leave all over the country irrespective of size and structure of industrial establishment?

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3. What changes are necessary in the existing arrangements for regulation conditions of work other than in factories, mines and plantations?
4. Does the worker find job satisfaction? If no, what are the reasons and how to remedy them?
5. During work do you undergo physical and mental strain? What do you propose for being free from strain?
6. Work is said to be worship and worship cannot be under strain or duress. Then why and how do you propose to create an atmosphere free from strain and which is pleasant and enables better performance?
- (i) Does your organisation have canteen facility? Is canteen service subsidized? If not, what do you propose? Do you propose cash subsidy instead of subsidized canteen facilities?
- (ii) Canteen facility has often become a source of discontent. Why? Can it be made a bridge to build a pool of affinity between labour and management? What measures do you propose for such a change?
8. Do you face problems while at work? (working problems)
- a) Can you truly seek the solutions?
  - b) Is there no authority to solve such problem?
  - c) In case there is no legal redress, what do you do?
  - d) Do you raise false problems at work?
  - e) Do you put in a fair day's work? That is do you feel happy about your performance?
5. What, in your knowledge, is the extent of prevalence of employment of child labour? In what industries/activities is employment of child labour relatively high? Are you satisfied with the existing statutory provisions about employment of child labour and their implementation?
10. How have the existing arrangements regarding regulating the conditions of work of contract labour and labour employed by contractors worked? In what directions are improvements necessary?
11. What are the statutory benefit provisions, in the implementation of which trade unions and employers' organisations can jointly play a useful role? How should such arrangements be made effective at the plant level? Should there be any standing arrangement for this purpose?
12. The present laws do not prescribe any conditions relating flexible working hours. How can this system be introduced?
13. With the introduction of computers, internet, modems etc., the conditions of work are changing very fast. One can now sit in his home and work for the office. The idea of virtual office has been created from where is likely to come into practice. What conditions can one presume and how this virtual office can be regulated? Should we have any new legislation or provisions in the existing legislations, ignoring the conditions of work in such cases?
14. Many companies would like to introduce 5-days week but the present laws create problems for them because one can not ask workers to work more than 40 hours extra every day. How can this be introduced?

**Safety and Health**

15. Is the existing rate of accidents high in establishments within your knowledge? What have been the main causes of such accidents?
16. (i) What steps should be taken to establish training programmes with special emphasis for safety for the benefit of new entrants to industrial establishments? Are any refreshers course necessary for those who are already in employment? How should such courses be organised?
- (ii) In your organization, does the management impart training for handling hazardous operations to every worker?
17. 'Safety standards' in some industries have been evolved by bilateral agreements. How have these agreements worked in practice? How can this be extended to other industries? How should the agreed arrangements be made effective at the plant level?
18. (i) What steps should be taken to arouse safety consciousness among workers and employees, particularly in industries like chemicals, petro-chemicals etc.?
- (ii) Do the chemicals used carry specific instructions relating to safety?
19. Against the backdrop of expanding industry and advancing technology involving a faster tempo of production, how specific provisions concerning industrial safety (including I) on the Factories Act, 1948, the Mines Act, 1952 etc., is amended?
20. Is the supply of safety equipment to workers for their personal use like gloves, sleeves, spectacles, helmets, aprons, etc. adequate? Is there any resistance of the part of workers to use such equipment? If so, what measures would you suggest to overcome this reluctance?
21. In your organization, does the management display in legible writings the dangers, risks, hazards, etc. of work? Does the work place have safety cut provisions?
22. In your organization, are only trained workers, i.e.igkeit to handle risky, dangerous, accident-prone operations? Is a periodically qualified man also present always when hazardous operations are undertaken in shops?
23. In case of work-related accident and hospitalization, the workmen's paid full wages and total expenditure of treatment including medicines, Are the nutritional requirement and medical costs to be borne by the management which employs the workman?
24. In case of loss of limb or capability to perform the same task, is the worker re-trained in solving suitable work without loss of his income?
25. Does workmen's compensation act, prescribed meets today's expectation?
26. How has the present industrial policy adopted since June 1991, affected the enforcement conditions of the workers?
27. Are there instances of misuse of statutory provisions of inspections and reporting by the concerned authorities/Government machinery affecting production and productivity? How can this be prevented? Can fixed periods of inspections be laid down?
28. At the moment, the officers from the department of safety and health do mainly policing work. If the law is not observed by the employers, punitive action is taken against them. Do you think that these offices should give more emphasis on the positive aspects of implementing various conditions regarding safety and health such as conducting training

- organizations, providing guidance, making useful suggestions, drawing proper equipment, suggesting a proper layout etc.?
- (c) What are your suggestion regarding training in Health and Safety by establishing norms and codes under by Factories Act and/or Shops and Establishments Act? What are your views about working condition in these establishments? How safety and health aspects can be introduced in them?
- (ii) Provisions regarding Occupational Hazard in industrial structures other than Factories Law or to be inadequate. Is it necessary that industry like Software, Building construction, motor transport, atomic energy etc. be provided with necessary provisions?
12. Do you think that the chemicals whose production is directly or indirectly caused by development activities cause harm to ecology as well as disaster? Do you think that such products should be prohibited from being produced in our country?
31. The Bhopal Gas Tragedy of 1984 brought to the fore a new aspect of industrial accidents. That is, that these not only affect the workers of the factory but the people living in the vicinity too. The Bhopal Gas Tragedy took toll of only a couple of workers while over two thousand people died, and lakhs were affected and permanently crippled. Do you feel that this demands a thorough review of the existing industrial safety, accident and health provisions? If yes, give details.

#### TRADE UNIONS & EMPLOYERS' ORGANISATIONS

##### Revolutions of Employers' and Workers' Organisations

1. Which are the factors which have contributed, (a) positively and (b) negatively, to the development and organisational pattern of trade unions/ employers' organisations, during the last thirty years?
2. What do you consider as the main function of a trade union?
- a) A mission to organize labour for securing fair and just service conditions within the bounds of national/industrial/international/family well being? Give reasons for disagreement, if any, and propose alternative.
- b) To the trade unions normally include in their members items which benefit their partners in视界, i.e. Improving their living conditions, such as cooperative housing, consumer cooperatives, common game funds for social purposes such as education and social health for the poor? Trade Unions having such activities may narrate their experiences briefly.
3. Do you consider employers' organisations as possessing special qualities of leadership role in fortifying the cause of creation of national wealth and healthy social relations? If no, please express your views on that.
4. What have been, a) favourable and b) unfavourable, effects of legislative provisions on the growth of trade unions/ employers' organisations?
5. Do you think that the modus operandi of trade unions/ employers' organisations have changed during the last decade? If so, what are the characteristics of this change?
6. In older India, there existed family industries/family type relationship in each industry and. Do you envisage that such a pattern of relations could be developed in industrial relations in the present times? In case the answer is positive, suggest practical measures to achieve the same.

7. Do you think (a) the attitude and culture of social participation among the Trade Unions, Employers' and Government have been a) divided and b)僵化ed, in the last decade? If the answer is (a), give the reasons and further suggestions.
8. In view of the economic liberalisation and globalisation,
- a) What should be the changes in the nature and scope of activities of the trade unions/ employers' organisations?
- b) What are the changes needed in their organisational pattern? And attitudes?
- c) What are the fields of activity in which they have an independent role to play?
- d) i) what other means should these function in cooperation (a) between themselves and (b) jointly with Government?
9. What do you think of tripartism? Will it not improve the productivity and thereby economic growth of our country?
10. To what extent the discussions held and decisions taken by the Trade Unions and Employers' Organisations in tripartite fora are collective in nature? What improvements do you suggest for better interaction and communication? Are such tripartite Consultations existing at the state level? How can these consultations be institutionalised and made more functional at the State level?
11. If necessary and possible to keep the interest of the consumers while settling the demands of workers during collective bargaining? Those employers' and trade unions who have first hand experience about this may briefly narrate the same.
12. What should be the role of Employers' Organisations/ Trade Unions for generating employment?
13. How can the involvement of other Ministries/ Departments be ensured in important consultations in State / Central level?
14. Tripartite consultations being one of the effective means of reducing the areas of conflict between the employers and their employees, what steps should trade unions/ employers' organisations take for promoting such consultations?
15. What are the existing arrangements for communication between the central organisations of employers and workers and their constituents? How should these arrangements be improved?
16. Are there occasions when central organisations of employers and workers refuse to affiliate employing units / unions at the plant level? If so, on what grounds?
17. To what extent are the obligations undertaken by organisations of employers and workers at the national level implemented by their constituents? Are there any effective sanctions for non-compliance with these obligations? How far have they been used in recent years? How could those sanctions be made more effective?
18. Do difficulties arise in reconciling the actions of unions of employers at the plant level with national policies evolved jointly by trade unions/ employers' organisations? Could you cite instances of such difficulties? How are such difficulties resolved?
19. What should be the responsibility of all-India organisations of employers and workers towards (i) promotion of the interests of their constituents in all matters affecting industrial

relations, (ii) implementation of laws, voluntary agreements, etc., (iii) training of personnel, (iv) providing guidance to constituents units, (v) settling industrial disputes in constituent units and (vi) improving the efficiency of industry? How should they be equipped for discharging these responsibilities? (vii) promoting industrialization, (viii) fostering research, development and technical know-how and (ix) strengthening socio-economic justice in society.

23. Should trade union activity be prohibited in certain sectors such as hospitals, educational institutions, defence establishments etc?
24. Should the trade union formation on caste basis be discouraged now?

#### Trade Unions - Constitution and Finance

25. Should it be mandatory for trade unions that they must submit their annual report to the employers or to management where the union is working?
26. Should the procedure to file an or the office bearers from criminal liability be removed or enhanced?

27. If the union observes illegal strike, should the members of unions or office bearers be given any punishment?
28. How are the office-bearers who man the trade union appointed? How many of them are paid?

29. How are members of trade unions controlled? How are publications for membership scrutinized? What is the extent of multiple memberships of trade unions?

30. In co-operative societies, the government officers hold elections and government officers work as election officers and organize activities relating to elections. Similarly, should the government officers or any outside agency hold elections for larger trade unions.

31. How do trade unions encourage participation of members in trade union activities?
32. How are the activities of a trade union conducted? How is the policy decided? Who is responsible for implementing the policy since it is decided? To what extent does the rank and file influence the formulation of the policy?

33. (i) What in your opinion is the extent of prevalence of 'good shop' is an establishment where only members of a union in good standing are hired or retained as employers, men on pay role and in which no union shop may be held on a supplement. Can they join the union within a specified time. State its merits and demerits in full detail.
- (ii) Union shop is an establishment in which the employer has agreed to keep only union members on pay role and in which no union shop may be held on a supplement. Can they join the union within a specified time. State its merits and demerits in full detail.

#### Trade Union Recognition

34. What should be the method of selection of leaders?
35. What has been the impact of political parties on the pattern of trade union development in India?
36. Should we now to continue the political influence of such parties or should we encourage professional leadership in trade unions?
37. Reference is often made to the influence of outsiders in trade unions. Please deline the term 'outsiders' and state what has been the influence of outsiders on trade unions? Is outside leadership desirable? If so, to what extent?
38. What would be the method of electing the leader of a union?
39. How should internal leadership in a union be built up and strengthened?
40. How can the accountability of union leaders be ensured? What legal provision should be incorporated for this purpose?
41. At present, there is no limit as the number of posts to be held by trade union leaders and one can become office bearer of a large number of trade unions. Should the law prescribe any limit on the number of various official posts one can hold in different trade unions? Companies Act, some limits are prescribed on 'individual holding directorships'. Also, the same limit, should we put some limit on individual holding posts in different unions?
42. Does the existing legislation encourage multiplicity of trade unions? Is it desirable? If not, what are the remedial measures?
43. What are yours suggestions for effectively regulating and strengthening inter-union relations and avoiding 'inter union rivalries'?
44. Is it necessary to make statutory provision for compulsory registration of trade unions? If so, state the reasons.
45. Suggest minimum percentage of membership for registration and recognition of trade unions to avoid multiplicity of trade unions in an organization. Suggest a minimum period for audit down for review of the percentage of membership to avoid frequent changes which affect discipline, production and productivity in the organization?

#### Maharashtra Recognition of Trade Unions Prevention of Unfair Labour Practices Act?

51. What are the advantages of industrial trade unions? What are the difficulties in their recognition? How should the subjects be dealt with by unions at the plant level and by the industry union be demarcated?
52. What are the advantages and disadvantages of having a union as the sole bargaining agent in an industrial unit?
53. Do you propose to have a collective bargaining agent decided through: society ballot? Or, do you propose to have a joint collective bargaining agent? How should one decide such joint bargaining agent?
54. For determining the representative character of a trade union for purposes of grant of recognition, which method would be most appropriate and why? How is it to be implemented procedurally?
55. What are your views regarding the 1995 Supreme Court Judgement in the God Corporation of India case where separation by social board was created?
56. If a union is elected as the sole bargaining agent in an establishment, what should be the rights and responsibilities of other unions in the establishment?
57. What facilities should an employer extend at the workplace for the activities of the union?
58. What has been the attitude of the Government & industry towards trade unions?
59. What should be the role of trade union leaders during working inspection the shop floor in case of grievances? Should the workers who are union leaders be shielded freedom to leave the work-place during their working hours to perform functions of union leaders? Should they be allowed permission to leave workplace/shop floor?
60. What procedure should be evolved to ensure that production/prosperity on the shop floor during working hours is not hampered, while ensuring expeditious attention to and peaceful redressal of grievances?
61. Do you consider that a trade union is basically an arm of the whole society and therefore, has a social obligation towards total development of the society?

## INDUSTRIAL RELATIONS

### Introductory

1. What should be the criteria for determining the effectiveness or otherwise of Government's industrial relations policy? In terms of these criteria give your assessment of the working of the policy since the last 10 years, with special reference to the legislative and other arrangements for prevention and settlement of industrial disputes.
2. Are the patterns of industrial conflict changing in the last 20 years. In particular, how have the social, economic and political factors affected the intensity of industrial conflict?
3. Is it possible to pick out some significant factors in units within your knowledge which in recent years have helped in improving industrial relations at the plant level? Will these factors continue to be of significance in future?
4. What are the patterns of industrial unrest that are emerging in the context of economic liberalisation?
5. What have been the impact of inter-union and intra-union rivalry on industrial relations?
6. What improvements are necessary in the present arrangements for prevention of industrial disputes? What would be the role of mediation service in the prevention of disputes?

7. What is the role of fact-finding inquiries in improving industrial relations?
8. How is the state of industrial relations in a unit affected by the existence of trade unions? What difference, if any, exists in the climate of industrial relations where the relevant trade union organisation is (a) strong, (b) weak and (c) non-existent?
9. What has been the contribution of factors like (a) recognition of union, (b) arrangements for dealing with individual and collective grievances and (c) strengthening bipartite consultative arrangements, in promoting industrial harmony?
10. What has been the role of (i) central organisations of employers and workers, (ii) local management, (iii) local unions and (iv) the Government - Central and State, in maintaining and promoting harmonious employer - employee relationship? What are your suggestions for improvement?
11. What role have personnel/offices/labour administrators played in preventing disputes and maintaining harmonious employer - employee relationship, and particularly in the context of grievance handling procedure?
12. Assess the professional suitability in terms of educational background/competence/ tactfulness etc. of authorities directly dealing with employees in relation to labour issues in firms/units you are familiar with.
13. To what extent are the standing orders formulated with due consultation with the workers' unions?
14. What changes, if any, are required in the Employment Standing Orders Act, 1946 and the Model Standing Orders formulated under the act?
15. What are the disciplinary rules imposed by management? Do the procedures prescribed under the model standing orders in dealing with disciplinary cases require modification and if so, on what lines?
16. What are your comments regarding the Supreme Court Judgement on the question of misconduct in Glaxo Industries case?
17. Has the Modisil Grievance Procedure evolved under the Code of Discipline served its purpose? If not, is there a need for statutory provisions for the formation of an effective grievance procedure? What should be the main elements of such a provision?
18. What is the attitude of trade unions and employers' organisations to the introduction, either by voluntary agreement or statutory of a system of grievance arbitration? Would such a system help in improving labour - management relations?
19. What are the existing facilities for training of management and trade union personnel in industrial relations? To what extent are they used?
20. What should be the scope and powers of works committees? At present they play a secondary role. Can the works committees play an effective role in solving the internal problems? Can a second line of leadership be developed from these works committees?
21. To avoid loss of production/productivity/manhours, is it possible to evolve a procedure, agreed on mutual/bipartite basis, to fix some time on daily/weekly/monthly basis, with advance agenda, to present, scrutinize, discuss and settle grievances arising during the period instead of using pressure tactics for their settlement immediately on the spot, as they arise/are noticed?

22. What had been the difficulties in identifying the "go-slow"industrial methods affecting production/productivity/work culture in the workplace? Suggest suitable procedure which can be evolved to immediately identify and avoid "go-slows" in workplace?
23. Define positive work culture within the organization. Suggest procedure whereby broad guidelines can be laid down for defining and upholding the work culture on the part of management, unions and workers.
24. Have there been instances when after bilateral/trilateral agreement, while the management have given the agreed benefits, the workers/unions have not observed their part of obligations/responsibilities in increasing production and productivity? If so, briefly elaborate. How can it be ensured that both the parties ensure immediate and continued implementation of their obligations?
25. Have there been instances whose converse of the situation mentioned in the above question has occurred? If so, please elaborate.
26. Have there been instances where even after specifically incorporating in the agreement that issues settled will not be raised during the period of settlement, same/familiar issues have again been raised leading to disputes during the validity of the agreement/settlement?
27. Is it correct that it has not been possible to take immediate remedial measures against those indulging in "Unfair Labour Practices" because of lengthy procedure for specification and identification of such practices and taking action against those who instigate/encourage them? If so, what changes are necessary?

### Collective Bargaining

28. What is the extent of prevalence of the system of collective bargaining in India? How far has it succeeded? What has been the effect of legislation on the growth of collective bargaining?
29. If collective bargaining has to be encouraged at the industry level, how should the representative character of the bargaining agent for workers be determined? (see questions 5) & 39 under the Chapter: Trade Unions & Employers' Organizations).
30. At present there is a centralized form of collective bargaining in the country. Do you agree that this should continue or do you suggest that this should be decentralized? Give reasons for your views.
31. Whether there has been a trend in your industry to include a variety of concessions like wage & employment cuts, wage freeze, moratorium on strikes etc. in the name of longer term collective bargaining?
32. What should be the role of (a) collective bargaining and (b) adjudication as methods for settling industrial dispute in the coming years?
33. In disputes arising over a charter of demands, is it possible to separate areas of difference between the employer and the union into those where collective bargaining exclusively operate and others which could be left to adjudication?
34. Should the union or workers be involved in "arbitral domestic tribunals"?

### Conciliation

42. Are the provisions regarding conciliation in the Industrial Disputes Act adequate? What modifications would you suggest to make it more effective?
43. What, according to you, have been the effectiveness of conciliation machinery as a mechanism for settling industrial disputes? What improvements could you suggest to make it more effective?
44. There has been criticism that conciliation machinery only adds to dilatoriness of industrial dispute settlement mechanism. How much time on an average conciliation proceedings take? What are the factors responsible for protracted proceedings? Would you suggest any change in the period prescribed for completing conciliation proceedings and how is this period to be reckoned with?
45. What changes in the organization and staffing of the machinery and powers of conciliation officers would you advocate?
46. Should conciliators be named arbitrators in disputes handled by their colleagues?
47. Do you think that ineffectiveness of conciliation proceedings is also due to lack of exposure of conciliation officer to the industrial scenario? If so, what remedial measures do you suggest? What should be their qualification, rank and experience?
48. Do you suggest mandatory amplification of the ambit of conciliation on procedures to cover strike notices in non-public utility services also?
49. Do you think that the scope of issues coming within the purview of conciliation proceedings should cover issues for which statutory principles are available and also disputes covered under the earlier memorandum of settlement?

50. Do you consider that efforts in conciliation should be proactive and anticipatory in nature rather than be set in motion in post-dispute situations? If so, what are the specific suggestions for preventive conciliation mechanism?
51. What measures do you suggest to minimize the failure rate of conciliation?
52. Do you suggest that the mechanism of the Board of Conciliation should be strengthened?
53. Do you think that it should be provided through legislative amendments to empower conciliation officers to make recommendations to appropriate Government as to whether a dispute is fit for adjudication?
54. It is argued that definition of 'industry', 'workmen', 'appropriate Govt.' etc. as settled by certain case laws and interpretation of certain sections of the Industrial Disputes Act, 1947 by the Apex Court and High Courts have weakened the position of conciliation machinery. Do you agree and if so, what remedies by way of legislative changes do you suggest?
55. Do you suggest the segregation of conciliation and enforcement authorities will (a) enhance and (b) reduce the efficiency of conciliation machinery? Give reasons for your suggestion.
56. What importance be given to conciliation? If one wants to go to the Court on some legal issue, should conciliation be attempted?
57. In your consider that after training can or should be organized for conciliators?
- Adjudication**
58. What are the criteria for assessing the suitability or otherwise of the present system of adjudication? Do you think the system has played an important role in maintaining industrial peace? Should the system be retained?
59. Are the existing arrangements for reference of disputes to adjudication satisfactory? If not, how can the arrangements be improved?
60. Should the authority for appointment of industrial tribunals be vested in Labour Departments? If not, where should it lie?
61. There is a section of opinion that the existing practices and procedures involving different stages like conciliation, adjudication, etc. in settlement of disputes take an unduly long time. What measures would you advocate for expeditious settlement of disputes?
62. How should the cost of adjudication to the parties be reduced? Should the remedy be limited to the functions of the adjudication mechanism, i.e. conciliation officers? If so, please specify.
63. What measures should be taken to ensure full and speedy implementation of tribunal awards and agreements?
64. In your recommendation legislative provisions for direct access to adjudication jurisdiction of labour courts and tribunals in respect of all kinds of individual disputes?
65. It is argued that the Code of Discipline has failed to achieve its purpose. What are the reasons therefor? What specific suggestions including legislative measures, would you suggest to put in place a more effective mechanism?

**Voluntary Arbitration**

66. What is the role of voluntary arbitration in the achievement of good industrial relations? In what way can the employers and workers promote voluntary arbitration? Should a provision for voluntary arbitration be incorporated in all collective agreements?
67. Please indicate the areas of industrial disputes where voluntary arbitration can be preferred to adjudication.
68. What measures do you suggest to simplify the procedure for voluntary arbitration?
69. What were been the weaknesses of National Arbitration Promotion Board? What measures do you suggest for its strengthening?
70. What professional group provides the best arbitrators? Civil Servants? Lawyers? Academics? Businessmen? Trade Unionists? Technicians? Others (please specify). Do you suggest any rank, qualification and experience for arbitrators?
71. What should be the arrangements for meeting the expenses of arbitrators?
- Strikes and Lockouts**
72. Do you consider the existing restrictions on workers' right to strike and the employers' right to declare a lockout need to be modified in any way? If so, please indicate these modifications together with reasons therefor.
73. If a strike is called / lockout is declared, is prior notice always given to the other party? In what cases, if any, no such notice is given?
74. In how many cases within your knowledge have workers been able to secure wages for the strike period when the strike is declared legal? Are there cases where the strike period pay is given when the strike is illegal?
75. What are the issues on which a strike is called? How is the decision for going on strike taken by the unions?
76. Are there instances of workers going on strike without sanction of the union?
77. What are the instances of management adhering to the principle of 'no work no pay'?
78. a) In what way in practice on trade unions and management keep in touch with each other during a strike in order to facilitate a settlement? b) What is the role of Government machinery in such cases? c) Should Government intervene and in what ways in cases where a strike is (i) legal, (ii) illegal, (iii) illegal, (iv) justified and (v) unjustified?
- General**
79. What are the preventive measures to ward off a strike situation?
80. Are Charter of demands placed prior to a strike notice? If so, how are they dealt with by the management?
81. Do you consider that public utility services need to be strictly defined? If so, how?
82. How do you view the judicial pronouncement by the Apex court on Arbitric being declared illegal?

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83. Has collective bargaining been possible in the small-scale sector? To what extent does this sector make use of the industrial relations machinery? Does the small scale require special regulatory mechanism? If so, what should be its basic features?
84. In case of illegal strike or lockout, especially in case of public utilities, many times it is the consumer who suffers. Should they have any say when such disputes are settled? Should we introduce them as a party to the dispute?
85. At present, if the act of strike is illegal, there is a punishment in the employer but if this strike is legal, there is no punishment to the trade union leader. Should be introduce such punishment in the law?
- ### WAGES
- #### Introductory
1. What are the remedies against the adverse consequences of huge unskilled/garment-skilled labour force, new methods of production and informalisation of unskilled semi-skilled workers in organized sector and consequently also in informal sector?
  2. What has been the relationship between wages in agriculture and other unorganized sectors and wages in industry?
  3. To what extent is the existing level of wages a result of the traditional mode of wage settlement, collective bargaining, awards, etc.?
  4. Does the concept of minimum wage need to be revised? If so, what should be its criteria?
  5. Do you think that there should be a floor minimum wage across the country and what should be the criteria on which it is to be based?
  6. Considering the need for protecting real wage, how should one provide for revision of wages? Wage rates for changes in price level? Should this be by revision of the wage itself or by creation of a separate component to absorb price changes?
  7. In view of the prevalence of several methods to provide for the payment of a separate allowance to meet changes in cost of living, is it possible to apply any one system on a uniform basis?
  8. In a system in which dearness allowance adjusted to changes in cost of living is favourable:
    - a) Which index number viz., (i) all India, (ii) regional or (iii) local should be preferred?
    - b) What should be the frequency at which revision should be made - monthly/quarterly/half yearly, etc.?
  9. What should be the extent in change of index which should warrant such revision in dearness allowance - each point/stat of 5 points/stat of 10 points, etc.? Give reasons.
  10. In determining the quantum of dearness allowance, what should be the principles govern the rate of neutralization of price rise?
  11. Considering that payment of a cost of living allowance is meant of ensure that real wage of employees is not eroded by price increases, should the capacity to pay of an industry/unit be a relevant consideration in fixing the rate of dearness allowance?
- #### Fringe Benefits
11. How should fringe benefits be defined? What should be their scope and content? To what extent do such benefits affect production costs?
  12. How far can the fringe benefits be a substitute of higher money earnings?
- #### Wage Differentials
13. Do you support the concept of normative wage ratios between the lowest paid and highest paid employee in any organization, as also between categories at intermediate levels? If so, give reasons and your suggestions regarding the norms.
  14. What are your views regarding leveling of inter-sectoral wage differentials and suggest mechanisms for implementation of your views.
  15. What has been the effect of the existing system of dearness allowance on wage differentials? What steps would you suggest to rationalize present arrangements?
- #### Methods of Wage Fixation
16. Evaluate relative merits of different methods of wage fixation, viz., statutory wage fixation, wage fixation through collective bargaining, fixation through wage boards and wage fixation resulting from adjudication, etc. Which one is the most suitable for adoption? Indicate sector wise arrangements if different methods are suitable for different sectors.
  17. Do you agree that there should be a single national wage board or ten or industry-specific wage boards?
  18. In collective bargaining for wage fixation, should the principal emphasis be laid on nation's agreements? If so, what adjustments should be made to meet local needs?
  19. There is often a criticism that collective bargaining at industry level particularly in the public sector, does not take into account enterprise level factors affecting the enterprise level outcomes and contributing to sickness. Do you agree with this? If so, give reasons.
  20. Tripartite wage boards came into vogue because it was felt that an arrangement by which parties themselves can have a hand in shaping the wage structure in an industry could be more effective than the one where an award is handed down by a third party. Has this expectation been fulfilled?
  21. (a) In what respects should the operation of wage boards be modified to improve their working?
    - (i) Should wage board recommendations have legal sanctity?
  22. It is said that in the famous 'balance' fair wages to workers, fair profits to entrepreneurs and fair returns to treasury, i.e., consumers are often left behind. How far is this criticism valid? How best can the situation be remedied?
  23. In the context of economic development, the question of taking an integrated view of policy in regard to wages, incomes and prices is often emphasized. What should be the objective and scope of such policy in the context of globalisation of the Indian Economy and Third world competitiveness?
  24. Do you suggest a policy of 'wage freeze'? If so, how can it be implemented under the existing system? What are the implications of this policy for other incomes?

28. Is there a need for sectoral balance in wage structure between the public and private sectors? If there is, how should it be achieved?

- (a) Do you subscribe to the view that the collectively bargained wage has no linkage with productivity, especially in relation to industry-level collective bargaining in the public sector?
- (b) Do you see justification for opposition to productivity clause in agreement?

**Mode of Wage Payment**

27. (i) Do you agree with a time scale wage system or not? If not, what other system do you propose?

- (a) If time scale wage system is applied, what should be the method of fixing annual increments?

(b) To what extent is the method of paying unskilled workers on time scale of pay fair? Would you favour its extension?

28. What should be the component factor which should determine the wage? How would three contingent factors be made operational?

#### General

29. Do you think that there are certain areas in formal sector where the minimum wages are not enforced? If so, what are the reasons and how could they be addressed?

30. Can a uniform period for the duration of attainment agreements on wages be laid down, say, three/five years?

31. Is the scheme for payment of annual bonus embodied in the Payment of Bonus Act, 1965, satisfactory? If not, what are your suggestions?

32. What is your opinion about the treatment of bonus as a deferred wage? If it is justified, how do you view the entitlement of bonus being linked to pay structure?

33. What should be the place for bonus payments in the future system of remuneration?

#### INCENTIVE SCHEMES AND PRODUCTIVITY

- What steps should be taken to introduce a system of payment by results in industries? What activities where this system would be appropriate?
- What would you suggest to think out an appropriate system of incentive schemes? What should be its guiding principles?

3 There is a general feeling that the incentive scheme has not worked in many organizations and it has created more problems than solving them. Do you agree with this view? If the incentive scheme is done away with, how can the increase in productivity be ensured? Do you suggest any other method?

4. How can productivity be raised through social partnership among labour, management and Government?

- How should gains of total factor productivity be shared?
- Has any undertaking within your knowledge experimented, in recent years, with productivity techniques? How did the employees react to these experiments? Did this result in increasing workload? If so, how was this situation met?
- What place would you assign to suggestion schemes and institution of awards for outstanding work to improve productivity?

B. What are the factors contributing to labour turnover and absenteeism? How do they affect improvement in productivity?

- What is the place for the motivation of worker for improving his standard of living in the successful working of incentive schemes?
- What is the potential of new technology in enhancing generation? The technologies that are being introduced may be assumed as (a) labour intensive and (b) capital intensive.
- What capital or support would you suggest to foster a culture of productivity?

#### SOCIAL SECURITY

- To what extent do social security measures contribute to stability of employment and industrial relations?
  - Have some of the benefits, based as they are on a qualifying period for entitlement, led to large labour turnover? If so, what should be the remedial measures?
- The convention on Minimum Standards of Social Security adopted by the International Labour Organisation refers to the following branches of social security, namely, medical care, sickness benefit, old age benefit, unemployment benefit, maternity benefit, family benefit, maternity benefit, widow's benefit and survivor's benefit:
  - to what extent is each one of the above benefits available at present?
  - What is the cost of existing social security schemes in relation to the total cost of productivity? How has it varied over the last decade?
  - Are the scope and coverage of each one of the benefits mentioned above adequate?
  - What should be the priority for enlarging the scope and coverage of the various existing benefits?
  - In your experience, does a workman continue to get compensation/pension for his respectable livelihood after his retirement or disablement? Who should fund such expenses? Should it be Government or employer or individual himself?
  - Do you think that the dependents of the workmen should be entitled to such benefits?
  - How should the programme for introduction of the benefits not currently available be shaped?
  - Do you propose a reliable method to build a corpus without sharing by Labour and Management to create such corpus to meet the social security expenses?
- The benefits referred to in the previous question are generally available only to persons who are in wage paid employment; there will still be large number of persons like traders, artisans and small shop-keepers who are self employed and who will remain uncovered by the scheme. What advance steps should be taken to bring these groups within organised social security schemes?
- What are the shortcomings of the Employees State Insurance Scheme and Employees Provident Fund Scheme? What are your suggestions for overcoming these?
- Suggest control systems to be evolved to avoid malpractices/misuse/absenteeism in respect of the benefits of Employees' Social Security Schemes.

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5. Should the provisions for exemption from the E.S.I. Scheme be tightened? How should this be achieved?
6. Do you think it is necessary to introduce unemployment insurance scheme? If so, what should be its main features and how should it be operationalised, both financially and administratively?
7. What measures do you suggest to rationalise and streamline medical claims and benefits under the E.S.I., S.I.?
8. What should be the respective roles and responsibilities of the E.S.I.C., the Central Government and the State Government concerned towards medical care of insured workers and their family?
9. What should be the respective shares of contribution from employers, workers and the Central and State Government concerned in any scheme of social security?
10. Should the Employees' Provident Fund Scheme be continued as it is present or should steps be taken to convert it into either a pension scheme or a provident fund-pension scheme? What further steps do you suggest for improvements?
11. If it is to continue in the present form, would you suggest any change in the pattern of investments of the funds and in the rate of interest accruing to beneficiaries?
12. Are any changes called for in the P.U.F. Scheme to make the administration more satisfactory?
13. Should a part of the provident fund be set apart for group insurance cover to the members of the EPF Scheme?
14. Should the contributions under the E.P.F. Scheme be raised and if so, to what extent?
15. Is the functioning of the violence machinery of the E.S.I. Organisation satisfactory? What steps should be taken to improve its functioning?
16. What are your suggestions regarding changes in the Payment of Gratuity Act and how are these to be operationalised, both judicially and administratively?
17. In the context of structural adjustment of the economy, what measures do you suggest to widen social security protection to workers affected by lay-off and retrenchment?
18. What changes do you suggest in Workmen's Compensation Act, Maternity Benefit Act and other social security legislations to make them more in tune with present times?
- LABOUR LEGISLATION**
1. What have been the factors that have affected the proper and effective implementation of the various labour laws as per annexure? Have these laws achieved the purposeful objectives for which they were enacted? If not, what factors have hindered the achievement of these objectives?
2. After liberalisation of the Indian economy, what, according to you, are the provisions in labour laws which require amendment? (At the time, when there was planned economy, the provisions were perhaps justified, but now, those may not be relevant.)
3. (a) How have the existing legislation and other provisions for protecting the interest of labour worked in practice?

- (b) Are the existing labour legislation helping in improving productivity, discipline and better work culture, while protecting the interest of labour? If not, what changes are necessary in specific labour legislations?
- (c) To what extent have the above provisions helped to implement the realisation of Constitutional obligations keeping in mind the state of the economy and the global economic scenario?
4. Are the present constitutional arrangements under which labour is a concurrent subject satisfactory, particularly from point of view of the administration of labour laws? Are any modifications by way of centralisation/ de-centralisation of certain activities and functions necessary?
5. Should there be separate labour legislation for large, medium and small scale sector?
- If so, suggest changes required.
6. Do you consider that we have to avoid delays in providing amendment in the legislation? Should the executive be given powers to effect such amendment in specific labour laws by greater notifications?
7. Please specify the ILO conventions which are possible to be ratified by the Govt. India to what extent has it been possible to move in the direction of implementation of the ratified ILO conventions?
8. On the basis of experiences evolved out of case laws over a number of years, what are your suggestions for reviewing and amending labour legislation in the country?
9. a) What are your suggestions regarding rationalisation and consolidation of existing labour laws into fewer comprehensive laws?
- b) At present the definition of workers, employee, wages, industry &c differ in different laws. Can such crucial terms be made uniform in various labour laws which are passed by the State legislatures as well as by the Parliament?
10. In view of the experience of functioning or the lack of it of Code of Discipline, Industrial Tribunals, Industrial Code of Conduct etc. do you suggest a fresh approach for realising the objectives sought to have been achieved towards a healthy industrial relation through the above existing instruments, based on voluntary approach?
11. Do you feel satisfied with tripartism as it prevails at present?
12. Do you wish to shift to bipartite system of regulating labour relations?
13. Do you think that the Government's role be limited to only providing assistance through judiciary when bipartite settlement of the industrial dispute is not possible?
14. What is the relative position of labour law enforcement in public and private sectors give your concise comments on the present situation of things.
15. Do you consider certain legislative provisions responsible for slow growth in the particular industry? Please write and suggest suitable legislative modifications.

16. Are changes necessary in labour legislation to curb "go-slow" and "sudden stoppage of work"? If so, please suggest specific provisions.
17. Can we generally accept the "exit policy", protecting the market of both management and labour? If so, suggest changes required in existing legislation, and outline the suggested policy.
18. Managements as also in some cases labour, generally avoid using labour legislation machinery - because of iron-much, clumsy/more time taking procedures, perceived corrupt practices of officials, etc., non-compliance, etc. What improvements are necessary to develop better confidence in effective implementation of labour legislation in the interest of both management and labour?
19. We have been given to understand that the structure of our present labour laws is an important factor affecting employment growth, at least in the organized sector. That the greater of employment in organized sector has been very little is also widely accepted. A common critique on this aspect is that the labour laws do not provide for any incentive for employment growth and neither do the legal laws unless in respect of many other detailed state policies like protection of workers, encouragement of research and development, etc. Do you agree with these contentions? If so, please give your suggestions as to what changes in the labour laws would be required and what fiscal incentives need to be provided to promote growth of employment in the organized sector in particular, and unorganized sector in general.

#### LABOUR RESEARCH AND INFORMATION

1. Most of labour statistics are a by-product of labour legislation. They suffer structure, inter-linking from the institutions arising out of lack of uniformity in the concepts, coverage and frequency of collection. The three-19 in their publication non-response from primary units, inaccuracy of returns, changes in industrial classification are further difficulties in making labour statistics more useful. What steps should be taken to remedy the situation? Is the implementation of the Constitution of Statistics Act, 1953 the answer?
2. There is a feeling that the practice of entrusting the administration of labour laws to different units, the statutory requirements of maintenance of different registers and sending of different filing-in returns under these Acts, result in a great deal of unproductive work and unnecessary duplication. What steps should be taken to simplify and remedy the situation?
3. Does the all India Consumer Price Index Number currently compiled reflect adequately price changes affecting urban working class? If not, what are your suggestions for improvements?
4. Data presently collected and compiled in respect of work-stoppages (strikes and lockouts) mostly consist of : (a) number of work-stoppages, (b) number of workers involved, (c) number of man-days lost, (d) total wages lost in rupees and (e) total production lost in rupees. Are they adequate for measuring industrial unrest in the country? If not, what other aspects of industrial unrest require quantification?
5. At present statistical data are collected only in respect of work-stoppages arising out of industrial disputes. Is it necessary to collect similar information on work-stoppages due to reasons other than industrial disputes?

6. There is a feeling that many enterprises resort to payment of cash to escape the obligations imposed for furnishing labour returns as well as compliance of certain labour laws. What steps should be taken to prevent such malpractices?
7. The current emphasis in the collection of labour statistics is on data which will help in understanding the economic aspects of workers' life. Data pertaining to entitlement and capability, as well as other social and sociological aspects of the labour force, is also necessary for the purpose. What are your suggestions for filling the gaps?
8. Statistical data (employment, unemployment, consumption expenditure, etc.) are being collected in respect of rural population annually by the National Sample Survey. Would it be feasible to make these data available separately for rural areas for each state/region? What other statistics would be required for framing an operational programme?
9. The date on unemployment based on employment exchange registration suffer from two basic flaws, viz. (i) all unemployed persons, particularly in rural areas, do not get themselves registered and (ii) persons seeking employment continue to be carried in the employment exchange registers long after their employment due to very suction of their names. What are your suggestions to remedy the situation?
10. What are your suggestions regarding more extensive use of information technology in employment exchanges in the country?
11. Are suitable amendments to the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 required to ensure compliance of the obligation for notification of vacancies through employment exchanges? If so, please give your suggestions.
12. Do you suggest any role for maintenance of data on self-employment by employment exchanges? If so, please outline its features.
13. What improvements can be made in the Employment Exchanges to ensure that the infrastructure available and the amount spent thereon can be utilized in a better and more effective manner for meeting the requirements of up to date labour market information system?
14. Do you think that there is adequate labour market information service available in the country? If not, what steps should be taken to introduce an effective system in this regard?
15. Do you think that the recommendations of the First Labour Commission for coordinated research has been successfully fulfilled with in order to serve the policy requirements? What further recommendations would you like to make for this objective?
16. What are your suggestions for improving the quality of labour research? Do you think that introduction of awards, incentives in acknowledgement of outstanding labour research at national level would improve the quality of 'about research'?
17. What is the present state of labour research undertaken by employers' workers' organisations?
18. How should the trade unions be encouraged to strengthen their research activities?
19. How should labour research be promoted in universities and research organisations?
20. Is data on labour statistics and output of labour research adequately accessible to user groups? What improvements can be brought in this regard?

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21. Are the present arrangements for associating the research personnel outside Government for a deeper analysis of data available with Central and State Governments adequate? What steps should be taken to strengthen this association? Should co-ordination of research work by different agencies be achieved?
22. What is the extent to which the existing information on labour matters is being put to use? Who are the main users? Give a critical assessment of the utility of the existing information.
23. Instances of industrial harmony seldom get as much publicity as those of industrial conflict. What are the reasons for this and what are the remedies?
24. What role has the mass media played in educating the public on labour matters and with what results? Would you suggest any improvement? If so, how should this be brought about?
25. What role has the mass media played in shaping decisions on industrial disputes? Has it helped or hindered the process of good industrial relations?

#### ECONOMIC REFORMS AND SOCIAL SECURITY NETS

- i. a) Following the economic reforms initiated in 1991, the main plank of labour sector reform was conceived as liberalisation without social cost of adjustment. This revolved around the twin packages of Voluntary Retirement Scheme and National Renewal Fund Scheme. Do you think that these packages are comprehensive or some fresh approach is needed?
- b) In the context of liberalisation leading to fast structural adjustments and frequently changing production processes accounts in the organisations, while the negotiations need flexibility in quality and quantity of manpower, the workers appear and continue danger of loss of jobs, what specific measures are required on the part of the Government, employers and unions/labour to meet the requirement of the organisation and at the same time, avoid or minimize the problems to the workers?
2. What has been your experience about the implementation of the National Renewal Fund Scheme in terms of participation and impact?
3. What is the dimension of jobless due to restructuring, downsizing, merger etc?
4. What financial assistance should be provided to the redundant, retrained, laid-off and displaced workers?
5. How the funds should be created to provide such financial assistance - whether with the contribution from state and employers or in the form of some levy?
6. What should be the quantum of financial assistance?
- A. What should be the duration of such financial assistance either for a specified period or till redeployment?
- B. What steps should be taken to improve thestatutory Retirement Fund Scheme?
- C. One of the criticisms of the VRS, is that the middle level supervisors are awaiting the benefits rather than the lesser skilled workers, leading to vacuum in the organisational structure of enterprises and defeating the objectives of the Scheme. Do you agree? If so, give reasons and your suggestions for improvement.
10. What are your suggestions for ensuring that the skill upgradation in terms of technological requirements under the reskilling and retasking component of VRS Scheme is actually achieved?
11. What has been the efficacy of the NRE Scheme in achieving productive redeployment of workers? Give your suggestions for improvement.
12. Are you aware of any other severance scheme evolved by public or private sector organisations for their manpower rationalisation programmes? How do they compare with the VRS and what have been the responses to those schemes?
13. How would you assess the 'structuring' of industries which leads to destroying even regular/temporary/ casual workers? Comments specifically on:
- (a) What measures do you propose to mitigate their plight?
- (b) Do you think that industries should be rendered to provide necessary fund for retraining and rehabilitating them?
- (c) Would you propose any such Scheme?
- (d) Do you perceive that in view of the present industrial policy of liberalisation, increased use of information technology etc, the scope of recruitment of unskilled labour, clerical and technical staff as well as middle management personnel will get reduced? If so, to what extent? Which levels will be affected substantially?
- (e) Will these changes result in new kinds of employer/employee relations such as contract labour through unidormant, home-based category of workers etc? What implications will these contend for the existing labour laws?
- (f) Will these adversely affect the women employees more or make employees?
14. What measures do you suggest to work out an effective labour market information system to assess the skill requirements both in the short and medium terms and the training needs both for redeployment of workers and new entrants to the labour market?
15. Do you think that existing employment and training institutions are adequately equipped to cope with the emerging problems? If so, what measures do you suggest for restructuring these institutions in terms of training curricula, manpower, methodologies, buildings and forward linkages etc?
16. Do you think that there is need for greater coordination among Central Government Ministries and agencies dealing with policy issues so as to foster stronger linkages between sectional requirements and labour market and planning etc?

#### ANNEXURE I - T List of Important Labour Acts

1. Factories:-
2. Mines:-
3. Plantations:-

- a) The Factories Act, 1948
- b) The Mines Act, 1952
- c) The Plantations Emigrant Labour Act, 1952
- d) The Plantations Labour Act, 1954

- O. Transport:-**
- The Indian Railways Act, 1920
  - The Merchant Shipping Act, 1958
  - The Dock Workers (Regulator of Employment) Act, 1945
  - The Motor Transport Workers Act, 1961
- 5. Legislation Relating to Workers in Shops and Commercial Establishments.**
- 6. Legislation Relating to Industrial Housing:-**
- The Bombay Housing Board Act, 1948
  - The Madhya Pradesh Housing Board Act, 1950
  - The Mysore Housing Board Act, 1955
  - The Hyderabad Labour Housing Act, 1952
  - The Uttar Pradesh Industrial Housing Act, 1955
  - The Punjab Industrial Housing Act, 1955
- 7. Safety and Welfare:-**
- The Indian Dock Labourers Act, 1934
  - The Puna Mines Labour Welfare Fund Act, 1946
  - The Coal Mines Labour Welfare Fund Act, 1947
  - The U.P. Sugar and Cane Alcanal Industries Labour Welfare Fund Act, 1950
  - The Coal Mines (Conservation and Safety) Act, 1952
  - The Bombay Industrial Welfare Fund Act, 1953
  - The Iron Ore Mines Labour Welfare Fund Act, 1951
  - The Assam Tea Plantations Employees' Welfare Fund Act, 1959
  - The Assam Tea Plantations' President Fund Scheme Act, 1955
- A. Wages:-**
- The Payment of Wages Act, 1936
  - The Minimum Wages Act, 1948
- B. Social Security:-**
- The Workmen's Compensation Act, 1923
  - The Employees' State Insurance Act, 1948
  - The Coal Mines Provident Fund and Bonus Schemes Act, 1948
  - The Employees' Provident Funds Act, 1952
  - The Maternity Benefit Acts (Central/States)

#### 10. Industrial Relations:-

##### Central Acts-

- The Indian Trade Unions Act, 1926
- The Industrial Employment (Standing Orders) Act, 1946
- The Industrial Disputes Act, 1947

##### State Acts-

- The Orissa Industrial Relations Act, 1946
- The U.P. Industrial Disputes Act, 1947
- The Madhya Pradesh Industrial Relations Act, 1960

##### 11. Miscellaneous:-

- The Children (Pledging of Labour) Act, 1933
- The Employment of Children Act, 1938
- Legislation Relating to Industrialness
- Collection of Statistics Act, 1953
- The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959
- The Apprentices Act, 1961
- The Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958
- The Kerala Betti and Cigar Industrial Premises (Regulation of Conditions of Work) Act, 1961

**Composition of the Study Groups Constituted by the National Commission on Labour**

**NATIONAL COMMISSION ON LABOUR**

**SECOND  
NATIONAL COMMISSION ON LABOUR**

**QUESTIONNAIRE**

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**Definitions**

1. What is your perception of the term 'unorganised sector' labour?
  2. How would you define unemployment or unorganized sector? What should be the criteria for classification as unemployment, underemployment, seasonal / structural unemployment etc. in the unorganized sector?
  3. Relative stability of supervisor-employee relationship as in the organised sector which has a positive impact of labour unionisation and protection of labour interests, is often lacking in the unorganized sector. Show how unorganized sector labour can be defined in terms of nature of employment and opportunity available for organization of labour?
  4. Do you support the proposition that 'unorganized sector' labour means situations where there is a formal employer-employee relationship in the organization; that it should also cover various categories of unemployed persons such as small tenant/ share croppers/ fishermen / rural artisans etc. in accordance with ILO Convention No. 141 already ratified by the Govt of India?
  5. Apart from broad categorization between agricultural labour & others in the rural areas and urban and rural categories of the unorganized sector, what are your suggestions regarding other categories keeping in view the size of activity and the need for availing maximum facility for providing benefits and social security to unorganized sector labour?
- Recruitment**
6. A large percentage of unorganized sector labour is engaged in agriculture though its share is coming down. What methods do agriculturists use to recruit both permanent and seasonal labour locally?
  7. What are the main considerations and concerns of small business enterprise changes in employing skilled, semi-skilled and unskilled workers? Evaluate the role of factors like caste, creed, religion, language, jumla, customs and traditions, socio-economic profile etc. of both employee & employer, particularly the latter.
  8. How is migrant labour used for both agricultural and non-agricultural work recruitment? Is it through (i) jobbers, (ii) contractors, (iii) advertisements (iv) interaction from existing employees, (v) employment exchange and (vi) any other method?
  9. Are the recruitment arrangements satisfactory for different kinds of employment?
  10. Will better dissemination of information regarding employment and better mobility including augmentation of transport arrangements help job-seekers?
  11. What are your suggestions to reduce dependence of labour on exploitative contractors? What should be the State role in this regard? A different kind of solution?
  12. Is there earmarking of certain types of work for performance by traditional castes/ tribes who migrate in search of such work though local labour may be id? What could be the socio-economic reasons for this situation?
  13. Would training inputs help in making unorganized sector labour more employable in traditional occupations as well as newly emerging opportunities which are the sub-sectors where training inputs would be significant?
  14. Are existing arrangements for vocational training in different fields sufficient? If not can such facilities be improved?

**NATIONAL COMMISSION ON LABOUR  
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#### Conditions of work:

15. Are the provisions of law promulgated for unorganised sector labour like the Minimum Wages Act, 1948, Equal Remuneration Act, 1976, Inter-State Migrant Workers Act, 1979, Plantation Labour Act, 1965, Handloom Labour System (Abolition) Act, 1970, sufficient? Apart from new legislation or changes in existing ones, what other steps are required for ensuring proper working condition of unorganised sector labour?
16. What are your specific suggestions regarding the changes that are required in the above laws in the context of unorganised sector labour? What should be the essential components of such legislation?
17. What are your views for enactment of legislation on the lines of the Serum Agricultural Workers Act, 1974 in your State?
18. Apart from new legislation or changes in existing ones, what other steps are required for ensuring proper working condition of unorganised sector labour?
19. What are your views regarding a central umbrella legislation for ensuring a minimum level of protection to the unorganised sector labour? What should be the essential components of such legislation?
20. What are the conditions of women and children in unorganised sector labour? What special steps need to be taken to improve health facilities, water supply and sanitation, nutrition, education and shelter for such categories?
21. What is your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workmen Act? What improvements would you recommend?

#### Organisation of Unorganised Sector Labour

22. What factors inhibit development of trade unions for other organisations among various strands of unorganised sector labour?
23. What is the impact of social customs based caste and tribe considerations leading to structural rigidities in society on the state of lack of organisation of labour in this sector?
24. Is the climate before grass-root level administration, particularly in rural areas, between a desire to promote and encourage organisation of unorganised sector labour to secure their legitimate rights and economic development and maintenance of law & order, a mutually exclusive and an irreconcilable one?
25. How does the existing legal framework of civil and criminal law and other public safety/ security laws impinge on the absence of organisation of unorganised sector labour?
26. What role have the trade unions played so far vis-a-vis unorganised sector labour?
27. What role have NGOs, political parties etc. played so far in organising this sector?
28. What has been the nature of efforts in organising unorganised sector labour and its effect? Which are the successful efforts and factors which helped such successes?
29. Is organisation of unorganised sector labour an essential pre-requisite for improving their living standards?
30. Can there be a common thread running through the objectives of organisations for different sectors of unorganised labour or should such objectives be different for different sectors necessitating separate organisations?
31. Is the Trade Union Act, 1926 relevant to the issue of organisation of unorganised sector labour? What are your suggestions regarding the changes required or separate legislation?

32. What is your perception of the relevance and utility of cooperative laws to the issue of organisation of unorganised sector as well as the changes that may be required?

- Wages**
33. A large part of unorganised sector labour is engaged in agriculture. Have been changes in traditional methods of payment of wages in your State, tenor, or area in the last 50 years? If so, what have these changes been and how have they benefited unorganised agricultural workers?
  34. How many days' employment do agricultural abourers get in non-irrigated & irrigated areas - in year-basis male and female. What are the figures for other rural labour in irrigated & non-irrigated areas as well as for self-employed persons? What is the situation in urban centres in this regard (in your State/ region/area) as far as unorganised sector is concerned?
  35. What are the figures or warnings for each of the categories in the queries asked in the previous question? What is the trend or these earnings, in real terms, both on daily and yearly basis, over the last 30 years, and particularly in last 10 years - upward, downward or static?
  36. How does the capacity to earn by self-employed persons - both in urban & rural areas - compare with that of wage labour? What is the specific situation as regards those who are mostly or completely self employed in agriculture vis-à-vis the agricultural labour in this respect? What have been the trends in income between the self-employed and wage labour categories of persons in the unorganised sector and what have been the factors influencing the same?
  37. Do you recommend a centrally fixed minimum wage for the unorganised sector labour in the country? If so, should it be a daily wage or yearly earning?
  38. What are your specific views regarding the working of the Minimum Wages Act, 1948? What should be the criteria to fix minimum wages and changes required in the concept and definition of minimum wages? Your views may be specifically in the context of the unorganised sector.
  39. What are your views regarding recent efforts to fix a minimum wage for rural labour (including agricultural labour) based the linking of such minimum wage with the concept of poverty line?
  40. Do you recommend similar initiatives for fixing a minimum wage for the unorganised labour? What are your views regarding changes (improvements) that may be necessary for rural and urban unorganised labour so far as method of fixing minimum wages is concerned?
  41. Comment on the state of enforcement of minimum wages in the unorganised sector and its possible implications on rural ameliorations if it were to lead to the employer with creating non-mandatory benefits.
  42. How far is it practicable to revise minimum wage for the unorganised sector periodically and what should be its periodicity? Should such revisions be based only on changes in cost of living index, etc. etc. on other factors? Please comment on other factors that may be relevant for such revisions.
  43. What is your opinion regarding the proposition that the state would be justified in reducing the minimum wage for drought relief, flood-relief and employment guarantee programme meant for providing welfare and social security?

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44. Is there discrimination based on sex, community, caste, language, place of domicile etc. in payment of wages? How could such discrimination be reduced/ eliminated?
45. what is to be done for organising the unorganised sector labour and for their education to impart greater consciousness of their rights and privileges as regards wage entitlement, conditions of work etc? Comment on the working of the existing schemes in this regard and how these can be improved.
46. What has been the impact of employment generation schemes like KRIIP, RLEGD, JWW, FFW etc. in rural areas as regards income level of rural labourers, employment situation, bargaining power for securing better employment etc? Should the level of wages in such programmes be equal to greater than or lesser than minimum agricultural wages? Should similar programmes in urban areas like MRY launched on a large scale? Should such wages beionalised or place related or a combination?
47. Employment is statutorily guaranteed only in Maharashtra State. How effective has this guarantee been? Do you think that other States/UTs should enact similar legislation?
48. Should such schemes be operated only as a support mechanism, particularly for lean season employment in rural areas?
49. What should be the criteria for allocation of funds to an area/ district/State for employment generation programmes?
50. Do you suggest a separate agency for enforcement of Minimum Wages Act, 1948 for the unorganised sector? If so, please give the details. Alternatively should this task be vested in Panchayati Raj institutions, particularly in rural areas (municipal authorities in urban areas).
51. In the context of economic liberalization with its emphasis on cost competitiveness and efficiency, leading to manpower rationalisation / separation in many organised industries, what are your suggestions for improving the social security manpower development set up for establishing unorganised sector employment?
- Migration**
52. What are the main reasons for migration to and from your State/area? Is it mainly (out-migration) due to lack of work or better scope of income and improved work conditions?
53. What are the estimates of migration inflow and outflow in your area during last 5 years? Is intra-state or inter-state migration in your State a serious problem? What steps have been taken to manage it?
54. How do you distinguish migratory labour from resident labour? What are the main motives of recruitment of migratory labour by your agencies/contractors, relatives, fellow workers or direct recruitment by employers?
55. What are the effects of labour migration on the economy, particularly wage rates and employment, in the area-
- from where the labour has migrated?
56. What is the manner in which wage rates, particularly in rural areas, affect the migration of workers from one destination to another and from one State to another and how are such wage rates influenced by availability of labour/ unemployment levels? What should be the measures to control such wage-differential based migration?
57. Please comment on the working of administrative and regulatory measures, particularly the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and suggest modification that would be necessary to improve its working.
58. Are the provisions of laws enunciated for unorganised sector labour like the Minimum Wages Act, 1948, Equal Remuneration Act, 1976, Inter-State Migrant Workmen Act, 1979, Plantation Labour Act, 1951, Beedi & Cigar Workers Act, 1966, Dated Land System (Abolition) Act, 1975, Contract Labour System (Regulation & Abolition) Act, 1970, sufficient? Apart from new legislation or changes in existing ones, what other steps are required for ensuring proper working conditions of unorganised sector labour?
59. What is your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workmen Act? What improvements would you recommend?
60. What are the main ways in which migrant labour is often exploited (e.g., hours of work, wages etc.) and how can such exploitation be checked?
- Planning and agrarian reforms-impact on unorganised sector**
61. Do you think that the fruits of planned development have reached the unorganised sector adequately? How can the planning process be made more responsive to the needs of the unorganised sector labour, particularly the rural poor?
62. Do you think that the requirements of unorganised sector labour in terms of health, education, sanitation and water supply, housing, environmental improvement etc. are adequately covered under the Minimum Wages Programme? Would you make any specific suggestion for enlarging the coverage to accommodate other insurmountable needs? Is implementation of programmes in these sectors satisfactory? How can these be improved?
63. Do you think that adequate consideration has been given to the unorganised sector labour and their various needs, particularly in rural areas, so far as financial allocation under different 5 year annual plan periods is concerned? What are your specific suggestions for the future?
64. What is the impact of technological up gradation and rationalization and organisational restructuring (particularly in last nine years) on labour efficiency, productivity and wages in organised sector and concurrent impact on the unorganised sector?
65. To what extent is the proportion that improved technology leads to lower labour absorption justified?
66. In which particular occupations in rural areas, the demand for labour is likely to decline with better technological rationalisation? What could be the specific measures to absorb the surplus?
67. How successful have the legislative measures for land reforms been in relation to
- abandon of intermediaries,
  - security of tenure and
  - objective of conferring ownership rights to actual users?
68. What is the extent of disguised tenancy in your area? What could be the measure for checking it?
69. The land ceiling laws have generated a relatively small extent of land as surplus. How could these be made more stringent and its implementation improved?

- Social Security**
67. What is the importance of social security in strengthening the financial position of the unorganised sector labour?
68. Should social security be considered as a package of measures? If so, what should be the main components? Please outline such a scheme in the context of unorganised sector labour.
69. It is held that social security measures for unorganised sector labour are constrained by factors such as:
- lack of permanent or stable links between employer and employee which precludes schemes based on employer's contribution,
  - low and unstable wage structure and lack of round the year employment which precludes schemes based on employee's contribution
  - purely casual nature of unemployment which precludes benefits like sick leave, maternity leave etc.
- To what extent can these constraining factors be eliminated to confer the benefits of social security to unorganised sector labour?
70. Comment on the functioning of old age pension scheme in your State/Territory. Should it be extended if P.F. coverage? What are your views/ suggestions for modification regarding conditions for entitlement such as domicile, age, pecuniary circumstance etc?
71. Should the rates of old age pension be revised at specific periodicity and such revision linked to cost of living index?
72. Is there any scheme in your area/State to cover accident risk in different occupations under the unorganised sector? If so, give a brief description of each insurance scheme already in operation or proposed to be implemented- whether individually or in group and the administrative and financial problems experienced.
73. What have been the procedure, and other difficulties experienced in settling the claims of persons covered by various insurance schemes? Is it due to lack of education & awareness, unorganised nature of labour and its dispersed nature of employment (in rural areas)? What steps have been taken in your State/Territory to simplify the procedures for timely settlement of claims?
74. Is it possible to introduce in your State/Territory a "Health Insurance Scheme"? If so, what should be its coverage and essential framework? If it is considered to be not feasible, please give the main reasons.
- Problems of Women & Children**
75. What measures have been taken in your State/Territory to check exploitation of women & children? What are your views for making such intervention more effective as also new measures that may be required?
76. What is the position in your State/Territory regarding wage discrimination based on gender and measures taken/implemented to check it?
77. How active are the NGOs and independent institutions in organising women to secure their rights/ claim and prevent exploitation?

78. Education and technical training improves skill and hence bargaining power. What have been taken in this area with a view to improve the bargaining strength of unorganised workers.
79. What is the extent of involvement of children in unorganised labour sector under different prominent occupations? What steps have been taken to curb it and to what results?
- Legislative Provisions**
80. What should be the main focus of legislative intervention to provide basic elements of protection to unorganised sector labour keeping in view the type of the target group, the past experience vis à vis the actual application of the existing laws to the unorganised sector and administrative, financial and judicial dimensions of implementing such laws/ Give a brief outline enacting any new legislation you may like to suggest.
- What are your views regarding a central ministry legislation for ensuring a minimum level of protection to the unorganised sector labour? What should be the essential contents of such legislation?
81. Should such legislation be common to the entire unorganised sector or be separate for rural and urban sectors or wage labour and self-employed be some should be a separate legislation for agricultural workers who form a very large chunk of unorganised sector labour? Please also refer to questions 15, 31, 33, 47, 50 and 69-76.
- Data Collection**
82. Do think that statistical data on the various aspects of organised sector labour being collected regularly is adequate for analysis and policy formulation for development of unorganised sector labour?
83. Please state the additional items (together with sources and periodicity) on which data relating to unorganised sector labour should be collected.
84. Is the data collection machinery adequate and well-equipped? What are your suggestions for improvement?
85. What measures do you suggest to ensure reduced time lag between reference period and availability of data?
86. What could be the measures to disseminate collected statistical data in a timely manner?
87. What could be the role of information technology?
88. Apart from statistical data, certain issues and problems concerning unorganised sector labour may require in-depth studies on regular basis. What is your perception on these subjects which would require periodical studies?
89. Please after your suggestions regarding strengthening of institutions/ starting new institutions for undertaking studies on unorganised sector labour.
90. How should research in unorganised sector labour be promoted in universities /other research bodies?
91. How could research work be utilitarianised/ used; & which to the other academic bodies and Government and non-Government agencies?

### ANNEXURE - V

**Composition of the Study Groups constituted by the  
National Commission on Labour**

**No. 6/2000/NCL/Study Group**

**GOVERNMENT OF INDIA  
MINISTRY OF LABOUR  
NATIONAL COMMISSION ON LABOUR**

NEW DELHI Dated the 20th May, 2000

### NOTIFICATION

The Second National Commission on Labour hereby constitutes the following Study Group for detailed examination of the issues pertaining to its subject:

**Study Group (Review of Laws)**

1. Sh. T. A. Sankaran
2. Sh. Shrikant Nachusudan Dharam
3. Sh. Suresh Mehta
4. Sh. R. P. Banerjee
5. Sh. M. Dhas
6. Dr. K. S. Hosir
7. Sh. V. S. Narasimhan
8. Sh. S. K. Bandopadhyay
9. Sh. Savard Rao

**Study Group 2 "Unhired Labour Legislation for Workers in the Unorganised Sector"**

**Chairman**

1. Sh. D. Budopadhyay
2. Sh. Swami Agnivesh
3. Sh. Baba Athav
4. Sh. O. P. Achrekar
5. Sh. Avocessh Kaushal
6. Sh. Arun Roy

**Study Group 3 (Globalisation and Its Impact)**

1. Sh. Keshtochi Theklai
2. Sh. C. S. Venkatakrishna
3. Sh. Aditya Narayan
4. Sh. Ravindra Nath Choudhury
5. Sh. S. K. Sasi Kumar

<b>Study Group 4 (Social Security)</b>	<b>Chairperson</b>
1. Sh. R. K. A. Subrahmanyam	
2. Dr. M. S. Divan	
3. Sh. S. Manendra Dev	
4. Shri A. G. Nagpal	
5. Shri Krishnai	
6. Dr. Atul Grover	
7. Dr. S. P. Gupta	

<b>Study Group 5 (Women and Child Labour)</b>	<b>Chairperson</b>
1. Sh. Ranjan Bhattacharya	
2. Sh. Shahrukh Khan	
3. Dr. S. Vilayakshmi	
4. Sir. H. Mahadevappa Rao	
5. Shri. Percy Ravi	
6. Sh. Tushar Kalathur	
7. Mrs. Janaki Singhania	

The list of members of Study Group may be further augmented subject to the max. number of nine in case of Chairman's death or other consultation.

The Study Groups will be free to devise the review procedures and would report in consulta-

tion with the Commission as per Government resolution dated 15.10.99.

The Study Group on 'Self Development, Training & Workers' Education' will be notified shortly.

By order of Chairman

  
(M. SANJAYAL)  
Secretary

No.6/2000/NCL/Study Group  
GOVERNMENT OF INDIA  
MINISTRY OF LABOUR  
NATIONAL COMMISSION ON LABOUR

NEW DELHI Dated the 21<sup>st</sup> August, 2001

## NOTIFICATION

The Second National Commission on Labour hereby constitutes a Study Group on "Skill Development, Training & Workers' Education" for an in-depth study of the subject. The Chairman and the members of the Study Group are as follows:-

1. Shri Sunil Kant Kandpal Chairman
2. Shri S. Krishnan Member
3. Shri S. V. Gokhale Member
4. Shri Gurmeet Saran Member
5. Shri D. Bhankarpan Member
6. Shri S. K. Bijuji Member
7. Dr. C. S. K. Singh Member
8. Shri H. A. Mittal Member

The list of members of Study Group may be further expanded subject to the maximum of three in consultation of Chairman after further consultation.

The Study Group will be free to devise its own procedure and would report expeditiously in consonance with the terms of reference of the Commission as per Government Resolution No. X-2000/NCL/99-C/Ord/Gen/15-10-1999.

By order of the Chairman

(N. SANYAL)  
MEMBER SECRETARY

Copy to :

1. P.S. to Secretary Ministry of Labour, Shikam Shakti Bhawan, Rafti Marg, New Delhi - 110001.
2. Dr. G.S.Kum, Labour & Employment Advisor, Ministry of Labour, Shikam Shakti Bhawan, Rafti Marg, New Delhi - 110011.

(N. SANYAL)

**Study Group on**

**"UMBRELLA LEGISLATION FOR THE WORKERS IN THE UNORGANISED SECTOR"**

**Chairperson**

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**Study Group on**

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**Chairperson**

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1. **Shri S. K. Sasi Kumar**  
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**Chairperson**  
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**"OWNER AND CHILD LABOUR"**

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**Study Group on**

**"SKILL DEVELOPMENT, TRAINING & WORKERS' EDUCATION"**

WUWDAZ (MAHARASHTRA) 4.7.2000 to 7.7.2000

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**7.**

**Shri S. Krishnan**

Director General/Joint Secretary

DG&T

Ministry of Labour

Shram Shakti Bhawan

New Delhi - 110001.

S.No	Name of the Organisation	Name of the Participants with Designation
1	Hind Mazdoor Sabha, Mumbai	Shri Manohar Kothi Shri J.R. Kulkarni Shri S. Mohan Rao Shri Ekamra Sen Shri Vasaii Gupta Shri H.R. Tale Shri Surendra Singh Shri Ravinder Chawla Shri S.K. Shetha
2	Indian National Trade Union Congress	Shri H.N. Tripathi Shri Visweswaran Shri Chander Singh Shri Shanker Pal Shri Sudal Pal Shri G. Sankar Shri K. M. Soparne Shri P. P. Solanki Shri Govind Trivedi Shri P. K. Jagtap, General Secretary
3	Ghalibrasilta General Kamgar Union	Shri P.N. Sammoni Shri U.P. Gajage Shri Uday Bhatel Shri J.P. Prakash Bihare Shri Ramkumar Wad, President Shri K. Karadalekar, Gen. Secretary Shri U. Bhave, Vice President Shri R. Shinde, Secretary Shri Atul Sami, Secretary Shri S.P. Durgade, Secretary Shri S. Vora, Secretary Shri Ajit Mehta, Secretary Shri Pratiksha Kothi, PRD
4	Bharatiya Kangan Sena	Shri S.O. Mc Karm Shri Shashank Deshpande Shri Irfana Shri Rajiv Varan Shri M.P. Pasivedhar
5	Bhartiya Mazdoor Sangh	



MUMBAI (MAHARASHTRA) 4/7/2000 to 7/7/2000

S No	Name of the Organisation	Name of the Participants with Designation
27	Central Consultation Officer	Sri S. Sankararao, IMA, SACG Sri A. K. Davda, ALCGC Shri B. J. Abdul Zaleel, MLC Shri R. B. Sarvajeet Singh, ALG Sri Parvez Dilbagy, ACC
28	Preritak Bhushan	Sri Parvez Dilbagy, ACC Ms. Ranjana Sodha Sri Jagdish Patel
29	National Institute of Personnel Management	Sri G. V. Banuhat, Secretary Shri M. L. Gava, Member Sri PN Kapur Ms. Chitra Padmanabhan Shri Prakash Sabine
30	Current Labour Research Foundation	Shri K. V. Deshpande, Chairman Shri S. L. Deshpadi Shri M. L. Gore
31	Rashtriya Mill Mezdai Sangh	Sri Madhod Joshi, General Secretary Sri Balaji Pawade Shri G. O. Gowre Shri D. S. Virendra Shri Pratap Kolarkar Shri R. H. Patilale Sri G. J. Wahi, Vice President Sri Sachin Lohit, President Dr. F. C. Dutt Sri Ravinder Nair Shrikant Patel Shri G. Tholkar Sri R. S. Acham, Advocate Dr. S. K. S. Sathyan, Professor Dr. B. S. Virk, E.R., Doctor Dr. T. S. Sawant, Director
AI: MEDDARAD (GUJARAT), 18/2000/3/3, 2000		
Bharatiya Vidya Bharati Sangh		
Sri Ishwarlal D. Patel, Treasurer, Giridhari Patel, Advisor, General Secretary Shri Ratnakaran Singh, Vice President, Shri Jayanta, Proficiency General Secretary, Shri Chintu Patel, Vice President		
Indian National Trade Union Congress.		
Shri H. G. Balachandra, Secretary		

MIDASAO (GUJARAT) 1.B.1000-3.B.2000

S. No	Name of the Organisation	Name of the Participants w/ll Designation
1	Sarv-Employed Women's Association, Ahmedabad	Smt. J. Pillai, Org. Secretary Shri K. G. Patel, Secretary Sri D. B. Patel, Sri P. S. Patel, Shri R. Patel, Shri J. Patel
2	Kamla Juri, Karamchari Sangh	Smt. B. Bhagat, General Secretary Ms. Kavita Singh, Ms. Tony Kanabai, General Secretary
3	Rural Labour Association	Sri R. H. Kapur, Secretary Shri C. Chokila, Secretary Shri D. G. Chokila, Secretary Smt. Savitrikiran, President Sri M. T. Patel, Gen. Secretary Smt. G. Patel
4	Individual	Smt. Meen Chandra Shri Arora, J. Singh Shri Arvind Choudhury Shri S. Dasai Shri S. Chaturvedi
5	Gujarat Mazdoor Sangh, Ahmedabad	Smt. P. Chaturvedi, Secretary, President Smt. Vasundhara Singh, Vice President Shri J. Indra Verma, Working Member Shri Jayan Patel, Gen. Secretary Shri K. Patel Shri Chintal Patel Dr. H. Patel
6	CMP, Ahmedabad	Shri P. Patel Shri R. Patel Shri S. Patel Shri S. Patel
7	ATUC, Vadodara	Smt. Prakhar Patel, Secretary Shri P. Patel, President Shri Sudha Patel Shri Harsh Singh, Secretary Shri K. Patel
8	Vanchita Karmik Union, Vadodara	Smt. Prakhar Patel, Secretary Shri P. Patel, President Shri Sudha Patel Shri Harsh Singh, Secretary Shri K. Patel
9	CMP, Ahmedabad	Smt. Prakhar Patel, Secretary Shri P. Patel, President Shri Sudha Patel Shri Harsh Singh, Secretary Shri K. Patel
10	ATUC, Vadodara	Smt. Prakhar Patel, Secretary Shri P. Patel, President Shri Sudha Patel Shri Harsh Singh, Secretary Shri K. Patel
11	Vanchita Karmik Union, Vadodara	Smt. Prakhar Patel, Secretary Shri P. Patel, President Shri Sudha Patel Shri Harsh Singh, Secretary Shri K. Patel

**AKASHI GUJARAT (GUJARAT) 1.8.2000-3.8.2000**

S.No	Name of the Organisation	Name of the Participants with Designation
12	Ahmedabad Textiles Yarn Association, Ahmedabad	Shri D.G. Patel, President, Shri A.S. Patel Shri Ach. Patel, Shri G.D. Patel Shri Pankeya Yogen, Advocate
13	Gujarat Chamber of Commerce and Industry	Shri K. Venkateswaran, Vice President Shri C.R. Patel, Secretary
14	Karnal Free Trade Zone	Shri S. Patel, Secretary
15	G.I.I. Ahmedabad	Shri C.C.Patel Shri G.J. Patel
16	Vasodarji Emp. Owners Disnigatiion, Vadodara	Shri S. Patel, President Shri N. Patel, Sr. Gen Manager Shri G.C. Desai
17	Zamzam Textile Industries Association Association	Shri V.L.S. Patel, Dy General Manager Dr. Dr. M. Patel, Dy Director Shri S. Patel, Sr. Gen Manager Shri K. Patel, Personnel Officer
18	Society Gujarat Chamber Of Commerce and Industries, Surat	Shri K. Patel, President Shri A. Patel, Vice President Shri V. Patel, Executive Secretary
19	Federation of Industries Association, GIDC Estate	Shri K. Patel, President Shri P. Patel, Vice President Shri J. Patel, Vice President
20	Vapi Industries Association	Shri K. Patel, President
21	Rehatra Gandhi Labour Institute, Ahmedabad	Shri S. Patel, Director General Dr. A. Patel, Director
22	Faculty of Commerce, M.S. University, Vadodara	Shri S. Patel, Director
23	Sugandhi Airlines & Coordinators	Shri Y.A. Patel
24	Nirma Institute of Technology	Hon. Professor Venkateswaran
25	Centre for Social Studies, Surat	Dr. V. Patel, Director
26	Genetic Research Ahmedabad	Shri S. Patel, President

**CHEENAI (TAMIL NADU) 17.08.2000-19.08.2000**

S.No	Name of the Organisation	Name of the Participants with Designation
1	All India Skin & Tissue Farmers	Shri S. Krishnaswamy, Vice President Shri. Subbarao, Ahmedabad Col. V. Alexander Shri R. Sivaraman, Jaffna Shri Zafaruddin, Vice President Shri N. Balaji, Vice President Shri S. Shanmugam Shri SK. Vairamuthu Shri V. S. Venkatesan Shri K. Balaguruswamy Shri P. P. Padmanabhan, IAS Shri V. Rajgopal Shri R. Venkateswaran, President Shri R. Sivamani, President Shri Damodaran, Gen. Secretary Shri G. Venkatesan Shri N. Rose, Gen. Secretary Shri M. Sathayegu, Fano, Asst. Gen. Secy Shri G. Banuprasad, Reg. Director Shri V. Venkateswaran, Vice President Sari J. Amriti, Ex. Director Shri K. V. Fer, Vice President Shri R. Vijayadasu, Dy. Director Shri M. Madhavan Shri S. M. Asari, President Shri A. Aydu, Advisor Shri Ft. J. S. CEO, Director Shri S. Pandeyan, Member Dr. S. Balasubramanian, Vice President Shri P. M. Kadar, Coordinator Shri S. Thomas Jayaraj, Convener Shri Veeran Pillai, Ex. Director Sari M. Karthas, Treasurer, Manager Shri V. Saraj Patel, Director Dr. K. Sharmin, Convener Shri L. Leelavathi, Secretary Ms. Palayam Shri T. Thirumalaiswamy, Gen. Secy Shri K. Karuppanathan, State President Shri S. Sampath, State Treasurer
2	Ramanathapuram Samodeya Sangam	
3	CONASSIA, Coimbatore	
4	South India Engineering Mills Association	
5	Tamil Nadu Mecanavar Kovai	
6	Confederation of Indian Industries	
7	Tamil Nadu Street Bidli Mfg. Association	
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CHENNAI (TAMIL NADU) 17.08.2000-19.08.2000

S.No	Name of the Organisation	Names of the Participants with Designation
13	Madras Labour Union (B&CMILS)	<p>Shri A.C. Muthy Shri P. Rajagopal Shri G. A. Xavier Shri S. Eusecio Shri K. Saluri Shri V. Kubandar Shri A. Sanaka</p>
14	Labour Progressive Federation	<p>Shri T.V. Perumal, Gen. Secretary Shri M.S. Mani, Jt. Gen. Secretary Shri S.R. Subrahmanyam, Jt. Gen. Secretary Shri A. Govindarajulu, Presdfer Shri M.A. Surraja Rajan, Secretary Shri S. Kaushapam, Member</p>
15	Indian National Trade Union Congress	<p>Shri P.L. Subrahmanya, President Shri M.G. Ramamurthy, Gen. Secretary Shri R. Kullaiharshan, Gen. Secy Shri K. Elango Shri K. Laxminarayar Shri B. D. Sugunan, J</p>
16	Tanvir Welfare Trade Union Congress	<p>Shri V. Mac. John, Vice-President Shri R. Shanmavulu Ms. Rathy Ammal, Vice-President</p>
17	Indian Mazdoor Sabha	<p>Shri C.R. Akila, Secretary Shri Rajendra, Secretary Shri J. Ananthi, Secretary Shri Karthikayen, J. President Sons S. Polku, V. Pres. derl Shri G. Somasundaram, Gen. Secy Shri V.G. Rajaram, Secretary</p>
18	All India Labour Organisational Committee	<p>Shri M. Sankaran, Gen. Secy Shri N. Rajendran, Presdfer Shri V. Sudarshan, President Shri F. Raghuvaran, Gen. Secy</p>
19	Film Employees Federation	<p>Shri V. Narayanan, President Shri T.M. Reddy Smt. M. Kanter Shri Hari Rao</p>
20	Co-operative Bank Employees Association	<p>Shri V. Narayanan, President Shri T.M. Reddy Smt. M. Kanter Shri Hari Rao</p>

CHEVALLI (THÉORÉMES) 17.03.2009-19.03.2009

MOKEA (MÉTÉOFRANCE) 14.09.2000-16.09.2000

S.No	Name of the Organisation	Name of the Participants with Designation
1	Indian Chamber of Commerce	Shri A. B. Chaudhury Advisor Smt. S. K. Chaudhury wife, Chairman Sri Nazzab Ali Secretary General Shri S. S. Chaudhury Chairman Ms. Keka Singh, Secretary Mr S. K. Dogra, Director
2	Bharat Chamber of Commerce	Shri M. Venkateswar Pillai, Secretary Shri. N. Banerjee, Chairman, Shri S. Roy, Vice Chairman Shri S. K. Sen Gupta, Law Adviser Siris. K. Pal
3	Hawker Surgram Samity	Shri Skinner Ganguly, General Secretary Shri Bhawani Ranjan, Secretary Shri Farajul Islam, Treasurer Sari S. A. Mahan
4	Ethatiya Fraxdour Sangh	Shri S. K. Chosh, Committee Secretary Shri A. K. Majumder, President Shri R. N. Chandra, Vice President Shri Nirmal Chakraborty, General Secretary Shri Sohel Basu, Assistant Secretary Shri Sanjay Mukherjee, Chairman Sari S. K. Bhattacharya
5	Hind Mazdoor Sabha	Shri C. K. Sengal, Secretary Shri P. K. Roy, Secretary Shri Kapil Chaudhury Shri S. Barvee
6	Indian Jute Mills Association	Shri K. Verma (RLCIC)
7	All West Bengal Sales Representatives Association	Dr. C. J. Patel, Chairman Shri S. Sengupta, Secretary
8	Regional Labour Commission, (Central)	Shri Kamal Krishna, President Shri Bansidhar Agarwalla, Vice President Shri Atul Kumar Ganguly, EC Member Shri Ashok Kumar Bhattacharya, Co-ordinator San Yogenendra Nath Singh, Foc. Pres. Admin Shri Dancodar Singhvi, EC Member
9	Federation of Bradji Leaves and Tobacco Merchant Association	Shri Narin Deo, President Shri N. P. Chatterjee, National Conv. Secy
10	Bengal Brick Field Owners Association	Shri R. G. Lasker
11	National Front of Indian Trade Union	Shri Narin Deo, President Shri N. P. Chatterjee, National Conv. Secy

KOLKATA (NETS) LTD.] 14.53.2000:10.05.2000

Name of the Organisation	Name of the Participants with Designation
West Bengal Kheti Majdoor Sangh	Shri Swapnil Ganguly, Genra. Secy & Mr. Umam Sanyon, Member
Bengal Hosery Manufacturers Association	Shri S. K. Bhattacharya, President Shri S. K. Bhattacharya, Treasurer
Hosiery Workers Union	Smt. Pratideep Agarwal, Jt. Secy, Secy-DP Dr. Shyam Sunder, Vice-Chairman
Builders Association of India	Shri Rakeshwaranand Sen, Vice Chairman Shri B. Chakraborty Shri Jayant Mukherjee Shri Arup Kumar
Indian Tea Association	Shri B. N. Dasgupta Shri D. Chakraborty, Secretary General Shri Amit Basu, Jl. Secretary
United Trade Union Congress	Shri S. P. Sengupta Smt. Keki Chatterjee, Shrikanta Ghosh.
Centre for Studies in Social Sciences Midnapore District Coastal Fish Vendors Union	Shri Nirmala Banerjee, Professor (Eco) Shri Nirmalendu Das Shri Ranjeet Barua Mr. Rabindra Kumar
Dakshin Banga Matsyajibi Forum Eastern India Motion Picture Association	Shri Jagat Mohan Se, Chairman Shri Ashok Kumar Dey (Vidwan) Secy Shri Deveshwar Mondal
Tata Pally Milanji Saigal	Smt. U. K. Majumdar
Indian Rural Medical Association	C. S. Malik, General Secretary
<b>HYDERABAD (ANDHRA PRADESH)</b>	<b>12.10.2000 - 14.10.2000</b>
1 BMS	Shri Ego Sriharan Shri Q. V. Subbarao Shri S. L. N. Reddy Shri K. Basu Sharma Shri S. Kallesham Shri A. V. Challa
2 A.P. Union of Working Journalists	Shri Devulapalli, Author, President Shri K. Srinivas Reddy, Executive Member Shri K. Venkateswara Rao, Gen. Secy Shri P. Ram Mohan Rao, Gen. Secy Shri Sudhakar Reddy, Joint Secy Shri J. Rajaram, Joint Secy Shri K. V. Reddy, Treasurer
3 A.P.S.R.T.C. National Massmedia Union	

**HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000**

S.No	Name of the Organisation	Name of the Participants with Designation
4	Telegu Nadu Trade Union Council	Smt R. Suresh Mohan Raut President Shri P. Boopathy, Secretary, State Ex Member Shri E. K. Jothi
5	A.P. Bengal Workers Federation, Visakhapatnam	Smt A. Lakshmi Rayala, State Ex Member Shri K. Ramamurthy, Chairmnar Shri M. Venkata Reddy, Gen. Secy.
6	A.P. Chennai Anna Karatchana Samiti	Shri A. V. Chellamya, State President Shri M. Venkata Reddy, Gen. Secy.
7	N.I. India Central of Trade Unions	Shri M. Venkata Reddy, Gen. Secy.
8	Hind Mazdoor Kissan Parishayam	Smt M. Bhadravathi Reddy, Gen. Secy Shri U. V. Balaji, Ex. Member Shri A. Radhakrishna, President Shri S. Sudhakaran, Secy
9	Hobs	Shri P. Venkateswaran, Secy Shri S. V. C. Parasuraman, General Member Shri J. V. R. Lakshmanan, Deputy Secy Shri Shobhakar Ganguly, Chairman Shri V. Kumar, Personnel Manager Shri O. N. Maranam, Co-ordinator Shri D. V. S. Rao
10	Federation of A.P. Chamber of Commerce & Industry	Smt G. J. Rao Shri V. Ch. Gopal, Cons. Dir Shri A. V. Yeddu
11	Employers Federation of Southern India	Smt K. R. Venkateswara Rao Shri K. R. Venkateswara Rao Shri V. Venkateswaran, Dy. Chief Inspector Shri H. Krishna, Dy. Chief Inspector

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**HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000**

S.No	Name of the Organisation	Moms of the Participants with Designation
17	A.P. Labour Practitioners Association	Smt C. Abhishek Mehta Smt C. Veeramohandas, Secy Shri S. Jayaram, Dy. Secy Shri T. N. J. Rama, Cons. Dir Shri K. Rao, Manager Shri V. Ch. Gopal, Cons. Dir Shri A. V. Yeddu
18	Industrial Relations Association	Shri S. R. Anil Aggrawal Shri P. Ravinder Shri V. Subrahmanyam Shri G. V. Balu, Director Shri M. V. Reddy, Dy. Chief Inspector Shri G. S. Rao, Dy. Chief Inspector Shri H. V. Rao, Dy. Chief Inspector Shri N. Surendra, Dy. Chief Inspector Shri Rakesh, Dy. Chief Inspector Shri P. S. Venkateswaran, Dy. Chief Inspector Shri H. Krishna, Dy. Chief Inspector
19	REFECTORY OF Factories	
20	BANGALORE (KARNATAKA) 27.11.2000-29.11.2000	
1	Indian National Trade Union Congress	Smt K. S. Savitri, Ex. M.P., Con. Gen. Secy Shri Chaitanya Chaitanya, PR Shri B. Balaji, Koz Shri S. Srinivasachary, Dy. Shri H. G. Ravaz
2	Hind Mazdoor Sangha	Shri A. Venkateshwaran Shri Dr. Srinivas, Con. Secy Ms. Krishnabai, Con. Secy Shri V. Venkateswara Rao
3	Bharatiya Mazdoor Sangh	Shri A. Venkateshwaran Shri Dr. Srinivas, Con. Secy Ms. Krishnabai, Con. Secy Shri V. Venkateswara Rao
4	Centre for Unorganised Workers Union	Shri K. S. Venkateshwaran Shri A. Ramesh, Con. Secy Shri G. Nagaj Shri K. Raghavendra
5	Karnataka Sugar Workers Federation	Shri K. S. Venkateshwaran Shri A. Ramesh, Con. Secy Shri G. Nagaj Shri K. Raghavendra
6	Karnataka State Hotel Workers Welfare Association	Shri R. Anil Aggrawal Shri A. P. Somay Shri S. P. Mani
7	National Centre for Labour, Karnataka Unit	Shri V. Venkateswara Rao
8	Karnataka Estate Labour Union, Jayapura, Chikkamangaluru	
9	Karnataka Plantation Trade Unions Federation, INTUC, Jayapura, Chikkamangaluru	
10	Karnataka Employers Association	Shri C. B. Ayappa Shri K. Venkateswara Rao
11	FACCI, Bangalore	Shri G. Ramanand

ANGELIQUE 27.11.2000 - 29.11.2000

S.No	Name of the Organisation	Name of the Participants with Designation
12	KASSIA	Sri E.M. Patel Dr. S. Krishna Kumar Shri S.A. Srivastava Kudlly Sri N.K. Shetty
13	Greater Mysore Chamber of Industry	Shri A.P. Sankar Shri U. Asath Padmendro Belli Sri K. Subbarayya
14	All India Manufacturers Organisation	Sri H.N. Vilas Bhatwade Meddy Shri K. Appi Reddy
15	Karnataka Fradiots Hotels and Restaurants Association	Shri K. Shaila President Shri K.W. Naik, Gen. Secy. Shri El. Giria, Org. Secretary
16	Builders Association of India	Sri H.S. Hegde, Secretary Sri Ishwaran Rao, GokulPBA CX Sri V. Jumminadlu, Director IP Shri A. Ranga Sekhara, Dy. Mgr.
17	-	Shri T.K. Dhar, Director IP&AC Shri Sarvesh Sanil IP&AC Shri RN Nagane, C.S.
18	Bharti Electronics Ltd., Bangalore CPSU	Sri Somnathya V. President Shri Govindachar ETC Shri Venkata Asst. Secy
19	Hindustan Aeronautics Ltd.	Sri U. Bhaskerappa EECV Shri G. Nagaratna, President Shri Srikantiah, Gen. Secy
20	I.R.O.E Employees Union	Shri Nagababu Kurnar, Vice President Shri M.R. Venkateswar, Zone C, Chairman Shri P. Krishnamurthy, Zone A, Chairman Shri K. Appalurudi, Zone C, Secy Shri H. Gundavaram, Dist. Secy
21	Hindustan Aerocarries Ltd, Employees Association	Sri Prakash, Co-Ord. Member MS Sudhir Rao, Core Member
22	FIC Employers Union	Shri Fr. Vergilius Fallcuria, Zone Venkatesh Shri Venkatesh Sharma, Reg. Manager Sri Balasubramanian Philip, Executive Director
23	Campaign Against Child Labour, MAYA	MS Suresh, Ms Vinita, Proj. Coordinator Sri K. I. Ramesh
24	PCI India Agarbatti Manufacturers Association	Sri K.S. Sankar Sri P. Subbarao
25	Canstra Bank Bahujan Employees and Officers Union	Shri M. Venkatesh Shri S. Chikanna Shri S. Rajendra Shri C. Basappa

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S No.	Name of the Organisation	Name of the Participants with Designation
26	National Union of Telecom Employees	Sri P. Palani & Devendra Patel Secy Smt R. Sugunan, Gen. Secretary Sh. Naresh Jha, Financial Secy
27	Co-operative Bank Employees Guild	Sh. K. Chatterjee Gen. Secy Sh. B. M. Venkateswar Rao, Presurer Sh. G. Surendra, Zonal Secy
28	Karnataka Railway Peiters Union	Shri S. Venkatesh Sharma, Gf. Secy. Shri T. K. Kundhro, Advisor Smt A. Qazi
29	All India Bank Employees Union	Smt. Neelam K. Bagaria Smt. S. Pengaraj
30	Professional Workers Trade Union Centre of India	Smt. H. N. Godbole, Secy Cmte C Shri B. S. Krishnamurthy, Vice President Shri Eshankumar, Gen. Secy HR
31	Wipro Group of Companies	Shri BC Shobhakar Shri Michael B.
32	HAKP	Sh. J. Ranade, Conv. Academic Wing FES Shri Pravesh C. K. Manjrekar, FES
33	Irtosys Technologies Ltd.	
THRIJUWANATHURAM, KERALA		6.12.2009 - 0.12.2009
1	W.S. Institute of Labour and Management	Shri P. Thakazhi, Ex. M.L.A and Member
2	United Trade Unions Centre	Shri T. Sudarshan, Secretary
3	Handloom Weavers Development Society, Thiruvapdu	Shri P. Krishnan, Joint Secretary Shri B. Vinayagam, Joint Secretary Smt. S. Kumar, S. S. Shri K. Ravu
4	Als Minusulam Latex Ltd, Mapuzia	Smt Radhika K. Kurian
5	All Kerala Independent Swadeshamitra Peeling	Sir g. Rajandiran, Chief Executive Shri V. Sreedharan, President
6	Vishwakarma Educational Organisation Jagathy	Dr. P.N. Santhanam, President
7	South India Mills Association, Coimbatore	Shri P.G. Subramanian, Secretary Shri S. Nedum, Managing Director
8	M/s Thankudam Bagavate Mills Ltd, Thrissur	Smt. V. Meenakshi
9	Kalithai Thach Iali Congress Kerala State Committee,	Shri C. Subodhan, Gen. Secy Athithi Krishnakumar, Gen. Secy Shri A. Venkateshwaran, Advisor Shri S. Gopal, Gen. Secy

THIRUVANANTHAPURAM (KERELA) 6.12.2000-A.12.2000

Sl.no	Name of the Organisation	Name of the Participants with Designation
1	Indian Farmers Movement Kandiyappally	Smt. M. S. Anu, Advisor Smt. V.K. Swetharangan, Professor Gds. Sister Carly
2	National Fish Workers Forum & Kerala Masiyame, Velachery Jn	Smt. Gajendra, Working President
3	Br. City's Hazoor Singh, Kochi, Kerala	Smt. M. M. Subramanian, Gen. Secy Smt. K. Chithra, Secy Smt. V. Samudra Narayana, Gen Secy
4	Zilla Bus Dena's Association, Alapuzha, Pathanamthitta	Prof. & Dr. Pulu Adooranica
5	Thiruvananthapuram SMC, Thiruvananthapuram	Smt. C. Sankaranarayanan, Vice. Advisor Smt. M. Bala Krishnan, Secy. General
6	Jipas & State Association of Platters of Kerala and Kerala, Governor & Kochi, Kerala	Smt. K. J. Joseph, Secretary Smt. P.G. Pradeep Shankar Smt. G. Jayaraman, Secy Smt. G. Achuth, Chairman Smt. N.B. Unni, State Member & Gen. Secy
7	Integrated Child Development Services, Chavara	Mrs. Meenakshi M.S. Subbulai
8	India" National Trade Union Congress	Smt. Freela, & Smt. T.M.S. Panikkar, Joint Gen. Secy Smt. K. Surendran, President Smt. K. S. Venkata, President Smt. Sankar, Gen. Secy Smt. K. S. Hordas, District President Smt. K.P. Ibrahim, West, President Mrs. Venmani Unni, Vice President Smt. Peedie Raja, President Smt. A. Rambalathazhi, Gen. Secy Smt. P.C. Jayaboothi, Secy. Secy Smt. M.R. Krashan, Secretary
9	Coin Stripper Board, Charkila	Smt. K. C. Rajan, Secretary
10	Kerala Chapter & NUPM	Smt. R. S. Subashini, Vice Chair Smt. P. V. George, Sr. Manager Smt. A. S. G. Irish, Head Smt. S. S. Ram, Executive Director Smt. P. Jay, Secretary Smt. A. B. J. Thomas, Chairman Smt. R. Chandrasekhar, Chairman Smt. M. S. Arunath, Director Smt. S. S. Sugunan, Director Smt. G. Govindaraj Smt. S. S. Saravanan
11	Haji Range Plantation employees Union, Periyadav	
12	G. Ramanujam Institute of Labour, Kollam	
13	Kishlak Management Association, Kozhikode	
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THIRUVAMANTHAPURAM (KERLA) 6.12.2000 - 8.12.2000

S No.	Name of the Organisation	Name of the Presidents with Designation
24	Kerala Private Bus Operators Federation, Kanchur	Sri A. V. Radhakrishnan, Gen. Secy Sri T. Aswam Tharayi
25	Castaway Manufacturers & Exporters Association, Kollam	Sri T. Balanatharan, Vice Pres. 0911 Sri N. J. Sabitha, President Sri A. Alex Selvan, Gen. Secy Sri B. Sajithan, Secy
26	Salt Employers Workers Association	Sri T. C. Chandran Pillai Mrs. Alappuzha A. Varros Sezma, Vice President Mrs. Alappuzha Viparna Chidambaram Ms. Geety Alexander
27	Co-ordination Committee of Plantation Labour Unions	Mr. M. J. Garry Sri G. Jagannathan, Convener Shridharan, Gen. Secy
28	Kerala State Manufacturing Federation Ltd.	Sri S. Jayaram, Gen. Secy Sri T. J. Rathnam, Pres. Manager & Gen. Secy Sri Rev. Philip Paulose, Director
29	Den Bosca Vecu Society	Sri Sasegiri, ISG 2001, Programme Co-ordinator
30	Association of Plantation Welfare Officers of Kerala, Munmar	Sri Revathy Chettiyar
31	L.C Developers Clusters Association	Sri A. A. Azeez, Secretary Officer
32	United Trade Union Congress, Kollam	Sri R. Jayaprakash, 20-91 Secy Sri K. S. Kamathrajan, President
33	Bridgemanile Works Ltd, Kannur	Sri Sugunan, Secretary Sri Subbu Arugumal, Pres. Officer
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<b>BHUBANESWAR (ORISSA) - 10.12.2003-18.12.2003</b>		
1	Hind Mazdoor Sabha	Sri R. K. Sarangi, Mr. P. Dattani Sri B. Rank, Chairman, President Sri B. K. Mohanty, President Sri N. S. Senthil, Advisor
2	Charanya Mazdoor Sabha	Sri C. S. Achary Sri U. M. Subbarao, Secretary Sri K. C. Srinivas, Pres. Dr. H. Sri K. C. Bhattacharya Sri G. Mukherjee Sri P. Pandu Sri S. Das
3	Orissa Kandilal Kshetrambari Union	Sri P. K. Mohanty, Vice President Sri U. S. Sastry, Vice President Sri F. Balasubrahmanyam Sri J. Tripathy Sri K. K. Somanath Sri N. C. Singh Sri B. B. Baiti, Welfare President

## BHUBANESWAR (ORISSA) 18.12.2000-19.12.2000

S.No.	Name of the Organisation	Name of the Participants with Designation
1	Indian National Trade Union Congress	Smt S. Seethi Sh. U. Seethi, Secretary Smt S. Ch. Mohanty, Gen. Secretary Shri S. Verma Shri Sujata Venkatesh Co-Chairman Shri H. N. S. Co-Convenor Shri Nandan Choudhury Shri G. Puri
2	Rashtriya Sangha-Bolangir Campaius Against Child Labour	Shri Abhijit Kumar Prakash(Pres) Dr R. C. Mahapatra, Professor Shri S. Chandra Chatterjee Shri B. K. Majumdar, Ch. Secy, Pres. Management Shri A. K. Verma, Vice-Chairman Shri K. N. Kishore, C.M.D. Shri A. K. Das, Director Shri P. K. Ghosh, Member Shri K. M. Upadhyay, Dy. Comm. Shri P. P. Pandit, Chief (P.R.) Shri A. K. Majumdar, Dy. Gen. Manager Shri B. K. Verma, C.E.
3	Indian Metal & Ferro Alloys Ltd	Shri T. K. Suresh, Smt. Yashoda Saikia, Jaipur
4	Paradeep Phosphate Ltd	Shri P. C. Angel
5	Other Convenor of Forest Industrial Development Corporation	Shri A. K. Tripathi, Director Cissa Hydro Power Corporation
6	Orissa Mining Corporation	Shri A. K. Tripathi, Director
7	Orissa Chamber of Commerce and Industries	Shri A. K. Verma, Ex. Director Shri B. S. Ganguly, Manager Shri A. K. Misra, Gen. Manager(HEC)
8	TISCO	Shri A. K. Verma, Ex. Director Shri B. S. Ganguly, Manager Shri A. K. Verma, Gen. Manager
9	Larsen & Toubro, Sundergarh	Shri A. K. Verma, Gen. Manager
10	Orissa Union of Working Journalists	Shri A. K. Verma, Pres. IWT
11	Central Government Officials	Shri A. K. Verma, Pres. IWT
12	State Government Officials	Shri A. K. Verma, Pres. IWT

## BHUBANESWAR (ORISSA) 18.12.2000-19.12.2000

S.No.	Name of the Organisation	Name of the Participants with Designation
1	State Government Officials	Shri P. K. Upadhyay, ALC Shri P. K. Bhattacharya, ALC Shri L. D. Rath, ALC Shri K. K. Ray Shri Gajendra Patel, ALC Shri Nirmala Mishra, ALC Shri P. C. Pragati, Labour Inspector Shri S. S. Srivastava, Labour Inspector
2	INDIAN NATIONAL TRADE UNION CONGRESS, JAIPUR	Shri A. L. Nehru, Gen. Secretary Shri V. K. Sharma, Secretary Shri Dabholkar Shastri, Vice President Shri Shyamal Mallick, Secretary Shri Ratanlal Verma, Jt. Secretary Shri Satyendar Das, Member Shri G. C. Singhi, President Shri Prahlad S. Arora, Pres. President Shri Harshanan Sahai, Gen. Secretary Shri Ibrahim Khan
3	JAI PVR (RAJASTHAN)	Shri R. K. Agarwal, Director Shri N. N. Venkatesan, Director Shri Sanjay Agarwal Dr. Arvind Agarwal, Secretary Ms. Hemalakshmi
4	2 Bharatiya Mazdoor Sangh, Jaipur	Shri Nalin Sharma, Manager (HRD) Shri C. H. Srivastava, Ex. Associate Ms. Kavita Srivastava Shri P. C. Jain, Former Judge, H. Court Shri V. S. Dave, Former Judge, H. Court Shri S. K. Sharma, Advocate Shri C. H. Srivastava, Ex. Associate Shri P. C. Jain, Former Judge, H. Court Shri V. S. Dave, Former Judge, H. Court Shri S. K. Sharma, Advocate Shri N. D. Sharma, Shri R. S. Antil, E.O.D Shri Anil Kumar, D.O.W Shri A. K. Bhattacharya Shri J. P. Vinay, Ex. Director Shri A. K. Bhattacharya Shri V. S. Dave Shri R. L. Srivastava Shri C. P. Sharma, Pers. Officer Shri Musudar Ali, Persons Officer
5	1 Indian National Trade Union Congress, Jaipur	
6	2 Bharatiya Mazdoor Sangh, Jaipur	
7	3 RCITU, Jaipur	
8	4 National Civil Labour Project, Udaipur	
9	5 Society For Education Research and voluntary Effort, Jaipur	
10	6 National Campaign Committee for Legislation on Construction Labour	
11	7 SEWA, Mandir, Udaipur	
12	8 Individual	
13	9 National Institute of Personnel Management, Jaipur	
14	10 Individual	
15	11 Hindustan Copper Ltd.	
16	12 National Thermal Power Corporation, Anta	
17	13 Rajasthan State Mineral Development Corporation Ltd.	
18	14 Rajasthan State Electricity Board, Jaipur	
19	15 Rajasthani State Electricity Board, Jaipur	
20	16 Rajasthani State Electricity Board, Jaipur	

JAIPUR (RAJASTHAN) 22.1.2001-24.1.2002

S No	Name of the Organisation	Name of the Participants with Designation
17	Industrial Tribunals and Labour Courts, Jaipur	Smt R K Chaturvedi, Judge Smt R K Verma, Judge Shri M C Dikshit, Judge Shri J L Mehta, Judge Dr D J Mehta, Judge Smt S I Patankar
18	Rajasthan State Roadways Labour Union, Jaipur	Smt Chhaganlal Shri Purn Singh Silver, President Smt Shamini Khan, Vice-President Shri T C Jain, Member Smt Shireen Khan, Secretary Shri B S Kumar, Secretary Shri L Kapra, President Shri V K Arya, Vice pres dent Shri V K Rao, Adm Sec
19	Rajasthan Chamber of Commerce and Industry and Rajasthan Lager Udyog Mahasangh	Mrs Malini Choudhury Shri G C Moheswaran Shri H S Chaitanya, Executive Shri Hemchandra Prakash, Head Shri R H Sharma, Secretary Shri N L Arivwala, Dy Chairman Shri V K Jadhav, Chairman Shri A L Patel, General Secretary Shri Harsh Mehta, Ex Secretary Shri Arif Bawali, Founder Shri Meenakshi Srivastava, Director Shri D C Jain Smt OP Mittal
20	Rajasthan Employers Association of Rajasthan	Shri G Sankha Dravid Shri L N Goel, Secretary Shri D U Dasa Shri C P Mittal Shri H L Dabla Shri P N Nagarkar Shri Rajesh Kumar, Manager Shri S D Basu, Secretary
21	Confederation of Indian Industry	
22	PhD Chamber of Commerce and Industry	
23	Jewellers Association, Jaipur	
24	Rajasthan Textiles Mills Association, Jaipur	
25	Rajasthan Cupro Manufacturers and Exporters Association, Jaipur	
26	Lakhnu Udyog Bharati, Jaipur	
27	Rajasthan Oil Industries Association, Jaipur	
28	Haltung Engineering Industries Ltd	
29	J K Central Works	
30	Sangam Processors Ltd, Phulpur	
31	Popular Art Palace, Jaipur	
32	Federation of Rajasthan Trade and Industry, Ajmer	

JAIPUR (RAJASTHAN) 23.1.2601-24.1.2663

No	Name of the Organisation	Name of the Participants with Designation
34	State Conservator of Forest, Jhajpur	Smt D C Sud, COO Smt A Seva, CF Shri Kishanrao, SC
35	Public Works Department, Jhajpur	Smt. Nandkumar, SC Mr. Anjana Dutt, Sr. Posts Officer
36	Adm. Chief Irrigation Zone, Jhajpur	Shri R P Shrivastava Shri. B. M. D. M. D. M.
37	Directorate of Industries, Raibashtik	Shri. B. B. (Baruwa), Secretary
38	Department of Labour and Employment, Raibashtik	C. C. Gopu, Assistant Commissioner Shri G. M. Kamdar, M. Committee Shri H. G. G. S. F. Samaras, OCM
39	Wilkies' Commissioning, Phirowara	D. V. Balaji Singh, Director, ES
40	RPF and ES, Jhajpur	Shri Arvind Kumar Singh, Director
41	ESIC, Jhajpur	
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42	GUWAHATI (Assam, Arunachal Pradesh, Nagaland, Meghalaya)	17.02.2004-24.02.2004.
4	Shafarni Parishad, Assam	Shri. Brahma Kumar Singh, SC Smt S. Bhattacharya, SC
5	DMS	Shri S. Kumar, Chairman, SC Shri. S. Kumar, Chairman, SC
3	Cachar Chhat Sangram Union, Silchar	Shri. B. B. Singh, President, SC Shri. B. B. Singh, President, SC
4	BONS	Shri. Prasad Das Majumder, President Shri. H. K. Sircar, SC
5	Indian Tea Employees Union	Shri. H. K. Sircar, SC
6	Assam Jute Association	Shri. H. K. Sircar, SC
7	Assam Chhat Mukti Sangh	Shri. Soner Singh, SC Shri. Barat Singh Chatterjee, SC Shri. H. K. Sircar, SC
8	Assam Tea Planters Association	Shri. H. K. Sircar, SC Shri. H. K. Sircar, SC
9	Tea Association of India	Shri. G. C. Bhattacharya, SC Shri. D. Basu, SC
10	Bharatiya Chhat Parishad	Shri. G. C. Bhattacharya, SC Shri. U. Deba Basu, SC Shri. R. Chanda, Advisor Shri. S. P. Yerav, SC
11	Assam Brahui Indian Tea Association	Shri. B. Chakrabarti, SC Shri. G. C. Bhattacharya, SC
12	Assam Chhat Karamchari Sangh	Shri. S. C. Bhattacharya, SC Shri. S. C. Bhattacharya, SC
13	Individuatis	Shri. A. Goswami, Tressus Shri. H. G. G. S. F. Samaras, OCM Dr. P. Baruwa, Director Shri. M. Singh, Member
14	North - Eastern Social Legal Training & Research Institute	

S No	Name of the Organisation	Name of the Participants with Designation
15	Bin Mazzdoor Federation, Dibruri	Shri Panch Banu, President Dr Ranjith Das, Pres. Manager Sri C. D. Khanna, H. Manager Shri V. V. Verma, Sr. Manager Shri M. Wazemis, Manager Shri S. Kumar, GM Shri K. D. Karishik, DGM Shri A. K. Karis, SAH Shri A. T. Muni, DSA
16	Coal India Ltd	Sunil Baruah Agarwal
17	Oil India Ltd, Dibrugarh	Shri B. K. Chakraborty, Gen. Secretary & Director Shri M. K. Bhattacharyya, Addl. Director Shri M. K. Bhattacharyya, Lab. Commissioner Shri R. Chakraborty, Jt. Director Shri B. K. Karuli, Addl. Director Shri M. K. Bhattacharyya, Addl. Director Shri P. N. Doley, CLC Chairman & Committee having interest
18	Indian Oil Corporation Ltd	Shri D. K. Bhattacharyya, Manager Shri S. S. Panikh
19	GTH Refinery (Assam Oil Division)	Shri Jayanta Kumar Das, Gen Secy Shri J. C. Kakon, President (Apeks Bank) Shri Nit Singh, Asst Gen Secy Shri Gopal Sharma, Advisor Shri S. Chakrabarti, V. President Shri P. Uddi, Ex. Member Shri S. Saha, U.President Shri P. Sen, Gen Secy
20	Bongaigaon Refinery & Petro Chemical Ltd	Shri U. C. Buragohain, ADC Shri P. C. Guwahati, Manager Shri A. R. Das
21	Assam Assesstors' Ltd	Shri R. C. Sugoi, Director Shri D. K. Baruah, Manager Shri B. L. Agarwal
22	INTUC	Shri S. S. Panikh
23	Assam Industrial Development Corp.	Shri Rajbari Singh, President Shri N. C. Baruah, Secretary, Labour
24	Assam Tea Corp., Ltd.	Shri S. J. Das, CLB
25	Beedi Manufacturers, Dibruri	Shri S. Adigat, Addl. CLB
26	Assam Carbon Products Ltd, Guwahati	Shri A. C. Talukdar, Lab. Commissioner Shri R. Chakraborty, Jt. Director Shri B. K. Karuli, Addl. Director Shri M. K. Bhattacharyya, Addl. Director Shri P. N. Doley, CLC Chairman & Committee having interest
27	Federation of Industries (NE Region)	Shri S. S. Panikh
28	Shadow Assam Bodo Karmi Sanghi, Guwahati	Shri S. S. Panikh
29	State Govt. Officials	Shri S. S. Panikh

## ARMED FORCES

S. No	Name of the Organisation	Name of the Participants with Designation
1	All Bodo Welfare Society, Pabnaipur	Shri C. Aditya Pathan, President Shri Kalyan Pathan, Vice President Shri Biju Pathan Shri Madhav Sonom, Chairman Dr. S. P. Sharow, A.G.C. Shri Dip Pathan Shri S. L. Agarwal
2	Labour Cen (B. J. P.)	Shri E. Pichu Agui, Jt. Lab. Commissioner Shri Herzing Zeeng, A.G.C.
3	Deps. of Labour & Employment, Namerlagon	Shri C. N. Shival, DLO
4	All Assam SS Association, Bamuni Maidan	Shri P. D. Dedang, Jt. President Shri Kamal Borgme, Gen Secy Shri Japani, Chairman Ms. Siba Giwa, Gen. Secy Shri Govardhan Barua Mrs. Rendang, Sr. Asst. Secretary Shri R. Murty, President Shri V. Koenraad, Kt. Ad.
5	NAGALAND	Shri K. Gobind Singh, President Shri Manya Singha, President Shri Y. Toraingal, Chairman Shri K. Nithi, Project Secretary Shri K. Z. Meggoyang, Secy, Gen
6	Dimapur Cyclo Rickshaw Puller Union,	Shri R. Chakraborty, Gen. Secretary
7	Itzanchi Women Welfare Society, Dimapur	Shri M. Tewari, President Shri Y. Toraingal, Chairman
8	Nagaland Pulp & Paper Workers' Union, Tuji	Shri K. Nithi, Project Secretary
9	Nagaland Sugar Mill Workers Trade Union, Dimapur	Shri R. Chakraborty, Gen. Secretary
10	Numaligarh Refinery Ltd	Shri S. Chakraborty, V. President Shri P. Baruah, GM
11	Oil Marketing Federation of India Ltd	Shri M. Chakraborty, Manager Smt. Rekha Devi, President Shri Dilip Prasad Gorakha, Gen Secy Shri Sanjana Viswa, Asst Gen Secy
12	Oil Marketing Association, Tinsukia	Shri Jayanta Kumar Das, Gen Secy Shri J. C. Kakon, President (Apeks Bank)
13	Oilmark Motor Workers Trade Union	Shri S. Chakraborty, V. President Shri P. Uddi, Ex. Member Shri S. Saha, U.President Shri P. Sen, Gen Secy
14	Eastern Farming Association, Tinsukia	Shri S. Chakraborty, V. President Shri P. Uddi, Ex. Member Shri S. Saha, U.President Shri P. Sen, Gen Secy
15	SHILLONG	Shri S. S. Panikh
16	AITUC	Shri S. S. Panikh
17	State Government Officers' Labour Department	Shri S. S. Panikh
18	Khasi Jaintia Labour Union	Shri S. S. Panikh
19	Shillong Club Workers Union	Shri S. S. Panikh

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S.No.	Name of the Organisation	Name of the Participants with Designation
1	North-Eastern Joint State Committee (Naga Nagaland Association)	Sri N S Nagarat Extension Officer Sri P. Sekharapuly, Advisor Sri T. R. Jayaswami, Secy Shri Murali Srinivasulu Chettri
2	Ardaman Harbour Works ANIDCO	Sri U. S. K. Karbam, Asst 1 Officer Shri C. Balakrishnan, Manager Shri A. R. Naik, Manager Sri A. S. Rajendra, M. D. Shri U. Srinivas, D. & manager Sri T. R. Venkatesh, Asst Officer
3	A & N Island FPOC Ltd, Port Blair	Sri P. Gopal Acharya, Off.Off Sri S. G. Chembarty, Asst Manager Kishore Jaiswal, President Chittu S. Sevar Dr R. E. Sasi Director
4	Andaman Chamber of Commerce & Industry, Port Blair	Dr H.P. Singh Dr. Moyan Chakrabarty, Circlet Dr S.K. Mukherjee, Section Officer Mrs Velma
5	Port Management Board & Director of Shipping Services	Sri S.A. Anavali, Secretary Sri Nagash Ram, Director Sri R. K. Singh, C.E
6	Animal Husbandry, Port Blair	Sri Jayaram Jay Conservation of Forests Dr Pratap J. Karvy, Asst Director Sri D. Indra
7	Department of Agriculture	Sri K. V. Nag Kumar Sri S. N. Balaji
8	Municipal Corporation	Sri P. K. Basumatary
9	Directorate of Fisheries	Sri K. Ghoshal
10	APWD, Port Blair	Sri Abdul Manan Sri K. V. Halliker
11	Forest Department, Port Blair	Sri P. C. Vedava
12	Directorate of Joint Women Programme	Smt. Chiragia Smt. Durga Secretory
13	A&N Forest Shramik Karmachari Union	Sri V. Mira, Labour Commissioner Sri R. Kandasamy, En. Securant Sri S. Narasimhan Sri Raj
14	A&N Bihari Roma Shramik Union	Sri P. D. Sharma
15	State Labour Department	
16	BMS	

PORTBLAIR (ANDAMAN & NICOBARIS) AND 2503 3001-27 63 3607

S.No	Name of the Organisation	Name of the Part Chants with Designation
17	GTCUC	Smt. R. S. Krishnamurthy Smt. K. Vaidyendra Rao Shri S. N. Kalakkaran Shri R. M. Kengwa Shri. I. A. Fazal
16	CRU	Shri P. A. Savad,Gm Secretary Shri. J. D'Silva, President Shri & Chandrakant P. J. Warkar, President Shri S. Sardesai, President Shri. G. P. Wagh, Vice President Shri. K. Gopal, Vice President Shri. K. Padmanabha, Secretary
15	AKCTUC	
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1	INTUC, Goa Branch	Goa 15/11/3/2001 - 06/03/2001

## G.O. 05.03.26/C1-05.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
1 i	Economic Development Corporation of Goa, Panaji	Sri A. V. Paekar, Gen. Manager Shri S. V. Patkar, Dy. GM Shri A. V. Patkar, Vice Chairman, Shri S. V. Patkar, IAC
1B	Goa Antibiotics & Pharmaceuticals Ltd.	Shri M. Ambode Shri Ashok B. Shastri, M.D. Shri V. D. Hantalkar, Lt. Shri G. B. Patkar, GM, Personnel Shri G. S. Shinde, Secretary Shri Glenn Kalvianapara, Dy. Secretary Shri M. V. Patalkar, Vice President, Shri Kishor Argale, Shri A. S. Marcellin, Lt. Director Shri S. P. Desai, Chief Executive & Business Shri K. P. Balaji K. R. S. F. C., Shri S. L. Jain, Welfare Commissioner, Shri Ganesh Chell, ALC
19	Kadambari Transport Corp. Ltd, Panaji	
20	Goa Chamber of Commerce & Industry	
21	Goa General Exports Association, Panaji	
22	Goa Mining Association, Panaji	
23	All Goa Small Scale Industries Association, Panaji	
24	State Government	
25	Central Government	
	LUCKNOW (UTTAR PRADESH)	12.03.2001-14.03.2001
1	State & Central Govt Officials	
2	Central Govt Industrial Tribunals	
3	Nirmam Mazdoor Panchayat Sangathan	

## LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
6	Bidi Udyog Karmchari Union	Sri Arun Shastri, Member-Executive Shri Rajeev Hussain, President Shri Arvind Singh, President Shri H. Ansari, Vice President Shri C. P. Singh, Gen. Secy
7	IPUC	Shri K. Shastri Shri Ananya Sharma Shri Sunder Singh, Gen. Secy Shri Ram Yash Pragpati, Gen. Secy Sard. V. Viran Rao, President Shri Arv. Rao, President Shri Sudakar Patel, Chairman Shri P.K. Sharma, Anil Labour Attorney Mrs. Purva Prakash Patel, Ros. Chair. Director Shri V.K. Agarwal, President Shri Sanjay Kaul, Ex. Co. Co-ordinator Shri G.C. Chaiturvedi, Chairman Shri Rajeev Kapoor, Executive Director Shri Shashi Kant Jethi, Committee Member Shri U.R. Agarwal, Committee Member Shri Suhail Lal Mehta Shri A.K. Jain, Secy Gen.
8	Indian Federation of Working Journalists	Shri P.D. Dikshit, CEO Shri Sanjeev Bhadra, Joint Executive Director Shri Ashraf Ansari Shri Malika Qamar Shri Khalti Jamali
9	Glass Bangla Workers Union	Shri P. T. Zwan Shri Mahendra Prakash Agarwal, President Shri. A. S. P. Parikh, Regional Director Shri A.K. Gheri, Asst. Gen. Manager Shri P.K. Ksh. Sah, Deputy Manager Shri Akh Bahadur (M - EK)
10	PHD Chamber of Commerce and Industry	Shri S. N. Sardana, Director of Factories Shri K. S. Dholka, Dy. Secy, Sp. Secretary Shri Ashok Chauhan, Asst. Director Shri Dilip Kumar, J. D.O. Shri Vishnu Srivastav, Director of Billes Shri K.K. Srivastava, Regional Director Shri Raman Salkaji Director Shri U.S. Jogaia, R.C Shri Rakesh Kumar, Presiding Officer District Kurnool, Comissioner of Education (ESI) Shri Pantajali Agarwal Shri Ruchita Kumar, Presiding Officer Sri Cemalhan Singh Shri Ravikiran Shukla Shri Sukdev Prasad Malwa Shri Shrikant Smt. Karan Tripathi Shri Sardha Shri S.N. Mishra Shri Arvinda Prasad Singh Shri Uma Shankar Mishra, Gen. Secy Shri D. Pandey, Vice President Shri A. Sharmin, Vice President Shri Vishnu Shukla, Org. Secy
11	Indian Industries Association	
12	Associated Chambers of Commerce and Industries	
13	Udyog Bodhak	
14	Carpet Export Promotion Council and All India Carpet Manufacturers Association	
15	Glass Industrial Syndicate, Firezabadd	
16	Tata Engineering and Locomotive Company Limited	
17	Fertil-Gulf Corporation Limited (Fertilizer), Sultanpur	
18	HINDALCO	
19	Scorers India Limited	
20	UPTRON	
21	Pulse, Oil seed Production & Marketing Corporation Society	
22	UNI-Kalii Bhandar (Mazdoor Sabha, Mizoram Pw)	
23	Lucknow University	

LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
24	NCLP, Moradabad	Mr. Raghavendra, Project Director, NCLP
25	NCLP, Bhopal	Mr. A.K. Ray, Project Director
26	Harptur University	Dr. Smiti Hemlata Srivastava, Ex. Vice Chancellor & President
27	Dr. Shambhu Nath Singh Research Foundation, Dehradoon	Shri Ravinder Singh, Gen. Secy
28	Care & Fair India, Bhopal	Shri Kartikay Shri Mukesh Menon Sharma, President
29	JNCEF	Shri Arun Khan, Secy
30	Rashtriya Mahila Sangh, Red Cross, National Youth Foundation & Survival International	Shri Arvind Mishra Smt. Joice Master (Ms)
31	Forest Department	Smt. Parveen, Secy, Red Cross
32	Agr Culture Department	Shri Adarsh Kumar, Secy, Gen. (IAS)
33	J.P. Rane Transport Corporation	Shri. Anupma Singh, National President (IKAS) Shri. Rakesh Badal, Secy (SI) Shri R.S. S. Jha, Chair Conservator of Forests Shri G.S. Rupaul, Joint Secy Shri K. Suresh, Govt. Warden Smt C.D. Jain, Officer
<b>DEHRADUN (UTTARAKHAND) 15.03.2001-16.03.2001</b>		
1	State Labour Department	Shri N.H. Press Secretary Smt Daya Ram, Asst. Secretary
2	Academics	Shri J.S.E. (IJC) Shri R.R. Arya (IJC) Shri Jai Prakash (IJC)
3	Indian Industries Association	Shri P. K. Bhargava, IEC Shri S. P. Kumar, IEC Shri N. K. Kalashni, IEC Shri K. N. Singh, IEC Shri K. P. Mehta, IEC Dr. Sudhir Pandey, Principal Dr. Girija Shanker, Head Shri Bhim Bhante, TPG Shri Avtar Singh Shri Pankaj Gupta, President Shri. S. S. Agarwal, Vice President Shri Anil Kumar, Shri. U. C. Chaturvedi Shri Rajesh Bhalla, Gen. Secy Shri Bipin Devan Shri Sunder Lal (Uttaranchal State Auditor) Smt C.D. Sharma Shri Karanesh Kumar, Superintendent
4	Uttaranchal Industries Association	
5	BMS	

DEHRADUN (UTTARAKHAND) 15.03.2002 - 16.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
6	RMS, Patna	Sir Kamlesh Prasad, Chairman Gir S. K. Dixit, State Vice President Shri Ashok Kumar Chaturvedi Shri Purushottam Sharma, Headed Shri H. S. Puri, Vice President Smt. Renuka Sharma, Smt. CP Singh, President Shri Niranjan Chaudhary Shri Laxmi Prakash Pandey Shri Balwan Singh, President Shri Rakeshwar Jai Shri D. S. Rakesh Shri A. P. Bhakat Shri S. C. Bhat Smt. B. V. J. Shri Neeraj Verma, Convener Mr. Anil Prakash Kumar, Rights Activist Shri Hemant Kumar, Activist Shrimati. Jyoti, Executive Director Shri H. C. Gupta, Gen. Manager Shri P. V. Patel, Dy. Gen. Manager Shri B. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. M. Mathur, Secretary General Shri S. Panwar, Treasurer Shri P. K. Kapoor, President Shri Ramesh Bhalu, President
7	INTUC, Patna	Shri Kishore Kumar, Gen. Secretary Shri B. K. Singh, Vice President Shri Ashok Kumar, Treasurer Shri S. C. Saha, Vice President Shri Lal Bahadur Prasad, Secretary Shri C. P. Singh, President Shri U. Ram, Gen. Secretary Shri A. K. Dharavi, President Shri A. K. Singh, State Convener Sir Indra Shekhar Choudhury Shri R. Shinde, Convener Shri D. Nagpal, SC
8	Confederation of Free Trade Unions of India	
9	REI	Humann Labour Law Consultants Association, Mathura Shri Sunder Prasad Shri CP Singh, President Shri Niranjan Chaudhary Shri Laxmi Prakash Pandey Shri Balwan Singh, President Shri Rakeshwar Jai Shri D. S. Rakesh Shri A. P. Bhakat Shri S. C. Bhat Smt. B. V. J. Shri Neeraj Verma, Convener Mr. Anil Prakash Kumar, Rights Activist Shri Hemant Kumar, Activist Shrimati. Jyoti, Executive Director Shri H. C. Gupta, Gen. Manager Shri P. V. Patel, Dy. Gen. Manager Shri B. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. M. Mathur, Secretary General Shri S. Panwar, Treasurer Shri P. K. Kapoor, President Shri Ramesh Bhalu, President
10	National Development and Welfare Society Rural Litigation and Settlement Centre	RATNA '98 HARY 23.03.2001 - 24.03.2001
11	Narmi Davyo Movement BHED, RANIPUR	Shri Hemant Kumar, Activist Shrimati. Jyoti, Executive Director Shri H. C. Gupta, Gen. Manager Shri P. V. Patel, Dy. Gen. Manager Shri B. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. M. Mathur, Secretary General Shri S. Panwar, Treasurer Shri P. K. Kapoor, President Shri Ramesh Bhalu, President
12	BEL, Kottayam	
13	Hotel and Restaurant Association	
14	Doon Brick and Tile Association, Shantinagar	

**DEPARTMENT (Uttaranchal) 15.03.2001-16.03.2001**

S.No	Name of the Organisation	Name of the Participants with Designation
3	National Alliance of Street Vendors	Shri A Singh Shri Kumar Kumar Shri A Das State Asst. Advisor
9	CACI, Patna	Shri K N Gupte, Advocate
10	Labour Court, Patna	Dr Kunte Vinod Chairman
11	State Child Labour Institute	Dr BN Sutaria, Professor
12	Patna University, Deptt. of Labour & Social Welfare	Shri SPH-manshu, Pers. Officer
13	Hindustan Fertiliser Corporation, Patna	Shri U C Mishra, Pers. Officer
14	Indian Oil Corporation, Begusarai	Shri S Pratul, Mr H J Wangal Shri SK Manjula Pers. Admin. Officer
15	NTFC, Patna	Shri A K Shinde, Sr. Pers. Officer
16	SETRON, Patna	Shri Arup Mukherjee, M.D
17	C I, Patna	Shri K P S Kasi, Chairman
18	Bihar Industrial Association	Shri C K Churiwal, Secretary
19	Laghu Udyog Ghant, Patna	Shri Y Singh, Treasurer
20	MACKENZIE'S CO. LTD, Patna	Shri D K Rath, Member
21	KALYANPURCEMENT LTD	Shri R Shekhar, Executive Officer
22	Central Government Officials	Shri G Kherwala, President
23	State Government Officials	Shri R S Patnaik, Sr. Manager
	RANCHI (JHARKHAND)	26.03.2001-27.03.2001
1	JNTUC, Jamshedpur	Shri S K Bakreya Working President Shri D K Singh, Gen. Secretary
2	BMS, Jharkhand	Shri ISNP Singh, Gen. Secretary Shri A Singh, Gen. Secretary
3	HAB, Ranchi	Shri A Kurnia, Vice President Shri R E Jaiswar, Treasurer
4	CTU, Ranchi	Shri K K Gupta, Org. Secretary Shri N Choudhury, Gen. Secretary
	RANCHI (JHARKHAND)	26.03.2001-27.03.2001
5	WFTU, Dharmabad	Shri C. K. Singh, Member Shri C. K. Singh, Gen. Secretary Dr Jayanti Pandey, Director Shri Bhakta Bhattacharya, Secretary Cr S. C. Upadhyay, Advisor
6	Ulka Bharati Research and Study Centre, Ranchi	Shri Gran Vikas Kendra, Ranchi Academicians XL RI
7	High Court, Ranchi	Shri PK Srivastava, Advocate
8	Academics, Ranchi	Shri C K Mehta Advocate
9	Jharkhand High Court, Ranchi	Shri Satish Babu, Advocate Shri Sandeep Tiwari, Gen. Secretary Shri Sanjay, Gen. Secretary
10	WFS, Ranchi	Shri Farooq, Asst. Secy.
11	Jharkhand Soil Mazarib Morcha, Ranchi	Shri Mahesh Singh Shri N K Prasad, GM Shri Parag Lal, CPM Shri Shambu Prasad, CPV
12	Bakaro Steel Plant Ltd	Shri K S Menon, Ch. Executive Shri K Senthil, C.M. Shri A K Saini, Dy. Manager Shri Dwarak Prasad, Asst. Director
13	SAIL, RDCI, Ranchi	Shri N K Ganji, Dy. M. Shri V P. Das, Sr. Dy. GM Shri Arvind Ganguly, Sr. Manager Shri G S Choudhary, GM Shri R N Pandey, GM Shri V R Agarwal, Works Manager Shri N Srinivas, Sr. Manager Shri G C Singh, Asst. Manager
14	Damodar Valley Corporation, Dhanbad	Shri R. S. Patnaik, President
15	Industech Corp. Ltd, Singbhumi	Shri B. S. Singh, Asst. Vice President
16	HEC, Ranchi	Shri S. K. Ghosh, RLC
17	CMED, Ranchi	Shri A K Mukhopadhyay, K.D., ED
18	Indian Aluminum Co. Ltd, Chhatbirum	Shri S K Thakur, RPFC Shri P D Sinha, R.P.C Shri K Singh, I.C.
19	ISBCD, B.C.I, Jamshedpur	Shri R. S. Patnaik
20	Usha Martin Industries, Ranchi	Shri A. K. Singh, President
21	Indian Explosive Ltd, Bokaro	Shri Rakesh Tripathi, President
22	Small Scale Industries Association, Ranchi	Shri Purni Lal, Sr. V. President
23	Chhatanapgar Chamber Of Commerce, Ranchi	Shri R. Tewari, Secretary
24	Eastern Zone Mining Association, Chaitanya	Shri A L K Janga, President
25	Laghu Udyog Bharati, Jamshedpur	Shri R. Agarwal, Advisor Shri D K Puranik, Gen. Secy Shri N K Singh, Gen. Secy Shri P. Rai, Org. Secy

RANCHI (JHARKHAND) 26.03.2001-27.03.2001

CHAMBERLAIN (RUNJAB) 05.D4.2001-10.D4.2001

**CHANDIGARH (PUNJAB) 09.04.2001-10.04.2002**

S.No	Name of the Organisation	Name of the Participants with Designation
1	Petro Chemical & Pharmaceuticals Limited, Dera Bassi	Shri Raj Kumar Shri Tarseer Lal Shri Yatin Panu Shri R. Rai Shri PK Verma, Director Sarita K. Gupta Sarita C.M. Nagpal Shri V.P. Choura, President Shri Tarseer Saini, President Shri Ravinder Puri, Vice President Shri Chaman Soyal, Joint Secy. Shri Jitender Kumar, Secy. Shri Sajeev Kumar, Gen. Secy. Shri E.L. Salve Shri A.S. Kalis Shri Harvir Talwar Shri Raj Singh Shri Sanjay Shri S.S. Sandhu, President Shri S.K. Sarabour Consultant Shri V.S. Adlakha, Executive Member Shri Gander Singh, Office Secy Shri R.S. Sachdeva, Ex. President Shri S.S. Iqbal, Executive Member Shri Gurmeet Singh Shri R. Sachdev Shri Avtar Singh Krishan, Gen. Manager Shri Atish Bagwan Das, Senior Manager Shri S.K. Agarwal, Senior Manager Shri H.S. Vabolini, [I.M.A] Shri T.C. Khanna, Shri N.R. Kansial Shri Salil Singhroda, Chairman (Himachal) Shri Vikram Sahgal, Chairman (Gurdaspur) Shri Amarpal Singh, Chairman (Punjab) Shri Rajiv Bal, Co-Chairman Shri R.S. Sachdeva, Co-Chairman Shri Balwinder Singh Shri P.K. Sharma Shri H.S. Malik Shri Sukhdev Raj Shri Ashok Kumar Shri Mahabir Singh Shri R.K. Gorathi Shri Kewal Chowdhary
2	Handicrafts Association & Focal Point Industrial Association, Jalandhar	
3	PHD Chamber of Commerce	
4	Godrej Appliances Limited, Mohali	Shri B.C. Gupta, Secy, Labour & Employment Justice Atal Singh, P.O. Industrial Tribunal Shri Inder Singh, Adl. Distl. & Session Judge Shri S.K. Agarwa, Adl. Distl. & Session Judge Shri Haldip Singh, Adl. Labour Commissioner Shri L.D. Sharma, C.C Shri B. Sankar,
5	State Government Officials	Special Secy. Labour & Employment Shri Indrajit Singh, Adl. C Shri R.P. Bangar, L.G Shri S.S. Bans, A.G Shri G.S. Wal, A.G Shri Darshan Singh, A.G Shri Ranbir Singh, L.G Shri Harish Nayyar, A.G Shri SS Bardi, A.G Shri Nitin Singh, L.G Shri Payer Ghosh, L.G
6	Textile Manufacturers Association	
7	EDO Chamber of Commerce	
8	State Government Officials	
9	State Government Officials	
10	State Government Officials	
11	State Government Officials	
12	State Government Officials	
13	State Government Officials	
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28	State Government Officials	
29	State Government Officials	
30	State Government Officials	
31	State Government Officials	
32	State Government Officials	
33	State Government Officials	
34	ESI	
35	Ranaxy Labs Limited	
36	State Government Officials	

**CHAMOIGARH (PUNJAB) 09.04.2001-10.04.2002**

S.No	Name of the Organisation	Name of the Participants with Designation
1	Laghu Udyog Bharati	Shri Lakshmi Kapoor, Gen. Secy.
2	Drick Klin Owners Association	Shri Guljeet Singh Shri Satish Singh Sanchu, President Shri Kuldeep Kumar Khanduja, Vice President Shri Vivek Vahi
3	Apex Chamber of Commerce & Industries	Shri Jeetjeet Singh Shri P.D. Siera, President Shri S.M.S. Bhogal Sun Rajesh Mehta, President Shri S.P.S. Sehrai, Secy
4	Confederation of Indian Industry	Shri K. Sardar, President & CEO Shri V. Saboo, Managing Director Shri D.L. Sharma, Executive Director Sarita Singh, Dir. Manage Shri Jitawar Singh, HR Chief Ms. Madhu Prata, Deputy Director Shri N.S. Khurana, President Sarita Y.P. Kapur
5	Patiala Chamber of Industries	Shri Anil Agarwal Shri Jitendra Gupta Dr. T.C. Mehta, Director Shri S.K. Sharma, G.C. Dr. Naresh Kumar, Vice President Sarita N. Chauhan, Director Dr. S.K. Sharma, President Shri Ashok Hora, Hon. Secy
6	State Government Officials	Shri B.C. Gupta, Secy, Labour & Employment Justice Atal Singh, P.O. Industrial Tribunal Shri Inder Singh, Adl. Distl. & Session Judge Shri S.K. Agarwa, Adl. Distl. & Session Judge Shri Haldip Singh, Adl. Labour Commissioner Shri L.D. Sharma, C.C Shri B. Sankar,
7	State Government Officials	Shri Indrajit Singh, Adl. C Shri R.P. Bangar, L.G Shri S.S. Bans, A.G Shri G.S. Wal, A.G Shri Darshan Singh, A.G Shri Ranbir Singh, L.G Shri Harish Nayyar, A.G Shri SS Bardi, A.G Shri Nitin Singh, L.G Shri Payer Ghosh, L.G
8	State Government Officials	
9	State Government Officials	
10	State Government Officials	
11	State Government Officials	
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29	State Government Officials	
30	State Government Officials	
31	State Government Officials	
32	State Government Officials	
33	State Government Officials	
34	ESI	
35	Ranaxy Labs Limited	
36	State Government Officials	

CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001

State Government Officials		Name of the Participants with Designation
1	BMS	HARYANA 11.04.2001-2 BM 1901 Shri H.P. Badi, ALC Shri Jakesh Patel, LCO Shri U.S. Bhatia, I.C.O Shri R. Jain (I) Shri Satyav Kumar, Executive Officer Shri Jagpal Singh
2	HKS	Shri Ranul Sharma, President Shri Jung Bahadur, Gen Secy Shri Pawar Kumar, Secy Shri Vaid Prakash Sami, Secy Shri Hardev Yadav, Finance Secretary Shri Kanan Singh, Vice President Shri Sehar Lal Gupta, Executive Member Shri Pawan Singh, Vice President Shri Pavan Chandra Singh, Ex. Member Shri A.D. Verma, Secretary
3	HCLC	Shri Macander Bhattacharya, Gen Secy Shri Ram Kanta Verma, President Shri Ranbir Singh, Vice President Shri K.L. Sharma, Gen. Secy Shri Wasudev Sharma, Off. Secy Shri Hemraj Singh, Committee Member Shri Nitin Bhosale, Committee Member Shri N.C. Shan Gupta, Gen. Secy Shri R.P. Verma, Working President Shri Indra Singh, President Shri R.S. Ahlawat Shri Salil Singh Shri Kishan Gupta Shri Kishan Kumar Shri Rajiv Chawla, Gen. Secy Shri P.K. Jain, Chairman Shri Bimal Singh Shri C.P. Malik Shri O.P. Thakral
4	Gurgaon Industries Association	Shri K.M. Jayakumar, Executive Secy Shri R.C. Patodia, Asst. Manager Shri Neeraj Pant Shri Sunil Sabherwal, President Shri G. Mallesha, Ex. Member
5	United Train Union Congress, Sonipat	
6	Gurgaon Chambers of Commerce and Industries	

NAVJAH 11.04.2001-12.04.2001

Name of the Particulars with Designation	1. Whirlpool India Ltd, Faridabad, Ms. Laxmi Precision, Ltd.	Shri B.P. Fraser, Director
2. Wistitac, 3. Personnel Manager's Association, Faridabad	Shri J.L. Gupta, Vice President	Shri A.K. Sankar, Gen. Manager
12. Laghu Udyog Bharti, Faridabad	Shri Deepak Jain	
13. Haryana Chamber of Commerce and Industry, Kurukshetra	Shri Surjeet Chahal	
State Officers, Labour Deptt. Govt., Haryana	Shri SP Gopala Rao	Shri C.B. Coal
14. Shri Dr. Ravi Dahiya	Shri Bhagirath Bhagat, President	Shri Bharmendra Singh, President
Shri K.S. Sherer, Dy. Director	Shri K.S. Sherer, Dy. Director	Shri K.S. Sherer, Dy. Director
Shri Shakti Kanta Singh, C.	Shri Harinder Singh, Gen. Secy.	Shri Harinder Singh, Gen. Secy.
Shri Arvind Singh, D.G.	Shri Arvind Singh, D.G.	Shri Arvind Singh, D.G.
Shri S.S. Sharma, Advisor	Shri S.S. Sharma, Advisor	Shri S.S. Sharma, Advisor
Shri Rakesh Singh Rana, I.O	Shri Rakesh Singh Rana, I.O	Shri Rakesh Singh Rana, I.O
Shri R.K. Sami, Statistical Officer	Shri R.K. Sami, Statistical Officer	Shri R.K. Sami, Statistical Officer
CHAMOIGARH (UT) 1.04.2001 - 2.04.2001		
1. INTUC - Chandigarh	Smt. Vanita Chauhan, President	
Shri Jagat Singh, General Secretary	Shri Jagat Singh, General Secretary	
Shri M.L. Narayani, Gen. Secy.	Shri M.L. Narayani, Gen. Secy.	
Shri Harish Patel, Gen. Secy.	Shri Harish Patel, Gen. Secy.	
Shri Rajinder Singh, Vice President	Shri Rajinder Singh, Vice President	
Shri Sukhdev, Lawyer, Gen. Secy.	Shri Sukhdev, Lawyer, Gen. Secy.	
Shri A.C. Bajaj, President	Shri A.C. Bajaj, President	
Shri M.R. Thakur, Office Secy.	Shri M.R. Thakur, Office Secy.	
Shri A.D. Sanghera, Executive Secy.	Shri A.D. Sanghera, Executive Secy.	
Shri V.P. Verghese, Gen. Secy.	Shri V.P. Verghese, Gen. Secy.	
Shri Ranbir Singh Chander, Ex. Member	Shri Ranbir Singh Chander, Ex. Member	
Shri R.D. Bansal, Ex. Member	Shri R.D. Bansal, Ex. Member	
Shri Rajeev K. Nar, Other Secy.	Shri Rajeev K. Nar, Other Secy.	
Shri Nitin Chaturvedi	Shri Nitin Chaturvedi	
Organisations of Employers of Service Industry -		
Chandigarh Individuals	Jr. B. Wilson, Professor, Panjab University	
Dr. B.S. Jaiswal, Professor, J.S.W.	Dr. B.S. Jaiswal, Professor, J.S.W.	
Bhupinder Singh, Research & Consultancy	Bhupinder Singh, Research & Consultancy	
Vrs Sangam Udyog, Sector - I, Panjab	Vrs Sangam Udyog, Sector - I, Panjab	
Shri P. Shekhar, Labour Law Advisor	Shri P. Shekhar, Labour Law Advisor	

**CHANDIGARH (OF) 11.04.2001-12.04.2001**

S.No	Name of the Organisation	Name of the Participants with Designation
6	Karlie Dutt & Services Ltd.	Shri Satyajit Assl. Manager W. S. Dikshit, Gen. Vtcr. Shri S. C. Ichh. President Shri Ravinder Kumar Shri Yashpal, President
7	Industrial Association of Chandigarh	
8	Chamber of Chandigarh Industries	
9	Federation of Small Scale Industries	
10	<b>Bhopal (MADHYA PRADESH) 23.04.2001-24.04.2001</b>	
1	INFC, Bhopal	Shri Tari Singh Virji, President Shri RD Tripathi, Gen Secretary Shri SS Pathak, SEC Shri Shradh Samil, S. Supervisor Shri Manoj Singh Secretary Shri DK Sureshavala, Dy G.M HRD Shri DR Badshah, Dy Manager Shri R. Khan, Dy Manager Shri DR Kanishk A. Shri VK Chaturvedi Shri AP Singh Shri JP Pathak, Gen Secretary Shri SP Verma Shri BD Gaumer, Gen Secretary Ks Ashok Kandlik
2	M.S.	Shri S. D. Venka, Director Ms. Sohila Joshi, Programme Head Shri B. C. Palwankar, Lab. Consultant Shri Pratap Verma Shri S. C. Bhargava, V. President Shri A. S. Rawat, Manager Shri D. K. Chhibber, Advisor Shri Manohar S. Ivagi, Dy. Chairman Shri V. S. Chaudhury Shri R. Swaminathan V. President Shri S. C. Bhagat, Patron Shri Gautam Korahani, President Shri D. K. Shah, Gen Manager, Shri Vilendra Jain, Secretary Shri Hirshil, Jai.
3	Taro International Ltd. Devar	
4	Ariant Spinning Mills,	
5	Handideep	
6	MP Daily Wage Workers Mahasangh, Bhopal	
7	MP Vidyal Karamchini Sanghi Federation, Jaipur	
8	Industrial Health & Safety, Indore	
9	SEWA, Indore	
10	Federation of Chambers of Commerce & Industry	
11	Reynold Ltd, Chandwara	
12	Individual	
13	M. F. Textiles Mills Association, Indore	
14	P. S. Small Scale Industry Association, Bhopal	
15	Adyogi Sangathan, Indore	
16	M. P. Beedi Udyog Sangh, Sagar	
17	Ladnu Udyog Bharati, Bhopal	
18	Lalit Udyog Bharati, Bhopal	
19	Shri Jyoti Gupta, Secretary	
20	Dr. Ajay Kumar, Vice President	
21	Shri Ram Bansal, President	
22	Shri Sudhir Patel, Member	
23	GHEL, Bhopal	Shri Satyajit Assl. Manager Shri S. C. Ichh. President Shri S. P. Pathak, Gen. Vtcr. Shri R. S. Ganguly, Vtcr Shri A. K. Pradeep, Wm. Mfrs. Director Shri K. V. S. Regional Director Shri V. Gopalakrishnan, RPFC Shri Is. Agnihotri, AFPC Shri Govind Sharma, EC Shri Barat Ali, War Shri Vinod Bhatnagar Shri Sanjiv Sharma, Shri Su. Dr. Venkata Shri Pratap Raina, Vtcr Shri V. R. Khatri, M.C Shri Ranbir Dave, ED Shri R. S. Agar, CCIF Shri Anil Chhabra, CCJ Shri G. N. Narain
24	ESIC, Indore	
25	EPFC, Bhopal	
26	Commerce & Industry Dept.	
27	Forest Department	
28	R.A.PUR (CHATTISGARH) 26.04.2001-27.04.2001	
1	ATUC, Raipur	Shri N. Khubrezade, President Shri R. L. Shastri, Secretary Shri Kamal R. S. Gen Secretary Shri H. S. Mehta Shri K. V. Venkay Shri Ranabir Yadav Shri Narayan Tiwari, President Shri C. Sharmistha, Secretary Shri A. Ganesh, Pres. CC-1 Shri S. S. Srivastava, President Shri A. Gurum, V. President Shri Devangan Singh, Secretary Shri V. Chaitanya, Gen. Secretary Shri K. N. Trivedi, President Shri R. C. Arya, President Shri R. Dixit Shri R. U. Yadav Shri B. Khanuja Shri P. Shethna Shri P. Patil Shri V. K. Shukla, President

**BHOPAL (MADHYA PRADESH) 23.04.2001-24.04.2001**

S.No	Name of the Organisation	Name of the Participants with Designation
16	BHEL, Bhopal	Shri V. K. Kapoor, ALB Shri K. K. Ban, Sr. Manager Shri S. P. Pathak, Sr. DCIV Shri R. S. Ganguly, Vtcr Shri A. K. Pradeep, Wm. Mfrs. Director Shri K. V. S. Regional Director Shri V. Gopalakrishnan, RPFC Shri Is. Agnihotri, AFPC Shri Govind Sharma, EC Shri Barat Ali, War Shri Vinod Bhatnagar Shri Sanjiv Sharma, Shri Su. Dr. Venkata Shri Pratap Raina, Vtcr Shri V. R. Khatri, M.C Shri Ranbir Dave, ED Shri R. S. Agar, CCIF Shri Anil Chhabra, CCJ Shri G. N. Narain
17	Labour Welfare Board	
18	Welfare & Cess Commission	30
19	ESIC, Indore	24
20	EPFC, Bhopal	22
21	GHEL, Bhopal	
22	State Kamgar Sangh (M.C), Bhopal	
23	GHEL, Bhopal	
24	Ministry of Forest Dept.	
25	Commerce & Industry Dept.	
26	R.A.PUR (CHATTISGARH) 26.04.2001-27.04.2001	
1	ATUC, Raipur	Shri N. Khubrezade, President Shri R. L. Shastri, Secretary Shri Kamal R. S. Gen Secretary Shri H. S. Mehta Shri K. V. Venkay Shri Ranabir Yadav Shri Narayan Tiwari, President Shri C. Sharmistha, Secretary Shri A. Ganesh, Pres. CC-1 Shri S. S. Srivastava, President Shri A. Gurum, V. President Shri Devangan Singh, Secretary Shri V. Chaitanya, Gen. Secretary Shri K. N. Trivedi, President Shri R. C. Arya, President Shri R. Dixit Shri R. U. Yadav Shri B. Khanuja Shri P. Shethna Shri P. Patil Shri V. K. Shukla, President

6 Santa Party Rain Managan

### RAIPUR (CHATTISGARH) 26.04.2001-27.04.2001

S No. Name of the Organisation Samanya Party/Federation	Name of the Participants with Designation
5 Individual	
6 General Association Matodari Sangh, Korba	
7 Raipur Chhattisgarh Circular Karanchari Sangh	
8 Chhattisgarh Naiya Saman Sadan, Bhilai	
9 D M C Co Ltd,Kurnool	
10 O S Industrial	
11 JNMRDOPH Ltd, U.P.	
12 Jindal Steel & Power Ltd, Raipur	
13 Chhattisgarh Mukti Morcha	
14 Electricity Board Employees Union, Raipur	
15 K P Wadhera Wing INTUC	
16 Chhattisgarh Vidyut Karmachari Janta Union, Raipur	
17 Bal Shramik Kalyan Parishad Sangh	
18 FUD Chamber of Commerce and Industry, New Delhi	
19 NEW DELHI 08.05.2001-09.05.2001	
20 Bhilai Engineering Corporation Ltd	
21 Bhilai Steel Plant	
22 UPL Industries Association, Raipur	
23 Chhattisgarh Lalgang Mahasangh	
24 Grasim Cement Ltd	

### RAIPUR (CHATTISGARH) 26.04.2001-27.04.2002

S No. Name of the Organisation	Name of the Participants with Designation
1 ASSOCIATION New Delhi	
2 AMVC New Delhi	
3 FICCI, New Delhi	
4 HASS, Delhi	
5 Municipal Employees Union, New Delhi	
6 National Industries Association Industrial Area, New Delhi	
7 Save Our Soils, New Delhi	
8 Lalgang Uding Bharati, New Delhi	
9 Nagpurji Industrial Welfare Association, New Delhi	

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## JAMMU &amp; SRINAGAR (JAMMU &amp; KASHMIR) 03.07.2001-05.07.2001

S.No	Name of the Organisation	Name of the Participants with Designation
11	Bottle Factories Owners Association, New Delhi	Shri A.K. Srivastava, President
12	All India Workers Conference, New Delhi	Shri Darshan Singh, Vice President
13	Anuran Federation of Trade Unions, New Delhi	Shri N.K. Agarwal, Estate Manager
14	Consortium of Connaught Place, New Delhi	Shri Ashok Verma, Secy.
15	Udyog Nagar Industrial Estate, New Delhi	Smt. Jeewani
16	Wazirpur Udyog Sangh, New Delhi	Shri Hakeshwar Singh
17	Vivekanand Karcchi Bagh, New Delhi	Shri Par singh
18	All India Garment Exporters, Connaught Central Gurukul	Shri Chandra P. Koul, Ex. Member
19	Fahadgarh E.C. Entrepreneurs	Shri Samrat, President
20	Hotel Restaurant & Club's Employers Association	Shri Satinder Singh, Gen. Secy.
21	Clothing Exporters Association	Shri Chaudhary Arvind, President
22	Jinni (Jin) Sector Industrial Association	Shri Chandan Singh, Gen. Secy.
23	Lakoot Law Associations	Shri C.M. Agarwal, Ex. Member
24	Lawyers' Chambers	Shri G.M. Sani, President
25	Employees State Insurance Corporation	Shri Sushil Lakhina, Vice President
26	Geni Commission for Women	Shri T.S. Hamid, Member
27	Lalgar Dapatheit	Shri Sudhir Kulkarni, Gen. Secy
28	Jinni (Jin) Sector Industrial Association	Shri Sunder Arvind, Lt. Secy.
29	JK Industries and Commerce Deptt, Srinagar	Shri Hardeep Singh, Vice President
30	JK Tourism Development Corp. Srinagar,	Shri K. Sharma, Secy.
31	NFC JK Industries, Srinagar	Shri Ash Bhatia, Former President
32	JK Industries and Commerce Deptt, Srinagar	Shri Raj B. Rao, Senior Advocate
33	Kashmir Hotel & Restaurant Owners Federation, Srinagar	Shri T.R. Gupta, Regional Director
34	Kashmir Chamber of Commerce & Industry, Srinagar	Shri S.K. Sital, Deputy Director
35	Kashmir Hotel & Restaurant Owners Federation, Srinagar	Shri M. Choudhury, Deputy Director
36	Kashmir Hotel & Restaurant Owners Federation, Srinagar	Shri R.P. Jacob, Warjer
37	Kashmir Chamber of Commerce & Industry, Srinagar	Shri Z.J. Sehgal, Joint Labour Commissioner
38	Kashmir Chamber of Commerce & Industry, Srinagar	Shri C.M. Bhushan, Chief Inspector

JAMMU &amp; SRINAGAR (JAMMU &amp; KASHMIR) 03.07.2001-05.07.2001

S.No	Name of the Organisation	Name of the Participants with Designation
1	JK Employees Union, Srinagar, J&K	Shri Nasar Ahmed Bandy, Secy
2	JKCT Employees Union, J & K	Shri Haji Gulzar, Presid.
3	Coordination Committee of Trade Unions	Shri R.K. Bhat, Secretary
4	State Central Labour Union, J & K	Shri Saeed Mumtaz, Joint Secretary
5	State Central Labour Union, J & K	Shri Md. Ali Shah, Gen. Secy
6	All J & K Public Sector Employees & Workers Federation, J.K. SRIC Employees Coord. Committee	Shri Md. Latif, Sr Vice President
7	All India J & K Bank Employees Federation, Srinagar	Shri Anil Agarwal, Adjunct
8	Bank of India Employees Association, Srinagar	Shri Rajat Ahmad Bhat, Gen. Secy
9	JK Tourism Development Corp. Srinagar,	Shri Farooq Ahmad Bhat, Member
10	JK Industries and Commerce Deptt, Srinagar	Shri Md. Iftikhar, Member
11	Kashmir Chamber of Commerce & Industry, Srinagar	Shri Md. Iftikhar Khan, Sr. Vice President
12	JK Project Construction Corp. Srinagar	Shri Md. Iftikhar Khan, Sr. Vice President
13	Federation Chamber of Industries, Kashmir	Shri Md. Iftikhar Khan, Sr. Vice President
14	Dept. of Law, University of Kashmir, Srinagar	Shri Md. Iftikhar Khan, Sr. Vice President

## JAMMU &amp; SRINAGAR (JAMMU &amp; KASHMIR) 03.07.2001-05.07.2001

S.No	Name of the Organisation	Name of the Participants with Designation
1	Shri Nasar Ahmed, Party President	Shri Abdur Rehman, Party President
2	Shri Ghulam Ali, Chairman	Shri Ghulam Ali, Chairman
3	Shri Shafiq Hassan Peer, General Secretary	Shri Shafiq Hassan Peer, General Secretary
4	Shri Nasir Ahmad, Presid.	Shri Nasir Ahmad, Presid.
5	Shri Ghulam Shah, Chief Organizer	Shri Ghulam Shah, Chief Organizer
6	Shri G.A. Gupte, Vice President	Shri G.A. Gupte, Vice President
7	Shri Mohd. Ayub, Vice President	Shri Mohd. Ayub, Vice President
8	Shri Ghulam Ali, Gen. Secy.	Shri Ghulam Ali, Gen. Secy.
9	Shri Md. Aslam, Gen. Secy.	Shri Md. Aslam, Gen. Secy.
10	Shri Md. Aslam, Gen. Secy.	Shri Md. Aslam, Gen. Secy.
11	Shri Md. Aslam, Gen. Secy.	Shri Md. Aslam, Gen. Secy.
12	Shri Md. Aslam, Gen. Secy.	Shri Md. Aslam, Gen. Secy.
13	Shri Md. Aslam, Gen. Secy.	Shri Md. Aslam, Gen. Secy.
14	Shri Md. Aslam, Gen. Secy.	Shri Md. Aslam, Gen. Secy.

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No.	Name of the Organisation	Name of the Participants with Designation
1	Kashmir Hotel & Restaurant Association, J&K	Smt S.H.Khan, Ex. M. Labour Commissioner
2	Dreda, Jammu	Smt P.L. Rana, Convener/Senior Secretary
3	SAWCR&L, Jammu	Smt S. Wasim Khan, Labour Commissioner
4	Rajyavaran Sanstha, Jammu	Smt K.B. Mayohji, Ex. M. Labour Commissioner
5	Department of India Trade Union, Jammu	Smt Sri Sharshuntee Secretary General
6	National Feder of Indian Trade Union, Jammu	Smt Sudha -Jai Hogeni, Supervisor
7	Dept. of I.T.U., University of Jammu, Jammu	Dr. P.K. Khajuria, Professor
8	Industrial Estate Workers Union, Jammu	Major General, G.S. Jammie V.I.C
9	Brahmaia Mahakoot Sangathan, Jammu	Smt. A. Chotolia, Professor
10	State Central Labour Union, (R.K. Sharma Group), Jammu	Smt. Parves Ray, Youth President
11	State Central Labour Union, (Rakesh Sharma Group), Jammu	Smt. Sulah Chand, Gen. Secretary
12	State Central Labour Union, (R.K. Sharma Group), Jammu	Smt. Jitendra P. Rokat, V. President
13	HMT Employee Union, Jammu	Smt. Bina Lal Sodhi, V. President
14	Hari Brahmaia Industry Employers Association	Smt. Anjana Hogeni
15	Management Chamber Textiles Mills, Jammu	Smt. Ganesh Ram, Secretary President
16	Associations of Small Scale Industries	Smt. Nirdosh J. Japal, Gen. Secretary
17		Smt. Kanso Devi (Hirven Singh)
18		Smt. Raja Singh D (Kishore Singh)
19		Smt. Viray Chanchal, State Pres. J&K
20		Smt. R.K. Shastri, State General Secretary
21		Smt. M.S. Sehgal
22		Smt. Shanti Grewal, Gen. Secretary
23		Smt. Kuldip P. Rai
24		Smt. Daya Ji Singh
25		Smt. Atul Kumar
26		Smt. Kuldip Kumar
27		Smt. Vinay Singh
28		Smt. S. Chaudhary
29		Smt. Swati Singh
30		Smt. E. Sharma
31		Smt. Kiron Kumar Zadran, Gen. Secretary
32		Smt. U.K. Gurjan President
33		Smt. S.M. Sharma, President
34		Smt. R.C. Sharma, Vice President
35		Smt. A.K. Wadhwa, President
36		Smt. Ganesh Kaul, Vice President
37		Smt. G.B. Tewari, Gen. Secretary
38		Smt. Rani Lal Gogoi, Vice President
39		Smt. R.K. Sethi, Executive Secretary

SITLA (HIMACHAL PRADESH) 19.57.2601 - 20.67.2501

S.no	Name of the Organisation	Name of the Participants with Designation
14	Chamber of Commerce & Industries Shimla.	Shri R.C. Salaria, President Sri Rajendra Singh, Vice President Shri Birendra Birla, Secretary Shri R.S. Singh, General Secretary Shri M. Iqbal, Vice Chairman Shri B. Sharma And Jitendra Shrikant Singh, Asst. Director Shri S. Awasthi, Jt. Librarian Of The Chamber Shri K. Sandesh, C.G. Library, Chamber Shri Rattan Singh, Correspondent Officer Shri U.K. Sharma Shri P. K. Sharma Shri D. Patel, Secretary Shri S. K. Pandey, President Shri J. S. Kohli, Hon. Secy Shri C. S. Doshi, S.F. Shri I. C. Baruah Dr. Kalyan Chandra Deka Dr. Jams Monir, Sr. Exec. Officer Girishwar Chakrabarti, Legal Officer Sri Devesh Shukla, Dy. Manager Sri Apurba Das, General P.R. Officer Shri R. S. R. Murthy, Secretary Shri S. Biswas, Manger Shri Krishan Singh, Sh. Manager Shri Gopal Bhattacharya, Manager Shri Nirmal Malhotra, Dy. Manager Shri Jagdish Bhattacharya, Pres. elect Shri Rashmi Lal Raygo, General Secretary Shri Nisha Sood, President Shri S. Kumar, Asst. Pres., Vice President Shri Devanshu S. Ray, General Secretary Shri C. S. Suresh, General Secretary Shri Satishkumar, President Shri Bhawan Singh, General Secretary Shri S. K. Deka, Finance Secretary Shri Sudesh Basu, Chairman Shri Jitendra Ahluwalia, Secretary Shri T. S. Lall Shri K. Shantanu, Advisor Shri Rajendra K. H. Hora, Vice President Shri Biju Singh, Secretary Shri Arun Singh, Treasurer Shri Anil Kumar Singh, Secretary

**SHIMLA (HIMACHAL PRADESH) 19.07.2001-20.07.2001**

**S No.** **Name of the Organisation** **Name of the Participants with Designation**

16 Tea & Plantation Association, Himachal Pradesh

Smt. Balwant Singh, Vice President.

Smt. Ashwini, Member.

Shri Gurcharan Singh, Vice President.

Shri Gurinder Singh,

Sir Gopal Agarwal,

Smt. Ganesh Mehta,

Smt. Q.P. Sharma, Legal Advisor.

Gagan Singh Sharma, Vice Chairman,

Smt. Preetesh Singh, Member,

Shri Rajesh Singh, Member,

Smt. K. P. Joshi, President.

Shri S. S. Bhambhani, President.

Shri M. S. Sharma Vice President.

Smt. Arati Patel, General Secretary.

Shri Ramkumar Sharma, Member.

Smt. A. G. Basuya, Regional Director

Smt. Savinder Kaur, Regional Director

Smt. Neelam Kaur, Regional Director

Smt. Renuka, Regional Director

Smt. S. S. Chaturvedi, Director.

Smt. P. D. Agarwal, Director

Dr. Ratna Chandra, SSO

Dr. Santa Mohan, SSO

**COMMISSION'S VISITS ABROAD**

**Malaysia 11-01-2002 to 12-02-2002**

**China 14-01-2002 to 18-01-2002**

**ANNEXURE - VII**  
**List of Liaison Officers appointed by the States/Union Territories to**  
**coordinate the visits of National Commission on Labour:**

1. Gujarat (Ahmedabad)	01.07.2000-07.07.2000	Shri M.K. Ambdekar, Dy. Labour Commissioner
Gujarat (Chandigarh)	01.08.2000-03.08.2000	Shri A.K. Bhatia, Dy. Labour Commissioner
Tamil Nadu (Chennai)	17.08.2000-19.08.2000	Shri A.A. Ramath, Labour Commissioner
West Bengal (Calcutta)	14.09.2000-15.09.2000	Shri H.L. Gavai, Asst. Labour Commissioner
Andhra Pradesh (Hyderabad)	12.10.2000-14-10.2000	Shri M. Reddy, Addl. Labour Commissioner
Karnataka (Bangalore)	27.11.2000-29.11-2000	Shri M. Shastri, Jr. Labour Commissioner
Kerala	06.12.2000-08.12.2000	Shri C.U. Menon, Jr. Labour Commissioner
(Chavaraqudli-Burwan)	18.12.2000-19.12.2000	Shri B.C. Das, Labour Commissioner
Orissa (Bhubaneswar)	27.01.2001-29.01.2001	Shri N. Singh, Jr. Labour Commissioner
Rajasthan (Jaipur)	17.02.2001-20.02.2001	Shri Bipul Sharma, Dy. Secy. Lab. & Emp. Dept.
Assam (Guwahati)	17.02.2001-20.02.2001	Dr. S.P. Bhattacharya, Asst. Labour Commissioner
Arunachal Pradesh	17.02.2001-20.02.2001	Shri A.K. Das, Labour Officer
Tripura	17.02.2001-20.02.2001	Shri Ru. Vaishali Nath Singh, Dist. Emp. Officer
Nicaragua	17.02.2001-20.02.2001	Shri A.K. Roy, Labour Secy. Govt. of Guatemala
Meghalaya (Shillong)	21.02.2001-23.02.2001	Shri Avtar Singh, Asst. Labour Commissioner
Andaman & Nicobar Islands (Port Blair)	26.02.2001-27.02.2001	Shri S.A. Debnath, Asst. Labour Commissioner
Goa (Panaji)	05.03.2001-06.03.2001	Shri R. Gangesh, Dy. Labour Commissioner
Uttar Pradesh (Lucknow)	12.03.2001-14.03.2001	Shri J.S. Vash, Dy. Labour Commissioner
Uttarakhand (Dehradoon)	18.03.2001-16.03.2001	Shri Raan Dev Rajat, Jr. Labour Commissioner
Bihar (Patna)	21.03.2001-24.03.2001	Shri R.K. Chaudhary, Addl. Labour Commissioner
Haryana (Panipat)	26.03.2001-27.03.2001	Shri L.D. Sharma, Dy. Labour Commissioner
Punjab (Chandigarh)	09.04.2001-10.04.2001	Shri H.N. Singh, Jr. Labour Commissioner
Parsipha (Chandigarh)	11.04.2001-12.04.2001	Shri S.S. Chauhan, Ass. Labour Commissioner
Chhattisgarh (Raipur)	11.04.2001-12.04.2001	Shri L.P. Pathak, Asst. Labour Commissioner
Madhya Pradesh (Bhopal)	23.04.2001-24.04.2001	Shri T. R. Dwivedi, Dy. Labour Commissioner
Chhattisgarh (Raipur)	26.04.2001-27.04.2001	Shri Z.U. Siddiqui, Lt. Labour Commissioner
New Delhi	01.05.2001-05.05.2001	Shri S. C. Awasthi, Lt. Labour Commissioner
Jammu & Kashmir	03.07.2001-04.07.2001	Shri Sayed Yasir Shah, Asst. Labour Commissioner
Shimla, Jammu	35.07.2001-06.07.2001	Shri Sayed Yasin Shah, Asst. Labour Commissioner
Himachal Pradesh (Shimla)	19.07.2001-20.07.2001	Shri S.C. Awasthi, Lt. Labour Commissioner



**DIRECTOR GENERAL OFFFACTORY ADVICE SERVICE AND LABOUR INSTITUTE, MUMBAI**

1. Shri S.K. Savera, Director General
2. Shri S.C. Gupta, Dy. Director General
3. Shri V.D. Suri, Dy. Director General, (Safety)
4. Shri V.L. Kalra, Dy. Director, Safety
5. Shri Y.K. Rustagi, Dy. Director, Staff Training;
6. Shri S.C. Sharma, Assistant Director

**CENTRAL BOARD OF WORKERS' EDUCATION, NAGPUR**

1. Shri V. Parameswaran, Director (Addl. Charge)
2. Shri M.K. Jadhav, Personal Director
3. Shri I.A. Ghoda, Dy. Director (Admn.).

**EMPLOYEES' PROVIDENT FUND ORGANISATION, NEW DELHI**

1. Shri S.C. Ray, P&ACAO
2. Shri S. Viswanathan, RPFC
3. Shri Viswanathan, Addl. RPFC
4. Shri S. Raghunam, RPFC

**EMPLOYEES' STATE INSURANCE CORPORATION, NEW DELHI**

1. Shri V.L. Nagend, Addl. Commissioneer
2. Dr. (Smt.) S. Singh, Addl. Commissioneer
3. S. Chandrasekharan, Insurance Commissioner
4. Smt. C. Abdul Haq, Addl. Commissioner

**LABOUR DREFAU, CHANDIGARH**

1. Shri A. S. Alimakha, Director
2. Shri Rajan Kumar, Director
3. Shri Dayeet Singh, Jl. Director
4. Shri Dhruv Mehra, Assistant Director

**03.06.2001 PDNE**

Interacted with the Members of Labour Law Practitioners Association, Pune.

**04.06.2001****INTERACTED WITH THE FOLLOWING RDRAL SECTOR NGOs, PUNE**

1. Shri V.B. Salunkhe, President, Pani Panchayat Gram Parishad
2. Kalpa Yuktika
3. Green Prabhootmeni
4. Yanur Lok
5. Laghu Udyog Bharti, Pune

**05.06.2002**

- o Interacted with the office bearers and visited worksites of National Peafowl Year (Head Office), Mumbai.
- o Visited organized under the leadership of Dr. Balaji Acharya such as Kasturbhai Patel Star Peacock Union, Construction of houses, etc. Under the chairmanship of Mr. Mahesh Joshi our Welfare Board.
- o Held discussions with office bearers of different unions and a used one operating under the leadership of Dr. Babu Acharya such as Anna Manchay, Rashashra Puler's Union, Reg Pictures, etc., etc.

**06.06.02**

- o Visited the office of DCI, Mumbai, held discussions with DCI, PAGJ & other senior officials and saw the laboratory, the medical facilities for detection of occupational diseases and exited DCI's office by bus. (A.G.J.)

**23.7.2001****RAILWAYS****MINISTRY OF RAILWAYS**

1. Shri Surush Kumar Singh, ECR, IR
2. Shri R. Mazumdar, ADE (L.)

**BHARTIYA RAILWAY MAZDOOR SANCH**

1. Shri P.C. Sharad, SWI
2. Shri L.P. Jayawal, CT
3. Shri Kali Kunjan,
4. Shri C.R. Yadav

**NATIONAL FEDERATION OF INDIAN RAILWAY**

1. Shri M. Raghavarao, General Secretary
2. Shri Giriraj Singh, Working President
3. Shri R.P. Bhatnagar, Treasurer
4. Shri N. Subramanian, Jl. General Secretary

**ALL INDIA RAILWAY FEDERATION**

1. Shri U. Purushottam, President
2. Shri J.P. Chodrey, General Secretary
3. Shri Kakkilai Das Gupta, Assistant General Secretary
4. Shri N. Sunderanjan
5. Shri S.G. Hisha

**NAVY HEADQUARTER, NEW DELHI**

1. Shri V. J. T. Marnew, SCSC, DCP
2. Shri B.S. Pandit, LMC

**ARMY HEADQUARTER, MINISTRY OF DEFENCE**

1. Shri A.K. Dwivedi, Director, MES
2. Shri G.M.S. Muchhal, SESDCSC
3. Shri Shiv Omprakash, SESDCSC

**CROMMONS FACTORY BOARD/ADCEI**

1. Shri Amrit Kumar, Director, IR.
2. Shri D.D. Koughli, Staff Officer

24.T.OI

**MANAGEMENT/TRADE UNIONS OF DEPARTMENT OF ADSI, POSTAL SERVICE BOARD**

1. Shri S.C. Datta, Member (Person)
2. Smt. A. Mehta, Member (Finance Services)
3. Shri Jayashri Chatterjee, Director (SR.)

**SHARTIYA POSTAL EMPLOYEES FEDERATION**

1. Shri V.S. Vadav, Secy. General
2. Shri M.K. Krishnamurthy, Gen. Secretary
3. Shri U.P. Bhajavee, General Secretary
4. Shri Sudhakar K. Pan Singh, General Secretary
5. Shri Suresh Ray, Vice-Chairman
6. Shri Venkateswaran Venkateswaran, General Secretary

**FEDERATION OF NATIONAL POSTAL ORGANISATION**

1. Shri G.C. Palitwala, Secretary General
2. Shri P. S. Babu, General Secretary

**SHARTIYA TELEGRAM EMPLOYEES FEDERATION**

1. Shri Mahadevji, Secretary General
2. Shri Surendra Kumar, President

25.7.2001

**MANAGEMENT/TRADE UNIONS OF PDRT TRUSTS**

**SHIPPING AND MANAGEMENT OF INDIAN PORTS ASSOCIATION**

1. Shri Arun Sharma, Chairman, Mumbai Port Trusts
2. Shri R.K. Jain, Director, Ministry of Shipping
3. Shri C. Venkateshwaran, Dy. Chairman, M.P.T.
4. Shri S.G. Tahiliani, Secretary, Mumbai Port Trusts

**INDIAN PDRTS ASSOCIATION**

1. Shri P. Thackeray, Chief Executive
2. Shri R. K. Jain, Director, Ministry of Shipping

**PDRT TRUST KAMGAR SADAK**

1. Shri S.K. Shevde, General Secretary

**VISAKHAPATNAM PORT EMPLOYEES UNION**

1. Shri D.K. Samal, Adj. General Secretary

**BORDER GUARDS ORGANISATION**

1. Dr. B.S. Desai, DG(P&C)
2. Shri R.D. Saikia, Inspector (Admin.)
3. Shri A.K. Mukherjee, Lt. Colonel (P&C)

**CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI**

1. Shri A. Prabhakaran, Secy. Director (Admin.)

**CENTRAL PUBLIC WORKS DEPARTMENT/EMPLOYEES UNION**

1. Shri Viresh Kumar, Dy. General Secretary
2. Shri Deep Singh, H. Secretary
3. Shri Rajeev Singh, A. Secretary
4. Shri Brij Singh, Organis. Secretary
5. Shri Ravi Srivastava, Treasurer

**CIVIL JUNIOR ENGINEERS' ASSOCIATION**

1. Shri D.K. Sharma, General Secretary
2. Shri Ajay Singh, Zone Secretary

26.7.2001

**EXPORT PROMOTION ORGANISATIONS  
GEM & JEWELLERY EXPORT PROMOTION COUNCIL, NEW DELHI**

1. Shri George Puthose, Regional Office
2. Shri Ravi K. Patil, Chairman
3. Shri R.K. Venkata, Dy. Director
4. Shri Kawaljeet Sambhu, Comm. Officer

**FEDERATION OF INDIAN EXPORT ORGANISATION, NEW DELHI**

1. Shri K.C. Jain, President
2. Shri W. Pillai, M.D.
3. MS. Pradeep Sardana, Joint Director
4. Shri Anand N. Sehgal, Joint Director

**APPAREL EXPORT PROMOTION COUNCIL, NEW DELHI**

1. Shri Vijay P. Thorat
2. Shri M.L. Sharma

**MEMBERS OF PARLIAMENT/LEADERS OF POLITICAL PARTIES/EXPORT**

1. Shri R.C. Khanna, I.S. Selection Committee Member
2. Dr. Yashvir Singh, Gen. Secy. Rashtriya Lok Dal

27.8.2001

**MEMBERS OF PARLIAMENT/LEADERS OF POLITICAL PARTIES/EXPORT**

1. Dr. Manmohan Singh, L.S. Congress
2. Sumitra Reddy Scindia, L.S. Congress

**2R.B.I.**

1. Dr. Manmohan Singh, L.S. Congress
2. Sumitra Reddy Scindia, L.S. Congress

1. Committees, including subcommittees, making useful suggestions, designing proper equipment, suggesting a proper layout etc.?
2. (i) What are your suggestion regarding taking in health and safety by establishments not covered by Factories Act and/or Shops and Establishments Act? What are your views about working condition in those establishments? How Safety and health aspects can be introduced in them?
- (ii) Preston's regarding Occupations placed in establishments other than Factories appear to be inadequate. Is it necessary that industries like software, building construction, major manpower, thermal energy etc. be provided with necessary provisions?
3. Do you think that the chemicals whose production has already been discontinued by developed countries cause harm to ecology as well as health? Do you think that such products be prohibited from being produced in our country?
4. The Bhopal Gas Tragedy of 1984 brought to the fore a new aspect of industrial accidents. That is, that these not only affect the consumer of the factory but the people living in the vicinity too. The Bhopal Gas tragedy took toll of over a couple of thousand people while over two thousand people died, and lakhs were affected and permanently crippled. Do you feel that this demands a thorough review of the existing industrial safety, accident and health provisions? If yes, give details.

#### TRADE UNIONS & EMPLOYERS' ORGANISATIONS

##### Federations of Employers' and Workers' Organisations

1. What are the factors which have contributed, (i) positively and (ii) negatively, to the development and organisational pattern of trade unions/ employers' organisations, during the last thirty years?
2. What do you consider as the main function of a trade union?
- a) A mission to organize labour for securing fair and just working conditions within the hours of a nation's industry/farm/family unit. Being? Give reasons for dis/agreement, if any, and propose alternative.
- b) Do the trade unions normally include in their demands items which benefit their members in general, implying their living conditions, such as cooperative housing, consumer cooperatives, common fund funds for social purposes such as education and festa, health for the poor? Trade Unions having such activities may narrate their experiences briefly.
3. Do you consider employers' organisations as professing socialist qualities of leadership role in fulfilling the cause of creation of 'national wealth' and healthy social relations? If no, please express your views on that.
4. What have been, (i) favourable and (ii) unfavourable, effects of legislative provisions on the growth of trade unions/ employers' organisations?
5. Do you think that the modus operandi of trade unions/ employers' organisations have changed during the last decade? If so, what are the characteristics of this change?
6. In given times, there existed family industries/family type relationship in each industry/unit. Do you envisage that such a pattern of relations could be developed in industrial relations in the present times? In case the answer is positive, suggest practical measures to achieve the same.

7. Do you think that the dues and culture of social partnership among the Trade Unions, Employers and Government have been (i) diluted and (ii) strengthened, in the last decade? If the answer is (i), give reasons and suggest remedial steps. If the answer of (ii), give the reasons and further suggestions.

8. In view of the economic liberalisation and globalisation,

a) What should be the changes in the nature and scope of activities of the Trade unions/ Employers' organisations?

b) What are the changes needed in their organisational pattern and structures?

c) What are the fields of activity in which they have an independent role to play?

d) In what other manner should they function in cooperation (i) between themselves and (ii) jointly with Government?

9. What do you think of Tripartism? Will it not improve the productivity and thereby economic growth of our country?

10. To what extent the discussions held and decisions taken by the Trade Unions and Employers' organisations in tripartite fora are collective in nature? What improvements can you suggest for better interaction and consultation? Are such tripartite consultative forums existing at the state level? How can these consultatory be institutionalised and / or made more functional at the State level?

11. Is it necessary and possible to keep the interest of the consumers while settling the demands of workers during collective bargaining? These employers and trade unions who have first hand experience about this may briefly narrate the same.

12. What should be the role of Employers' Organisations/ Trade Unions for generating employment?

13. Is it the involvement of other Ministries/ Departments be ensured in tripartite consultations in State / Central level?

14. Tripartite consultations being one of the effective means of reducing the areas of conflict between the employers and their employees, what steps should trade unions/ employers' organisations take for prioritising such considerations?

15. What are the existing arrangements for communication between the central organisations of employers and workers and their constituents? How should these arrangements be improved?

16. Are there occasions when central organisations of employers and workers refuse to affiliate employing units / unions at the plant level? If so, on what grounds?

17. To what extent are the obligations undertaken by organisations of employers and workers at the national level implemented by their constituents? Are there any effective sanctions for non-compliance with these obligations? How far have they been used in recent years? How could these sanctions be made more effective?

18. Do difficulties arise in reconciling the actions of unions / employers at the plant level with national policies evolved jointly by trade unions/ employers' organisations? Could you cite instances of such difficulties? How are such difficulties resolved?

19. What should be the responsibility of all India organisations of employers and workers towards (i) protecting the interests of their constituents in all matters affecting industry

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- relations, (ii) implementation of laws, voluntary agreements, etc., (iii) training of personnel, (iv) providing guidance to constituents' units, (v) settling industrial disputes in constituent units and (vi) interpreting the efficiency of industry? How should they be equipped to discharge these responsibilities? (vii) promoting industrialisation, (viii) fostering research, development and technical know-how and (ix) strengthening socio-economic justice in society.
23. Should trade union activity be prohibited in certain sectors such as hospitals, educational institutions, defence establishments etc?
24. Should the trade union formation on caste basis be discouraged? How?
25. How are the office bearers who run the trade unions appointed? How many of them are paid?
26. How are members of trade unions enrolled? How are applications for membership scrutinized?
27. What is the extent of multiple membership of trade unions?
28. In co-operative societies, the government officers hold elections and government officers work as election officers and organise activities relating to electors. Similarly, should the government officers or any outside agency hold elections for larger trade unions?
29. How do Trade Unions encourage participation of members in trade union activities?
30. (i) What is your opinion on the extent of prevalence of 'closed shop' in an establishment where only members of a union in good standing are hired or retained as employees.
- (ii) 'Union shop' is an establishment in which the employer has agreed to keep only union men on pay roll and in which non-union men may be hired on a stipulation that they join the union within a specified time. State its merits and demerits in India's conditions.
31. What are the advantages of marginal union and what are its disadvantages? What would you prefer, internal union or open with external leadership?
32. In what ways do trade unions help members/dependent of members in their personal difficulties like unemployment, sickness and permanent injuries? How are dependents helped in case of members' death?
33. Is the introduction of 'check off' system under which employer deducts union dues from pay and hands over these deductions to the union acceptable in the Indian conditions? If it is, should the privilege of the system be given to all registered unions?

#### Trade Union Leadership and multiplicity

34. What should be the method of selection of leaders?
35. What has been the import of political parties on the pattern of trade union development in India?
36. Should we strive to continue the political influence of such factors or should we encourage professional leadership in trade unions?
37. Reference is often made to the influence of outsiders in trade unions. Please define the term 'outsider' and state what has been the influence of outsiders on trade unions? Is outside leadership desirable? If so, to what extent?
38. What would be the method of electing the leader of a union?
39. How should internal leadership in a union be built up and strengthened?
40. How can the accountability of union leaders be ensured? What legal provision should be introduced for this purpose?
41. At present, there is no limit on the number of posts to be held by trade union leaders and one can become office bearer of a large number of trade unions. Should the law prescribe any limit or the number of various official posts one can hold in different trade unions. Among the Companies Act, some limits are prescribed on an individual holding directorships. Among the same lines, should we put some limit on individual holding posts in different unions?
42. Does the existing legislation encourage multiplicity of trade unions? Is it desirable? If not, what are the remedial measures?
43. What are yours suggestions for effectively regulating and strengthening inter-union relations and avoiding inter-union rivalries?
44. Is it necessary to make statutory provision for compulsory registration of Trade Unions? If so, state the reasons.
45. Suggest minimum percentage of membership for registration and recognition of trade unions to avoid multiplicity of trade unions in an organization. Should a minimum quota be laid down for review of the percentage of membership to avoid frequent churning which affect discipline, production and productivity in the organization?
- Trade Union Recognition**
46. What are the numerous and disadvantages of registration of trade unions? Are there some aspects in which the powers of the Registrar of Trade Unions could be altered without disadvantage?
47. Has there been a change in the attitude of employer's towards trade unions particularly in the matter of recognition of unions? If so, what have been the contributing factors?
48. What would be the criteria for recognition of a trade union by the employer and by the Government?
49. Should the legislative provision for recognition be available only to registered trade unions?
50. Would you suggest legislation on the lines of Trade Union Amendment Act, 1971 and Industrial Disputes Amendment Act, 1976 & 1993 in the matter of recognition of trade unions or provisions of M.P. Industrial Relations Act / Bombay Industrial Relations Act, 1946/ Maharashtra Recognition of Trade Unions Prevention of Unfair Labour Practices Act?

- 5.1. What are the advantages of industry wise unions? What are the difficulties in their recognition? How should the subjects to be dealt with by unions at the plant level and by the industry union be harmonised?
- 5.2. What are the advantages and disadvantages of having a union as the sole bargaining agent in an industrial unit?
- 5.3. Do you propose to have a collective bargaining agent decided through secret ballot? Or do you propose to have a joint collective bargaining agency? How should one decide such joint bargaining agent?
- 5.4. For determining the representative character of a trade union for purposes of grant of recognition, which method would be most appropriate and why? How is it to be implemented practically?
- 5.5. What are your views regarding the 1995 Supreme Court Judgement in the Essar Corporation of India case where verification by secret ballot was ordered?
- 5.6. If a union is elected as the sole bargaining agent in an establishment, what sort of rights and responsibilities of other unions in the establishment?
- 5.7. What facilities should an employer extend at the workplace for the activities of the union?
- 5.8. What has been the attitude of the Government towards trade unions in recent years?
- 5.9. What should be the role or grade of an leaders during working hours in the shop floor to leave the workplace during their working hours to perform functions of unions during working hours is not harpered, while ensuring expenditure attention to and peaceful resolution of grievances?
- 5.10. What procedure should be evolved to ensure that coordination/productivity in the plant becomes a reciprocal of grievance?
- 5.11. Do you consider that a trade union is basically an aim of the whole society and therefore has a social obligation towards that development of the society?

## INDUSTRIAL RELATIONS

### Introductory

1. What should be the criteria for determining the effectiveness or otherwise of Government's industrial relations policy? In terms of these criteria give your assessment of the working arrangements since the last 30 years, with special reference to the legislative and other arrangements for prevention and settlement of industrial disputes.
2. Are the patterns of industrial conflict changing in the last 20 years. In particular, how have the social, economic and political factors affected the intensity of industrial conflict?
3. Is it possible to pick out some significant factors in units within your knowledge which in recent years have helped in improving industrial relations at the plant level? Will these factors continue to be of significance in future?
4. What are the patterns of industrial unrest that are emerging in the context of economic liberalisation?
5. What have been the impact of inter-unit and intra-unit rivalry on industrial relations?
6. What improvements are necessary in the present arrangements for prevention of industrial disputes? What would be the role of mediator or referee in the prevention of disputes?

7. What is the role of fact-finding enquiries in improving industrial relations?
8. How is the state of industrial relations in a unit affected by the existence of trade unions? What difference, if any, exists in the climate of industrial relations where the relevant trade union organisation is (a) strong, (b) weak and (c) non-existent?
9. What has been the contribution of factors like (a) recognition of union, (b) arrangements for dealing with individual and collective grievances and (c) strengthening bipartite consultative arrangements, in promoting industrial harmony?
10. What has been the role, of (i) central organisations of employers and workers, (ii) local management, (iii) local unions and (iv) the Government - Central and State, in maintaining and promoting harmonious employer - employee relationship? What are your suggestions for improvement?
11. What role have personnel officer/labour administrators played in preventing disputes and maintaining harmonious employee - employee relationship, and particularly in the context of grievance handling procedure?
12. Assess the professional suitability in terms of educational background/competency/factfulness/attitude etc. of authorities directly dealing with employees in relation to labour issues in firms/units you are familiar with.
13. To what extent are the standing orders formulated with due consultation with the workers/units?
14. What changes, if any, are required in the Employment Standing Orders Act, 1946 and the Model Standing Orders formulated under the Act?
15. What are the disciplinary roles imposed by management? Do the procedures prescribed under the model standing orders in dealing with disciplinary cases require modification and if so, on what lines?
16. What are your comments regarding the Supreme Court judgement on the question of misconduct in Glaxo Industries case?
17. Has the Model Grievance Procedure evolved under the Code of Discipline served its purpose? If not, is there a need for statutory provision for the formation of an effective grievance procedure? What should be the main elements of such a provision?
18. What is the attitude of trade unions and employers organisations to the introduction, either by voluntary agreement or statutorily, or a system of grievance arbitration? Would such a system help in improving labour - management relations?
19. What are the existing facilities for training of management and trade union personnel in industrial relations? To what extent are they used?
20. What should be the scope and powers of works committees? At present they play a secondary role. Can the works committees play an effective role in solving the internal problems? Can a second line of leadership be developed from these works committee?
21. To avoid loss of production/productivity/manhours, is it possible to evolve a procedure, agreed on mutual/tripartite basis, to fix some time on daily/weekly/monthly basis, with advance agenda, to present, scrutinize, discuss and settle grievances arising during the period instead of using pressure tactics for their settlement immediately/until the SGTB, as they arise/are noticed?

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22. What had been the difficulties in identifying the "go-sows"/indirect methods affecting production/productivity/work culture in the workplace? Suggest suitable procedure which can be evolved to immediately identify and avoid "go-sows" in workplace?
23. Define positive work culture within the organization. Suggest procedure whereby broad guidelines can be laid down for defining and observing the work culture on the part of management, unions and workers.
24. Have there been instances when after biannual/triannual agreement, while the management have given the agreed benefits, the workers/union have not observed their part of obligations/responsibilities in increasing production and productivity? If so, briefly elaborate. How can it be ensured that both the parties ensure immediate and continued implementation of their obligations?
25. Have there been instances where converse of the situation mentioned in the above question has occurred? If so, please elaborate.
26. Is there any instance where even after specifically incorporating in the agreement that issues settled will not be raised during the period of settlement, same/similar issues have again been raised leading to disputes during the validity of the agreement/agreement?
27. Is it correct that it has not been possible to take immediate remedial measures against those indulging in "Inlay Labour Practices" because of lengthy procedure for specification and identification of such practices and taking action against those who indulge/encourage them? If so, what changes are necessary?

### Collective Bargaining

28. What is the extent of prevalence of the system of collective bargaining in India? How far has it succeeded? What has been the effect of legislation on the growth of collective bargaining?
29. If collective bargaining has to be encouraged at the industry level, how should the representative character of the bargaining agent for workers be determined? (see questions 51 & 56 under the Chapter Trade Unions & Employers' Organizations).
30. At present there is a centralized form of collective bargaining in the country. Do you believe that this should continue or do you suggest that this should be decentralized? Give reasons for your views.
31. Whether there has been a trend in your industry to include a variety of concessions like wage & employment cuts, wage freeze, moralization on strikes etc. in the name of labour market cooperation? What is your view about such concessions being extended through collective bargaining?
32. What should be the role of (i) collective bargaining and (ii) adjudication as methods for safeguarding industrial peace in the coming years?
33. In disputes arising over a charter of demands, is it feasible to separate areas of difference between the employer and the union into those where collective bargaining exclusively operate and others which could be left to adjudication?
34. Should the union or workers be involved in normal domestic enquiries?

35. At present the grievances against the office bearers of the trade unions are not investigated. How these can be investigated? What safeguards would you suggest?
36. What are the various forms of joint consultations within the enterprise? How can these be made more effective?

37. How functional are works committees? How can they be made more effective? Should provision governing the constitution of such committees be relaxed in the Industrial Disputes Act, 1947? What changes, if any, would you suggest and for what reasoning?
38. What have been shortcomings of the scheme of joint management councils and emergency arbitration committees in ensuring better industrial relations? What are the remedies according to you?
39. What effects do profit sharing and co-partnership schemes have on relations between management and employees?
40. What have been the hindrances to effective participation of workers in management? Indicate reasons both in relation to public sector and private sector.
41. Do you think that the form of workers participation should undergo changes in view of the new economic policies? What measures do you suggest for ensuring workers' involvement in the interest of better industrial relations?

### Conciliation

42. Are the provisions regarding conciliation in the Industrial Disputes Act adequate? What modifications would you suggest to make it more effective?

43. What, according to you, have been the effectiveness of conciliation machinery as a mechanism for settling industrial disputes? What improvements could be suggested to make it more effective?

44. There has been criticism that conciliation machinery only adds to拖沓ness of industrial dispute settlement mechanism. How much time on an average conciliation proceedings take? What are the factors responsible for protracted proceedings? Would you suggest any change in the period prescribed for completing conciliation proceedings and how is this period to be reckoned with?

45. What changes in the organization and staffing of the machinery and officers of conciliation officers would you advocate?

46. Should conciliators be named arbitrators in disputes handled by their colleagues?

47. Do you think that inefficiencies of conciliation proceedings is also due to lack of exposure of conciliators officer to the 'industrial scenario'? If so, what remedial measures do you suggest? What should be their qualification, rank and experience?

48. On what subjects mandatory amplification of the ambit of conciliation proceedings to cover strike notices in non-public utility services also?

49. Do you think that the scope of issues covered within the purview of conciliation proceedings should cover issues for which statutory remedies are available and also disputes covered under the earlier memorandum of settlement?

50. Do you consider that efforts in conciliation should be pro-active and anticipatory in nature rather than be set in motion in post-dispute situations? If so, what are the specific suggestions for preventive conciliation mechanism?

51. What measures do you suggest to minimize the failure rate of conciliation?

52. Do you suggest that the mechanism of the Board of Conciliation should be strengthened?

53. Do you think that it should be provided through legislative amendments to empower conciliation officers to make recommendations to appropriate Government as to whether a dispute is fit for adjudication?

54. It is argued that definitions of 'Industry', 'workman', 'appropriate Court', etc. as settled by certain case laws and interpretation of certain sections of the Industrial Disputes Act, 1947 by the Apex Court and High Courts have weakened the position of conciliation machinery. Do you agree and if so, what remedies by way of legislative changes do you suggest?

55. Do you suggest the segregation of conciliation and enforcement authorities will (a) enhance and (b) reduce the efficiency of conciliation machinery? Give reasons for your suggestion.

56. What importance be given to conciliation? If one wants to go to the Court on some legal issue, should conciliation be attempted?

57. Do you consider that special training can or should be organized for conciliators?

#### Adjudication

58. What are the criteria for assessing the suitability of otherwise of the present system of adjudication? Do you think the system has played an important role in maintaining industrial peace? Should the system be retained?

59. Are the existing arrangements for reference of disputes to adjudication satisfactory? If not, how can the arrangements be improved?

60. Should the authority for appointment of industrial tribunals be vested in Labour Department? If not, where should it lie?

61. There is a section of opinion that the existing practices and procedures involving different stages like conciliation, adjudication, etc. in settlement of disputes take an unduly long time. What measures would you advocate for expeditious settlement of disputes?

62. How should the cost of adjudication to the parties be reduced? Should the remedy lie in delegating certain functions of the adjudication mechanism, to conciliation officers? If so, please specify.

63. What measures should be taken to ensure full and speedy implementation of tribunal awards and agreements?

64. Do you recommend legislative provisions for direct access to adjudication jurisdiction of labour courts and tribunals in respect of all kinds of individual disputes?

65. It is argued that the Code of Discipline has failed to achieve its purpose. What are the reasons therefor? What specific suggestions including legislative measures, would you suggest to put in place a more effective mechanism?

#### Voluntary Arbitration

66. What is the role of voluntary arbitration in the achievement of good industrial relations? In what way can the employers' and workers' promote voluntary arbitration? Should a provision for voluntary arbitration be incorporated in all collective agreements?

67. Please indicate the areas of industrial dispute where voluntary arbitration can be preferred to adjudication.

68. What measures do you suggest to simplify the procedure for voluntary arbitration? do you suggest for its strengthening?

69. What have been the weaknesses of National Arbitration Promotion Board? What measures, rank, qualification and experience for arbitrators?

70. What professional group provides the best arbitrators? Civil Servants? Lawyers? Academicians? Businessmen? Trade Unionists? Technicians? Others (please specify). Do you suggest any rank, qualification and experience for arbitrators?

71. What should be the arrangements for meeting the expenses of arbitration?

#### Strikes and Lockouts

72. Do you consider the existing restrictions on workers' right to strike and the employers' right to declare a lockout need to be modified in any way? If so, please indicate these modifications together with reasons therefor.

73. If a strike is called / lockout is declared, is prior notice always given to the other party? In what cases, if any no such notice is given?

74. In how many cases within your knowledge have workers been able to secure wages for the strike period when the strike is declared legal? Are there cases where the strike period pay is given when the strike is illegal?

75. What are the issues on which a strike is called? How is the decision for going on strike taken by the unions?

76. Are there instances of workers going on strike without sanction of the union?

77. What are the instances of management adhering to the principle of 'no work no pay'?  
78. a) In what way in practice do trade unions and management keep in touch with each other during a strike in order to facilitate a settlement? b) What is the role of Government machinery in such cases? c) Should Government intervene and in what ways in cases where a strike is (i) legal, (ii) illegal, (iii) justified and (iv) unjustified

#### General

79. What are the preventive measures to ward off a strike situation?

80. Are charter of demands placed prior to a strike notice? If so, how are they dealt with by the management?

81. Do you consider that public utility services need to be strictly defined? If so, how?

82. How do you view the judgement pronounced by the Apex Court on awards being declared illegal?

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83. Has collective bargaining been possible in the small-scale sector? To what extent does this sector make use of the industrial relations machinery? Does the small scale require special regulatory mechanism? If so, what should be its basic features?

84. In case of illegal strike or lockout, especially in case of public utilities, many times it is the consumer who suffers. Should they have any say when such disputes are settled? Should we introduce them as a party to the dispute?

85. At present, if the lockout is illegal, there is a injunction to the employer but if the strike is illegal, there is no punishment to the trade union leader. Should be introduce such punishment in the law?

## WAGES

### Introductory

i. What are the variables against the adverse consequences of large unskilled/hemi-skilled labour force. New methods of production and formalisation of unskilled semi-skilled work in organized sector and consequently also in informal sector?

2. What has been the relationship between wages in agriculture and other unorganized sectors and wages in industry?

3. To what extent is the existing level of wages a result of the traditional mode of wage settlement, collective bargaining, awards, etc.?

**Minimum Wage**

4. Does the concept of minimum wage need to be revised? If so, what should be its criteria?

5. Do you think that there should be a floor minimum wage across the country and what should be the criterion on which it is to be based?

**Dearness Allowance**

6. Considering the need for protecting real wage, how should one provide for revision of wages/ wage rates for changes in price levels? Should this be by revision of the wage itself or by provision of a separate component to absorb price changes?

7. In view of the prevalence of several methods to provide for the payment of a separate allowance to meet changes in cost of living, is it possible to apply any one system on a uniform basis?

8. If a system in which dearness allowance adjusted to changes in cost of living is favoured:

a) Which index number viz., (i) at India (ii) regional or (iii) local should be preferred?

b) What should be the frequency at which revision should be made - monthly/quarterly/ half-yearly, etc.?

c) What should be the extent of index which should warrant such revision in dearness allowance - each point/1% of 10 points, etc.? Give reasons.

d) In determining the quantum of dearness allowance, what should be the principles governing the rate of neutralization of price rise?

10. Considering that payment of a cost of living allowance is meant of ensure that real wage of employees is not eroded by price increases, should the capacity to pay of an industry not be a relevant consideration in fixing the rate of dearness allowances?

### Fringe Benefits

11. How should fringe benefits be defined? What should be their scope and context? To what extent do such benefits effect production costs?

12. How far can the fringe benefits be a substitute of higher money earnings?

13. Do you support the concept of normative wage ratios between the lowest paid and highest paid employee in any organization, as also between employees at intermediate levels? If so, give reasons and your suggestions regarding the norms.

14. What are your views regarding levelling of inter-sectoral wage differentials and suggest mechanisms for implementation of your views?

15. What has been the effect of the existing system of dearness allowance on wage differentials? What steps would you suggest to rationalize present arrangements?

### Methods of Wage Fixation

16. Estimate relative merits of different methods of wage fixation, viz., statutory wage fixation, wage fixation through collective bargaining, fixation through wage boards, etc. wage fixation from adjudication, etc. Which one is the most suitable for adoption? Indicate sector – wage arrangements if different methods are suitable for different sectors.

17. Do you agree that there should be a single national wage board in lieu of industry-specific wage boards?

18. In collective bargaining for wage fixation, should the principal emphasis be laid on national agreements? If so, what adjustments should be made to meet IDBI's needs?

19. There is often a criticism that collective bargaining at industry level, particularly in the public sector, does not take into account enterprise level factors affecting the enterprise level economies and contributing to sickness. Do you agree with this? If so, give reasons.

20. That the wage boards came into vogue because it was felt that an arrangement by which parties themselves can have a hand in shaping the wage structure in an industry can help more nothing than the one where an award is handed down by a third party. Has this expectation been fulfilled?

21. (a) In what respects should the operation of wage rates be modified to improve their working?

(b) Should wage board recommendations have legal sanction?

22. It is said that in the balance between fair wages to workers, fair profits to entrepreneurs and fair returns to treasury, the consumers are often left behind. How far is this criticism valid? How best can the situation be remedied?

23. In the context of balanced development, the question of taking an integrated view of policy vis-a-vis wages, incomes and prices is often emphasized. What should be the objective and scope of such policy in the context of globalisation of the India, Economy and thrust on corporate livelihoods?

24. Do you suggest a policy of wage freeze? If so, how can it be implemented under the existing system? What are the implications of this policy for other incomes?

25. Is there a need for 'sectoral' balance in wage structure between the public and private sectors? If there is, how should it be achieved?
- (a) Do you subscribe to the view that the collectively bargained wage has no linkage with productivity, especially in relation to industry-level collective bargaining in the public sector?
- (b) Do you see justification for opposition to productivity clause in agreement?
- Made of Wage Payment**
27. (i) Do you agree with a time scale wage system or not? If not, what other system do you propose?
- (ii) If these scale wage system is applied, what should be the method of fixing annual increments?
- (iii) To what extent is the method of paying unskilled workers on time scale of pay common? Would you favour its exclusion?
28. What should be the component factors which should determine the wage? How would these component factors be made operational?
- General**
29. Do you think that there are certain areas in formal sector where the minimum wages are not enforced? If so, what are the reasons and how could they be redressed?
30. Can a uniform period for the duration of settlement /agreements on wages be fixed down say thirty-five years?
31. Is the scheme for payment of annual bonus embodied in the Payment of Bonus Act, 1965, satisfactory? If not, what are your suggestions?
32. What is your opinion about the treatment of bonus as a deputed wage? If it is justified, how do you view the entitlement of bonus being linked to pay structure?
33. What should be the place for bonus payments in the future system of remuneration?
- INCENTIVE SCHEMES AND PRODUCTIVITY**
3. What steps should be taken to introduce a system of payment by results in industries / activities where this system would be appropriate?
2. What would you suggest to work out an appropriate system of incentive scheme? What should be its guiding principles?
3. There is a general feeling that the incentive scheme has not worked in many organizations and it has created more problems than solving them. Do you agree with this view? If the incentive scheme is done away with, how can the increase in productivity be ensured? Do you suggest any other method?
4. How can productivity be raised through social partnership among labour, management and Government?
5. How should gains of total factor productivity be shared?
6. Has any undertaking within your knowledge experimented, in recent years, with productivity techniques? How did the employee react to these experiments? Did this result in increasing workload? If so, how was this situation met?
7. What place would you assign to suggestion schemes and institution of awards for outstanding work to improve productivity?

8. What are the factors contributing to labour turnover and absenteeism? -How do they affect management in productive type?
9. What is the place for the motivation of worker for improving his standard of living in P-O success for working of incentive schemes?
10. What is the potential of new technology in employment generation? The technologies that are being introduced may be assumed as (a) labour intensive and (b) capital intensive.
11. What institutional support would you suggest to foster a culture of productivity?
- SOCIAL SECURITY**
12. (a) To what extent do existence of social security measures contribute to stability of employment and industrial relations?
- (b) Have some of the benefits based as they are in a qualifying period for an instant, say to large labour turnover? If so, what should be the remedial measure?
13. The convention on Minimum Standards of Social Security adopted by the International Labour Organisation refers to the following branches of social security, namely, medical care, sickness benefit, old age benefit, unemployment benefit, unemployment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.
- (a) To what extent is such one of the above benefits available at present?
- (b) What is the cost of existing social security schemes in relation to the total cost of production? How has it varied over the last decade?
- (c) Are the scope and coverage of each one of the benefits mentioned above adequate?
- (d) What should be the priority for enlarging the scope and coverage of the various existing benefits?
- (e) In your experience, does a workman continue to get compensation/pension for his respectable livelihood after his retirement or disablement? Who should foot such expenses? Should it be Government or employer or worker or working himself?
- (f) Do you think that the dependents of the workman should be included in such benefits?
- (g) How should the programme for introduction of the benefits not currently available be phased?
- (h) Do you propose a suitable method to build a corpus without burdening by Labour Social Management to create such corpus to meet the cost of security expenditure?
3. The benefits referred to in the previous question are generally available only to persons who are in wage-paid employment; there will still be large number of persons like traders, artisans and small shopkeepers who are self employed and who will remain uncovered by the scheme. What advance steps should be taken to bring these groups within covered social security schemes?
4. (i) What are the shortcomings of the Employees State Insurance Scheme and Employees Provident Fund Scheme? What are your suggestions for advancing these?
- (ii) Suggest control system to be evolved to avoid malpractices/minimization of avails in respect of the benefits of ESIS/Social Security Scheme.

3. Should the provisions for exemption from the ESI Scheme be tightened? How should this be achieved?
4. Do you feel it is necessary to introduce unemployment insurance scheme? If so, what should be its nature and how should it be operationalised, both financially and administratively?
5. What measures do you suggest to rationalise and streamline medical claims and benefits under the E.S.I.S.?
6. What should be the respective roles and responsibilities of the E.S.I.C., the Central Government and the State Government concerned towards medical care of insured workers and their families?
7. What should be the respective shares of contribution from employers, workers, and the Central and State Government concerned in any scheme of social security?
10. Should the Employees' Provident Fund Scheme be continued as at present or should steps be taken to convert it into either a pension scheme or a provident fund cum pension scheme? What further steps do you suggest for improvements?
11. If it is to continue in the present form, would you suggest any change in the pattern of investments of the funds and in the rate of interest accruing to beneficiaries?
12. Are any changes called for in the E.P.F. Scheme to make the administration more satisfactory?
13. Should a part of the provident fund be set apart for giving insurance cover to the members of the E.P.F. Scheme?
14. Should the contributions under the E.P.F. Scheme be raised and if so, to what extent?
15. Is the functioning of the vigilance machinery of the E.P.F. organisation satisfactory? What steps should be taken to improve its functioning?
16. What are your suggestions regarding changes in the Payment of Gratuity Act, and how are these to be operationalised, both financially and administratively?
17. In the context of structural adjustment of the economy, what measures do you suggest to extend social security protection to workers affected by lay-off and retrenchment?
18. What changes do you suggest in Workmen's Compensation Act, Maternity Benefit Act and other social security legislations to make them more in tune with present times?

#### LABOUR LEGISLATION

1. What have been the turns that have affected the proper and effective implementation of the various labour laws as per envisaged. Have these laws achieved the purpose/ objectives for which they were enacted? If not, what factors have hindered the achievement of these objectives?
2. After liberalisation of the Indian economy, what, according to you, are the provisions in labour laws which require amendment? (At the time, when there was projected economy, the reforms were perhaps justified, but now, those may not be relevant.)
3. (a) What have the existing legislation and other provisions for protecting the interest of labour worked in practice?
- (b) Are the existing labour legislation helping in improving productivity, discipline and better work culture, while protecting the interest of labour? If not, what changes are necessary in specific labour legislations?
- (c) To what extent have the above provisions helped in implement the realisation of constitutional obligations keeping in mind the state of the economy and the present economic scenario?
4. Are the present Constitutional arrangements under which labour is a concurrent subject satisfactorily, particularly from point of view of the administration of labour laws? Are law modifications by way of centralisation/ decentralisation of certain activities and functions necessary?
5. Should there be separate labour legislation for large, medium and small scale units? If so, suggest changes required.
6. Should there be separate provisions in labour legislation for Public sector and Private sector?
7. Do the control systems - reporting system/inspections/scrutinies by Inspectorate - lead to malpractices? Suggest changes required.
8. Do you consider that we have to avoid delays in providing amendment in the legislation? Should the executive be given powers to effect such amendment in specified labour laws by proper notifications?
9. Please specify the 110 conventions which are possible to be ratified by the Govt. India. To what extent has it been possible to move in the direction of implementation of the ratified 112 conventions?
10. On the basis of principles evolved out of case laws over a number of years, what are your suggestions for reviewing and updating labour legislation in the country?
11. What are your suggestions regarding rationalisation and consolidation of existing labour laws into fewer comprehensive laws?
12. At present the definition of workers, employees, wages, industry are different in different laws. Can some crucial terms be made uniform in various labour laws which are passed by the State Legislatures as well as by the Parliament?
13. In view of the experience of functioning w.r.t. the lack of it of Code of Discipline, Industrial Trade Regulation, Inter-Union Code of Conduct etc. do you suggest a single approach for realising the objectives sought to have been achieved towards a healthy industrial relation through the above legislative instruments based on voluntary approach?
14. Do you feel satisfied w.r.t. prevalence of prevalent anti-trade unionism?
15. Do you wish to shift to bipartite system of regulating labour relations?
16. Do you think that the Government's role be limited to only providing assistance through industry when bipartite settlement of the industrial dispute is not possible?
17. What is the relative position of labour law enforcement in public and private sectors? Please give your critical comments on the present scenario of things.
18. Do you consider certain legislative provisions responsible for labour market rigidly, particularly resulting in organised sector employment path dependency? Please justify and suggest suitable legislative modifications.

15. Are changes necessary in labour legislation to curb "go slow" and "sudden stoppage of work"? If so, please suggest specific provisions.
16. Can there be generally accepted "soft law" protecting the interest of both management and labour? So, simplest changes required in existing regulation and outlay? The suggested changes, as also in some cases labour generally avoid using labour legislation machinery - procedure of less much deregulation taking precedences certain practices of offices instead of non-productive employment for unproductive labour, etc. What improvements are necessary to develop better confidence in effective implementation of labour legislation in the interest of both management and labour?
17. There have been often a criticism that the structure of our present labour laws is an important factor affecting employment growth, at least in the organized sector. That the growth of employment in organized sector has been very little is also widely accepted. A common critique on this aspect is that the labour laws do not provide for any incentive for employment growth and rather do the legal laws work in respect of many other developmental policies like promotion of exports, encouragement of research and development, etc. Do you agree with these contentions? If so, please give your suggestions as to what changes in the labour laws would be required and what fiscal incentives need to be provided to promote growth of employment in the organized sector in particular and unorganized sector in general.

#### LABOUR RESEARCH AND INFORMATION

1. Most of labour statistics are a by-product of labour legislation. They suffer therefore, inter alia, from the limitations arising out of lack of uniformity in the concepts, coverage etc., frequency of collection, the timing in time publication, non-response from primary units, inaccuracy of returns, changes in industrial classification are further difficult in making labour statistics more useful. What steps should be taken to remedy the situation? Is the implementation of the Commission of Statistics Act, 1953 the answer?
2. There is a feeling that the choice of existing no. the administration of labour laws is so different officials, the statutory requirements of maintenance of different registers and sending of different returns under these laws, result in a great deal of inconsistency, work and unnecessary difficulties. What steps should be taken to simplify and remedy the situation?
3. Does the All India Consumer Price Index Number currently compiled reflect adequately price changes among urban working class? If not, what are your suggestions for improvements?
4. Data presently collected and compiled in respect of work-stoppages (strikes and lockouts) mostly consist of : (a) number of workers/strikers; (b) number of workers involved; (c) number of man-days lost; (d) total wages lost in rupees and (e) total production lost in rupees. Are they adequate for measuring industrial unrest in the country? If not, what other aspects of industrial unrest require quantification?
5. At present statistical data are collected only in respect of work-stoppages arising out of industrial disputes. Is it necessary to collect similar information on work-stoppages due to reasons other than industrial disputes?
6. There is a feeling that many enterprises report to national union of units to escape the obligations imposed for furnishing labour returns as well as compliance of certain labour laws. What steps should be taken to prevent such "subversion"?
7. The current emphasis in the collection of labour statistics is on data which will help in understanding the economic aspects of workers' life. Data pertaining to education and capability, as well as other social and socio-economic aspects of the labour force, is also necessary for the purpose. What are your suggestions for filling the gap?
8. Statistical data (employment, unemployment, consumption, expenditure, etc.) are being collected in respect of rural population or virtually by the National Sample Survey. Would it be feasible to make these data available separately for rural labour for each state? In regard, what other statistics would be required for framing an operational programme?
9. The data on unemployment based on employment exchange registration suffer from two basic flaws, viz. (i) an unrepresentative numbers, particularly in rural areas, do not get themselves registered and (ii) persons seeking employment continue to be enrolled in the employment exchange registers long after their employmenent due to non-deletion of their name. What are your suggestions to remedy the situation?
10. What are your suggestions regarding more extensive use of information technology in employment exchanges in the country?
11. Are suitable amendments to the Employment Exchange (Computer Notification of Vacancies) Act, 1959 required to ensure compliance of the obligation for notification of vacancies through employment exchanges? If so, please give your suggestions.
12. Do you suggest any role for maintenance of data on self-employment by employment exchanges? If so, please outline its features.
13. What improvements can be made in the Employment Exchanges to ensure that the infrastructure available and the amount spent thereon can be utilized in a better and more effective manner for meeting the requirement of up-to-date labour market information system?
14. Do you think that there is adequate labour market information service available in the country? If not, what steps should be taken to introduce an effective system in this regard?
15. Do you think that the reconstitution of the First Labour Commission for coordinated research has been successfully completed with a view to serve the policy requirements? What further recommendations would you like to make for this objective?
16. What are your suggestions for improving the quality of labour research? Do you think that introduction of awards/ incentives in acknowledging outstanding labour research at national level would improve the quality of labour research?
17. What is the present state of labour research undertaken by employers' / workers' organizations?
18. How should the trade unions be encouraged to strengthen their research activities?
19. How should labour research be promoted in universities and research organizations?
20. Is data on labour statistics and output of labour research adequately accessible to JEFIC groups? What improvements can be brought in this regard?

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21. Are the present arrangements for associating the research personnel outside Government for a deeper analysis of data available with Central and State Governments adequate? What steps should be taken to strengthen this association? Should co-ordination of research work by different agencies be achieved?
22. What is the extent to which the existing information on labour matters is being put to use? Who are the main users? Give a critical assessment of the utility of the existing information.
23. Instances of industrial harmony solution set as much publicity as those of industrial conflict.
24. What role was the mass media played in educating the public on labour matters and with what results? Would you suggest any improvement? If so, how should this be brought about?
25. What role has the mass media played in shaping decisions on industrial disputes? Has it helped or hindered the process of amicable industrial relations?

**ECONOMIC REFORMS AND SOCIAL SAFETY NETS**

1. a) Following the economic reforms initiated in 1991, the main task of labour sector reform was conceived as 'totalitarian without social cost of adjustment'. This revolved around the twin packages of Voluntary Retirement Scheme and National Renewal Fund Scheme. Do you think that these packages are comprehensive or some fresh approach is needed?
- b) In the context of liberalisation leading to fast structural adjustments and frequently changing production processes/products in the organizations, while the organizations need flexibility in quality and quantity of manpower, the workers apprehend continual danger of loss of jobs. What specific measures are required on the part of the Government, employers and unions/labour to meet the requirement of fast crystallization and at the same time, avoid or minimize the problems to the workers?
2. What has been your experience about the implementation of the National Renewal Fund Scheme in terms of participation and impact?
3. What is the dimension of jobless due to restructuring, down-sizing, merger etc.?
4. What financial assistance should be provided to the redundant, retrenched, laid-off and distressed workers?
5. How the funds should be created to provide such financial assistance - whether with the contribution from State and employers or in the form of some levy?
6. What should be the quantum of financial assistance?
7. What should be the duration of such financial assistance either for a specific period or till re-employment?
8. What steps should be taken to improve the National Renewal Fund Scheme?
9. One of the criticisms of the N.R.F. is that the middle level supervisors are availing the benefits (higher than the lower skilled workers) leaving to vacuum in the organizational structure of enterprises and deviating the objectives of the Scheme. Do you agree? If so, give reasons and your suggestions for improvement.

10. What are your suggestions for ensuring that the skill upgradation in line with technological requirements under the reskilling and retraining component of ERF Scheme is actually achieved?

11. What has been the efficacy of the 'Job Scheme' in achieving productive redeployment of workers? Give your suggestions for improvement.
12. Are you aware of any other surveillance scheme evolved by public or private sector organisations for their manpower rationalization programmes? How do they compare with the VRS and what have been the responses to those schemes?
13. How would you accept the restructuring of industries which leads to destruction over "regular/temporary/casual workers"? Comments specifically on:

- (a) What measures do you propose to mitigate their plight?
- (b) Do you think that industries should be required to provide necessary fund for retraining and relocating them?
- (c) Would you propose any Sure Scheme?

- (d) Do you perceive that in view of the present industrial policy of liberalisation, increased use of information technology etc., the scope of recruitment of unskilled labour, clerical and technical staff as well as middle management personnel will get reduced? If so, to what extent which levels will be affected substantially?
- (e) Will these changes result in new kinds of employer-employee relations such as contract labour through 'middleman', home based categories of workers etc.? What implications would these portend for the existing labour laws?

14. What measures do you suggest to work out an effective labour market information system to assess the skill requirements both in the short and medium terms and the training needs both for redeploymennt of workers and new entrants to the labour market?
15. Do you think that existing employment and training institutions are adequately equipped to cope with the emerging problems? If so, what measures do you suggest for restructuring these institutions in terms of training curricula, manpower, methodologies, backward and forward linkages etc.?

16. Do you think that there is need for greater coordination among central government ministries and agencies dealing with policy issues so as to foster stronger linkages between sectorial requirements and labour market and planning? If so,

**ANNEXURE - I****List of Important Labour Acts**

1. Factories:-  
The Factories Act, 1948
2. Mines:-  
The Mines Act, 1952
3. Plantations:-  
a) The Tea Districts Fringeant Labour Act, 1932  
b) The Plantations Labour Act, 1951

4. Transport:-
- The Indian Railways Act, 1890
  - The Merchant Shipping Act, 1953
  - The Dock Workers (Regulation of Employment) Act, 1948
  - The Motor Transport Workers Act, 1951

5. Legislation Relating to Workers in Shops and Commercial Establishments.

6. Legislation Relating to Industrial Housing:-

- The Bombay Housing Board Act, 1942
- The Madhya Pradesh Housing Board Act, 1950
- The Mysore Housing Board Act, 1955
- The Hyderabad Labour Housing Act, 1952
- The Uttar Pradesh Industrial Housing Act, 1955
- The Punjab Industrial Housing Act, 1955

7. Safety and Welfare:-

- The Indian Dust Labourers' Act, 1934
- The Rita Mines Labour Welfare Fund Act, 1946
- The Coal Mines Labour Welfare Fund Act, 1947
- The U.P. Sugar and Fruiter Alcohols' Industries Labour Welfare and Development Fund Act, 1950
- The Coal Mines (Conservation and Safety) Act, 1957
- The SAIL Labour Welfare Fund Act, 1953
- The Jharkhand Mines Labour Welfare Fund Act, 1961
- The Assam Tea Plantations Provident Fund Scheme Act, 1959
- The Assam Tea Plantations Provident Fund Scheme Act, 1955

8. Wages:-

- The Payment of Wages Act, 1936
- The Minimum Wages Act, 1945

9. Social Security:-

- The Workmen's Compensation Act, 1923
- The Employees' State Insurance Act, 1948
- The Coal Miners' Provident Fund and Bonus Schemes Act, 1940
- The Employees' Payment Fund Act, 1952
- The Maternity Benefit Act (Central/States)

10. Industrial Relations:-

Central Acts:-

- The Indian Trade Unions Act, 1926
- The Industrial Employment Standing Orders Act, 1946
- The Industrial Disputes Act, 1947

State Acts:-

- The Bombay Industrial Relations Act, 1946
  - The U.P. Industrial Disputes Act, 1947
  - The Madhya Pradesh Industrial Relations Act, 1960
31. Miscellaneous:-
- The Children (Placing of Labour) Act, 1933
  - The Employment of Children Act, 1938
  - Legislation Relating to Indubtedness
  - Collection of Statistics Act, 1953
  - The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1955
  - The Apprentices Act, 1961
  - The Madras Biscuit Industrial Premises (Regulation of Conditions of Work) Act, 1958
  - The Kerala Seedhi and Cigar Industrial Premises (Regulation of Conditions of Work) Act, 1961

**Composition of the Study Groups Constituted by the National Commission on Labour**

**Definitions**

1. What is your perception of the term "unorganised sector" labour?
2. How would you define "unemployment in unorganised sector"? What should be the criteria for classification as unemployment, underemployment, seasonal / structural unemployment etc. in the unorganised sector?
3. Relative stability of employer-employee relationship is in the organised sector which has a positive impact on labour. Organisation and protection of labour interests, is often lacking in the unorganised sector. Should unorganised sector labour be defined in terms of nature of employment and opportunity available for organisation of labour?
4. Do you support the proposition that "unorganised sector" labour means, about 60% of the population? There is a formal employer-employee relationship or the proposition that it should also cover various categories of self employed persons such as small tenants/ share croppers/ fishermen, rural artisans etc. in accordance with ILO Convention No. 141 already ratified by the Govt. of India?
5. Apart from wage differential between agricultural labour & salaried in the rural areas, and urban and rural earnings of the unorganised sector, what are your suggestions regarding other categories keeping in view the 42% of activity and the need for evolving a methodology for evolution of rights and social security to unorganised sector labour?
6. Recruitment
7. A large percentage of unorganised sector labour is engaged in agriculture through its wife or son coming down. What methods do agriculturists use to recruit both permanent and seasonal labour locally?
8. What are the main considerations (and counter) business/ entrepreneur owners in employing skilled, semi skilled and unskilled workers? Evaluate the role of factors like caste, creed, religion, language, culture, customs and traditions, socio-economic profile etc. of both employed & employee, particularly the latter.
9. How is migrant labour used for both agricultural and non agricultural work - rural? Is it Unfair? (i) Jobbers (ii) contractors, (iii) subcontractors, (iv) recruitment from existing employees, (v) employment exchange and (vi) any other method?
10. Are the recruitment arrangements satisfactory for different kinds of employment?
11. Will better dissemination of information regarding employment and better mobility including augmentation of transport arrangements help job seekers?
12. What are your suggestions to reduce dependence of labour on exploitative contractors? What should be the state role in this regard in different work situations?
13. Is there exhorting of certain types of work for self-employed by traditional castes/ tribes who migrate in search of such work though local labour may be idle? What could be the socio-economic reasons for this situation?
14. What training inputs help in making unorganised sector labour more competitive in traditional occupations as well as new emerging opportunities? Which are the sub sectors where training inputs would be of significance?
15. Are existing arrangements for vocational training in different fields sufficient? How can such facilities be improved?

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**NATIONAL COMMISSION ON LABOUR**

**QUESTIONNAIRE**

**(UNORGANISED SECTOR)**

**NATIONAL COMMISSION ON LABOUR**

**MINISTRY OF LABOUR**

"NATRESS" Building, 2<sup>nd</sup> & 3<sup>rd</sup> floor,  
3D-3L, Institutional Area, Opp. "D" Block,  
Jalakpur, New Delhi - 110 058  
Telex: 5617916, 5617911, 5617902, 5617904

**Conditions of work:**

15. Are the provisions of laws promulgated for unorganised sector labour like the Minimum Wages Act, 1948; Equal Remuneration Act, 1976; Inter-State Migrant Workers Act, 1975; Plantation Labour Act, 1951; Bonded & Legal Workers Act, 1956; Sownd Labour System (abolition) Act, 1975; Contract Labour System (Rejugulation & Abolition) Act, 1975, sufficient? If so, what are your specific suggestions regarding the changes that are required in the above laws in the context of unorganised sector labour?
16. What are your views for enactment of legislation on the lines of the Kerala Agricultural Workers Act, 1974 in your State?
17. Apart from new legislation or changes in existing ones, what other steps are required for ensuring proper working conditions of unorganised sector labour?
18. What are your views regarding a central umbrella legislation for ensuring a minimum level of protection to the unorganised sector labour? What should be the essential components of such legislation?
19. What are the conditions of women and children in unorganised sector labour? What special steps need to be taken to improve health facilities, water supply and sanitation, nutrition, education and shelter for such categories?
20. What is your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workers Act? What improvements would you recommend?
- Organisation of Unorganised Sector Labour**
21. What factors inhibit development of trade unions or other organisations among various kinds of unorganised sector labour?
22. What is the impact of social customs based caste and other considerations leading to structural rigidities in society, on the state of lack of organisation of labour in this sector?
23. Is the choice before grass-root level administration, particularly in rural areas, between a centre to promote and encourage organisation of unorganised sector labour to secure their legitimate rights and economic development and maintenance of law & order, a mutually exclusive and an irreconcilable one?
24. How does the existing legal framework of civil and criminal law and other public safety/ security laws impinge on the absence of organisation of unorganised sector labour?
25. What role have the trade unions played so far vis-a-vis unorganised sector labour?
26. What role have NGOs, political parties etc. played so far in organising this sector?
27. What has been the nature of efforts in organising unorganised sector labour and to what effect? Which are the successful efforts and factors which helped such successes?
28. Is organisation of unorganised sector labour an essential pre-requisite for improving their living standards?
29. Can there be a common thread running through the objectives of organisations for different sectors of unorganised labour or should such objectives be different for different sectors necessitating separate organisations?
30. Is the Trade Union Act, 1926 relevant to the issue of organisation of unorganised sector labour? What are your suggestions regarding the changes required or separate legislation?

31. What is your perception of the relevance and utility of cooperative laws to the issue of organisation of unorganised sector as well as the changes that may be required?
32. What is your perception of the relevance and utility of cooperative laws to the issue of wages?
33. A large part of unorganised sector labour is engaged in agriculture. Have been changes in traditional norms or payment of wages in your State, region, or area in the last 50 years? If so, what have these changes been and how have they benefited unorganised agricultural labour?
34. How many days' employment do agricultural labourers get in non-irrigated & irrigated areas in year-round male and female, what are the figures for other rural labour in irrigated & non-irrigated areas as well as for self-employed persons? What is the situation in urban centres in this regard (in your State/region)? So far as unorganised sector is concerned?
35. What are the figures of earnings for each of the categories in the queries asked in the previous question? What is the trend of these earnings, in real terms, both on daily and yearly basis over the last 30 years, and particularly in last 10 years - upward, downward or static?
36. How does the capacity to earn by self-employed persons - both in urban & rural areas - compare with that of wage labour? What is the specific situation as regards those who are mostly or completely self-employed in agriculture vis-à-vis the agricultural labour in this respect? What have been the trends in income between the self-employed and wage labour categories of persons in the unorganised sector and what have been the factors influencing the same?
37. Do you recommend a centrally fixed minimum wage for the unorganised sector labour in the country? If so, should it be a daily wage or yearly earning?
38. What are your specific views regarding the working of the Minimum Wages Act, 1948? What should be the criteria to fix minimum wages and charges required in the concept and definition of minimum wages? Your views may be specifically in the context of the unorganised sector.
39. What are your views regarding recent efforts to fix a minimum wage for rural labour (including agricultural labour) based on the linking of such minimum wage with the concept of poverty line?
40. Do you recommend similar initiatives for fixing a minimum wage for the unorganised sector labour? What are your views regarding changes/improvements that may be necessary for rural and urban unorganised labour so far as method of fixing minimum wages is concerned?
41. Comment on the state of enforcement of minimum wages in the unorganised sector and its possible implications on total emoluments if it were to lead to the employer withdrawing non-monetary benefits.
42. How far is it practicable to revise minimum wage for the unorganised sector per capita and what should be its periodicity? Should such revisions be based only on changes in cost of living index, or also on other factors? Please comment on other factors that may be relevant for such revisions.
43. What is your opinion regarding the proposition that the state would be justified to reduce the minimum wage for drought relief, flood-relief and employment guarantee programmes meant for providing welfare and social security?

4.1. Q. 1. Is there discrimination based on sex, community, caste, language, place of domicile etc. in payment of wages? How could such discrimination be reduced? Elaborate?

4.3. Q. 2. What is to be done for organising the unorganised sector labour and for their education to instill greater consciousness of their rights and privileges as regards wage entitlement conditions etc.? Comment on the working of the existing schemes in this regard and how these can be improved.

4.5. Q. 3. What has been the impact of employment generation schemes like RRE, RLGR, JRY, FFW etc. in rural areas as regards income level of rural labour's employment situation, particularly in rural areas? Should the level of wages in such programmes be equal to greater than or lesser than minimum agricultural wages? Should similar programmes in urban areas like NRY function on a large scale? Should such wages be regulated or price-controlled or a combination?

4.7. Q. 4. Employment is currently guaranteed only in Maharashtra State. How effective has this guarantee been? Do you think that other States/UTs should enact similar legislation? Should such schemes be operated only as a support mechanism, particularly for lean season employment in rural areas?

4.8. Q. 5. What should be the criteria for allocation of funds to an even distribution in employment generation programmes?

4.9. Q. 6. Do you suggest a separate agency for enforcement of Minimum Wages Act, 1948 (or the Unorganised sector)? If so, please give the details. Alternatively, should UPA take the lead in Panchayat Raaj machineries, particularly in rural areas, Municipal authorities in urban areas etc. Do you suggest a separate authority for enforcement of minimum wages? Should such schemes be operated only as a support mechanism, particularly for lean season employment in rural areas?

5.0. Q. 7. In the context of economic liberalisation with its emphasis on cost competitiveness and efficiency, leading to manpower rationalisation / separation in many organised industries, what are your suggestions for improving the social security measures developed till now for establishing unorganised sector employment?

Migration

5.1. Q. 8. What are the main reasons for migration to and from your State/area? Is it mainly (Out-migration) due to lack of work or better scope of income and improved work conditions?

5.2. Q. 9. What are the estimates of migration inflow and outflow in your area during last 5 years? Is intra-state or inter-state migration in your State a serious problem? What steps have been taken to manage it?

5.3. Q. 10. How do you distinguish migratory labour from resident labour? What are the main methods of distinction of migratory labour in your State/area contractors, relatives, follow workers or circuit recruitment by employers?

5.4. Q. 11. What are the effects of labour migration on the economy, particularly wage rates and employment, in the area from where the labour has migrated?

(i) area to which the labour has migrated?

(ii) What is the manner in which wage rates, particularly in rural areas, affect the migration of workers from one occupation to another and from one area of State to another and how are such wage rates influenced by availability of labour/unemployment levels? What should be the measures to strictly check wage-divergence based migration?

5.5. Please comment on the working of labour strategy and legislative measures, particularly the State-Sale migrant Workers Regulation of Employment and Conditions of Service Act, 1979 and suggest modification that would be necessary to improve its working.

Are the provisions of laws promulgated for unorganised sector labour like the Minimum Wages Act, 1948; Equal Remuneration Act, 1976; Inter State Migrant Workers Act, 1979; Plantation Labour Act, 1951; Beach & Cigar Workers Act, 1965; Powered Traction System (Amendment) Act, 1975; Contract Labour System (Regulation & Amendment) Act, 1973, sufficient

to prevent from new legislation or changes in existing ones, what other steps are required to ensure good working conditions of unorganised sector labour?

What's your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workers Act? What improvements would you recommend?

5.6. Q. 12. What are the main ways in which migrant labour is often exploited (eg., in terms of wages, etc.) and how can such exploitation be checked?

Planning and agrarian reforms-impact on unorganised sector

5.7. Q. 13. Do you think that the fruits of planned development have ruined the unorganised sector adequately? If yes, can the planning process be made more responsive to the needs of the unorganised sector labour, particularly the rural poor?

5.8. Q. 14. Do you think that the requirements of unorganised sector labour in terms of health, education, sanitation and water supply, housing, environmental improvement etc. are adequately covered under the Minimum Needs Programme? Would you make any specific suggestion for enlarging the coverage to accommodate other important needs? Is implementation of programmes in these sectors satisfactory? How can these be improved?

5.9. Q. 15. Do you think that adequate consideration has been given to the unorganised sector labour and their various needs, particularly in rural areas, so far as financial allocation under different 5 year plan periods is concerned? What are your specific suggestions for the future?

5.10. Q. 16. What is the impact of technological up-gradation and modernisation and organisational restructuring (particularly in last nine years) on labour efficiency, productivity and wages in organised sector and concomitant impact on the unorganised sector.

5.11. Q. 17. To what extent is the proposition that improved technology leads to lower labour absorption justified?

5.12. Q. 18. In which particular occupations in rural areas, the demand for labour is likely to decline with better technology/mechanisation? What could be the specific measures to absorb the surplus?

5.13. Q. 19. How successful have the legislative measures for long term labour in relation to abolition of intermediaries,

(i) security of tenure and

(ii) objective of conferring ownership rights to actual workers?

5.14. Q. 20. What is the extent of disguised tendencies in your area? What could be the measures for curing it?

5.15. Q. 21. The 3rd ceiling used to have generated a relatively small extent of land as surplus. How could these be made more stringent and its implementation improved?

**Social Security**

67. What is the importance of social security in strengthening the financial position of the unorganised sector labour?

68. Should social security be understood as a package of measures? If so, what should be the main components? Please outline such a scheme in the context of unorganised Sector labour.

69. It is held that social security measures for unorganised sector labour are constraining by factors such as:

- (i) lack of remuneration, or stable nexus between employer and employee which precludes schemes based on employer's contribution,
- (ii) low and unstable wage structure and lack of round the year employment which precludes schemes based on employee's contribution
- (iii) purely cashless nature of employment which excludes benefits like sick leave, maternity leave etc.

To what extent can these constraining factors be eliminated to confer the benefits of social security to unorganised sector labour?

70. Comment on the functioning of old age pension scheme in your State/Union. Should it be expanded in its coverage? what are your views/ suggestions for modification regarding corrections for entitlement such as domicile, age, pecuniary circumstance etc?

71. Should the rates of old age pension be revised at specified periodicity and such revision linked to cost of living index?

72. Is there any scheme in your And/State to cover accident risk in different occupations under the unorganised sector? If so, Give a brief description of each insurance scheme already in operation or proposed to be implemented whether individually or in group and the administrative and financial problems experienced.

73. What have been the procedural and other difficulties experienced in settling the claims of persons covered by various insurance schemes? Is it due to lack of activation & awareness, unorganised nature of labour and its dispersed nature of Employment (in rural areas)? What steps have been taken in your State/Territory to simplify the procedures & timely settlement of claims?

74. Is it possible to introduce in your State/Territory a 'Health Insurance Scheme'? If so, what should be its coverage and essential features? If it is considered to be not feasible, please give the main reasons.

**Problems of Women & Children**

75. What measures have been taken in your State/Territory to check exploitation of women & children? What are your views for making such intervention more effective as also new measures that may be required?

76. What is the position in your State/Territory regarding wage discrimination based on gender and measures taken/contemplated to check it?

77. How active have the NGOs and independent institutions been in organising women to secure their rightful claim and prevent exploitation?

78. Education and technical training improves skill and hence bargaining power. What have been taken in this area wth a view to improve the bargaining strength of woman workers

79. What is the extent of involvement of children in unorganised labour sector under different from near occupations? What steps have been taken to curb it and to what result?

**Legislative Provisions**

80. What should be the main focus of legislative intervention to provide basic elements of protection to unorganised sector labour keeping in view the size of the target group. In past experience vis-a-vis the actual application of the existing laws to the unorganised sector and administrative, financial and judicial mechanism of implementing such laws? Give a brief outline regarding any new legislation that may be suggested.

What are your views regarding a central unicameral legislation for ensuring a minimum level of protection to the unorganised sector labour? What should be the essential components of such legislation?

81. Should such legislation be common to the entire unorganised sector or be suitable for rural and urban sectors or wage labour and self-employed persons? Should there be a separate legislation for agriculture workers who form a very large chunk of unorganised sector labour? Please also refer to questions 15, 31, 38, 47, 56 and 59-60.

**Data Collection**

82. Do you think that statistical data on the various aspects of unorganised sector labour being collected regularly is adequate for analysis and policy formulation for development of unorganised sector labour.

83. Please state the additional items together with sources and periodically on which data relating to unorganised sector labour should be collected.

84. Is the data collection machinery adequate and well-equipped? What are your suggestions for improvement?

85. What measures do you suggest to ensure reduced time lag between reference period and availability of data?

86. What could be the measures to disseminate collected statistical data in a timely manner?

87. Apart from statistical data, certain issues and problems concerning unorganised sector labour may require in-depth studies on regular basis. What is your perception of core subjects which would require periodical studies?

88. Please after your suggestions regarding strengthening of institutions/ starting new institutions for undertaking studies on unorganised sector labour.

89. How should research in unorganised sector labour be promoted in universities/other research bodies?

90. How could research work be disseminated quickly & widely in the other academic bodies and Government and non-Government agencies?

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**Composition of the Study Groups constituted by the  
National Commission on Labour**

**No. 6/2000/NCL/Study Group**

**GOVERNMENT OF INDIA**

**MINISTRY OF LABOUR**

**NATIONAL COMMISSION ON LABOUR**

NEW DELHI: Dated the May, 2000

**NOTIFICATION**

The Second National Commission on Labour hereby constitutes the following Study Group for detailed examination of the issues pertaining to its subject:-

**Study Group (Review of Laws)**

1. Sh. T. A. Samkaran

Chairman

2. Sh. Shrikant Nachiketan Dharep
3. Sh. Sanal Nehru
4. Sh. R. P. Baruenda
5. Sh. K. P. Das
6. Sh. K. R. Mehta
7. Sh. V. S. Narasimhan
8. Sh. S. K. Bandopadhyay
9. Sh. Shridad Rao

**Study Group 2 "Unhurried Legislation for Workers in the Unorganised Sector**

Chairman

1. Sh. J. Bandopadhyay
2. Sh. Swapna Agnivesh
3. Sh. Balaji Aruney
4. Sh. G. P. Agnihotri
5. Sh. Avadhesh Kavathe
6. Smt. Aruna Roy

**Annexure - V**

<b>Study Group 3 (Globalisation and Its Impact)</b>	<b>Chairman</b>
1. Sh. Kasturbhai Thakkar	
2. Sh. C. S. Venkateswaran	
3. Sh. Milpa Nayak	
4. Sh. Ramchandra Khurta	
5. Sh. S. K. Sajiv Kumar	

<b>Study Group 4 (Social Security)</b>	<b>Chairman</b>
1. Sh. R. K. N. Subrahmanyam	
2. Dr. M. G. Dwivedi	
3. Sh. G. Ravendra Dev	
4. Shri A. D. Bagal	
5. Shri Krishnaji	
6. Dr. Atul Goswami	
7. Dr. B. S. Guha	

**Study Group 5 (Women and Child Labour)**

**Chairperson**

1. Smt. Ratnata Jhawela
2. Sh. Shambhu Khan
3. Dr. S. Vilasakshi
4. Smt. H. Mangalamma Rao
5. Unit. Mercy Ravi
6. Sh. T. Jishar Kerjali
7. Mrs. Jayanti Mukherjee

The list of members of Study Group may be further expanded subject to the requirements of the Constitution of Chairman in each after further consultation.

The Study Group will be free to draw their own procedures and would report to Government with the terms of reference of the Committee of 25 per cent. Government Resolution dated 12.10.93.

The Study Group on 'Skill Development, Training & Workers' Education' will be finalised separately.

By order of Chairman



(N. SANYAL)  
Secretary

No. 6/2000/PCL/Study Group  
GOVERNMENT OF INDIA  
MINISTRY OF LABOUR  
NATIONAL COMMISSION ON WOMEN

NLW DLLH; Dated line 21<sup>st</sup> August, 2002

## NOTIFICATION

The Second National Commission on Teacher Education hereby constitutes a Study Group on "Skill Development, Training & Workers' Education" for an in-depth study of the subjects. The Chairman and all members of the Study Group are requested to submit their report by December 31, 1967.

- |    |   |  |  |
|----|---|--|--|
| 1. | <b>Shri Sunil Kanji Mundra</b><br>Chairman<br>Member<br>Member<br>Member<br>Member<br>Member<br>Member<br>Member<br>Member                | 2.<br><b>Shri Sanat Mehta</b><br>34, Shalimar Park Society,<br>Behind Siryes School,<br>Kanjarpur, Vadodara-390011 | 2.<br><b>Shri R.P. Barotcha</b><br>Group President (R&LCo)<br>Ajay Bharia Group,<br>Korarji Mills,<br>Dr. Ambedkar Road,<br>Parel, Mumbai-400012 |
| 3. | <b>Shri M. Dias</b><br>Secretary,<br>The Employers Association,<br>13/16, W.E.A., Kargi Bagh,<br>New Delhi-110005.                        | 4.<br><b>Shri S. M. Dharap</b><br>Advocate,<br>13/345, 'Zasmine'<br>New MG Colony,<br>Gendre (East), Mumbai 400001 | 4.<br><b>Shri S. M. Dharap</b><br>Advocate,<br>13/345, 'Zasmine'<br>New MG Colony,<br>Gendre (East), Mumbai 400001                               |
| 5. | <b>Shri Sharad Rao</b><br>D-7/10, Jaindh Society,<br>Banjara Nagar, M.G. Road,<br>Goregaon (W), Mumbai-400004.                            | 5.<br><b>Shri K.R. Motilal</b><br>Lakshmi Navas, X Block<br>1st floor, 28, Maruti Rd<br>Egnore, Chennai-600001     | 5.<br><b>Shri K.R. Motilal</b><br>Lakshmi Navas, X Block<br>1st floor, 28, Maruti Rd<br>Egnore, Chennai-600001                                   |
| 7. | <b>Shri V.S. Narasimhan</b><br>President<br>Federation of Association of<br>Small Industries of India,<br>C-19, Industrial Estate, Eindya | 7.<br><b>Shri S. K. Bandyopadhyay</b><br>Gandhi Smarak Kuthi,<br>Raj Ghat,<br>New Delhi-110002.                    | 7.<br><b>Shri V.S. Narasimhan</b><br>President<br>Federation of Association of<br>Small Industries of India,<br>C-19, Industrial Estate, Eindya  |

二〇

- PS in Secretary, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi – I (002).  
Dr. G.S.Ramnath, Labour & Employment Advisor, Ministry of Labour, Shram Shakti Bhawan,  
Rafi Marg, New Delhi – I (002).

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MARCH 1972

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"UMBRELLA LEGISLATION FOR THE WORKERS IN THE

UNORGANISED SECTOR

"GLOBALISATION AND ITS IMPACT"

Study Guide

Study Group on

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Shri D. Bandopadhyay

Members

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| <p>1. <b>Swami Agnivesh</b><br/>7, Jani's Mantar Road,<br/>New Delhi.</p> <p>2. <b>Smt. Aruna Roy</b><br/>MKG,<br/>Villene Devi Gurjari,<br/>F-9, Sector 10, Ghaziabad,<br/>Distt: Noida, U.P. - 201301<br/>(Rajasthan)</p> |
| <p>3. <b>Shri Baba Adhav</b><br/>1-And-2, Panchayat,<br/>73, Nana Peth II,<br/>Pune - 411 002</p>   |
| <p>4. <b>Shri O. P. Agnihotri</b><br/>Managing Secretary,<br/>Prashanti Nilayam, Sahigali,<br/>Kamatesh Bhawan,<br/>Chitra Kamini, Thakur Gali,<br/>Palanquati, New Delhi - 110055</p>                                      |
| <p>5. <b>Shri Avdesh Kaushal</b><br/>Rupant...igration &amp; Settlement Kendra,<br/>68/1, Raypur Road, Sirsaik Colony,<br/>Delhi-110011</p>   |
| <p>6. <b>Smt. Natini Nayak</b><br/>'Sachivaram'<br/>Anandwara 2, O<br/>Thiruvananthapuram - 695001</p>  |
| <p>7. <b>Shri A. Kanaga Sathapathy</b><br/>Tamil Nadu Sanayadeva Mandal,<br/>25th M. Nagar, Jyoti Kondan,<br/>Trivandrum, Kerala - 695010.</p>  |

Chairperson

Shri Keshambhai Thakkar  
All India Vice President,  
Swarajya Mazdoor Sangh,

Мемброн

- | Members |  |
|---------|--|
| 1.      | Shri Ranachandra Bhutia<br>President, INTUC<br>(Orissa Branch)<br>5 RF-1, Unit-3, MG Road<br>Bhubaneswar-751001          |
| 2.      | Smt. Aruna Roy<br>MKSSG,<br>Village Devi Churnani,<br>P.O. Bari, Tehsil Jhunjhunu,                                       |
| 3.      | Shri C. S. Venkataratna<br>Chairman,<br>International Management<br>B.T.U. Noida (International A<br>New Delhi - 110016. |

<p>5. Dr. S. M. Mohan</p> <p>President, INTUC (Orissa Branch), 5 RF-1, Unit-3, MG Road Jubaneswar-751001.</p>	<p>6. Dr. Vandana Sharma</p> <p>Shri Ranachandra Routhia President, INTUC (Orissa Branch), 5 RF-1, Unit-3, MG Road Jubaneswar-751001.</p>
<p>7. Shri Aditya Narayan Managing Director, CCI India Limited, Finza Tower, 11th Floor, GDP Colony, Phase-I, Gurugram.</p>	<p>8. Shri S. K. Sasi Kumar Fellow, W.M. Giri National Law University, Sector-24, Noida.</p>

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### Study Group on "SOCIAL SECURITY"

#### Chairperson

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7. Shri B. L. Verma  
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### Study Group on "WOMEN AND CHILD LABOUR"

#### Chairperson

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INLUC,  
Central Women Workers Committee,  
15, Pt. Pant Marg,  
New Delhi.
5. Shri Tushar Kanjilal  
Tatgar Society for Rural Development,  
46-B, Arajinda Sarani,  
Calcutta - 700 005.
6. Smt. Janaki Andhraia  
Head, Department of Urban &  
Rural Community Development,  
Tata Institute of Social Sciences,  
2, BOX NO. 8313,  
Sion - Trombay Road,  
Deonar, Mumbai - 400 088
7. Dr. Kumud Sharma  
Senior Fellow,  
Centre for Women's Development Studies,  
25, Bhai Vir Singh Marg,  
New Delhi - 110001
8. Ms Shanta Sinha  
Secretary Trustee,  
C/o Sh. M. Arunand,  
Managing Trustee, M.V. Foundation,  
28, Marred Paly West,  
Secunderabad - 500 026

## Study Group on

**"SKILL DEVELOPMENT, TRAINING & WORKERS' EDUCATION"**

Annexure - VI

MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000

Visits of National Commission on Labour to  
States/Union Territories for collection of evidence

## Chairperson

**Shri Sunil Kanti Munjal**  
Hero Corporate Services Limited  
B-1, Qutab Hotel Complex  
Shaheed Jeet Singh Marg  
New Delhi - 110016.

## Members

S.No	Name of the Organisation	Name of the Participants with Designation
1.	Hind Mazdoor Sabha, Mumbai	Sri Vandayag SCB. Sri J R. Kumar Sri B. Mohan Rao Sri Basant Upde Sri Hk. Ts
2.	Indian National Trade Union Congress.	Sri H.M. Trivedi Sri Vasudeva Shri Charan Singh Shri Shanker Guru Singh Patel Shri G. Sankha Sri K. M. Salam Shri P. P. Solanki Shri Govardhan Patel Shri Balaji Jagtap, General Secretary
3.	Maharashtra General Kamgar Union	Sri P.S. Samant Shri B.P. Chinge Shri Dular Bhal Shri Jai Prakash Bhilare
4.	Shri D. Thankappan Plot No. 22, Sector 16, Kunjakharam, Mumbai - 400 705.	Sri A. N. Salunkhe Shri P. P. Solanki Shri Govardhan Patel Shri Balaji Jagtap, General Secretary
5.	Shri R. A. Mittal Hind Mazdoor Sabha, 120, Babar Road, New Delhi-110001	Sri Ramlal Vora, President Shri B. Chinge, Secretary Shri D. Thankappan, Vice President Shri A. Patel, Secretary Sri Ramlal Vora, President Shri B. Chinge, Secretary Shri S. K. Mehta, Secretary Shri Aji Patel, Secretary Sri Prakash Mani, PRO
6.	Rashtriya Kamgar Sangh	Sri Aji Patel, Secretary Shri S.P. Dargate, Secretary Shri S. K. Mehta, Secretary Shri Aji Patel, Secretary Sri Ravi Ranjan Sri M.P. Patwardhan
7.	Shri S. Krishnan Director General/Joint Secretary, DGE&T Ministry of Labour Shram Shakti Bhawan, New Delhi - 110001.	Sri S.D. Kasturi Shri Bhaskaran Jagdipan Shri Vishnu Sri Ravi Ranjan Sri M.P. Patwardhan
8.	Bhatiyap Mazdoor Sangh	

## MEETING (MAHARASHTRA) 4.7.2000 to 7.7.2000

S No	Name of the Organisation	Name of the Participants with Designation	S No	Name of the Organisation	Name of the Participants with Designation
1.	Bhartiya Mazdoor Sangh	Shri Sharad P. Joshi Shri J. S. Chansradev Shri B. Hanekar Sajay Singh Shri Pravin Khatan Shri Anur Venkatesh Shri A. Yashdewal, Jt. Convener Shri Arunil Wore, G. Secretary Shri Q.S. Bhansali Shri M.A. Patel Shri A. Sapde Shri C.S. Chawas Shri F.L. Seidre Shri H. D. Souza Shri R. Deshpande Shri Abhayavar Shri Sanjay Shrivastava Shri H. R. Kintoor Khan, V. President Shri K. Siddhanji Shri Arif O. Malavar Dr. Panu Lekar Shri Narend Shri P. M. Mehta Shri M. C. Desai Shri A. A. Sangani Shri Sartu Dallary Shri P. N. Achchan	15	Federation of Indian Industry	Smt. S. S. Patil, Secretary General Shri R. B. Ghanseria, Advisor Shri Chandrabhakta A. Jhunjhunwala Shri S. V. Verma, President Shri Somjeeta Mathusadan, Fxco. Assistant Shri R. Radhakrishnan, Advocate
2.	Trade Union Centre of India	Shri A. V. Vasudevan, Jt. Convener Shri Arunil Wore, G. Secretary Shri Q.S. Bhansali Shri M.A. Patel Shri A. Sapde Shri C.S. Chawas Shri F.L. Seidre Shri H. D. Souza Shri R. Deshpande Shri Abhayavar Shri Sanjay Shrivastava Shri H. R. Kintoor Khan, V. President Shri K. Siddhanji Shri Arif O. Malavar Dr. Panu Lekar Shri Narend Shri P. M. Mehta Shri M. C. Desai Shri A. A. Sangani Shri Sartu Dallary Shri P. N. Achchan	16	Mill Owners' Association	Shri R. Prabhakar Patil, Pres. dtg Shri R. Prabhakar Patil, Secy
3.	Individuals	Shri A. U. Khane Shri S. S. Ayub, General Secretary Ms. Rita Thorat	17	Bharati Merchant Chamber	Smt. P. Patil Shri S. S. Patil, Secretary
4.			18.	All India Judges Association	Shri S. S. Patil, Secretary
5.			19.	Lokmu Yodog Bharati	Shri S. S. Patil, Secretary
6.			20.	Mumbai Grahaik Mandal	Shri Subhas Savantshing
7.			21.	Indian National Bank Employees Federation	Shri Sudhir Chakraborty
8.	Bombay Chamber of Commerce	Shri S. S. Patil, General Secretary Shri S. O. Jana, 25	22.	Indian National Trade Union Congress.	Shri Ganesh Bhagat, General Secretary Shri S. O. Jana, 25
9.	Indian Merchant Chamber	Shri B. Nitoo, Pres. Shri V. S. Shrestha, Pres. Shri S. S. Patil, General Secretary Shri S. O. Jana, 25	23.	Campang Domestic Workers Bill	Shri Jayant Patel Shri J. Khan Shri Sanjiv Yadvay Shri Syam Kumar Pati Shri Ven Trivedi
10.	Bullivers Association of India	Shri H. H. Shroff, Gen. Secretary Shri S. V. Verma, President Shri Somjeeta Mathusadan, Fxco. Assistant Shri R. Radhakrishnan, Advocate	24.	Akrishnaya Mathadi Transport & General Kargar Union	Shri Babu Rao Shri Babu Rao
11.	Employees' Federation of India	Shri S. S. Patil, Secretary General Shri R. B. Ghanseria, Advisor Shri S. S. Patil, Advisor	25.	Marashtra Raja Hamal Majadi Marumandal	Shri A. S. Sheth, Dy. Secretary Shri K. P. Vaidya, A.G Shri M. D. Gaikwad, Distt. Let. Commissioner Sh. P. T. Jagtap Sh. V. Senia
12.	Jaytrik Marathi Chamber of Commerce & Industry	Shri Chandrabhakta A. Jhunjhunwala	26.	State Conciliation Offices	
13.	Maharashtra Chamber of Commerce & Industry	Shri R. N. Moharil			
14.	Federation of Association of Maharashtra	Shri P. P. Abaji, Chairman Shri Mohan Deorah, President			

MUMBIAI (MADRAS/OSMANTRA) 47,2000 to 7,7,2000

S. No	Name of the Organization	Name of the Participants with Designation
27.	Central Conciliation Officer	Smt. Sivaramasubbu, R.O.C Smt. V. K. Deeksha, A.I.C.S.C

MEDBIA (485A) 1.B.2000-3.8.2000

S. No	Name of the Organisation	Name of the Participants with Designation	S.No	Name of the Organisation
27.	Central Conciliation Officer	Smt Savitrami Singh, B.Sc Smt K. Dabija, ALCG Smt B. = Abrij Zeebol, ALC Smt R. B. Subbarayyan, ALC San Pankaj Dey, ALC	Indra National Trade Union Congress.	

22	P. G. Venkatesh Varadhan Singh	Sant Harpal Singh, M.A., Ph.D. Hd. Kanthi L. Salhe Shri Suresh R. Jyoti
23	National Institute of Personnel Management	Shri W. H. Deshpande, Chairman Shri G. T. Behru Ram, Secretary Shri M. L. Gore, Member Shri P. N. Vaidya
24	Current Labour Research Foundation	Mr. C. Balaji Paswan Shri Prakash Gehlot Shri K. S. Deshpande Shri S. L. Dandekar Shri M. L. Gore
25	Rashtriya Milli Ittehadul Sangh	Professor A. Ashi, General Secretary Santosh Pandit, Shri C. D. Grove Shri Q. S. Vilwars Sant Bhagat K. Patel Shri B. N. Kolsekar Shri G. J. Kahl, Vice President Shri Sarath Bahl, President
26	Tata Institute Social Sciences	Dr. R. C. Dutt Shri Ravinderan Nair Shri Meenakshi Pillai Shri D. Thennikapal Dr. R. S. Rukmani, Associate Dr. J. K. G. Sudarkar, Professor Dr. B. S. Vith, Vice Director Dr. T. S. Sarmah, Director
27	Karnataka Institute of Labour Studies	

AHMADBAG (GUJARAT) 13.2000-3.8.2000

## AHMEDABAD (GUJARAT) 1.6.2000-3.8.2000

S.No	Name of the Organisation	Name of the Participants with Designation
12	Ahmedabad Chamber of Commerce & Industry	Shri. D.G. Patel, President Shri. Achyut Ghosh, Gen Secy, A.C.I.
13	Gujarat Chamber of Commerce and Industry	Shri. C.R. Sisodia, Secretary Shri. K.N. Patel, President
14	Karachi Trade Centre	Shri. N. Patel, Vice Pres.
15	G.T., Ahmedabad	Shri. C. Patel Shri. N. Patel, Director
16	Kandla Employers Organisation	Shri. S. Patel Shri. S. Patel, General Manager Dr. K.S. Patel, Ex. Director
17	Anantnagar Industries Association	Shri. Y.S.D. Dewan, Gen Manager Shri. Jagadish Patel, Director
18	Southern Gujarat Chamber Of Commerce and Industries, Surat	Shri. H.K. Kapoor, President Shri. A.J. Patel, Vice President Shri. H. Patel, Birla Shri. Mayank Patel
19	Federation of Industries Association, GIDC Estate	Shri. K. Patel, President Shri. F.B. Patel, Exe Secretary Shri. Patel, Patel
20	Wadodaria Association	-
21	Mahatma Gandhi Labour Institute, Ahmedabad	Shri. S. Chandra Sekhar Director General
22	Faculty of Commerce, M.S. University, Vadodara	Dr. Ashok Hirgopal
23	Gujarat Airlines & Charitable	Shri. V. Patel, President
24	Nirma Institute of Technology	Dr. P. Venkateswaran
25	Centum for Social Studies, Surat	Dr. Md. Ismail Director
26	GAIL, T.O.R., Ahmedabad	Shri. S. Patel, Patel

CHENNAI (TAMIL NADU) 17.03.2000-19.03.2000	
S.No	Name of the Organisation
1	All India Jain & Hindu Teachers Sri. S. Venkateswaran, Secretary Sri. Shikha Arunachalam Col. V. Alavender Sri. R. Sureshbabu Sri. T. Jayalakshmi, Member Sri. Neeta Bashe FA Sri. SS. Narayana E. Sri. Sri. Mahadevan Shri. Y. Selvaraj Shri. V. Sentharam Shri. K. Selvaraju Shri. P. Balaji, President
2	Ramanathapuram Sreeodaya Sangh COISSA, Coimbatore South India Engineers' Mfg. Association Tamil Nadu Meenavar Periyai
3	COISSA, Coimbatore South India Engineers' Mfg. Association Tamil Nadu Meenavar Periyai
4	Confederation of Indian Industries Shri. G. Ravinder, Pres., Director Shri. K. Subrahmanyam, V. President Sri. J. Anuradha, Ex. Director Shri. K. Ven. Vice President Shri. T. Viragathasan, Vice Director
5	Tamil Nadu Street Bidi Mfg. Association Shri. Meenalayam Shri. A. V. Asai, President Shri. Abdul Kader
6	Shri. G. Patel, Pres., Director Shri. S. Parvathi, V. President Dr. S. Gangapalan, Vice President Shri. P.M.A. Kadar, Co-ordinator Shri. S. Thiruvalayalai, Co-ordinator Shri. Venkateswara, Ex. Director Shri. M. Venkatesh, Treasurer, Member Shri. V. Surendra, Asst. Director Dr. K. Shanmugam, Convener Shri. R. Leelavati, Secretary Ms. Parayam
7	CACL, Chennai Shri. K. Patel, President Shri. Patel, Patel
8	T.N. Govt. Transport, Coop. staff Federation Shri. T. Murugeswary, Gen. Secy Shri. K. Kannappan, State President Shri. S. Sampath, State Treasurer

**CHEMMAI (TAMIL NADU) 17.08.2000-19.08.2000**

S.No.	Name of the Organisation	Name of the Participants with Designation
10	Madras Labour Union (B.C.M.U.S.I)	Sri A. D. Wali, Gen. Secretary Shri P. Rajaraman Sri G. A. Kovai Sri U. Durai Shri K. Sathish Shri M. Kalaignan Sri A. Sankar
11	Labour Progressive Federation	Sri TV Venkata Gen. Secretary Sri M. S. Mani, Lt. Gen. Secretary Shri S. K. Subbarao, JL Gen. Secretary Shri R. Govindaraj, V. Presidece Shri M. A. Subrahmanyam, Gen. Secretary Sri R. Krishnamoorthy, Member
12	Maratha Mandal Sangh	Sri K. Revukonat, Secretary Shri M. Anguswamy, President
13	Indian National Trade Union Congress	Sri P. Srinivas, President Shri H.K. Venkatesan, Gen. Secretary Shri M. Meenapati, Secy. Secretary Sri R. Raju, Vice-Chairman, Gen. Secy Shri K. Elango Sri K. V. Arumugam Sri B. C. Shanmugam
14	Tamil Maithil Trade Union Congress	Shri Narayanan, President Vid. Party Amtm. Vice-President Sri B. Ganeshan
15	Hind Mazdoor Sabha	Sri C. R. Ajmun, Secretary Sri Rajamony, Secretary Sri Umamahasi Secretary
16	National Labour Organisation, Compttate	Sri K. Karthikayam, V. President Sri S. Patel, V. President Sri G. S. Nagendran, Gen., Secy Sri NG. Rengan, Secretary
17	Film Employees Federation	Sri P. Sundaram, Gen. Secy Shri N. Ravindra, President Sri V. Sundaram, President Sri P. Raju, Gen. Secy Sri U. Mahadevan, President
18	Co-operative Bank Employees Association	Sri M. Reddy Sri H. Kamal Sri H. Rao

**CHEMMAI (TAMIL NADU) 17.08.2000-19.08.2000**

S.No.	Name of the Organisation	Name of the Participants with Designation
1	Employers Federation of India	Sri U. S. Sivalingam Sri R. Venkateswaran Sri V. Venkateswamy Sri K. Palaniswami Sri T. G. Venkateswamy Sri. G. Gopalay Sri P. Rajamanickam Sri A. D. Balaji, M.L.D. Sri R. Rao
2	Mylapore Merchants Association	Sri C. Perumal Sri R. S. Rajaratnam, M.L.D. Sri V. V. Subramanian Sri P. Thomas Sri C. Perumal Sri A. Karuppan, Labour Commissioner Sri H. Radhakrishna, Secretary Sri G. R. S. Rengaswamy, A.L.C Sri G. Ramalingam, A.L.C Sri M. Kasthigepalan, A.L.C Sri R. Krishnasamy, Secretary Sri V. Perumal, Chief Inspector Sri P. Thirumangal, A.L.C. Inspector Sri G. Mahalingam, I.C.H. Inspector Sri Pandeeswaran, J.C.H. Inspector Sri P. A. Venkateswaran, J.C.H. Inspector Sri R. Paranthan, J.C.H. Inspector Sri R. Kumar, Dy. Gen. Manager Sri S. Nagendran, Chief Executive Sri S. Nagendran, General Secretary Shri A. Karuppan, Vice Chairman Shri S. Chelvam, Gen. Secretary Sri K. Narath, Gen. Secretary Shri M. - 205
3	Obatal Action Network	Sri. A. S. Rathnam, Chairman Mrs. K. Geeta, Member Sri K. Visar
4	United Trade Union Congress	Sri A. S. Rathnam, Member Sri C. P. Sujith, Member Sri Lakshmi, Member Mrs. Geeta, Member Sri M. Suresh, Secretary
5	Tamil Maithil Thozhilal Sangam	

**KOHKATA (WEST BENGAL) 14.09.2000-16.09.2000**

S.No	Name of the Organisation	Name of the Participants with Designation
4	Indian Chamber of Commerce	Shri A. E. Chaudhury <i>Active</i> Shri Sudhir J. Joshi <i>Chairman</i> Shrikarshna Aji. <i>Secretary General</i> Shri S. S. Chaudhury <i>Chairman</i> Ms. Aditi Sharma, <i>Secretary</i> Shri S. K. Dasgupta, <i>Director</i> Shri Valsaray Patel <i>Secretary</i> Shri N. Banerjee <i>Chairman</i> Shri S. Roy <i>Vice Chairman</i> Shri S. N. Sen Gupta, <i>Lia. Advisor</i> Shri S. K. Pati
5	Bharat Chamber of Commerce	
6	Harkar Sangram Samity	Shri Shikha Bhattacharya <i>General Secretary</i> Shri Devaraju Narula, <i>Secretary</i> Shri Rakesh Datta, <i>Treasurer</i> Shri S. A. Yanai
7	Shantiya Mazdoor Sangh	Shri S. K. Ghosh, <i>General Secretary</i> Shri A. K. Mehta, <i>President</i> Shri R. A. Chacko, <i>Vice President</i> Shri Kumar Guha, <i>General Secretary</i> Shri Rajalaxmi Basu, <i>Assistant Secretary</i> Shri Sanjay Kapur, <i>Chairman</i> Shri S. C. Bhattacharya
8	Hind Mazdoor Sabha	
9	Indian Jute Mills Association	
10	All West Bengal Sales Representatives Association	Shri C. K. Sanyal, <i>Secretary</i> Shri P. K. Roy, <i>Secretary</i> Shri Kalyan Chaudhury Shri S. Banerjee
11	Regional Labour Commission (Central)	Shri R. Verma, <i>HLIC(C)</i>
12	Federation of Betel Leaves and Tobacco Merchants Association	Dr. C. J. Patel, <i>Chairman</i> Shri S. Ganguly, <i>Secretary</i>
13	Bengal Brick Field Owners Association	Shri Kunal Krishna, <i>President</i> Shri Bansdhan Aggarwal, <i>V. President</i> Shri Ajit Kumar Ganguly, <i>EC Member</i> Shri Ashok Kumar Bhattacharya, <i>Coordinator</i> Shri Narendra Nath Singh, <i>Ex. President</i> Shri Debnath Sen, <i>Ex. Member</i>
14	National Front of Indian Trade Union	Shri N. J. Chakrabarty, <i>National Conv. Secy.</i> Shri R. K. Laskar

**KOLKATA (WEST BENGAL) 14.09.2000-16.09.2000**

S.No	Name of the Organisation	Name of the Participants with Designation
12	West Bengal Khet Majdoor Sangh	Shri Swapnil Ganguly, <i>General Secretary</i> Shri Ujjwal Gayen, <i>Member</i> Shri S. Banerjee, <i>Vice President</i> Shri S. K. Bhattacharya, <i>Treasurer</i> Shri Prasenjeet Agarwal, <i>Jt. Gen. Secretary</i> Dr. Sirjan Sunder, <i>Vice President</i> Shri Biswadeep Sen, <i>State Chairman</i> Shri S. Chakraborty Shri G. Mukherjee, Shri Abijit Datta, <i>Jl. Secretary</i> Shri B. N. Dasgupta Shri D. Chakraborty, <i>Secretary General</i> Shri Atul Datta, <i>Jl. Secretary</i> Shri S. R. Sengupta Shri Kanu Bhattacharya, Shri Asrok Choski Shri B. Chaudhury Dr. Namita Bhattacharya, <i>Professor (Eco)</i> Shri Nirmalendu Das Shri Rajanand Kundu Ms. Namita Bhattacharya Shri Lekh Vaishnavjee, <i>Chairman</i> Shri Asit Kumar Choudhury, <i>Consultant</i> Shri Debashree Mandal Shri U. K. Majumder Shri B. Malik, <i>General Secretary</i>
13	Centre for Studies in Social Sciences	
14	Midnapore District Coastal Fish Vendors Union	
15	Gakshin Banga Matsya Uti Forum	
16	Saitham India National Picture Association	
17	Tapafali Milani Sangh	
18	Indian Rural Medical Association	
19	HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000	
1	EMS	Shri Ega S. Dhari Shri K. N. Subbarao Shri R. L. N. Ray Shri K. Basu Sharma Shri S. Maleshwar Shri T. V. Chakravarthy San Deuldasli Amur, <i>President</i> Shri K. Satya Narayana, <i>Gen. Secy</i> Shri K. S. Anuras Radhy, <i>Executive Member</i> Shri T. V. Vittal Ramnur San P. Ram Mohan Rao, <i>Gen. Secy</i> Shri Syed Mahboob Jilani Saqip Shri J. Ruhian, <i>State Secy</i> Shri K. L. Peddy, <i>President</i>
2	A.P. Union of Working Journalists	
3	A.P.S.R.T.C. National Wardoor Union	

HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000

S.No	Name of the Organisation	Name of the Participants with Designation
4	Telangana Kisan Trade Union Council	Shri R. Ramamohan Rao, President Shri M. Srinivasayya, State & Member Shri Akashdeep
5	A.P. Eisen Workers Federation, Nizamabad	Shri Nirmal Sarath Reddy, Chairman Shri V. Venkata Reddy, Gen Secy Smt. K. B. Suresh, Vice Pres'der Shri K. V. Chaitanya, State President Smt. M. Meenakshi Reddy, Govt. Secy Shri V. V. Rama Reddy, Ex. Member Shri V.A. Reddy, M. Member
6	A.P. Chamber of Commerce & Industry	Shri Nagin N. Deo, President Shri S. Sudarshan, Secy. Shri P. Venkateswara Rao, Secy Shri S.H.C. Ravikumar, Hon'ble Member Sri J. G. Lakshminarao, Deputy Secy Shri Shiva Kumar Ranga Rao, Chairman Shri D.N. Yeshwanth, Convenor Shri D.M.S. Reddy
7	Federation of A.P. Chamber of Commerce & Industry	Shri Raghunath Rao Shri G. J. Roy Shri G.M. Chetty Shri H. A. Venkata Shri K.N. Srinivas Shri Raju Shri M.H. Chiragshil Shri K.S. Rao Shri V. Ramulu, O/o, Secy Shri M. Venkateswara Rao, Convenor Shri M. Sathyanarayana, Convenor, SFCC Shri V. Balasubrahmanyam Shri P. Souj
8	Employees Federation of Southern India	Shri D. V. Sharat, Jt. Convenor Shri R. Venkateswaran, Secy Shri T. V. R. Murthy, Convenor Shri V. Venkateswara Rao
9	Confederation of Indian Industries	Shri G. J. Roy Shri G.M. Chetty Shri H. A. Venkata Shri K.N. Srinivas Shri Raju Shri M.H. Chiragshil Shri K.S. Rao Shri V. Ramulu, O/o, Secy Shri M. Venkateswara Rao, Convenor Shri M. Sathyanarayana, Convenor, SFCC Shri V. Balasubrahmanyam Shri P. Souj
10	Pluto	Shri G. J. Roy Shri G.M. Chetty Shri H. A. Venkata Shri K.N. Srinivas Shri Raju Shri M.H. Chiragshil Shri K.S. Rao Shri V. Ramulu, O/o, Secy Shri M. Venkateswara Rao, Convenor Shri M. Sathyanarayana, Convenor, SFCC Shri V. Balasubrahmanyam Shri P. Souj
11	A.P. Hoteliers Association	Shri H. Venkateswaran, President Shri S. Jollina, Sastri, Chairman Shri J.S. Suresh, HEDC Manager Shri T.V.R. Murthy Shri P. Sankar
12	Confederation of A.P. Small Scale Industries Association	Dr U. Venkateswara Rao Shri A. K. Jayaram, President, Advocate Shri C. Hemachand, Advocate Shri B.G. Ravindra Reddy Shri K.V.R. Choudary

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HYDERABAD (ANDHRA PRADESH) 12.10.2030 - 13.10.2030

**BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000**

Sl No	Name of the Organisation	Name of the Participants with Designation
12	KRSSA	Shri E. M. Ane Dr. S. Krishna Kumar Shri S.A. Srinivasulu Shri N.K. Shaha Shri Asit K. Sarker
13	Greater Mysore Chamber of Industry	Shri Avtar Singh Bedi Shri K. Sudarmanya
14	All India Manufacturers Organisation	Shri K. Venkateswara Rao
15	Karnataka Phoenix Hotels and Restaurant Association	Shri H. A. Vijaya Raju Shri K. S. Prabhakar
16	Builders Association of India	Shri K.V. Naik, Pres. Shri M. Kiran, Cmng. Secretary Shri J.S. Hasde, Secretary
17	All India Banks Employees Association. All India Banks Officers Association.	Shri A. S. Babu, Pres. Shri Esawas Rao, GM/PI/Eng CX Shri Anil Mehta, Director (F) Shri A. Raja Sekhar, Dy. Mgr Shri TK. Umar, Director (P&A) Shri Satyendra Singh Chauhan Shri HM Nasarai G.S. Shri Sammanya V. President Shri Gokulchand EEC
18	Bharat Electronics Ltd., Bangalore CPGD	Shri Yashwant Rao, Assl. Secy Shri U. Bhaskara Rao, EECGM Shri G. Naganna, President Shri Sneekantibabu, Gen. Secy
19	Hindustan Aeronautics Ltd.	Shri Nazneen Kumar, Vice Chairman Shri Al R. Mohadevan, Zonal Chairman Shri P. Krishnappa Paramalamma, Zonal Secy Shri K. Appalurai, Zone 2 Secy
20	LRDE Employees Union	Shri M. Hande, Pres., Unit Secy Shri Prasanna, Core Member Ms Suchitra Rao, Core Member
21	Industrian Aerodynamics Ltd., Employees Association	Shri T. Nagappa, Pres. Shri T. Nagappa, Core Team Member Shri Prasanna, Core Member Shri T. Nagappa, Core Member Shri M. Hanuman Philip, Executive Director MS Socio, Ms. Vinod, Proj. Coordinator Shri K.L. Ravesh
22	FCL Employees Union	Shri T. Nagappa, Pres. Shri T. Nagappa, Core Team Member Shri T. Nagappa, Pres. Shri Hanuman Philip, Executive Director Shri M. Hanuman Philip, Executive Director Shri K.L. Ravesh
23	Campaign Against Child Labour, MAYA	Shri T. Nagappa, Pres. Shri T. Nagappa, Core Team Member Shri T. Nagappa, Pres. Shri T. Nagappa, Core Team Member Shri T. Nagappa, Pres. Shri T. Nagappa, Core Team Member Shri T. Nagappa, Pres.
24	All India Dignified Manufacturers Association	Shri K. S. Shankar Shri R. Subrahmanyam Shri M. Varale Raju Shri S. Chakravarthy Shri C. Raghava
25	Canara Bhunk Bajrwan Employees and Officers Union	Shri K. S. Shankar Shri R. Subrahmanyam Shri S. Chakravarthy Shri A. V. Kalashankar, Adjt Secy Shri K. K. Joseph, Gen. Secy

**BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000**

Sl No	Name of the Organisation	Name of the Participants with Designation
25	National Union of Telecom Engineers Employees	Shri Rakesh Gupta, Gen. Secy Shri K. S. Shankar, Pres. Shri K. Venkateswara Rao, Secy Shri Chaitanya Shri VR Hegde, Assl. Secy General Shri K. Krishnamoorthy, Gen. Secy Shri B. Madhukar Rao, Pres. Shri C. Venkata Rao, Secy Shri S. Venkateswarlu, Gen. Secy Shri Venkatesh Sharma, Gen. Secy Shri T.K. Vinayak, Admst. Shri V. Anil, Admin. Secretary Shri N. Balakrishna Shri A. R. Rao Shri B. Suresh Pasricha Shri R. Rangarao Shri R. K. Godse, Secy, Bengaluru Shri G. R. Krishnamurthy, Vice President Shri Subratendu, GM, HR Shri DC, Photojour Shri V. S. R. Shri U. Ramavathy, General Associate Vice President Shri Pravallika K. Varadarajan, Pres.
26	Karnataka Railway Porters Union	Shri India Daniel, Secy Employees Union
27	All India Bank Employees Union	Shri A. S. Prabhakar
28	Karnataka Railway Porters Union	Shri B. R. K. Venkatesh, Secy, President Shri S. Venkatesh, Joint Secretary
29	All India Bank Employees Union	Shri R. C. Prabhu Shri V. S. R. Shri U. Ramavathy, General Associate Vice President Shri Pravallika K. Varadarajan, Pres.
30	Professional Workers Trade Union Centre of India	Shri R. K. Godse, Secy, Bengaluru Shri S. Venkatesh, Secy, President Shri S. Venkatesh, Joint Secretary
31	Wipro Group of Companies	Shri F. J. Prakash, Pres.
32	HAKP	Shri V. S. R.
33	Infasye Technologies Ltd.	Shri U. Ramavathy, General Associate Vice President Shri Pravallika K. Varadarajan, Pres.
34	THIRUVANANTHAPURAM (KERALA) 6.12.2000 - 8.12.2000	Shri P. Prakash, Ex. Mulya and Member Shri D. Sundararajan, Secretary Shri F. J. Prakash, Joint Secretary Shri I. Muthadil, Joint Secretary Shri S. Kurian, Pres. Smt. K. Rajar Shri Madhu K. Krishnan Shri S. Jayaraman, Pres. Marketing Director Shri V. Sasidharan, President Shri S. K. Rajar Shri P. Subrahmanyam, Secretary Shri S. M. Narendran, Managing Director Shri M. V. Padmanabha Shri G. Subodhan, Gen. Secy Kothikar Krishna Kumar, Secy Shri A. V. Kalashankar, Adjt Secy Shri K. K. Joseph, Gen. Secy

THIRUVANANTHAPURAM (KERALA) 6.12.2000 - 8.12.2000

S.No	Name of the Organisation	Name of the Participants with Designation
11	National Fish Workers Forum & Kerala Yatisayam, Vannikunnam, Ar.	Sri M. John, Advisor Sri M. Suresh Nar, Advisor Mr. Suresh Das, Pres.
12	Bharathi Mazdoor Sangh, Kochi, Kerala	Girij Ananya, Sri R Venkatesh, Working President Sri M.M. Subbaram, Gen Secy Sri K. Vasanth, Secy Sri Tir Samudra Patropani
13	Zila Bus Owners Forum, Alappuzha, Karthikamitta	Sri S. Udayabharan, Gen Secy
14	Indivisual Sangham, Trivandrum	Prof. K. M. Puth, Secretary
15	Uppa & State Association of Panthers of Kerala and Karnataka, Coonoor & Kochi, Kerala	Sri C. Sambaranayagam, M.C.Secy Uthukkumar, Secy Central Sri K.J. Joseph, Secretary Sri P.G. Prakash, Secretary
16	Left Wing Co. Sabha	Sri C. V. Jayakaravani
17	Integrated Child Development Services, Chavara	Sri C. Aneesh Chariar Sri N.U. Unni, Member & Gen Secy Ms. Preetha, Secy
18	Indian National Trade Union Congress	Sri T.M.G. Panikkar, Joint Gen. Secy Sri K. Sugath Babu, President Sri K. Surendran, President Sri Balaji, Gen. Secy
19	High Range plantation employees Union, Periyadale	Sri Ady K.P. Kandaswamy, District President Sri K.P. Lakshmi Nadar, President Mrs. Padmimali Iremmas, Vice President Sri Paradeekun, Vice President
20	Cair-Sniper- Board, Charkivin	Sri A. Revathy, Gen Secy Sri E.G. Arifuddin, Gen. Secy Sri M.V. Thalappan, Secretary
21	Kerala Chapter & NIPM	Sri R. S. Subashree, Manager Sri P.T. Ganage, Sr. Manager Sri A.S.G. Iust, Head Sri S. S. Mo., Ex. Chairman Sri P. Joy, Secretary Sri Fabio Thomas, Chairman Sri S. Mohd, Director Sri G. Suresh, Director Sri P.C. Shanthanu
22	G. Ravindran Institute of Labour, Kollam	Sri M.U. Aswaghul, Director Sri A. Venkatachari, General Secretary
23	Mathai Management Association, Kannur	Sri P.K. Jayan

THIRUVANANTHAPURAM (KERELA) 6.12.2000 - 8.12.2000

No	Name of the Organisation	Name of 12 Participants with Designation
24	Kerala Private Bus Operators Federation, Kozhikode	Smt. A. Arockia, Secy Shri. N. Arun, Treasurer Shri. T. Udayan, Vice President Smt. S. Saseendran, President Shri. Abdul Salie, Gen Secy Smt. J. Gourachelan, Secy Smt. K. Muradhan, Ph.D Ms. Anupama Aravind, Secretary Vice President, Corporation Mr. Vercy Alexander
25	Cashew Manufacturers & Exporters Association, Kollam	Mr. M. Gracey Gang, Jagat Jahan, Convener Smt. Suganya, Gen Secy Shri. S. Balachandran, Gen Secy Shri. T. Menon, Ass't Manager, GM Secy Smt. Rita P. P. Praveen, Creator Smt. Stanley Joseph, Programme Coordinator
26	Sesi Engineers Workers Association	Shri. M. Shaji, Welfare Officer Shri. T. Jayaprakash, Zone Secy Shri. K. Ramdas, President Shri. S. Giridhar, Secretary Smt. Zainab, Zone Pres. GM Secy
27	Co-ordination Committee of Plantation Labour Union	Smt. M. Shanti, Welfare Officer Shri. T. Jayaprakash, Zone Secy Shri. K. Ramdas, President Shri. S. Giridhar, Secretary Smt. Zainab, Zone Pres. GM Secy
28	Kerala State Manufacturing Federation Ltd.	Smt. M. Shanti, Welfare Officer Shri. T. Jayaprakash, Zone Secy Shri. K. Ramdas, President Shri. S. Giridhar, Secretary Smt. Zainab, Zone Pres. GM Secy
29	Gion Resco Veedu Society	Smt. M. Shanti, Welfare Officer Shri. T. Jayaprakash, Zone Secy Shri. K. Ramdas, President Shri. S. Giridhar, Secretary Smt. Zainab, Zone Pres. GM Secy
30	Association of Plantation Welfare Officers of Kerala, Munmar Suri, Kottayam	Smt. M. Shanti, Welfare Officer Shri. T. Jayaprakash, Zone Secy Shri. K. Ramdas, President Shri. S. Giridhar, Secretary Smt. Zainab, Zone Pres. GM Secy
31	LIC Development Officers Association	Smt. C. Seethra, President Shri. B. K. Ranganayakulu, President Shri. N. S. Swami, Secretary
32	United Trade Union Congress, Kallian	Smt. C. Seethra, President Shri. B. K. Ranganayakulu, President Shri. N. S. Swami, Secretary
33	Banapathram Tea Works Ltd., Kottayam	Smt. C. Seethra, President Shri. B. K. Ranganayakulu, President Shri. N. S. Swami, Secretary
<hr/> <b>HUBBANESWAR (KUSUM)</b> 13.12.2009-13.12.2009 <hr/>		
1	Hind Mazdoor Sabha	Smt. C. Seethra, President Shri. B. K. Ranganayakulu, President Shri. N. S. Swami, Secretary
2	Bharatiya Mazdoor Sabha	Smt. C. Seethra, President Shri. B. K. Ranganayakulu, President Shri. N. S. Swami, Secretary
3	Orissa Kervilal Karamchari Union	Smt. C. Seethra, President Shri. B. K. Ranganayakulu, President Shri. T. Thirumurthy, Vice President Shri. K. Sankar, Vice President Shri. N. K. Suresh, Vice President Shri. B. Balki, Working President

S. No	Name of the Organisation	Name of the Participants with Designation
1	Indian National Trade Union Congress	Smt J Sathu Smt D. Sathu, Secretary Shri S. Chavhan, Gen. Secretary Shri S. Mithoo Shri S. D. Patel, Secretary Co-Secretary Shri N. K. Patel Shri Narmada Mitalra, A.I.C. Shri F. C. Parayali, Labour Inspector Shri E. S. Sardana, Labour Inspector
2	Central Agri. Agri. & Child Labour	
3	Individual	
4	University	
5	Maharaj Vidyarthi Advisory Board	
6	Rourkela Steel Plant	
7	NCC Bhawaneshwar	
8	NITSC, Angul	
9	Indian Metal & Ferr Alloys Ltd	
10	Pardede Phosphate Ltd	
11	Civil Conservator of Forest	
12	Industrial Development Corporation	
13	Orissa Hydro Power Corporation	
14	Orissa Mining Corporation	
15	Orissa Chamber of Commerce & Industries	
16	TISCO	
17	Larsen & Toubro, Sundergarh	
18	Orissa Union of Working Journalists	
19	Central Government Officials	
20	Hindustan Copper Ltd.	
21	Orissa State Mineral Development Corporation Ltd.	
22	Orissa State Mineral Development Corporation Ltd.	
23	State Government Officials	
24	State Government Officials	

## BHUBANESWAR (ORISSA) 18.12.2000-19.12.2000

S.No	Name of the Organisation	Name of the Participants with Designation
	State Government Officials	Dr. P. K. Mohanty, A.C. Shri P. K. Balasubrahmanya, A.I.C. Shri D. Path, A.C. Shri N. K. Patel Shri Gopal Patel, A.I.C. Shri Narmada Mitalra, A.I.C. Shri F. C. Parayali, Labour Inspector Shri E. S. Sardana, Labour Inspector
	JAIPUR (RAJASTHAN) 22.1.2001-24.1.2001	
1	Indian National Trade Union Congress, Jaipur	Shri B. L. Mehta, Gen. Secretary Shri Y. K. Sharma, Secretary Shri Babita, Shanta Vice President Shri Shyamla Jat, Hon. Secretary Shri Sumanlal Verma, Jt. Secretary Shri Santosh Das, Member Shri G. C. Singhi, President Shri P. Lalit S. Awana, Asst. President Shri S. Niranjan Sahai, Gen. Secretary Shri Jagbir Singh
2	Bharatya Mazdoor Sangh, Jaipur	Shri N. M. Nandwana, Director Shri Salay Agarwal, Or. Arvind Agrawal, Secretary Ms. Hemlata Kamlesh
3	RCITU, Jaipur	
4	National Child Labour Project, Udaipur	Shri N. M. Nandwana, Director Shri Salay Agarwal, Or. Arvind Agrawal, Secretary Ms. Hemlata Kamlesh
5	Society For Education Research and voluntary Effort, Jaipur	
6	National Campaign Committee for Legalization on Construction Labour	
7	SEWA, Jaipur, Udaipur	
8	Individual	
9	Mazdoor Kisan Shakti, Titania	
10	Individual	
11	National Institute of personnel Management, Jaipur	
12	Individual	
13	Hindustan Copper Ltd.	
14	National Thermal Power Corporation, Agra	
15	Rajasthan State Mineral Development Corporation Ltd.	
16	Rajasthan State Electricity Board, Jaipur	

JAIPIUR (RAJASTHAN) 22.1.2001-24.1.2001

S.No.	Name of the Organization	Name of the Participants with Designation
17	Industrial Tribunal and Labour Court, Jaipur	Smt R K Choudhury, Judge
18	Rajasthan State Roadways Labour Union, Jaipur	Smt Hemam Singh Sehraw, President;
19	Rajasthan Chamber of Commerce and Industry and Rajasthan Lager Traders Mahasangh	Smt T. J. Jain, Vice President; Shri S. S. Srivastava, Vice General Secretary; Shri B. B. Sharma, Justiceary
20	Entrepreneurs Association of Rajasthan	Shri D. S. Mehta, Vice-Chairman; Shri S. K. Patel
21	Rajasthan Chamber of Commerce and Industry	Smt Shanti Pathak
22	Federation of Indian Industry	Smt R. H. Rao, Advisor
23	Rajasthan Textiles Mills Association, Jaipur	Shri Rameshwar Prakash, Head
24	Jewellers Association, Jaipur	Smt R. S. Sharma, Secretary
25	Rajasthan Garment Manufacturers and Exporters Association, Jaipur	Shri V. K. Mehta, Chairman
26	Rajasthan Garment Manufacturers and Exporters Association, Jaipur	Shri A. L. Narayan Singh, Joint Lab Commn
27	Laghu Udyog Bharati, Jaipur	Shri H. S. Mathur, Fx. Secretary
28	Rajasthan Oil Industries Association, Jaipur	Shri K. M. D. Patel, General Member
29	National Engineering Industries Ltd	Shri C. D. Jain
30	Sangam Processors Ltd, Jhunjhunu	Shri D. P. Patel
31	Popular Art Palace, Jaipur	Smt R. H. Kaushik
32	Federation of Rajasthan Trade and Industry, Ajmer	Smt K. C. Tiwari

IAIEUK (RAJASTHAN) 22.1.2001-29.1.2901

EVIDENCE (45500), AUSTRIA | Pre-test, Negative, Measured Value 17.02.2002, 26.02.2002.

S No	Name of the Organisation	Name of the Participants with Designation
115	Bim. Mazdoor Federation, Dibrugarh	Shri Pinesha Reetam, President
116	Coal India Ltd	Dr Beni Bhattacharya, Pers. Manager
117	CII India Ltd, Dibrugarh	Shri D. D. Bhattacharya, Dy. Manager
118		Shri V. K. Doria, Sr. Mgr.
119	Indian Oil Corporation Ltd	Shri Md. Ali Yaqzamir, Manager
120	GKY Refinery Assam Oil Division	Shri S. K. Kumar, GM
121	Assam Asbestos Ltd	Shri Md. Z. Karimul, GM
122	INTUC	Shri A. K. Kalita, GM
123	Bongaigaon Refinery & Petro Chemicals Ltd	Shri L. K. Srivastava, V. President
124	Assam Tea Corp. Ltd.	Shri M. Jitendra, Dy. Manager
125	Oredi Manufacture's, Dibruri	Shri Renuka Devi, President
126	Assam Carbon Products Ltd, Guwahati	Shri Dinesh Prasad Gorakha, Gen. Secy
127	Federation of Industries (M-E Region)	Shri Samean Mitra, Asst. Gen. Secy
128		Shri Jayanta Kumar Das, Gen. Secy
129		Shri J.C. Kakot, President (Apco Banks)
130		Shri A. C. Singh, Asst. Gen. Secy
131		Shri G. Sekh Sharma, Advisor
132		Shri S. Choudhury, V.P. President
133		Shri D. Nahar, Member
134		Shri S. Saha, V.P. President
135		Shri P. Sen, Gen. Secy
136		Shri J. K. Das, Gen. Secy
137		Shri J. C. Bhattacharyya, AICC
138		Shri P. C. Goswami, Manager
139		Shri A. R. Das
140		Shri R. C. Gupta, Dy. Secy
141		Shri B. K. Saikia, Manager
142		Shri B. L. Agarwalla,
143		Shri S. S. Parashuram
144		Shri Jagat Singh, President
145		Shri Jagat Singh, Official

SEARCHING PROCESS

S.No	Name of the Organisation	Name of the Participants with Designation
1	All Purlok Welfare Society, Papumpara	Shri C. Menon <sup>Gen. Presid.</sup> ; Shri Kasyap H. Ray, Shri Bipin Puri, Shri Madhav Sircar, Chairman Dr. S. F. Sharanya, ALU Shri Dip Fukdar, Shri B. L. Agarwalla
2	Labour Cell (B. J. P)	Shri E. Fichio Aoki, JI - Ah Commissioner; Shri Hezic Ng Zewang, Ah C
3	Dept. of Labour & Employment, Maharashtra	Shri C. N. Shinde, C. O
4	All Assam SS Association, Baruvi Maidan	Shri P. Bedard Jamir, President; Shri Kamini Rongma, Gen Secy Smt. Jampa, Chairman Ms. Smita Gupta Gen. Secy
	MAGALAND	Lals Jordang Singha, Secretary
1	Labour & Employment Dept.	Shri R. Bhury, President
2	Cinnapur Cyclo Rickshaw Puller Union,	Shri Y. Rihelkao Khing
3	Nazrachit Women Welfare Society, Dimapur	Shri L. Ghoshini Ali, President
4	Nagaland Pulp & Paper Workers' Union, Tuli	Shri Meinya Sipang, President
5	Nagaland Sugar Mill Workers Trade Union, Dimapur	Shri Y. Togameg, Chairman
6	Dimapur Motor Workers Trade Union	Shri K. Virng, Project Secretary
7	Eastern Flimlin Association, Twareng	Shri H. Z. Magoyhang, Secy. Gen.
	SHILLONG	
1	AJUE	Shri Biewng President;
2	INTUC	Shri Bellinglong Gyopes, Gen. Secretary; Shri B.R. Tiwah, President
3	Meghalaya PWD Master Roof Workers Union	Shri M/S. Wah M/C Co. Standard
4	State Government Officers Labour Department	Shri D. Ganguly, Inspector of Building & Factories Shri S.D. Shrestha, D.L.C
5	Khasi Jaintia Labour Union	Shri Fr. Garcia L. S. N. Dykes, Inspector Shri A. P. Syring, President
6	Saitlong Club Workers Union	Shri K. C. Chyak, Labour Inspector Shri S. S. Khan, Secretary & Commissioner G. A. S. Kylring, Esq. Shri A. P. Syring, President Shri N. Nungsing, Secretary Shri M. L. Yadav, Secretary

SHILOH

PORT BLAIR (ANDAMAN & NICOBAR ISLANDS) 26.02.2001- 28.02.2001

No	Name of the Organisation	Name of the Participants with Designation
15	KTUG	Smt R. SKR Shrikant, President Smt S. Nandini, Vice President Shri P. G. Suresh, Treasurer Shri P. K. Kambal, Secretary Shri H. A. Kirsikar
16	CTU	Smt A. Becker Smt A. Tamburino, General Secretary Smt P. G. Suresh, Treasurer Shri B. Chemburkar, Working President Shri S. Satyanarayana, President Shri K. P. Rao, Vice Secretary Shri T. Upadhyay, Vice Chair Shri K. Reddy, Executive Secretary
17	INTUC, Goa Branch	Smt H. M. Kartik, President Smt P. V. Salgaonkar, General Secretary Smt S. V. Dorni, Gen. Secy, Secretary Shri Krishnamoorthy, Secretary Shri P. C. Sankar
18	AIITUC	Shri Gopal Das, Dr. C. S. Deshmukh, Shri Atul Chaitanya, Dr. C. S. Deshmukh, Shri H. S. Macarla, S. Deshmukh, Shri Nasir Rehman, Asstl Manager Shri. G. S. Jethmalani, Advocate Shri V. L. Mehta, Vice President Shri Pradeep Prabhakar, Parsonage Manager Shri J. S. Bokte, Gen. Manager Shri Sudhakar alk George, Gen. Secretary Shri H. S. Deshpande, Advocate Shri Chaitanya Prabhakar, President Shri Ravindra C. Vaghela, President Shri A. G. Balasaheb, Dr. J. J. Deshmukh, Vice President Ms. Seema Bhambhani, Manager Mr. S. S. Deshpande, Faculty Shri A. E. Deshmukh, Dr. Secretary Shri S. V. Deshmukh, Librarian Shri C. S. Deshmukh, Lab. Inspector Shri V. V. Deshmukh, Dean Member Shri R. S. Venkatesh, Dr. Member Shri G. D. Ubale, Chair Manager Shri Q. B. Patil, Vice Manager
19	AICTUC	GDA, 05.13.2001-06.03.2001
20	INTUC, Goa Branch	Smt H. M. Kartik, President Smt P. V. Salgaonkar, General Secretary Smt S. V. Dorni, Gen. Secy, Secretary Shri Krishnamoorthy, Secretary Shri P. C. Sankar
21	AIITUC	Shri Gopal Das, Dr. C. S. Deshmukh, Shri Atul Chaitanya, Dr. C. S. Deshmukh, Shri H. S. Macarla, S. Deshmukh, Shri Nasir Rehman, Asstl Manager Shri. G. S. Jethmalani, Advocate Shri V. L. Mehta, Vice President Shri Pradeep Prabhakar, Parsonage Manager Shri J. S. Bokte, Gen. Manager Shri Sudhakar alk George, Gen. Secretary Shri H. S. Deshpande, Advocate Shri Chaitanya Prabhakar, President Shri Ravindra C. Vaghela, President Shri A. G. Balasaheb, Dr. J. J. Deshmukh, Vice President Ms. Seema Bhambhani, Manager Mr. S. S. Deshpande, Faculty Shri A. E. Deshmukh, Dr. Secretary Shri S. V. Deshmukh, Librarian Shri C. S. Deshmukh, Lab. Inspector Shri V. V. Deshmukh, Dean Member Shri R. S. Venkatesh, Dr. Member Shri G. D. Ubale, Chair Manager Shri Q. B. Patil, Vice Manager

## EOA 05.03.2001-05.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
17	Economic Development Corporation of Goa, Panaji	Shri A. V. Patkar, Gen. Manager, Shri S. V. Banikar, Dy. GM Shri A. V. Patkar, Vice Chairman, Shri S. V. Venkatesh D.
18	Goa Antibiotics & Pharmaceuticals Ltd.	Shri Ed. Antiole Shri Anil B. Bharu, M.D. Shri V. G. Hemalkar, I.A. Shri G. E. Hader, GM, Personnel Shri S. Sridhar, Secretary Shri G. K. Karavampata, Dr. Secretary Shri I.M. H. S. Baloo, Vice President Shri Nalind Angl, C.
19	Kadamta Transport Corp. Ltd. Panaji	Shri R.S. Wadhera, Lab. Commissioner Shri S. S. P. Desai, Cust. Specie, Factory & Building, Shri K. P. Baloo, Kurly, REFC, Shri S. L. Jain, Welfare Committee Of M. Shri Ganapath Bhami, ALC
20	Govt Chamber of Commerce & Industry	
21	General Trade Exporters Association, Panjim	
22	Goa Mining Association, Panjim	
23	All Goa Small Scale Industries Association, Panjim	
24	State Government	
25	Central Government	
	LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001	
	State & Central Govt Officials	
1		Shri Anil Ansari, Labour Commissioner Shri V.N. Sudhir, Director of Factories Shri Maheshwar Dwivedi, Sp. Secretary Shri Ashok Chot, Addl. Director Shri Bipin Kumar, JCO Shri Ishan Saran, Collector of Police Shri K.L. Srivastava, Regional Director Shri Royam Sakthi, JI Director Shri B.S. Duggal, R.C. Shri Radhey Kumar, Presiding Officer Blasto/Ruler Commissioner & Director ES
2	Central Govt Industrial Tribunal Cum Labour Court	Shri Pankaj Agarwal Shri Sudesh Kumar, Presiding Officer Shri Devendra Singh Shri Ramakant Shukla
3	BMS	Shri Sukdev Prasad Misra Shri Shrikant Shri Kishan Tripathi Shri Savera
4	HWS	Shri & N. Mishra Shri Amrik Pal, Nasar Singh Shri Uma Shankar Mishra, Gen. Secy Shri V.D. Pandey, Vice President Shri A. Sharma, Vice President
5	Norman Maxdoor Panahayat Sangam	Shri Vishnu Shukla, Org. Secy
19	scooters India Limited	
20	UPTRON	
21	Ruse, Oil seed Production & Marketing Corporation Society	Shri Rajesh Tiwari, Sr. Officer Shri Javed Joseph, Private Secretary Shri Muktanand Lal, Local Office
22	UNI Kalin & Under Mazedor Sabha, Mirzamar Pur	Shri H.M. Wajid Khan, Secretary
23	Lucknow University	Prof. V.G. Goswami, Deptt. Of Law

## LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
6	Bidi Udyan Kamichari Union	Shri Arun Shukla, Verdict Executive Shri Abdul Hussain, President Shri Asok Singh, President Shri D. S. Ansari, Vice President Shri C. S. Singh, Gen. Secy
7	HTUC	Shri P.K. Sharma Shri Ananya Sharma Shri Sudhir Singh, Gen. Secy Shri Dant Yati Prajapati, Gen. Secy Shri K. Vilas Rao, President Shri Ishan Pathi, President Shri Sudhir Tiwari, Chairman Shri P.S. Sharma, Adj. Legal Advisor Ms. P. Jyoti Priyadarshini, Resident Councillor Shri V.K. Agarwal, Pres. H.R.D. Shri Sagar Kulk, Chief Co-ordinator Shri G.C. Chaitanya Chaitanya Shri Atul Agarwal, Executive Director Shri Shalendra Jain, Committee Member Shri U.K. Agarwal, Committee Member Shri Sudhir Lal, Member Shri R.K. Jain, Secy. Gen.
8	Indian Federation of Working Journalists	Shri D.P. Chikar, CEO San Sevak Bharti, Joint Executive Director Shri Ashok Agarwal, President Shri Kishan Tiwari, Gen. Secy Shri R. Iyengar Shri Manohar Prakash Agarwal, President Shri J.S. Zaveri, Representative Shri A.K. Ghose, Asst. Gen. Manager Shri Deepak Kumar, Asst. Manager Shri P.K. Kawasi, Deputy Manager Shri Alok Singh (M - Engg.) Shri S.M.A. Rizvi (M - PR&A)
9	Glass Bangus Workers Union	
10	PHD Chamber of Commerce and Industry	
11	Indian Industries Association	
12	Associated Chambers of Commerce and Industries	
13	Udyog Bandhu	
14	Carpet Export Promotion Council and All India Carpet Manufacturers Association	
15	Glass Industrial Syndicate, Firozabad	
16	Tata Engineering and Locomotive Company Limited	
17	Indo-Gulf Corporation Limited [Fertilizers], Sultanpur	
18	HINDALCO	
19	scooters India Limited	
20	UPTRON	
21	Ruse, Oil seed Production & Marketing Corporation Society	Shri Rajesh Tiwari, Sr. Officer Shri Javed Joseph, Private Secretary Shri Muktanand Lal, Local Office
22	UNI Kalin & Under Mazedor Sabha, Mirzamar Pur	Shri H.M. Wajid Khan, Secretary
23	Lucknow University	Prof. V.G. Goswami, Deptt. Of Law

LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
24	KCLP, Muzaffarnagar	Mr. Rakesh Bhadauria, Project Director, KCLP
25	KCLP, Bharatpur	Smt. R. K. Ray, Project Director, JI (Smt.) Kantilal Bawaliya, Ex. Vice Chairman & President.
26	JU Kempur University	Shri R. K. Chaturvedi Singh, Gov. Secy.
27	Dr. Shambhu Nath Singh Research Foundation, Varanasi	Shri R. K. Chaturvedi Singh, Gov. Secy.
28	Care & Fair India, Bharatpur	Shri P. S. Singh, Member, Shrima, President.
29	UNICEF	Shri Anwar Khan, Secy.
30	Rashtriya Manava Sangh, Red Cross, National Youth Foundation & Swarajik International	Shri Anand Singh, Secretary
31	Forest Department	Shri Ravinder Singh, Secy.
32	Agriculture Department	Shri K. Kishore Kumar, National President (RAS)
33	U.T. Rail Transport Corporation	Smt. Harjeet Singh, Secy (NVT)
<b>DEHRADUN (UTTARAKHAND) 15.03.2011-16.03.2011</b>		
1	State Labour Department	Smt. N. N. Prasad, Secretary Smt. Caya Ram, Asst. Secretary Shri J. S. Singh, CLC Shri H. R. Arya, D.L.C Shri Jagdish, A.L.C
2	Academicians	Shri G. P. Dhingra, A.L.C Shri B. P. Kukreja, L.E.O Shri N. C. K. Singh, I.B.O Shri K. N. Singh, I.B.O Shri K. P. Naik, M.L.D.O Dr. Sudhir Pandey, Principal Dr. Gurjeet Saini, Vice-Principal Shri Rakesh Sharma, Gen. Secy Shri Anil Kumar
3	Indian Industries Association	Smt. Parimal Gupta, President Smt. Rajeev Aggarwal, Vice President Shri Mr. Motivali, Sh. Virender Chauhan Shri Rakesh Sharma, Gen. Secy.
4	Uttaranchal Industries Association	Shri K. K. Deygen Shri S. Sunder Lal, U.P.I.A., State President Shri D. O. Sharma Shri Kartikey Singh, Siwasdaw
5	SEAS	

DEHRADUN (UTTARAKHAND) 15.03.2001-16.03.2001

S.No.	Name of the Organisation	Name of the Participants wth Designation
8	EMS	Srinivasulu Prasad, Cashier Shri K. S. Sabuji, S/o Vice President Shri S. R. Sabuji, S/o Vice President Shri Ashok K. M. Chiknani Shri Sudarshan Singh, President Shri S. Jethi, Vice President Shri Rajesh Shinde Shri C. P. Sudhakar Prasad Shri Gururam Gopal Sonwane Shri Sudhir Morani, Party Shri Balen Singh, President Shri S. S. Patel Shri C. P. BHAT
9	Kumarpatri Law Consultants Association, Haldwani	Smt. Brijendra Singh, Secretary Shri D. S. Patel, Chairman Shri S. S. Patel, Vice Chairman Shri S. S. Patel, Secretary Shri D. S. Patel Shri D. S. Patel
10	National Development and Welfare Society	Smt. Brijendra Singh, Secretary Shri. Tapan Kumar Dasgupta, Consultant Mr. Anil Kumar, Human Rights Advisor Ms. Jyoti Bhattacharya, Human Rights Activist Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
11	Rural Litigation and Entitlement Cell	Smt. Brijendra Singh, Secretary Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
12	Mantri Durya Movement	Smt. Brijendra Singh, Secretary Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
13	GHEL, RAIPUR	Smt. Brijendra Singh, Secretary Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
14	BEL, Kardinal	Smt. Brijendra Singh, Secretary Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
15	Pokhara Restaurant Association	Smt. Brijendra Singh, Secretary Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
16	Doon Brick and Tiles Association, Sharangpur	Smt. Brijendra Singh, Secretary Shri Rayu Ahamed, Advisor Shri Akash Ullal, Education Coordinator Shri V. Gopal, Gen. Manager Shri E. Vilas, Gen. Manager Shri M. S. Khan, Manager Shri Sanjeev Kumar, Deputy Manager Shri R. K. Kapoor, Secretary General Shri S. Parmar, President Shri K. N. Patel, Treasurer
<b>PATNA (BIHAR) 23/03/2001 - 24/03/2001</b>		
1	EMS, Patna	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener
2	Jay Prabha Academy, Patna	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener
3	INTUC, Patna	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener
4	Confederation of Free Trade Unions of India	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener
5	Biharjan Sachchidanandolan, Patna	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener
6	Sal Sevak, Patna	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener
7	UNICEF, Patna	Smt. Brijendra Singh, Secretary Shri G. S. Soni, Member Shri Ashok Singh, President Shri S. P. Saha, Vice President Shri A. S. Bhawani Prasad, Treasurer Shri C. P. Singh, President Shri O. H. R. Rao, Gen. Secretary Shri K. N. Patel, President Shri A. K. Singh, Vice Chairman Shri U. D. Sankar, Convener Shri R. K. Singh, Convener

**DELEGATES (UTTARANCHAL) 15.03.2001-16.03.2001**

S. No	Name of the Organisation	Name of the Participants with Designation
8	National Alliance of Street Vendors	Shri A. Singh Shri Meenakshi Kumbha Shri A. Das State Convener Shri K.N. Gupta, Advocate Dr. Kinner V. Patel, Chairman Dr. R. S. Pathak, Professor Shri SP. Hinsenhu Pers. Officer Shri U.C. Mishra, Pers. Officer Shri M.P. Dhondheri, Dy. Gen. Manager Shri S. P. Sethi, Sr. - D Manager Shri S.K. Mahajan, Pers. Administrator Shri A.K. Singh, Sr. Pers. Officer Shri V. Asen Singh, G. C.S. Shri R.K. Singh Shri Anup Kanthekar, I.D Shri K.P. Sikora, Chairman Shri D.K. Chaturvedi, Secretary Shri V. Singh, Treasurer Shri UK. Rawat, Member Shri A.K. Singh & Executive Officer Shri R. Shekhar
9	CAGI, Patna	Shri G. Kierha, M. President
10	Labour Court, Patna	Shri R.P. Singh, Sr. Executive
11	State Child Labour Institute	Shri M. Haseeb, Asst. Vice President
12	Patna University, Deptt. of Labour & Social Welfare	Shri S.K. Ghans, RLC
13	Indian Refiner Corporation, Patna	Shri G. K. Thakur, R.P.C.
14	Indian Oil Corporation, Begusarai	Shri P.O. Singh & HFC
15	NIPPC, Patna	Shri V.K. Singh, I.C.C.
15	BELTRON, Patna	Shri G. S. Choudary, G.M
17	CFC, Patna	Shri P. N. Pantry, CPM
18	Bihar Industrial Association	Shri V. R. Agrawal, Works Manager
19	Laghu Udyog Bharti, Patna	Shri V. Saha, Sr. Manager
20	MACDONELL'S Co. Ltd., Patna	Shri G. Singh, Head Manager
21	KALYANPUR CEMENT LTD	Shri R.K. Misra
22	Central Government Officials	Shri R.S. Ambastha
23	State Government Officials	Shri A. Prasad, G.I.A
1	INTUC, Jamshedpur	Shri S.K. Borkhani, Walking President Shri D.K. Singh, Gen. Secretary
2	BMS, Jharkhand	Shri A.K. Singh, Head Manager Shri Ranji Tandel, President Shri Prem Mittal, Sr. Vice President Shri R. Tandel, Secretary Shri Chandra Sekhar Bharat Chairman Shri N.L. Purjga, President Shri R. Agarwal, Advisor Shri D.K. Turanpur Shri K. Singh, Gen. Secy Shri P. Rai, Dirg Secy
3	HMS, Ranchi	Eastern Zane Mining Association, Chaitanya
4	CITU, Ranchi	Laghu Udyog Bharati, Jamshedpur

**DELEGATES (JHARKHAND) 26.03.2001-17.03.2001**

S.No	Name of the Organisation	Name of the Participants with Designation
5	NIFTU, Dhanbad	Shri G. Whisker, Gen. Secretary Dr. Vijaydham Pandey, Director Shri Banjan Dongal, Jt. Secretary Dr. S. Tewari, Advisor Shri G. Sharma, Consultants C. F. K. Rao, Professor Shri K. S. Sethi, S. Advocate Shri C. K. Sethi, Advocate Shri Sanjiv Bakhshi, Advocate Shri R. S. Yadav, O.G. Society Shri Surendra Tiwari, Gen. Secretary Shri Sudhakar Verma Shri Praveen Kumar Shri Manesh Singh Shri N. K. Prasad, GM Shri Parul Lal, CPM Shri Shilashni, Praised, CPM Shri K. S. Kerton, Chie. Personnel Shri V. K. Singh, DPM, CPM Shri A. K. Singh, Manager Shri C. K. Singh, Addl. Director Shri N.K. Chaudhary, GM Shri V. P. L. Das, Sr. Dy. GM Shri Anup Singh, a. Sr. Manager Shri G. S. Choudary, GM Shri P. N. Pantry, CPM Shri V. R. Agrawal, Works Manager Shri V. Saha, Sr. Manager Shri G. Singh, Head Manager Shri R. K. Misra
6	Vitas Bharati, Research and Study Centre, Birbhum	Shri G. Tewari, Jt. Gen. Secretary
7	Krisi Gram Vikas Kendra, Ranchi	Shri U.C. Mishra, Pers. Officer
8	Academicians XLR	Shri M.P. Dhondheri, Dy. Gen. Manager
9	Jharkhand High Court, Ranchi	Shri S. K. Mahajan, Pers. Administrator
10	HMS, Ranchi	Shri S. K. Mahajan, Pers. Administrator
11	Jharkhand Salt Mardoor Morcha, Ranchi	Shri A.K. Singh, Sr. D Manager
12	Bokaro Steel Plant Ltd	Shri A.K. Singh, Secretary
13	SAC, RDGS, Ranchi	Shri A.K. Singh, Executive Officer
14	Damodar Valley Corporation, Chhatibad	Shri G. Kierha, M. President
15	Hindustan Copper Ltd, Singhbhum	Shri R.P. Singh, Sr. Executive
16	HEC, Ranchi	Shri M. Haseeb, Asst. Vice President
17	CMFD, Ranchi	Shri A.K. Mahabachay, DO, ES
18	Indian Aluminum Co. Ltd, Chotanauji	Shri V.K. Singh, I.C.C.
19	TISCO & CII Jamshedpur	Shri S.K. Borkhani, Walking President Shri D.K. Singh, Gen. Secretary
20	Usha Martin Industries, Ranchi	Shri A.K. Singh, Head Manager
21	India Explosive Ltd, Bokaro	Shri Ranji Tandel, President
22	Small Scale Industries Association, Ranchi	Shri Prem Mittal, Sr. Vice President
23	Chhotanangpur Chamber of Commerce, Ranchi	Shri R. Tandel, Secretary Shri Chandra Sekhar Bharat Chairman Shri N.L. Purjga, President Shri R. Agarwal, Advisor Shri D.K. Turanpur Shri K. Singh, Gen. Secy Shri P. Rai, Dirg Secy

RANCHI (JHARKHAND) 26/03/2001-27/03/2001

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S.No	Name of the Organisation	Name of the Participants with Designation
25	State Government Officials	Sir S P Singh, Gen Secy Shri Gopal, President Sir P S Cheema, Secy Shri A K Gurjal, Chair Committee Shri R K Chahal, I/C Shri M M Kalra, I/C Shri M N Bhakar, I/C Smt K T Thiruve, RPFC Shri B S Singh, Addl Director of ICNIS Shri K Singh, M.ning Officer
27	Central Government Officials	
1	Pecplus Vigilance Committee	
2	IBFUC	Sir Jai Singh, Chmrs, PCC Shri B S Rawat, Advisor Dr Subhash Sharma, President Shri H S Bindra, Vice President Shri Sachdev Sharma, President Shri Anand Kumar, Gen Secy Shri H S Negi, Vice President Shri Deshan Singh Bhar, Vice President Shri Koushal Krishan Sharma, President, IBC Shri Sarabjeet Singh Gyanendra Wadh, STUC, Ludhiana Shri Kartar Singh Shri S D Kapoor, Gen Secy Shri Pern Singh, Shiksha, E. bl. Shri Sudha Singh, Pathak Shri Kishore Bawa Shri Prabhvir Singh Shri Narayan Singh Shri Sant Ram Shri Ranjeet Goyal, President Shri Hardeep Singh Dass, Gen Secy Shri Kuldip Singh, Joint Secy Shri Balbir Singh, President Shri Balbir Singh, Executive Member Shri Balbir Singh, Gen Secy Shri Balbir Singh, President Shri Kartar Singh, President Shri Chetan Singh, President Shri D P Singh, Gen Secy Shri Davinder Singh, Member Shri Balbir Singh, Member Shri Jeetpal, Secretary
3	AMIS	
4	HMS	
5	Marketed Employees Union	
6	Punjab Khanda Dal National Azad Track Union, Amritsar	

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S No	Name of the Organisation	Name of the Participants with Designation
8	Punjab State Graminbari Dal	Sri Ranvir Vembai Sri Parkash Kumar Bawali Sri Hardeep Singh Tuli Sri Jagdev Singh Sri At Singh Sri Tej Singh Sri Jaswinder Singh Sri Ravi Singh Sri Jagat Singh Sri Jagat Singh
9	Veterans for Social Justice, Phiroli	Sri Devi Singh Sri Jai Singh, Chairman Sri P.S. Randhawa, Advocate Sri Gurjeet Singh, President
10	Pandu Wazirpur Union	Sri Ranbir Singh, Vice President Sri Gurjeet Singh, Secretary Sri Gurjeet Singh, Convener Sri Mohan Singh Sodhi, Advocate
11	Rotary International, Jalandhar	Sri Gurbaj Singh, Advocate Sri R.P. Bajwa, Advocate Sri F.D. Sharma, Advocate Sri Parmvir, Advocate Sri Balbir Sehgal, Advocate
12	Individuals	Sri Bhagwan Singh, Advocate Dr. Kishore Singh, Advocate Dr. Kishore Singh, Advocate Dr. Paramjeet Singh, Head Dr. Mani G. Oberoi, Professor Sri Balbir Sri Rattan Singh Sri Rattan Singh Sri Jagat Singh
13	Punjab Agricultural University	Dr. H.S. Panigrahi, Senior Economist Dr. Gurjeet Singh, Professor Dr. P.K. Agarwal, Head Dr. H.S. Panigrahi, Senior Economist
14	Department of Law, Punjab University	Dr. Kishore Singh, Professor Dr. Parmaneet Singh, Head Dr. Mani G. Oberoi, Professor Sri Balbir Sri Rattan Singh Sri Rattan Singh Sri Jagat Singh
15	Workers of Spinning & Weaving Mills, Hoshiarpur	Dr. Jagjeet Singh, Professor Sri Balbir Sri Rattan Singh Sri Jagat Singh
16	Punjab University, Chandigarh	Dr. Jagjeet Singh, Professor Sri P.K. Arora, Professor Sri K. Gopal Singh, Professor Sri Jagat Singh, Labour Law Advisor Sri Sabit Kumar, Researcher Sri V. Kishan, Chairman, Gen. Secy. Sri Jagjeet Singh Sri Gurjeet Singh
17	Pipe Fittings Manufacturers Association	Dr. Jagjeet Singh, Professor Sri K. Gopal Singh, Professor Sri Jagat Singh, Labour Law Advisor Sri Sabit Kumar, Researcher Sri G. Ramakumar, Chairman, Gen. Secy. Sri Jagjeet Singh

CHARTER MEMBER (PUNJAB) 09.05.2001-#04.2000

S.No	Name of the Organisation	Name of the Participants with Designation
19	Sensai Group of Company, Mohali National Fertilizers Limited	Shri R. Ram Shri Nalin Ram Shri P.K. Verma, Director Shri N.K. Gupta Shri C.N. Nagpal
20	Petro Chemical & Pharmaceuticals Limited DurrBassi	Shri V.P. Chopra, President Shri Tarsem Singh, President Shri Ravinder Puri, Vice President Shri Chaman Oberoi, Joint Secy.
21	Federation of Small Industries Association Punjab Rice Millers Association	Smt. Jitendra Kumar, Secy. Shri Sanjiv Kumar Kainth, Gen. Secy.
22	Dava Bossi Industrial Association	Shri S.L. Sonu Shri A.S. Kalsi Shri Mangi Exeter Shri Har Singh
23	Mohali Industries Association	Shri S.S. Samra, President Shri S.K. Soli, Labru Consultant Shri V.S. Sutarki, Executive Member Shri Geetika Singh, Office Secy. Shri R.S. Sardarwala, Ex. President Shri G.S. Lital, Executive Member Shri Gurjeet Singh
24	Godrej Appliances Limited, Mohali	Shri Anup Singh Khalsa, Gen. Manager Shri Asif Baren Das, Senior Manager Shri S.K. Agarwal, Senior Manager Shri H.S. Malhotra, (TMA) Shri T.C. Khanna, Shri N.R. Kapoor
25	Textile Manufacturers Association	Shri Satish Bagadia, Chauraha (Himachal) Shri Vikram Sehgal, Chairman (Chandigarh) Shri Amritsen Goyal, Chairman (Punjab) Shri Rajpal Dhill, Co-Chairman Shri R.S. Sekhonjeet, Co-Chairman Shri Bejan Singh
26	FHO Chamber of Commerce	Shri EK. Sharda Shri H.S. Walia Shri Sudhdev Raj
27	Handloom Exporters Association & Focal Point Industrial Association, Jalandhar	Shri Ashwani Kumar Shri Mohnan Singh Shri R.K. Gandhi Shri Kansal Choudhary

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No	Name of the Organisation	Name of the Participants with Designation
28	Lalit Jyoti Bharati British Indian Owners Association	Smt Ashwini Kapoor, Gen. Secy. Shri Kuldip Singh Shri Sar Bih Singh Sanchu, President Shri Kuljeet Kumar Khatri, Vice President Shri Virender Singh
29	Apex Chamber of Commerce & Industries	Shri P.D. Sharma, President Shri M.S. Bhagat Shri Rajesh Arora, President Shri G.S. Sehgal, Secy Shri K. Sandeep, President & CEO Shri Yashwant Singh, Managing Director Shri C.L. Sharma, Executive Director Shri Raj Singh, Sr. Manager Shri Jawed Singh, M.C. Chair Ms. Madhu Mittal, Deputy Director Shri N.S. Kishan, President Shri Y.P. Kapoor Shri Anil Agarwal Shri Dinesh Gupta Dr. T.C. Mehta, Director Shri S.K. Sharma, D.C Dr. Naresh Kumar, Vice President Shri V.H. Desai, Circuit Dr. S.K. Sharma, Professor Shri Astok Hindu, Hon. Secy Shri S.C. Gupta, Subj. Latajpur & Employment Justice Rajesh Singh, P.O. Industrial Tribunal Shri Indra Singh, Addl. Civil & Session Judge Shri S.K. Agarwal, Addl. Dist. & Session Judge Shri Pradeep Singh, Addl. Labour Commissioner Shri L.C. Sharma, CLC Shri R. Sarker Sardar Saz, Lalitpur & employ. Head Shri Gurcharan Singh, ALC Shri R.P. Bangar, LDC Shri S.S. Datta, A/C Shri G.S. Walia, ALC Shri Devendar Singh, LDC Shri Ram Juharia, ALC Shri Hanish Nayyar, ALC Shri SS Jundi, ALC Shri Nirmlal Singh, I.C.O Shri Faizan Ghosh, I.C.O Shri Suresh Choudhary, I.C.O
30	Confederation of Indian Industry	
31	Palia Chamber of Industries	
32	ESI	
33	Ranbaxy Labs Limited	
34	State Government Officials	
35		

**CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001.**

S.No	Name of the Organisation	Name of the Participants with Designation
1	State Government Officials	
11	Smt H.R. Dahiya, AIC Smt Jecoo Patel, I.C.O Shri C.S. Ritala, U.G.O Smt P.K. Jain, I.T Smt Gajendra Singh, Executive Officer Smt Jaspal Singh	
12	Laghu Upaj Bharti, Faridkot	
13	HARYANA 11.04.2001-12.04.2001	

S.No	Name of the Organisation	Name of the Participants with Designation
1	BMS	
11	Whirlpool India Ltd, Faridkot, NIL Akari, Precision Ltd, Rohtak & Personal Lawyer's Association, Faridkot	Smt Ram Lal Singh, President Smt Jung Bahadur, Gen. Secy Shri Pawan Kumar, Secy Shri Vir Prakash Singh, Secy Smt Navneet Kaur, Finance Secretary Shri Karan Singh, Vice President Shri Sohan Lal Grewal, Executive Member Shri Balwinder Singh, Vice President Shri Pagan Chaudhary, Saini, Ex Member Shri R.D. Sagga, Secretary Shri Narinder Singh, Gen. Secy Shri Ranbir Kapoor, Vice President Shri Ram Mohan Singh, Vice President Shri K.L. Sharma, Gen. Secy Shri Virender Sharma, Org. Secy Shri Brij Bawali, Committee Member Shri Manmohan Singh, Committee Member Shri H.P. Bhar Singh, Gen. Secy Shri R. Sharma, Working President Shri Linder Singh, President Shri R.S. Bhatwal Shri Suresh Saluja Shrikant Singh Shri Vikram, Kurmi Shri Ravi Chawla, Gen. Secy Shri P.K. Sharma, Labour Advisor Shri Balbir Singh Shri C.P. Wank Shri O.P. Malhi Shri H.N. Alkova Kumar, Executive Secy Shri R.C. Bisht, Asstl. Manager Shri Satish Panigrahi Shri Surjeet Sahrawat, President Shri G.C. Walsingh - A Member
12	State Citizens, Labour Department, Haryana	
13	INTUC	
14	INTUC - Chandigarh	
15	INTUC - Chandigarh	
16	INTUC - Chandigarh	
17	HMS, Chandigarh	
18	HMS, Chandigarh	
19	Organisations of Employers of Service Industry - Chandigarh	
20	Individuals	

**CHANDIGARH (P) 11.04.2001-12.04.2001**

S.No	Name of the Organisation	Name of the Participants with Designation
11	Whirlpool India Ltd, Faridkot, NIL Akari, Precision Ltd, Rohtak & Personal Lawyer's Association, Faridkot	Shri P. Prakash Dutt, Ex. Vice Presd Shri J.L. Gupta, Vice President Shri A.K. Salaria, Gen. Manager Shri Deepak Jain Shri Sudheer Choudhary Shri Jagdish Singh Head Shri C.B. Gopal Shri Shyam Gopal
12	Haryana Chamber of Commerce and Industry, Kurukshetra	Shri Bhupinder Singh, President Shri Manmohan Singh, Secretary Shri K.S. Narain, Audit Officer Shri C.S. Sheoran, Co. Director Shri Mahendra Singh, ULC Shri Anup Singh, ED Shri Arvind Singh, SEC Shri S.S. Sauria, Editor Shri Bhupinder Singh Hania, I.C Shri R.K. Jain, Statistical Officer
13	INTUC (P) 11.04.2001-12.04.2001	
14	INTUC - Chandigarh	
15	INTUC - Chandigarh	
16	INTUC - Chandigarh	
17	HMS, Chandigarh	
18	HMS, Chandigarh	
19	Organisations of Employers of Service Industry - Chandigarh	
20	Individuals	

**CHAMOGARH (17) 11.04.2001-12.04.2001**

S.No	Name of the Organisation	Name of the Participants with Designation
1	Kumba Electronics Ltd.	Sri Sanjay Singh, Asst. Manager Mr S. Chawla, Gen. Manager
2	Mr's Cina Becker Asia Ltd.	Sri S. C. Kohli, President Sri Parandar K. Joshi
3	Chamber of Chandigarh Industries	Sri Yashpal, President
4	Federation of Small Scale Industries	
5	Bhopal (Madhya Pradesh) 23.04.2001-24.04.2001	
1	ITUS, Bhopal	Sri Tata Sanjivji, President Shri R.C. Chaitin, Gen. Secretary Shri S.S. Verma, SEC Sri Arvind Sami, Superintender Sri Manojit, Secretary Sri C.K. Srivastava, Dy. GM, HRD Shri D.R. Duttarwar, Vice President Shri R. Tiwari, Sr. Manager Shri G.R. Kavalki Shri P. Kumar Shri A.P. Singh Shri Prakash, Gen. Secretary Shri S.P. Verma Sri B.D. Gaikwad, Gen. Secretary Ms Asha Warlik
2	HMS	
3	Tata International, Mumbai	
4	Aman Spinning Mills, Vendikupp	
5	N.P. Dairy Wages Workers M.N.Sangh, Bhopal	
6	M.P. Yojna Karmchadi Sangh Federation, Bhopal	
7	W.M. Andhra Kalyan Sangh, South TT Nager, Bhopal	
8	Industrial Health & Safety, Indore	
9	SEWA, Indore	
10	Federation of Chamber of Commerce & Industry	
11	Reynold Ltd. Chiravara	
12	Individual	
13	M.P. Textiles Mills Association, Indore	
14	F.S. Small scale Industry Association, Bhopal	
15	Aurycor Sangathan, Indore	
16	M.P. Beedi Udyog Sangh, Sagar	
17	Laghu Udyog Bharat, Bhopal	

**BHOPAL (Madhya Pradesh) 23.04.2001-24.04.2001**

No	Name of the Organisation	Name of the Participants with Designation
1	3HEL, Bhopal	Sri V.K. Kapoor, ALB Sri K. K. Narai, Sr. Manager Sri S. P. Patel, Sr. DCY Sri R. S. Pandey, MC Sri A. K. Jadhav, Vice Administrator Shri K. Mehta, Regional Director Shri V. Balakrishnan, RPPC Shri A. Agnihotri, APFC Shri Gurjeet Bhambhani, EO
2	BHEL, Bhopal	Shri Balwant Ahluwari Shri Vinod Bragha & Shri Suresh Sharma, Shri Surendra Vora Shri Praveen Arya Shri V. R. Khand, HOD Shri Ranjeet Cave, ED Sri R. S. Hegde, CCT Sri Anil Oberoi, CCD Sri A. N. Tiwari
3	Labour Welfare Board	
4	Ministry & Gas Commissioner	
5	ESIC, Indore	
6	EPFO, Bhopal	
7	Min. of Forest Department	
8	Commerce & Industry Dept.	
9	RAILFRICHPATISGARH 26.04.2001-27.04.2001	
10	ATJC, Raipur	Sri N. K. Patnayak, President Shri H. S. Prakash, Secretary Shrikanta Ray, Gen. Secretary Shri R. K. Patnaik Shri Ranjani Nayak Shri K. Venkateswaran, President Shri C. Sudhakar, Gen. Secretary Shri N. V. Verma, President Shri R. S. Srivastava, President Shri A. Gaurav, President Shri A. Devaraj, Gen. Secretary Shri V. Chitrakar, Gen. Secretary Shri K. N. Tripathi, President Shri P. C. Arya, President Shri R. D. Joshi Shri R. Yedav Shri B. Krishna Sri R. Sharma Shri P. Pillai Shri P. Francis Sri V. K. Shinde, President



**NEW DELHI C&CSL61-09.05.2001**

S. No.	Name of the Organisation	Name of the Participants with Designation
11	Chitika Factories Owners Association, New Delhi	Shri A.K. Sood, President
12	All India Women's Conference, New Delhi	Shri Debraj K. Majumdar, Chairperson
13	Amaran Federation of Trade Unions, New Delhi	Shri N.K. Agarwal, Estate Manager
14	Consortium of Connaught Place, New Delhi	Shri Ashok Ranjan, Secy.
15	Udyog Nagar Industrial Estate, New Delhi	Smt. Jeetendra
15	Vidyut Udyog Sangh, New Delhi	Shri Baldev Jain
17	Vyaapar Mandir, Karol Bagh, New Delhi	Smt. Renuka
18	All India Garment Exporters' Council, Connaught Place, New Delhi	Smt. Shanti Nihal Kapoor, President
18	Pataiaganj F.I.E. Entrepreneurs	Smt. Chandni P. Narang, Ex. Member
20	Hotel Restaurant & Club's Employers Association	Smt. Parul Lal, President
21	Gauhati Exporters Association	Smt. Suganya Singh, Gen. Secy.
22	Jh. JII Small Industrial Association	Smt. Chitralekha, Gen. Secy.
23	Lahori Law Association	Smt. Surinder Arora, Ex. Secy.
24	Lawyers Chambers	Smt. Kamal Gopal, President
25	Employees State Insurance Corporation	Smt. Hargjeet Singh, Vice President
26	Delhi Commission for Women	Smt. D.K. Sharma, Senior Advisor
27	Labour Department	Smt. A. Chatterjee, Regional Director

JAMMU & SRINAGAR (JAMMU & KASHMIR) 03.07.2001-03.07.2001	
1	IIM Employees Union, Srinagar, J&K
2	HMT Employees Union, J&K
3	Coordination Committee of Trade Unions

S. No.	Name of the Organisation	Name of the Participants with Designation
4	State Central Labour Union, J & K	Smt. Nasra Afzal
5	State Central Labour Union, J & K	Shri Abdul Razzak Farney, President Shri Gh. Ahmed Ali, Chairperson Shri Gh. Hassan Peer, General Secretary Shri C. Basu, Jr. Secy.
6	All J & K Public Sector Employees & Workers Federation	Shri Masood Ahmad, President Shri GM Shabir, Chief Organiser Smt. GA. Gulra, Fin. Secy. Smt. Khurshid Sajid, Vice President Smt. Gh. Neel Bhat, Chairman Shri Nasar Ahmed Anjali, Gen. Secy.
7	All India J&K Bank Employees Federation	Shri Abid Patel, Gen. Secy. Shri Asif Rahim Qureshi Shri Giasuddin, Secretary Shri Md. Shahid, Sr. Vice President Smt. Nafisa Armo, Secy.
8	Shri Ali Majid, Advisor	Smt. Farzeh Ahmed Bhat, Gen. Secy. Shri Atiq Ahmed Khan, Member Shri Atiq Ur Rehman, Member
9	JK Tourism Development Corp, Srinagar, W.S. JK Industries, Srinagar	Shri Tanq-e-Poor, Writer Shri A. M. Mir, Clerk Cashier Shri A.R. Bhat, Head Cashier Shri Taseer Tariq, Manager, Director Shri R.N. Qadri, Managing Director Shri Saleem Beg, Director Shri Rajpal
10	Kashmir Hotels & Restaurant Owners Federation, Srinagar	Smt. Md. Altaf Parvez, Convener Shri Muzaffar Khan, Sr. Vice President Shri Muzaffar Khan, Ahmed Wani, Executive Member Shri Leila Ahmed Bhat, Secretary General
11	Kashmir Chamber of Commerce & Industry, Srinagar	Shri Md. Iqbal, President Shri Md. Iqbal, Gen. Manager Shri Nasar Ahmed Bhat, Legal Assistant Shri Jan Ward Kakkoo, President Shri Md. Y. Tchao, Vice President
12	JK Project Construction Corp, Srinagar	Smt. Nasar Ahmed Bhat, Gen. Manager Shri T.A. Verma, Secretary General Shri Suresh Kumar Bhat, P.Secy.
13	Federation Chamber of Industries, Kashmir	Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Roquet Shri Md. Sarai, Retired Dy. Labour Commissioner
14	Dept. of Law, University of Kashmir, Srinagar	
15	Labour Law Practitioner	

### JAMMU

**No Name of the Organisation**

**Name of the Participants with Designation**

S.No	Name of the Organisation	Name of the Participants with Designation
1	Kashmir Hotel & Restaurant Association, J&K	Smt G.M. Kiran, Ex. Dy. Lato., Commissioner Sri P.L. Saini, Convener Secretary Sri S. Kaur, Convener Commissioner Sri K.D. Nagpal, Dy. Labour Commissioner Sri Sajid Ahmed, Secretary General Shri Sardar Hafiz Ali, Mysore Dr. R.R. Khajuria, President Major General, G.S. Jamwal, MLC Shri Purneshwar Singh, President Shri Sh. Ab Ghosh, Gen. Secretary Shri J.S. Chatur Prakash Shri Dattatray Khorak, V. President Shri Balwant Lal Sohal, Vice President Shri Anil Harsan
2	Bharatiya Rashtriya Sangh, Jammu	Shri Ganguly Sharma, Vice President Shri Kishor Singh, Gen. Secretary Vs. Venkateswaran (Vice President) Ms. Pujahari (Vice President) Shri L.H. Singh, Executive Member Shri M.J. Choudhary, State President Shri R.K. Choudhary, Gen. Secretary Shri Balwant Singh, Secretary Shri R.K. Sharma, State General Secretary Shri S. S. Galalai Shri Sharad Swarup
3	State Central Labour Union, J&K Shiana Group, Jammu	Shri C.P. Singh, Secretary of Himachal Pradesh 2 Forest Department, Government of Himachal Pradesh, Director of Health Services, Govt. of Himachal Pradesh 4 Director of Health Services, Govt. of Himachal Pradesh 5 H.P. State Electricity Board, Govt. of Himachal Pradesh 6 H.P. Arunachal Cement 7 NHPC, Kulu, H.P. 8 Naluta Bharti Power Corp, Shimla, Himachal Pradesh
4	J&K Empowerment Unit, Jammu	Shri D.P. Singh Shri Ashok Kumar Shri Gulzar Kumar Shri V.K. Singh Shri S. Chander Shri S. Singh Shri K.G. Sharma Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
5	Bari Rahmani Industry Employers Association	Smt G.M. Kiran, Ex. Dy. Lato., Commissioner Sri P.L. Saini, Convener Secretary Sri S. Kaur, Convener Commissioner Sri K.D. Nagpal, Dy. Labour Commissioner Sri Sajid Ahmed, Secretary General Shri Sardar Hafiz Ali, Mysore Dr. R.R. Khajuria, President Major General, G.S. Jamwal, MLC Shri Purneshwar Singh, President Shri Sh. Ab Ghosh, Gen. Secretary Shri J.S. Chatur Prakash Shri Dattatray Khorak, V. President Shri Balwant Lal Sohal, Vice President Shri Anil Harsan
6	Management Bharat Textiles Mills, Jammu	Shri C.P. Singh, Secretary of Himachal Pradesh 2 Forest Department, Government of Himachal Pradesh Director of Health Services, Govt. of Himachal Pradesh 4 Director of Health Services, Govt. of Himachal Pradesh 5 H.P. State Electricity Board, Govt. of Himachal Pradesh 6 H.P. Arunachal Cement 7 NHPC, Kulu, H.P. 8 Naluta Bharti Power Corp, Shimla, Himachal Pradesh
7	Associations of Small Scale Industries	Shri D.P. Singh Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri S. Singh, Secretary Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
8	State Central Labour Union, J&K Shiana Group, Jammu	Shri C.P. Singh, Secretary of Himachal Pradesh 2 Forest Department, Government of Himachal Pradesh Director of Health Services, Govt. of Himachal Pradesh 4 Director of Health Services, Govt. of Himachal Pradesh 5 H.P. State Electricity Board, Govt. of Himachal Pradesh 6 H.P. Arunachal Cement 7 NHPC, Kulu, H.P. 8 Naluta Bharti Power Corp, Shimla, Himachal Pradesh
9	Yaudhayan Spring Mills, Batala, Jammu & Kashmir	Shri D.P. Singh Shri Ashok Kumar Shri Gulzar Kumar Shri V.K. Singh Shri S. Chander Shri S. Singh Shri K.G. Sharma Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri S. Singh, Secretary Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
10	HIS ACC, Batala, H.P.	Shri D.P. Singh Shri Ashok Kumar Shri Gulzar Kumar Shri V.K. Singh Shri S. Chander Shri S. Singh Shri K.G. Sharma Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri S. Singh, Secretary Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
11	Bari Rahmani Industry Employers Association	Shri C.P. Singh, Secretary of Himachal Pradesh 2 Forest Department, Government of Himachal Pradesh Director of Health Services, Govt. of Himachal Pradesh 4 Director of Health Services, Govt. of Himachal Pradesh 5 H.P. State Electricity Board, Govt. of Himachal Pradesh 6 H.P. Arunachal Cement 7 NHPC, Kulu, H.P. 8 Naluta Bharti Power Corp, Shimla, Himachal Pradesh
12	Managing Bharat Textiles Mills, Jammu	Shri D.P. Singh Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
13	Associations of Small Scale Industries	Shri D.P. Singh Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
14	FIID Chamber of Commerce & Industry, Shimla, H.P.	Shri D.P. Singh Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member
15	GITS Ambala Cement Karmachari Sangh, Himachal Pradesh	Shri D.P. Singh Shri Kirti Kumar Zutty, Gen. Secretary Shri T.K. Dutt, President Shri S.M. Sharma, President Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President Shri Gurcharan Singh, Vice President Shri B.B. Tawar, Secy. Secretary Shri Bansal, Jammu, Vice President Shri R.P. Sethi, Executive Member

**SHWLA (HIMACHAL PRADESH) 19.87.2001-23.07.2001**

S.No.	Name of the Organisation	Name of the Participants with Designation
13	Tanu Plantation Association, Himachal Pradesh	Smt. Dilesh, Jr. President, Shri Balwari Singh, Vice President, Smt. Jyotiash, Member Smt. Archana, Secy., President,
14	Hindi & Persian Association, Himachal Pradesh	Shri Hari Ram Kukreja, Vice President, Shri S. N. Sethi, Singh, Shri Govind Agarwal, Shri Gyan Chakrabarty, Shri C. D. Sharma, Legal Advisor Captain Alok Sharma, Vice Chairman, Shri Pankaj Bansal, Member, Shri Rajiv Singh, Dy. Director Shri K. C. Kapoor, President, Shri S. S. Bhambhani, President, Shri Abin Rayat, General Secretary Smt. Gurjeet Kaur, Member Shri A. G. Dasgupta, Regional Director Shri Purnendra Dasgupta, P. L.C. (G) Shri Balbir Bansal, NHFC Shri K. S. Chawla, Dy. Director Shri R. C. -Ex. Asst. Director Dr. Ranjan Chandi, CEO Dr. Sunita Motichan, SMC
15	Bar Council, Himachal Pradesh	
16	Confederation of Indian Industry, Northern Zone, Chandigarh	
17	Lafgu Udyog Bharati, Baddi, Himachal Pradesh	
20	Bar Council, Himachal Pradesh	
21	Central Board of Workers Education, Chandigarh, H.P.	
22	R.I.C. (D), Chandigarh	
23	R.P.F.C. Shimla, Himachal Pradesh	
24	ESTC, Shimla, Himachal Pradesh	

**COMMISSIONER'S VISITS ABROAD**

<b>Malaysia</b>	<b>11.8.1-2002 to 12.8.2-2002</b>
<b>China</b>	<b>14.01-28.02 No 1B-01-2Bv2</b>

<b>List of Liaison Officers appointed by the States/Union Territories to coordinate the visits of National Commission on Labour</b>		<b>Structure - VII</b>
Maharashtra (Mumbai)	03.07.2000-07.07.2000	Smt. M. K. Aronale, Dy. Labour Commissioner
Gujarat (Ahmedabad)	01.08.2000-03.08.2000	Shri A. K. Bhasin, Dy. Labour Commissioner
Tamil Nadu (Chennai)	17.08.2000-19.08.2000	Shri P. A. Karanth, Labour Commissioner
West Bengal (Kolkata)	14.09.2000-16.09.2000	Shri M. L. Garen, Addl. Labour Commissioner
Andhra Pradesh (Hyderabad)	12.10.2000-14.10.2000	Shri M. Reddy, Addl. Labour Commissioner
Karnataka (Bangalore)	27.11.2000-29.11.2000	Shri M. Shastri, Jr. Labour Commissioner
Kerala	05.12.2000-08.12.2000	Shri C. J. Mani, Jr. Labour Commissioner
(Thiruvananthapuram)		
Orissa (Bhubaneswar)	15.12.2000-19.12.2000	Shri S. C. Das, Labour Commissioner
Rajasthan (Jaipur)	22.01.2001-24.01.2001	Shri N. Sitram, Jr. Labour Commissioner
Ahmed (Gujranwala)	17.02.2001-20.02.2001	Shri Brijesh Sharma, Dy. Secy. Lab. & Emp. Dept.
Arv-EC-II (Pradesh)	1.02.2001-20.02.2001	Dr. S. P. Bhardwaj, Asstt. Labour Commissioner
Jharkhand	1.02.2001-20.02.2001	Shri A. K. Das, Labour Bearer
Mizoram	17.02.2001-28.02.2001	Shri Pu Vanhmingchangs, Dist. Empl. Officer
Kenya (Nairobi)	21.02.2001-23.02.2001	Shri A. K. Roy, Labour Secy. & Commisioner
Assam & Nagaland (Silchar)	26.02.2001-27.02.2001	Shri Avtar Singh, Asst. Labour Commissioner
(SACDF / Port Blair)		
Goa (Panaji)	05.03.2001-06.03.2001	Smt. S.A. Deshpande, Dy. Labour Commissioner
Uttar Pradesh (Lucknow)	12.03.2001-14.03.2001	Shri R. Ganesh, Dy. Labour Commissioner
Uttarakhand (Dehradoon)	15.03.2001-16.03.2001	Shri J.S. Vish, Dy. Labour Commissioner
Bihar (Patna)	23-03.03.2001-24.03.2001	Shri Ram Dev Rajak, Jr. Labour Commissioner
Jharkhand (Ranchi)	26.03.2001-27.03.2001	Shri R.K. Chaudhary, Addl. Labour Commissioner
Purjiao (Tehri Garh)	09.04.2001-10.04.2001	Shri L.D. Sharma, Dy. Labour Commissioner
Haryana (Chandigarh)	11.04.2001-12.04.2001	Shri Hoshna Singh, Jr. Labour Commissioner
Chandigarh (U.T.)	11.04.2001-12.04.2001	Shri S.S. Chattha, Asst. Labour Commissioner
Madhya Pradesh (Bhopal)	23.04.2001-24.04.2001	Shri L.P. Patel, Asst. Labour Commissioner
Chattisgarh (Raipur)	26.04.2001-27.04.2001	Shri R. Devvedi, Dy. Labour Commissioner
West Bengal	08.05.2001-09.05.2001	Shri Z.U. Siddiqui, Jr. Labour Commissioner
Jammu & Kashmir	03.07.2001-04.07.2001	Shri Sayed Yasir Shah, Labour Commissioner
Shimla, Lehman	05.07.2001-06.07.2001	Shri Sayed Yasir Shah, Labour Commissioner
Kanatala Pradeban (Shillong)	19.07.2001-20.07.2001	Shri S.C. Awasthi, Jr. Labour Commissioner

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**Attenuore - VIII**

**List of Meetings convened by the National Commission on Labour and Persons /**

**Organisations who gave evidence**

- 15.11.2000**
- ORGANISATION OF CHIEF LABOUR COMMISSIONER (C)**  
**(CENTRAL INDUSTRIAL RELATIONS MACHINERY)**
1. Shri Subhash Sharma, CLC, New Delhi.
  2. Shri S.K. Mukhopadhyay, It, CLC(C)
  3. Shri G.B. Majhi, Dr. CLC, New Delhi
  4. Shri B.K. Bhise, Dr. CLC, New Delhi
  5. Shri V.K. Tengra, Dr. CLC, New Delhi
  6. Shri H.S. Samanta, Director (Engg.), CLC, New Delhi
  7. Shri S.G. Kunkar, CLC, Ahmedabad
  8. Shri Vishwanath, CLC, Ranchi
  9. Shri R.L. Damer, CLC, Ajmer
  10. Shri A.R. S. Raval, CLC, Chennai
  11. Shri T.P. Gupta, CLC, Guwahati
  12. Shri B.S. Duggal, CLC, Kanpur
  13. Shri Anil Kapoor, CLC, Delhi
  14. Shri A.N. Steintra, CLC, Dharmshak

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**16.11.2000**

**STATE GOVERNMENT AUTHORITIES**

1. Director of Factories, Andhra Pradesh
2. Jt. Labour Commissioner, Haryana
3. Labour Commissioner & Chief Inspector of Factories, Jharkhand
4. Labour Commissioner, Andaman & Nicobar
5. Labour Commissioner, Arunachal Pradesh
6. Labour Commissioner & Chief Inspector of Factories, Bihar & Orissa
7. Secretary Labour, Bihar
8. Labour Commissioner, Bihar
9. Jt. Labour Commissioner & Chief Inspector of Factories, Rajasthan
10. Jt. Labour Commissioner & Chief Inspector of Factories, West Bengal
11. Jt. CL & Dir. Factory, U.P.
12. Secretary Labour, Jharkhand
13. Resident Commissioner, Manipur

**17.11.2000**

**STATE GOVERNMENT AUTHORITIES**

1. JC & Jt Li., Himachal Pradesh
2. Jt. CL & Dir. Dir. of Factories, Punjab
3. Min. Labour Commissioner, MP
4. JC & Clr., Tamil Nadu
5. C&CL, Dadar, Mumbai
6. Adil CL, Chandigarh

**17.11.2000**

**STATE GOVERNMENT AUTHORITIES**

7. Comm. Cum CL, Puducherry
8. Jt. Labour Comn, Nagaland
9. Secretary, Labour, Tripura
10. Labour Commissioner, Gujarat

**21.03.2001**

**NATIONAL TEXTILE CORPORATION**

1. Shri K.M. Pradha, CMD, New Delhi
2. Shri A.H. Ghatecharya, Director(Fin), Noida, Delhi
3. Shri H.P. Pandit, CMD, UP & Gujarat
4. Shri P. Sattisanan, CMD, Tamil Nadu
5. Shri K. Iyer, CLD, Maharashtra
6. Shri B. Mahamadras, CMD, West Bengal
7. Shri H.C. Joshi, New Delhi
8. Shri S.D. H. Kazmi, Kavar
9. Sir C. Prabha Seth, New Delhi
10. Shri M.S. Mathur, CMD, Maharashtra
11. Shri O.R. Mehra, CMD, Maharashtra
12. Shri R.K. Sharma, New Delhi
13. Shri N.S. Sopar, Director (Fin), A.P. & Karnataka
14. Shri V.K. Agarwal, Chief General Manager, Gujarat
15. Shri T.V. K. Ramani, General Manager (R&D) H. Sodha

**UNIONS**

1. Shri S.S. Valdav, Secretary, INTUC, MP
2. Shri G.O. Gawade, Office Secretary, RPS, Mumbai
3. Shri C.T. Savarkar, Office Secretary, RPS, Mumbai
4. Shri R.D.H. Javala, Gen. Secretary, RPS, Mumbai
5. Shri A.C. Nagpal, Secretary, RPS, New Delhi
6. Shri Ram Kishore 'Rajpal', Secretary, UPS, UP
7. Shri Anand Sharma, Vice Pres. Jnt, RPS, UP
8. Shri R.K. Barot, President, NC, Ahmedabad
9. Shri R.D. Patel, Secretary, TLA, Ahmedabad

**10.11.5.2001**

**DIRECTOR GENERAL OF MINES SAFETY**

1. Shri A.K. Sundar, RMS, Chowk
2. Shri M. Satyendra, Deputy Director General, Ghaziabad

**DIRECTOR GENERAL OF FACTORY ADVICE SERVICE AND LABOUR INSTITUTE, MUMBAI**

1. Shri S.K. Sareen, Director General.
2. Shri S.C. Gohil, Dy. Director General
3. Shri V.B. Saini, Dy. Director General, (Safety)
4. Shri V.L. Kathare, Director, Safety
5. Shri R.K. Rosagi, Dy. Director, (Staff Training)
6. Shri S.E. Sharma, Assistant Director

**CENTRAL BOARD OF WORKERS' EDUCATION, NAGPUR**

1. Shri V. Parameswaran, Director (Accl. Charge)
2. Shri V.K. Jain, Regional Director
3. Shri J.N. Grova, Dy. Director (Admin.)

**EMPLOYEES' PAYMENT FUND ORGANISATION, NEW DELHI**

1. Shri S.K. Taw, HACAO
2. Shri S. Krishnamurthy, RPC
3. San Visweswaran, Adm. CPC
4. Shri S. Zachariah, RPTC

**EMPLOYEES' STATE INSURANCE COOPERATION, NEW DELHI**

1. Shri V.L. Nagai, Addl. Commissioner
2. Dr. (Smt.) S. Singh, Addl. Commissioner
3. Shri Chandrasekhara, Insurance Commissioner
4. Shri O. Sudhi Hameed, Addl. Commissioner

**LABOUR BUREAU, CHANDIGARH**

1. Shri A. S. Ahirevala, Director
2. Shri Rajar Kanwar, Director
3. Shri Daljeet Singh, Asst. Director
4. Shri Ashok Misra, Asst. Director

**03.06.28.01 PUNE**

Interacted with the Members of Labour Law Practitioners Association, Pune.

**04.06.2002**

**INTERACTED WITH THE FOLLOWING RURAL SECTOR NGOs, PUNE**

1. Shri V.B. Sainikar, President, Parivartikyat Gram Haarshan
2. Radha Vriksh E.
3. Chyan Prakashani
4. Nanar Lok
5. Lalgudi Udyog Bharti, Pune

**05.06.2002**

- a. Interacted w/ the Jitjee brothers and visited workshop of Mrinal Panchayat (founded 1976) an unorganized under the leadership of Dr. Baba Amte which established Dharavi Children's Colony, Construction of houses, etc. Visited the offices of the planado, Worker Welfare Centre.
- b. Held discussions with leaders of different unions organized and operating under the lead of Dr. Baba Amte such as Ilamal Pancharat, Rickshaw Puller's Union, Rickshaw Puller's Union, etc.
- c. Visited the office of DC, PSSU, Yurttai, had discussions with DC, PSSU and other senior officials a/c. saw the laboratory and medical facilities for detection of occupational diseases and units established by DC, PSSU.

**06.06.02**

- a. Visited the office of DC, PSSU, Yurttai, had discussions with DC, PSSU and other senior officials a/c. saw the laboratory and medical facilities for detection of occupational diseases and units established by DC, PSSU.

**23.7.2001**

**RAILWAYS**

**MINISTRY OF RAILWAYS**

1. Shri S. Anil Kumar Seth, EOC (IR)
2. Shri S. Nareshwar, IOF (IR)
3. Shri Kali Kanti, CP
4. Shri L.R. Vaidya

**SHARTIVA RAILWAY MAZDOOR SANGH**

1. Shri P.C. Shastra, SWLI
2. Shri I.P. Jayson, CI
3. Shri Kali Kanti, CP
4. Shri L.R. Vaidya

**NATIONAL FEDERATION OF INDIAN RAILWAY**

1. Shri H. Raghuvaran, General Secretary
2. Shri Gurjan Singh, Working President
3. Shri I.P. Dharmadas, Treasurer
4. Shri H. Schurmann, Jl. General Secretary

**ALL INDIA RAILWAY FEDERATION**

1. Shri U. Prabhat, President
2. Shri I.P. Chobey, General Secretary
3. Shri Rakhal Das Gupta, Assistant General Secretary
4. Shri S. Sudhakaran
5. Shri S.G. Mishra

**NAVAL HEADQUARTER, NEW DELHI**

1. Shri V. J. T. Makwana, SCSC, DC
2. Shri B.S. Pandit, LMC

**ARMY HEADQUARTER, MINISTRY OF DEFENCE**

1. Shri A.K. Deivedi, Director, IES
2. Shri S.M.S. Mukund, SESOISCC
3. Shri Shiv Omprakash, SESOISCC

**ORDNANCE FACTORY GUARD/CELL**

1. Shri Avin Kumar, Director, IR
2. Shri R.D. Kausik, Staff Officer

**MANAGEMENT/TRADE UNIONS OF DEPARTMENT OF POST, POSTAL SERVICE BOARD**

1. Shri S.L. Dutta, Member (PERS)
2. Shri A. Morita, Member (Financial Services)
3. Shri Sudhanshu Chander, Director (SR)

**BHARTIYA POSTAL EMPLOYEES FEDERATION**

1. Shri H.S. Yadav, Secy. General
2. Shri H.R. Kharborukar, Genl. Secretary
3. Shri D.P. Baljeet Singh, General Secretary
4. Shri Santosh Kumar Singh, General Secretary
5. Shri Sohan Ram Yadav, Deputy Secy.
6. Shri Karpot Singh Rawat, General Secretary

**FEDERATION OF NATIONAL POSTAL ORGANISATION**

1. Shri G.K. Pujanazar, Secretary General
2. Shri P.S. Hande, General Secretary

**GUARANTY TELECOM EMPLOYEES FEDERATION**

1. Shri Mukundan, Secretary General
2. Shri Sunil Kumar, President

**MANAGEMENT/TRADE UNIONS OF PORT TRUSTS**

**SHIPPING AND MANAGEMENT OF INDIAN PORTS ASSOCIATION**

1. Shri Rajiv Sinha, Chairman, Portuguese Port Trust
2. Shri N.K. Joshi, Director, Ministry of Shipping
3. Shri C. Venkateswaram, Dy. Chairman, H.P.T.
4. Shri S.G. Tumkur, Secretary, Mumbai Port Trust

**INDIAN PORTS ASSOCIATION**

1. Shri P. Thakur, Pres. Executive

**PURI TRUST KAMGAR SADAN**

1. Shri H.C. Sankar, General Secretary

**VISAKHAPATNAM PORT EMPLOYEES UNION**

1. Shri D.K. Sarma, Asst. General Secretary
2. Shri D.K. Sarma, Adm. General Secretary
3. Shri A.K. Mohapatra, Jr. D-Ecct.(T&C)

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**CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI**

1. Shri A. Madhukar, Recd., Director (Admin.)
2. Shri Virend Kumar, Dy. General Secretary
3. Shri Indu Singh, Asst. Secretary
4. Shri Ravir Singh, Jr. Secretary
5. Shri Deep Singh, Organising Secretary
6. Shri Ram Swaroop, Head-secy.

**CPWD JUNIOR ENGINEERS ASSOCIATION**

1. Shri D.K. Sharma, General Secretary
2. Shri Atish Singh, Joint Secretary

**26.7.2001**

**EXPORT PROMOTION ORGANISATIONS**

**GEM & JEWELLERY EXPORT PROMOTION COUNCIL, NEW DELHI**

1. Shri Gopal Ranjan, Regional Officer

**EXPORT PROMOTION COUNCIL, NEW DELHI**

1. Shri K.N. Jain, President
2. Shri R.K. Narain, Dy. President
3. Shri Navaratna Santra, Former Chairman

**FEDERATION OF INDIAN EXPORT ORGANISATION, NEW DELHI**

1. Shri K.N. Jain, President
2. Shri V. Pathwa, M.O.
3. Mrs. Priya Satpathi, Joint Director
4. Shri Anand R. Sethi, Joint Director

**APPAREL EXPORT PROMOTION COUNCIL, NEW DELHI**

1. Shri Vijay Pathak
2. Shri N.C. Sharma

**27.8.2001**

**MEMBERS OF PARLIAMENT/LEADERS OF POLITICAL PARTIES/EXPORT**

1. Shri Z.C. Khurana, L.S. Standing Committee Member
2. Dr. Yashpal Singh, Genl. Secy. Parliament Lok Dal

**28.8.01**

1. Dr. Amarjeet Singh, L.S. Congress
2. Shri Madhu Prasad Singh, L.S. Congress

29.8.2001

1. Shri K. Chandrasekhar, S. IAS
2. Shri G. Venkateshwaran, R.S. Dask
3. Shri Govindesh Chakraborty, MLA, Mysore Central Congress
4. Shri Yashwant Singh, Gen. Secy., NTUC
5. Shri Satish Narayan, Secy., NTUC
6. Shri Subrata Bose, Research, INTUC
7. Shri T.P. Peethambaran Meeter, Gen. Secy., VCP
8. Shri G. S. Avadhan, Secy., BMS
9. Shri P. Rao, Dr. Mahadev Secy., SMS
10. Shri F.J. Secondaray, Dr. Jagdish Patel
11. San Suresh Kumar, President, SMEA, HMs

30.8.01

1. San A. Mehannanak Nivakar, LS, JK, NC
2. Dr. Savayi Rajwani, LS, Consultative Committee Member
3. Shri Ram Dev Prasad, Gen. Secy., BVS
4. Shri A. Brahmanand, LS, Standing Committee Member
5. Dr. P. Pule Desai, Economist

#### ASSOCIATION OF PHARMACEUTICAL MANUFACTURES

1. Dr. Ajit V. Desai, Director Executive, India: Drugs Manufacturers Association

19.11.2001

#### MANAGEMENT OF GENERAL INSURANCE CORPORATION

1. Shri B.G. Deshmukh, Asst. M.D.
2. Shri K.W. Pathak, Dy. Manager, Mumbai
3. Shri V.V. Chalilam, Manager G.I.C., Mumbai

#### TRADE UNIONS OF GENERAL INSURANCE CORPORATION

1. Shri S.W. Khankali, Gen. Secy., AVISCA, New India Unit
2. Shri S.S. Vaidya, Warrant President, BVS, Kt.
3. Shri S.S. Navalkar, Gen. Secy. BVS, GIC Unit
4. Shri Y.S. Gour, President, BVS, NIA Unit
5. Shri S. S. Shinde, Treasurer, BVS
6. Shri J.S. Chauhan, Gen. Secy., BVS
7. Shri C.R. Rajesh, Gen. Secy., NIA Unit
8. Shri D.D. Raina, Organizing Secretary, NIA Unit
9. Shri Devender Kumar, Organizing Secretary, NIA Unit
10. Shri S.K. Gupta, Organizing Secretary, BVS
11. Shri R.K. Sharma, Organizing Secretary, G.I.C.
12. Shri Sanjeev Jain, NIA Unit
13. Shri Jitendra Singh, Asst. Secretary, AVISCA
14. Shri Iswar Singh, Working President, G.I.C.
15. Shri Lalit K. Mehta, Organising Secretary, SICEL
16. Shri O.P. Gupta, Regional Secy., G.I.C.
17. Shri Vir. Tandon, Jr. Secretary, National Federation

#### SCOPE - MANAGEMENT

1. Shri V.C. Agarwalla, General Manager, HR, IOC, N Delhi
2. Shri J. Kakkar, Labour Law Consultant,
3. Shri Jaiswal, I.O., Director, HR, OnGC
4. Shri S.A. Khan, Sr. Manager

**- 657 -**

5. Shri A.K. Srivastava, Director (P&G), Bangalore
6. Shri G. Upadhyaya, Exe. Director (P&G & Adon), SAIL
7. Shri P. W. Jossa, Dr. Manager (Law), BIC
8. Shri R. Ramchandran Pillai, Director, NTC

#### V.V. GIRD NATIONAL LABOUR INSTITUTE

1. Shri Naresh Chandra, Sm. Fellow
2. Shri C.S.K. Singh, Sm. Fellow
3. Shri Sabu P. Ramesh, Associate Fellow

#### TRADE UNIONS OF MAHANAGAR TELEPHONE NIGAM LIMITED

1. Shri N. S. Yadav, Sr. T.O. (S)
2. Shri Arvind Sawant, M.G. Eng. Ser. Man
3. Shri Rakesh Gupta, Director (NW)
4. Shri C.R. Khedekar, CGM
5. Shri Shrikant Bhakat, Sm. Officer

#### DIRECTORATE GENERAL OF EMPLOYMENT AND TRAINING

1. Shri D.P. Singh, Dir. Director
2. Shri H.K. Starwaj, Director, Apprenticeship Training
3. Shri D. Pandey, Sr. Manager (Perf.)

#### MANAGEMENT OF STEEL AUTHORITY OF INDIA LIMITED

1. Shri C. Upadhyay, Exe. Director (PSA), New Delhi
2. Shri Ravi Mukund, Sr. Director (Perf.)
3. Shri D. Pandey, Sr. Manager (Perf.)

#### TRADE UNIONS OF STEEL AUTHORITY OF INDIA LIMITED

1. Shri M.D.N. Parikh, Organising Secretary, Rourkela
2. Shri Govind Singh, Gen. Secy. Rourkela
3. Shri Govind Singh, Gen. Secy. Rourkela

#### MANAGEMENT OF COAL INDIA LIMITED

1. Shri Anup Kumar, Director (Perf.)
2. Shri C.R. Khedekar, Director (Perf.)

#### TRADE UNIONS OF COAL INDIA LIMITED

1. Shri R.A. Akbar, Secretary, HMS
2. Shri Vilas Shinde, New Delhi
3. Sunil D. Gangwar, New Delhi
4. Shri Balwant Pratap, Hazaribagh
5. Dr. Mano Kishore, New Delhi
6. Shri Shyam K. Joshi, New Delhi

#### MANAGEMENT OF KHADI VILLAGE INDUSTRY COMMISSION

1. Shri C. Basu, Chief Executive Officer, Muhatia
2. Shri S. Deopadhye, Secretary, New Delhi
3. Shri Kamal Singh, Dy. CEO, Mumbai
4. Shri S.S. Mehta, Dy. CEO, Mumbai

23.11.2001

#### INDUSTRIAL DISPUTES, MINISTRY OF LABOUR

1. Shri. Sudhir Balasubramanian, Jr. Secretary

22.12.2001

#### REPRESENTATIVES OF LABOUR DIRECTORATE, CHANDIGARH

1. Shri. Santosh Singh, Director
2. Shri. Rayaz-Kunial, Director
3. Shri A.S. Ahuja, Director
4. Shri Balaram, Dy. Director
5. Shri Ramkrishna, Jr. Director

#### REPRESENTATIVES OF INDIAN BANK ASSOCIATION

1. Shri Balbir Singh, CMO, Utkal Bank
2. Shri S.S. Kulkarni, CMO, ANB
3. Shri B.B. Narang, PNB
4. Shri K.L. Chaudhary, Secretary, ICICI, Mumbai
5. Shri P.C. Ramak, Officer, ECO-House, New Delhi

21.2.2002

#### COCHIN PORT TRUST

1. Dr. Jacob Thomas, Chairman
2. Shri A. Jayaraman Rao, Dy. Chairman

22.2.2002

#### THIRUVANANTHAPURAM

##### Officials of Labour Department, Govt. of Kerala,

1. Dr. S. Ayappa, M.I.A., Chief Secretary
2. Shri S. Macau Rao, Labour Commissioner

24.2.2002

#### MURGAI

#### CENTRAL INSTITUTE OF FISHERIES EDUCATION

1. Dr. S. Ayappa, M.I.A., Director
2. Dr. S.C. Rutherford, Jr. Director

#### VESTAVI MARCHINAKA SAMITI, VERNAL

1. Entire Office Bearers

STATE INSURANCE

- REVIEW ARTICLE

VISITED VESOUA MACHINMAR SANHAAJ SAMITI, VERS DVA AND MET ENTRE OFFICE BEARERS  
OF THE SPOTTED TEEPEE

#### **Special visits of the Chairman/Members of the National Commission on Labour**

Partenaires - X

**List of Persons/Organisations who responded to the Questionnaire**

UNIONS	PLACE
Karpoor Karantari Sangh Kangri Nathi	Mulayamnagar, (Sunder)
Indian National Trade Unions Congress	Kurnool
BNES (Maharashtra Pradesh)	Ahmedabad
Bhartiya Kisan Sangh	Surat
Hind Kisan Mazdoor Parishad	Purniai
Pashu Praman Banga Kishor Kalyan Sangh	Purniai (Dhuri)
I.D.P.L. Workers Union	24 Paroikas (West Bengal)
Workers' peasant Joint Action Committee	Dibrugarh
Z & Sardi Kisan Sangh	Jorhat
ATUC	Jorpur
Abhil Bhartya Sahay Karyakar Congress	Sh. Nihai
Akash Patriya Jafri Mazdoor Sangh	Murshidai
Association of Chemical Workers	Combatore
Co-ordination Committee of C.I.O. of Plantation	Ahmedabad
BNES (Gujrat Project)	Hyderabad
BNES (AP)	Vijaynagarpet, Mysore
ATUC	Dehra
BNES	Jagach (Maharashtra)
Rashtriya Seva Sangat Mill Kisan Sangh	Murudesh
National Fed. Of Sales Rep. Unions	Chennai
Tamil Manilla Kisan & Mazdoor Sangam	Kolkata
Eastern Railways Construction & Construction Mazdoor Union	Ranchi (H.L.)
Sambalpur Kisan & Mazdoor Kalyan Samiti	Khurda
AICTU	Hyderabad
Telugu Nadu Trade Union Council	Hyderabad
Jharkhandi SMT. Mazdoor Sangha	Ranchi
ABRTC National Workers Union	Hyderabad
Centre for Unorganised Workers T.U.	Dumkaore
HMS (Karnataka)	Hyderabad
UP Gramin Kisan Mazdoor Sangathan	Agro
BNES (Karakalpukh Pradesh)	Jajpur
BNES	Gangavathi
AP Agnivesh Kisan Sangh	Hyderabad
Bhadrula Kisan Mazdoor Sanghi	Dehr

Private sector companies

Canard Bank	M&G Capital
Syndicate Bank	M&P Capital
Abobex Metals Ltd	J Cellipal
Araxis Infrastructure Ltd.	Kamdhini
Kewtech Factors	Major
Generalization Bank	Mangalatra
Atlas Cycle Industries Ltd.	New Delhi
Allianz Bank	Calcutta
Karnataka Electricity Board	Trivandrum
SAIL	M&G (Kochi)
MAICO	Bhutaneswar
Rourkela Steel Plant	Rourkela
TISCO	Orissa
MTCL, Coimbatore	Tamil Nadu
ITC, Kharar	Jharkhand
MTCL, Kozhikode	Madras
ITC, Dhanbad	West Bengal
ITC, Mumbai (M)	Karnataka
ITC, Almora	Gujarat
ITC, Madras	Madhya Pradesh
ITC, Kollam	West Bengal
ITC, Mysore (Karn)	Papahasthra
Air India	Kosovo
Indian Airlines	New Delhi
<b>MINISTRIES/DEPARTMENTS</b>	
India Govt. Minl.	AI Corp (West Bengal)
Central Ordnance Factory	Andhra PRD
Govt. of India Press	Assam
Labour Department, Govt. of M.P.	Bihar
Ordnance Factory	Bhopal
State Govt. of Bihar	Bhubanpur
U.T. of Jharkhand	Bhadrak
Min. of Road Transport & Highways	Bilaspur
Govt. of India Press	Bijapur
Dept. of Telecommunications	Bijapur
Govt. of Andhra P.R.S.H.	Bijapur
Chief Inspector of Factories & Bollars,	Bijapur
Government of West Bengal	Bijapur
CGESI (Min. of Labour)	Bijapur

**MINISTRIES/DEPARTMENTS**

Aerry Base Workshop	Kalkinshah, W.H.Hinglaj
Govt of Rajasthan	Jasvir
Court of Orissa	Bhubaneswar
Govt of West Bengal	Kolkata
Govt of Karnataka	Bangalore
UT of Chandigarh	Chandigarh
Government of Punjab	Chandigarh
Ministry of Civil Aviation	New Delhi
UT of Andaman & Nicobar Islands	Port Blair
Government of Himachal Pradesh	Sirmaur
Govt of Jharkhand	Chandigarh
Department of Food	New Delhi
DSET, MoI Labour	New Delhi
DS, LSIC	New Delhi
Labour Bureau:	Chandigarh
Asst. Labour Welfare Commissioner	Tour, M.P.

**POLITICAL PARTIES/PARLIAMENTARY COMMITTEES/NGOS**

Society for Protection of Consumer Rights	New Delhi
Confidence Association of India	New Delhi
C.S.I.	New Delhi

**UNIVERSITIES/RESEARCH INSTITUTES AND INDIVIDUALS**

Institute of Rural Management	Gujarat
Peoples Training & Research Centre	Gujarat
W.R.A.C. & S.C.C., South Asia Edu. Office	Gujarat
Shri Lekhal Ali	Lucknow
Indian Institute of Management	Ahmedabad
Indian Institute of Social Welfare & Business Management	Calcutta
United Trade Union Cent. u	Calcutta
Central Institute of Vocational Education	Madhya Pradesh
Smti V.R. Sharma	Jobulpur
Shri B.R. Chitravany	Gwalior
Shri Krishnam.E!	New Delhi
SDWA, Ahmedabad	Gujarat
Centre for Education & Communication	New Delhi

Note : The Questionnaire was sent to 1385 Organisations/Persons and evoked response as per the above list.

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**EMPLOYERS/ORGANISATIONS/ASSOCIATIONS**

Federation of Karnataka Chamber of Commerce & Industry	Bangalore
Federation of Andhra Pradesh Chamber of Commerce & Industry	Hyderabad
Manufacturers Association of India	New Delhi
Vocational Traders' Organisation	Vadodara
Jagriti Mahanil Chambers of Commerce & Industry	Vijaywada
Federation of S.P. Chamber of Commerce & Industry	Bhubani
Western India Manufacturers Association	New Delhi
Andhra Pradesh Textiles Mills Association	Amravati
N.I.T. Textile M.I.'s Association	Secunderabad
Federation of Indian Exporters	New Delhi
Maharashtra Chamber of Commerce & Industry	Mumbai
AI.T.C. (Hospital & Nursing Institutes) Association	New Delhi
Maharashtra Manufacturers Association	Mumbai
All India Manufacturers Organisation	Delhi
German Manufacturers Association	Mumbai
(i) Kasthamandap	New Delhi
(ii) Birla Corporation Ltd.	New Delhi
(iii) Wizcraft Centres	Sonipat
Somayvt Organics (India) Limited	Uttar Pradesh
Federation of Indian Miners Industries	New Delhi
Rajasthan Chamber of Commerce & Industry	Jaipur
Sor-Day Goods Transport Association	New Delhi
Builders' Association of India	New Delhi
The Employers' Federation of Southern India	Chennai
Central Manufactures Association	New Delhi
Indian Chamber of Commerce	Calcutta
Greater Kyrode Chamber of Industry	Surat
Hotels & Restaurant Employees Association,	Chennai
PHD Chamber of Commerce & Industry	New Delhi
Indian Chamber of Commerce, Kolkata	West Bengal
Vadodara Employers Organisation,	G.Jar.
Federation of Indian Exporters	New Delhi
Castew Manufacuturers & Exporters Association	Kerala

### Annexure - XI

#### Workshops/Seminars conducted by the National Commission on Labour

Seminar on "LABOUR LAWS FOR SMALL, TINY & VILLAGE INDUSTRIES" in collaboration with PHD Chambers of Commerce & Industries, PHD House, New Delhi.

Workshops/Seminars conducted by the National Commission on Labour	
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1. Shri Ravindra Verma	Chairman, National Comm. Sqn. on 'Labour Socio-Educational' Government of India
2. Shri Vinod Verma	Member, National Commission on Culture
3. Dr K.R. Sankar	Secretary, Ministry of Small Scale Industries & Agro-Ind. Rts.
4. Shri V. Venkateswaran	Industries, Government of India
5. Dr. P.C. Gupta	Principal Secretary (Labour), Government of Punjab
6. Shri J.N. Parikh	President, FASCI
7. Shri B.L. Patel	General Secretary, Lalji's Ichchog Bharati
8. Shri Gururam Dharap	Joint Director, National Commission on Labour
9. Dr. Rashmi Agarwal	Director, Economic Body, ILO
10. Shri I.P. Anand	Member, Managing Committee, PHDCI
11. Shri P.K. Jain	ASCL, Hyderabad & Project Leader of MSI Law Project
12. Dr. D. V. Ray	Advocate, PwR
13. Shri O.J. Bhagat	Director, National Commission on Labour
14. Shri T.C. Gopal	Partner, Managing Committee, PHDCI
15. Shri Gajendra Bassi Thakur	Director, ILO Area Office, Delhi
16. Ms. Mary Johnson	Member Secretary, National Commissioner on Labour
17. Shri N. Saroj	Member of the National Commission on Labour
18. Shri Sanjiv Kumar	President, UNBCCI
19. Shri Sudhir Anmol	Member O. Chairman, Small and Medium Enterprises Committee, PHDCI
20. Shri Satish Singh Sareen	Chairman, CSR & IIR Committee, PHDCI
21. Shri Atul Kapoor	CEO, Dabur
22. Shri Girish Bhargav	Dr. C.S. Ambedkar Institute, Delhi
23. Shri Arvind Kumar Das	Punjabi Cultural Party
24. Shri S.K. Gurao	
25. Shri M.K. Singhla	
26. Shri J.D. Vaidya	
27. Dr. A.K. Agarwal	
28. Shri A.K. Arora	Lalji's Ichchog Bharati
29. Shri Sudarshan Sinha	
30. Shri Vinender Gour	Reviver Soce & Chemicals Ltd.
31. Shri Harsh Yathora	Deep Enterprises
32. Shri Sudarshan Kothiyar	SYS Industries
33. Shri M.P. Sagar	General Secretary, Mai Nagar Industrial Association

#### Workshops/Seminars conducted by the National Commission on Labour

34. Shri Lal Chand Sharma	Hari Mehta Industrial Association
35. Shri Sujeet Singh	President, Hari Mehta
36. Shri Yashdev Bharadwaj	
37. Shri K.O. Sharma	
38. Shri O.H. Joshi	Parm. Pethwani
39. Shri Narendra Nagpal	General Secretary, Corporation Mandir, Amritsar
40. Shri Radhu Singh Kaur	Advocate, Lahore, Amritsar
41. Shri S.K. Gupta	U.L.S., Amritsar
42. Shri Ganesh Bhatia	J.L.A., Amritsar
43. Shri S.K. Khatri	Central Electronics Ltd., Sohna (H.P.)
44. Shri Push Singh	MSI, National Commission on Labour
45. Shri Sunny Grosh	Manas Law nations
46. Shri R.C. Patalwala, SCII	
47. Shri Balbir Singh	Khet Nasan, Gopur, Panjab
48. Shri P.K. Samay	Indian Sanitaryware & Industries Ltd.
49. Shri Sureshwar Waghmare	Khet Nasan, Panipat
50. Shri D.P. Verma	Future Projects
51. Shri Jagdeep	Report - TV
52. Shri V.P. Bhawaraj	All India Plastic Industries Association
53. Shri S.M. Matlali	CLASS
54. Shri V.L. Gang	ASSOCIATION
55. Shri V.L. Verma	NIMO
56. Shri M.M. Ahluwalia	
57. Shri Shailesh	National Commission on Labour
58. Mrs. Geetika Sharma	Resource Technology
59. Col. I.M. Balra	Ajara Auto Parts Ltd.
60. Shri I.M. Parashar	President, MSII
61. Shri A. Yuktiranga	Dr. Secretary, FASCI
62. Shri H.P. Sareen	KVIC
63. Shri R.K. Grewal	GST Corporation
64. Shri B.V. Tavkar	Algent Handicrafts
65. Shri Rajesh Sharma	Ozone Pharma Ltd.
66. Shri S.K. Trapathe	Opus Pharma Ltd.
67. Shri S.N. Sharma	Executive Director, MSSII
68. Shri S.C. Rawat	
69. Kripa Shekhar Singh	Lalji's Commission, Dabur
70. Shri S.L. Kapoor	ASSOCIATION, Dabur
71. Shri G.A. Saini	MCCII, PwR
72. Shri I.P. Anand	

**Seminar on "LABOUR LAWS FOR SMALL, TINY & VILLAGE INDUSTRIES" In collaboration with  
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PHD Chambers of Commerce & Industries, PHD House, New Delhi.**

73. Shri A. Ray
74. Shri R.K. Chennana
75. Shri K.V. Dand
76. L. Col. U.R. Chintora
77. Shri M.P. Singh
78. San G. Barjessa
79. Shri S.S. Singhania
80. Shri S.P. Dethna
81. Shri S.C. Datta
82. Shri G. Desai
83. Dr. C.S. Raj
84. Dr. A.J. Sethi
85. Shri R.C. Bhalaria
86. Shri G. S. Bansal
87. Shri Surendra Bhandari
88. Shri B.M. Lal
89. Shri N. Ossai
90. Shri Gurjeet Virk
91. Shri G.K. Chawla
92. Shri Vishnu Kiran Bahi
94. Shri Pramod S. Tondre
95. Shri K.C. Jethi
96. Shri R.C. Malhotra
97. Shri J.P. Suri
98. Shri V.R. Jaudar
99. Shri Lakshmi Datta
100. Dr. S. Machchhal
101. Shri Pushkar Bhadur
102. Shri P. L. Bharadwaj
103. Shri Sarbjay M. Ahra
104. Ms. Anju Bajaj
105. Shri Santosh Srivastava
106. Ms. Sharvele McLean
107. Shri S.C. Gupta
108. Shri Jay Jay Sachdeva
109. Shri Balwant Singh
110. Shri Rajeev Sacevi
111. Shri Saranya Pal
- Punj Li CYD
- J&S Skyline Images Pvt. Ltd.
- PCCLV, Pune
- Hindustan India Ltd.
- Punjab & Sind Bank
- R.L. Dasgupta & Co.
- Indian Council of Small Industries
- President, Small & Tiny Industries
- Indian Council of Small Industries
- Business Standard
- Labor & Employment
- Bharti Hotel, Gurugram
- Cosco India
- MHR - Fecce System
- Kishore Pumps Ltd.
- Gokul Industrial Area Association
- Chaudhary Trading Co.
- Lalguji Udyog Bharti
- Kalpataru Chamber, Jodhpur
- Lalguji Udyog Bharti
- Tech. App. Mfrs. Assoc.
- Lalguji Udyog Bharti
- Akhil Bhadrava General, Hertelengh
- KYTC, Mumbai
- Business Standard
- COSSIL
- Punjab Gears Ltd.
- Link Road, modern Lal Building, Hurl Blair, And Islands
- Shri Surinder Anand
- Shri Vinod Singh
- Shri M.R. Gupta
- Shri H.G. Kamali
- Shri Jagender Joshi
- Dr. A.K. Mahapatra
- Shri O.P. Gupta
- Shri S.N. Mazumdar
- Shri Arwind Gupta
- Shri Sunendar K. Gupta
- Shri Ajay Karia
- Shri Madan Lal
- Shri B.L. Sawhney
- Shri S.P. Virmani
- Shri Vinod Virmani
- Shri Jaswant Rai
- Shri S.S. Bhaha
- Shri Asad Wasi
- Shri P.K. Sharma
- Zashfa Technologies Ltd.
- Lalguji Udyog Bharti
- PNA Industries
- T.C. India Ltd.
- PNA Industries
- T.C. India Ltd.
- Shri Rajeev Sacevi
- Shri Saranya Pal

**Seminar on "LABOUR LAWS FOR SMALL, TINY & VILLAGE INDUSTRIES" in collaboration with  
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PHD Chambers of Commerce & Industries, PHD House, New Delhi.**

Marana Small Industries Association

India of India

Quality Ice Cream

Sri Ram Centre

PTC, Chanbagh

Okhia Factory Owners' Association

Hindi Ram Marketing

Hindi Ram Marketing

Shri K.C. Malhotra

Shri K.P. Rathja

Shri V.K. Sareen

Shri Amit Gautam

Shri Rajesh Gupta

Shri K.C. Malhotra

ASCL, Hyderabad

ASCT, Hyderabad

Uttam Air Products

ASCL, Hyderabad

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Seminar on "Contract Labour in India—Paris, Pitfalls and Prospects"  
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- 30-7-2001—31-7-2001 (New Delhi)
- Naya Dehli
- |     |                                      |   |
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| 1.  | Smt. Ravinder Verma                  | Chairman, National Commission on Labour   |
| 2.  | Smt. T.S. Sekharan                   | Chairperson, Study Group on Review of ILOA's.   |
| 3.  | Dr. B.R. Sabade,                     | Member, National Commission on Labour   |
| 4.  | Smt. S. Sonyal,                      | Member Sec-etary, National Commission on Labour   |
| 5.  | Smt. T.C. Ghotra,                    | Director, National Commission on Labour   |
| 6.  | Smt. Piyush Sharma,                  | Jtst. Director, National Commission on Labour   |
| 7.  | C. R. S. Tiwari,                     | Deputy Director, National Commission on Labour  |
| 8.  | Shri P. P. Singh,                    | Deputy Director, National Commission on Labour  |
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| 13. | Shri D.P. Verma,                     | SMS, New Delh.  |
| 14. | Smt. R.K. Gupta,                     | Secretary, AITUC, New Delhi.  |
| 15. | Shri Salyanareyan Trakul,            | Laghu Ucayi Bharati, New Delhi.   |
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| 17. | Smt. S. Anand,                       | Secretary, The Associated Chambers of Commerce & Industry, N. India, New Delhi.             |
| 18. | Shri N.K. Choug,                     | Secretary to Govt. of Punjab Deptt. of Labour and Encouragement, Chandigarh.                |
| 19. | Shri S.C. Gupta,                     | Director, N.O. New Delh.  |
| 20. | Mrs. Mary Jon-sca,                   | Director, IHG, New Delhi.   |
| 21. | Dr. Alex A. St-ama,                  | Noida.  |
| 22. | Dr. Rojan K.E. Vaghese,              | Indian Law Institute, New Delh.   |
| 23. | Prof. S.C. Jaiswal,                  | International Institute for Labour Studies, Geneva.   |
| 24. | Dr. N.M. Joshi,                      | Gur-dian.   |
| 25. | Dr. G.S. Datta,                      | IIG, New Delh.,   |
| 26. | Prof. Shashi Bhushan,                | Dept. of Economics, University of Hyderabad, Hyd.   |
| 27. | Prof. D. Narasimha Reddy,            | Bhuban,   |
| 28. | Prof. L.K. Deshpande, <sup>2</sup> , | Mumbai.   |
| 29. | Prof. Sudha Deshpande,               | General Manager, BHEL, New Delhi.   |
| 30. | Mr. S.L. Bhambhani,                  | Ministry of Labour, New Delhi.  |
| 31. | Dr. G.S. Ram, I.F.A.,                | Advocate, New Delhi.  |
| 32. | Shri H.L. Kumar,                     | New Delhi.  |
| 33. | Prof. Rukhsar Datt,                  | New Delhi.  |
| 34. | Shri Prabir Singh,                   | New Delhi.  |

SECTION B: WELFARE PROGRAMMES IN KENYA

Seminar on "CONTRACT LABOUR IN INDIA—SECURISATION, PRIVATISATION AND PROBLEMS" in collaboration with Sri Ram Centre for Industrial Relations and Human Resources, New Delhi.

- |  |                           |   |
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| 15.  | Dr. Phareen Sintu,        | Labour Union, New Delhi.  |
| 16.  | Smt. B. Reshma,           | IUCN Inv. Planning Committee, New Delhi.  |
| 17.  | Prof. J.S. Sodhi,         | Sri Ram Centre, New Delhi.  |
| 18.  | Prof. Usha Dayal,         | Sri Ram Centre, New Delhi.  |
| 19.  | Dr. S.H. Panjwani,        | Sri Ram Centre, New Delhi.  |
| 20.  | Prof. Rama I. Jesuit,     | Sri Ram Centre, New Delhi.  |
| 21.  | Prof. M.S. Ramaswamy,     | Sri Ram Centre, New Delhi.  |
| 22.  | Dr. B.P. Guha,            | Sri Ram Centre, New Delhi.  |
| 23.  | Dr. Ranju Bhagat,         | Sri Ram Centre, New Delhi.  |
| 24.  | Smt. S. Ghatma,           | Sri Ram Centre, New Delhi.  |
| 25.  | Prof. Harick Malhotra,    | JNU, New Delhi.   |
| 26.  | Shri K.K. Sharma,         | Auto Economics Research Institute, University of Delhi, New Delhi.              |
| 27.  | Shri Pridi: Sinha Rao,    | Sri Ram Centre, New Delhi.  |
| <hr/>  |                           |   |
| Secretary on "WELFARE FUNDS SCHEMES IN KERALA" in collaboration with the<br>Kerala Institute of Labour and Employment. |                           |   |
| <hr/>  |                           |   |
| 23.08.2001-24.08.2001(Kochi)   |                           |   |
| 1.   | Shri Babu Govakaran,      | Hon'ble Minister for Labour and Social Welfare, Kerala.                         |
| 2.   | Shri V. Krishnamoorthy    | IAS Chief Secretary, Kerala.  |
| 3.   | Shri Dais George          | IAS Secretary, Labour & Rehabilitation, Kochi.                                  |
| 4.   | Smt. S. Denam             | IAS, Secretary, Labour Audit & Prosecution.                                     |
| 5.   | Smt. S. Jayappan Rao      | IAS, Labour Commissioner, Thiruvananthapuram.                                   |
| 6.   | Shri R.K.N. Subrahmanyam: | Chairman, Study Group on Social Sector &<br>National Commission on Labour       |
| 7.   | Smt. A.V. Agarwal         | IAS Labour Commissioner, West Bengal.   |
| 8.   | Smt. Y. Sunya Prasad      | Welfare Commissioner, Hyderabad.  |
| 9.   | Shri George M. Kalavan    | Welfare and Grass Roots' Bureau, Bangalore.                                     |
| 10.  | Shri S. Manikumar Anthony | Welfare Commissioner, Karnataka.  |
| 11.  | Smt. S. M. Rajeev,        | Welfare Board, Kerala.  |
| 12.  | Shri Joseph Cormmen,      | Chairman & Executive Director, Kudumb Shikshana<br>& Livelihood, Thrissur.      |
| 13.  | Smt. K. K. Sarma          | Adm. & Project Secretary to Minister of Labour &<br>Relief, Government, Kerala  |
| 14.  | Smt. G. Suganya Muthu,    | Welfare Commissioner, Kerala  |
| 15.  | Shri K.V. Rastogi,        | Welfare Commissioner and CEO of Executive Office,<br>Agriculture Welfare Board. |
| 16.  | Smt. C. Wilson,           | Deputy Commissioner of Labour, Port Blair.                                      |
| 17.  | Smt. G. Suganya Muthu,    | Chief Executive Officer, Tbk. Manual Workers' Welfare Board.                    |
| 18.  | Shri K.S. Pillai,         | Chief Executive, Kerala Head Lead Workers' Welfare Board.                       |

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**Kerala Institute of Labour and Employment.**

19. Sri K. Radhakrishnan, Addl. Labour Commissioner, Labour Department, Govt. of Kerala.
20. Sri C.U. Panay, Welfare Fund Commissioner, Thiruvananthapuram.
21. Sri E.V. Ganapathuram, Chief Executive Officer, Kerala Self-Employed Workers Welfare Fund Board.
22. Sri N. Michaelan, Regional Joint Labour Commission, Ernakulam.
23. Sri K.N. Rathneesh Rajan, Chief Executive Officer, Kerala District Board, Angamaly.
24. Dr. A.K. Sivapuri, Fellow, Kerala Institute of Labour and Employment.
25. Sri Prakash Sankar, General Manager, Taty Tea Ltd.
26. Sri Sreekumar N., Head, Apna Tyres Ltd.
27. Sri K.P. Jayaraman, Workmen Compensation Commissioner and Dy. Labour Commissioner.
28. Sri P.A. Salim, Dy. Labour Commissioner (LR), Kerala.
29. Sri K.M. Amarajith, National Safety Council, Kalmar Safety.
30. Shri C.H. Ajocikkar Hajji, Secretary, INTUC, Sugathen Smarakam, Thiruvananthapuram.
31. Sri M. Sivadas, Joint Labour Commissioner (LR).
32. Prof. Dr. K. Ramachandran Nar, Member, Executive Council, Kerala Institute of Labour and Employment.
33. Sri S.S. Anil, Member, Executive Council, Kerala Institute of Labour and Employment.
34. Sri V. Chacko, Chief Executive Officer, Kerala Transport Workers Welfare Fund Board.
35. Sri P.T. Joseph, Joint Secretary, National Safety Council, Kerala Chapter.
36. Marily Kuriyan Kurian, State Vice President, Kerala Uyana Vyavasayi, Ekopend Sanithi, Secretory, INTUC, Sugathan Smarakam, Thiruvananthapuram.
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50. Sri Vijayakumar K.K., Secretary, Kerala Building & Other Construction Workers Welfare Board.
51. Sri S. Muralidharan Naik, Member, Andhra Pradesh Labour Welfare Board.
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54. Sri Vijiya V., Sr. Executive, Unit "Gurukulam", Thiruvananthapuram.
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- 21.9.2001 (Mumbai)**
67. Sri HS. Joshi, Hindustan Petroleum Corp Ltd., Mumbai.
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  79. Sri P.M. Puran, Federation of Labour Law Practitioners, Mumbai.
  80. Sri P.H. Anand, Federation of Labour Law Practitioners, Mumbai.
  81. Sri S.D. Samie, A ZCL, Diamond Apartments, Mumbai.
- NGOs & Autonomous Bodies**
82. Sri A. Das, LOFS Preventions' Association of India, Mumbai.
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  86. Srin O.K. Silverstone, IIT2 Institute of Social Sciences, Mumbai.
  87. Sri V.S. Radhe, Maharashtra Institute of Labour Studies, Mumbai.

Employees' Representativeness

98. Sri Raja Kulkarni,  
Shri Raja Kulkarni,  
Smt. Puṣṭipā Mēhta,  
Shri Smāshikant Deodhar,  
Hindi, Mumbai.  
Secretary, United Trade Union Congress, Mumbai.  
Eknathrao Savarkar, Mumbai.

Chief Inspector of Factories

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| <u>Invites</u>   |                          |   |
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| 105.   | Shri P.C. Bhargava,      | Dy. Labour Commissioner (Central), West Zone.   |
| <u>Officers/Officials representing from MCL and Ministry of Labour</u> |                          |   |
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**Workshop on  
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| <hr/> |                           | Workshop on Child Labour conducted by<br>Women & Child Care |
| <hr/> |                           | 9- 3-2001 (New Delhi)                                       |
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| 2.    | Dil Vijayaraghavan,       | Member, Study Group   |
| 3.    | Smt. Kunjali Sharma,      | Member, Study Group   |
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| 23. | Ms. Devika Singh,      | FORCES, New Delhi   |
| 24. | Dr. Ashwini Agarwal,   | JD, National Commission on Labour   |
| 25. | Mr. P.M. Dahi,         | National Commission for Labour  |
| 26. | Ms. Savita Sharma,     | Consultant, Investigation Bureau, Government of India   |
| 27. | Ms. Copal Bose,        | PA, National Commission on Labour   |
| 28. | Shri Jayawinder Singh, | Accountant  |
| 29. | Shri D.K. Kapoor,      |   |
|     |                        |   |
|     |                        | <b>National Consultation on Future of Social Security in India,<br/>conducted by the Study Group on Social Security</b> |
|     |                        |   |
|     |                        | 31-5-2001 & 1-6-2001 (New Delhi)  |
| 1.  | Shri G. Raghunath,     | As: India Manufacturers Organisation, New Delhi   |
| 2.  | Shri N. Sethi,         | President, INTU, Kolkata  |
| 3.  | Shri R.C. Callie,      | ISSA, Mumbai  |
| 4.  | Ms. Anusmita Durti,    | Web page India, New Delhi   |
| 5.  | Dr. Sucheta Somnayak,  | Helpage India, New Delhi  |
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| 7.  | Shri Ranji Mehta,      | President, Indian National Mine Workers   |
| 8.  | Dr. S. Vijayakumar,    | CSD, Hyderabad  |
| 9.  | Dr. A. Prakash Ray,    | GEC, Bangalore  |
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| 11. | Mr. Rajeev,            | Fx. Director, Karan's Institute of Labour & Employment, Tirunelveli, New Delhi  |
| 12. | Shri R.K. BasuCSI,     | Karnataka Employers Association, Bangalore  |
| 13. | Smt B.C. Pravignir,    | Dept. of Woman & Child Development, D.  |
| 14. | M.P.S. Sethi,          | R.P.C., EPFO Head Quarter, New Delhi.   |
| 15. | Shri V.O. Ramaiah,     | Member of Sulal Security Group and  |
| 16. | Shri Michael Dias,     | Secretary Employers Association, Delhi.   |
| 17. | Shri S.N. Chopra,      | Employers Association, Delhi.   |
| 18. | Shri Pardimar Singh,   | President, Social Security Association of   |
| 19. | Shri A.J. Pawar,       | CSIC, New Delhi.  |
| 20. | Dr. G. Subbeyamma,     | JSNCU, New Delhi.   |
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| 22. | Shri Vasanti Gupta,    | Manilal Kora Trustkulu, Mumbai.   |
| 23. | Ms. Archana Prasad,    | Secretary, Chennai.   |
| 24. | Ms. B.R. Gupta, IYC,   | FORCES, New Delhi.  |
| 25. | B.R. Gupta, IYC,       | New Delhi   |
|     |                        | as regards<br>Sri Suresh  |

### National Consultation on Future of Social Security in India, Conducted by the Study Group on Social Security

27.	Shri K.V. Mahadevappa	It. Labour Commissioner, Mysore Associated Workers Welfare Board, Kerala
28.	Shri Achintya Sinha	WIFUC (LSP), New Delhi
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30.	Shri T.C. Girotra	National Commission on Labour
31.	Ms. Meenal Chatterjee	Member, Social Security Group and Seva
32.	Ms. Sayeeda Chauhan	SEWA
33.	Shri Nishchay Singhwala	EPFO, New Delhi
34.	Shri A. Vilankulam	SEWA
35.	Shri S.N. Tiwari	Advocate, Supreme Court
36.	Shri P. Sharma	National Commission on Labour, Jammu & Kashmir
37.	Shri P. Madhav Rao	NATRESS, New Delhi
38.	Dr. R. Agarwal	National Commission on Labour
39.	Shri Mittal Singh	SEWA
40.	Shri K.G. Dinesh	Member of Social Security Group
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42.	Shri Isha Wocall	JLU
43.	Shri Rajendra Bussi	Bangalore
44.	Ms. A.L. Ganapati	Adviser (L&M), Planning Commission
45.	Shri Savitribai Phule	Chairman of KCL
46.	Shri Ravindra Varma	SE, ESIC
47.	Shri Suman Sagarop	Adviser, CIL
48.	Shri N.S. Mathur	Adviser, EPFO
49.	Shri A.N. Rej	EPFO
50.	Shri S.C. Sharma	ESTC
51.	Shri R.C. Sharma	Chairperson of Study Group on Women &
52.	Ms. R. Jhabvala	Child Labour, NCL
53.	Shri R.P. Upadhyay	TAWP, New Delhi
54.	Shri Sriyam Sundar	Planning Commission
55.	Shri V. Varsh	Secretary, Ministry of Labour
56.	Shri A.B. Nagpal	Member of Study Group on Social Security &
		Member HMs, Chandigarh
57.	Shri Chander Jitwir Singh	Indian Merchants Chamber Association
58.	Shri Ravi Desgul	CHET, Mumbai
59.	Shri Channakesharam	ESIC
60.	Shri R. Geetha	MEPS, Chennai
61.	Ms. Hemlata	FORCES, New Delhi
62.	Shri U. Purushit	PMIS, New Delhi

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63.	Shri S.A. Javidar	Lalith Udyog Bhawan, New Delhi
64.	Ms. Priti	National Commission on Labour
65.	Shri K.V. Rajendran	CIL, New Delhi
66.	Shri V. Krishnamurthy	Chief Secretary, Kerala
67.	Shri S.N. Sami	Secretary, Dak

### Seminars on National Consultation on "Globalisation and its impact" conducted by the Study Group on Globalization

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1.	Shri V.K. Gulle	Interface
2.	Shri P. Sathyamurthy Swamy	President, FKCCI
3.	Shri P. Anna Durai	UPASI, Coonoor
4.	Shri S. Krishna Kumar	General Secretary, KASSIA
5.	Shri V. S. Varma	President, Central for Unorganized Workers Union
6.	Shri S. A. Pillai	GACI
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14.	Dr B.R. Patel	I & Sub-committee of FUCI
15.	Shri B. Vijayakumar	KVIB, Bangalore
16.	Shri Subhash Sharma	IPRI, Bangalore
17.	Shri K. A. Krishnan	KASSIA
18.	Shri Shrimappa L.H.	KSTC, Bangalore
19.	Shri C.S. Acharyulu	President, Contract Employees Association
20.	Shri B. S. Deshpande	State Office Secretary, BMS
21.	Prof. R. S. Beshpale	ADR Unit, Institute of Social & Economic Change, Bangalore
22.	Shri P.M. Chandrasekhar	Deputy Manager (P), KSTC Ltd
23.	Shri M.S. L. Vasankari	CRB, KVB
24.	Shri Nalender Panigrahi	The Economic Times
25.	Shri R. Subramanyam	A 1 Garibata Manufacturers Assn.
26.	Shri E. Venkatesh	Labour Commissioner, Karnataka
27.	Shri V. R. Kecco	KHSC, Ltd
28.	Shri Alampalli Venkataswamy	State President, BMS

**Seminars on National Consultation on "Globalisation and its Impact"  
conducted by the Study Group on Globalization.**

25.	Shri J Ramadev Kamat.	Chairman Member, NCL	22 - 23.11.2001 (New Delhi)
26.	Dr G A Sabale,	Convener Secretary, NCL	1. Shri Sant Lal Nehru, SRO, IAFR, New Delhi
27.	Shri N Sanjeev,	Director, NCL	2. Shri A C Datta, TTS, Mumbai
28.	Shri T C Chandra,	Joint Director, NCL	3. Shri Mahankar Kapoor, PHDCCI, New Delhi
29.	Shri Rakesh Srivastava,		4. Shri Riddhar Datt, Institute of Human Development, New Delhi
30.	Shri Piyush Srivastava,		5. Sunil K Raybheri, National Working Group on Patent Laws, New Delhi
31.	Shri S Venkateswaran,		6. Shri S A Khan, SCOPE, New Delhi
32.	Shri D M Utkarsh,		7. Shri K J Thakker, BMS, New Delhi
33.	Shri Raghav Deshpande,		8. Shri S S Mehta, GUL, Ahmedabad
34.	Shri D Sankeshwar Kawatra,		9. Shri C S Venkat Rathnam, PWC, New Delhi
35.	Shri Sankar Marcar,		10. Shri S K Shashi Kumar, VYOMJL, Mumbai
36.	Shri A C Datta,		11. Shri T C Girure, Director, NCL, New Delhi
37.	Shri D K Srivastava,		12. Shri Prakash Sharma, ACCI, New Delhi
38.	Shri P P Roy,		13. Shri R C Khurana, INTUC, Ghaziabad
39.	Shri S G Kohli,		14. Shri Ranjith,
40.	Shri R D Joshi,		15. Shri Vidyadhar Agarwal, ESSM, New Delhi
41.	Shri Uday Bhawale,		16. Shri D P Singh, ESI, New Delhi
42.	Shri R M D Tari,		17. Shri Vaidyanath Shiva, NAVIDANVA, New Delhi
43.	Shri S Ravinder Pati,		18. Shri U K Diskhet, Director, SCOPE
44.	Shri A C Khurda,		19. Shri Praveen Sondhi, FES, New Delhi
45.	Shri N P Sivakumar,		20. Shri D P Panth, CII & FICCI
46.	Shri Dinesh Sethi,		21. Shri Rajan Malhotra, ILC-SAT, New Delhi
47.	Dr V Srinivasulu,		22. Dr B A Alteri,
48.	Shri J P Chabre,		23. Shri I S Santekar, Chairman, Study Group - Review on ILOs
49.	Shri C S Deshpande,		24. Shri Bana Lakwale, BLS, New Delhi
50.	Shri Vaidehava Anand,		25. Shri Narinder Kumar, Labour Commissioner, Delhi
51.	Shri Srinivas Deo,		26. Shri R P Sanghvi, BBS, New Delhi
52.	Suresh Gawal,		27. Shri O P Sharma, INTUC
53.	Shri A Patra,		28. Shri K L Pedda, BMS
54.	Shri S Pillai,		29. Shri S Shiv Ramakrishnan, ILO
55.	Shri S Latha,		30. Shri Kan Kanjya, SCOPE
56.	Shri S Sreedhar,		31. Shri J U Khatri, Member Secretary, NCL
57.	Shri Arun Chakravarty,		32. Shri V R Raman, Finance Ministry, Govt. of Delhi
58.	Shri Sameer Khader,		33. Shri N Sayal, Member Secretary, NCL
59.	Shri V Dulka,		34. Shri Sumit Jain, SB, Hyderabad
60.	Shri Surendra Senapati,		35. Shri R K Srivastava, Adviser (Cap & HRD), ACC
61.	Dr J A Sebade,		36. Shri G M Saini, Habitat World
62.	Shri Prakash Sharma,		37. Shri Lata Sharma, WIA

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62.	Shri Prakash Sharma,		37. Shri Lata Sharma, WIA

Seminars on National Consultation on "Globalisation and its impact"

- |     |                       |   |
|-----|-----------------------|---|
| 39. | Sir. S Venkatesan,    | Labour Advisor, Council for Leather Export              |
| 40. | Shri D P Pandey,      | Export Registration Officer, Council for Leather Export |
| 41. | Sri Srinivas Reddy,   | Chairman (HR), Council for Leather Export               |
| 42. | Shri J P Ahire,       | Governing Body Member, ILO                              |
| 43. | Shri J S Sodhi,       | SRC, New Delhi  |
| 44. | Dr D K Ghattacharya,  | Alpha, New Delhi  |
| 45. | Shri K. - Rallu (Dr), | BMS, New Delhi  |

**I.I.I.2001**

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Seminars conducted by the Study Group on  
"Skill Development, Training & Workers Education"  
(Bhubaneswar)

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|----|--|
| 1. | Prof. R.M. Sarkar,<br>Centre for Development Studies, Bhupurashikha<br>Centre for Development Studies, Bhupurashikha |
| 2. | Dr. C. Kishore,<br>Sir M.S. Remaiah Univ.,<br>Shoran, Tenali, Andhra Pradesh.  |
| 3. | Sir Subrahmanya Singhal,<br>Shri H. Jayadev,   |
| 4. | Rajgira Gram Vikas Nidhi, Assam.   |
| 5. | Regional Centre for Development Co-operation<br>Bhubaneswar.   |

7.	Shri R. S. Srivastava,	Bhubaneswar,
8.	Shri. A.K. Maitra,Shri.	Vashishtha, Bhubaneswar,
9.	Smt. Rakhi Pravigna Ray	Bhubaneswar
10.	Shri A.K. Sahu, West Bengal,	Bhubaneswar,
11.	Shri H.S. Dutta,	Orissa voluntary Health Association.
12.	Shri P.K. Sahoo,	Centre for Youth & Social Development
13.	Shri D. Sahoo,	Technology Transfer Network, Bhubaneswar
14.	Shri P.C. Behera,	Green Development Bhubaneswar,
15.	Shri R.V. Srivastava,ESQ.	DMS, Bhubaneswar.
16.	Shri S. Kishore,	JKS, Bhubaneswar.
17.	Shri Anupam Bhagin,	Co-coord. Member, Study Group.
18.	Shri Ram P Guchha,	Hero Corporate New Delhi.
19.	Shri P. Shinde,	Joint Director, NCL.

**Dates of submission of Reports by the Study Groups**

- |    |            |   |
|----|------------|---|
| 1. | 05.09.2001 | Study Group on Social Security  |
| 2. | 18.09.2001 | Study Group on Women & Child Labour   |
| 3. | 14.10.2001 | Study Group on Umbrella Legislation for the Workers in the Unorganized Sector |
| 4. | 15.11.2001 | Study Group on Reforms of Laws  |
| 5. | 13.02.2002 | Study Group on Globalisation and its impact                                   |
| 6. | 16.02.2002 | Study Group on Skill Development, Training and Workers Education              |

Annexure-XIII

**APPENDIX-XIV**

**Subject discussed at the External Meetings conducted by the National Commission on Labour**

DATE	TOPICS TAKEN UP FOR DISCUSSION
4.11.1999	The First meeting of the National Commission on Labour was held under the Chairmanship of Shri Ravindra Varma in the Committee Room of Ministry of Labour, Shanti Bhawan, New Delhi.
15.3.2004	The Secretary, Ministry of Labour, with the permission of the Chairman of the Commission outlined the background of the constitution of the Commission. The Chairman in his introductory remarks welcomed the members of the Commission and complimented them on being nominated to the Commission. He outlined the tentative plan of action of the Commission and said that a questionnaire would be drawn up for seeking the views of all interested sections on the matters falling in the field of Enquiry of the Commission. The Commission would simultaneously hold sessions to gather evidence (oral & written) from interested parties. He clarified that six Study Groups would be set up to look into the areas of Review of Laws, Umbrella legislation for Workers in Unorganised Sector, Globalisation and its Impact, Social Security, Women and Child Labour and Skill Development, Training and Workers' Education. The Chairman invited suggestions from members for names of persons for inclusion in the Study Group. He concluded that he would try to see that the Commission completes its work within the stipulated period than the Government had set for it.

1.11.2000	The third meeting was held under the Chairmanship of Shri Ravindra Varma in the office of National Commission on Labour, Janakpuri. He mentioned that the Government were all set to address several issues like the Government, State Governments, NGOs & Organisations and trade unions to expedite their replies to the question, as the response was not very encouraging.
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4.11.1999	The Chairman stated that among all Study Groups have started functioning and he would try to see that they were able to complete their work around April 2001 or so. The Group on Skill Development, Training and Workers' Education was yet to be formally constituted since a suitable person was yet to be found to take up the work of the Chairperson.
1.11.2000	The Chairman mentioned that all the members in the Commission have been appraised in their individual capacities, are should be objective in their views and analysis of issues. He also sought the cooperation from the members for complete confidentiality regarding the deliberations of the Commission. He concluded by laying out all future plan of the Commission's report which would contain nine main chapters.
1.11.2000	Chapter I - General Survey since independence/1959 (Report of the First Commission)
1.11.2000	Chapter II - General Survey of the post-1991 period, after the liberalisation of the economy was set in motion by the Government.
1.11.2000	Chapter III - Review of existing legislation - Inequity - Inequity - Amendments and new legislation that is needed. The principles behind the recommendations that the Commission was making.
1.11.2000	Chapter IV - General Survey of the Unorganised Sector and principles behind the Commission's recommendations regarding umbrella legislation.
1.11.2000	Chapter V - Survey of women and child labour
1.11.2000	Chapter VI - Social Security
1.11.2000	Chapter VII - Unfair practices/job security.
1.11.2000	Chapter VIII - Skill Development, Training, etc.
1.11.2000	Chapter IX - Miscellaneous matters.
12.5.2001	The Commission held its internal meetion to discuss the tentative plan of action of the Commission and the crucial areas of its Report such as enification and consolidation of laws, the duties of employers, rights and duties of employees, employment generation, etc.

<p>16-18.10.2001</p> <p>31.10.2001 &amp;</p> <p>01.11.2001</p> <p>25-29.11.2001</p> <p>27-28.12.2001</p> <p>09.1.2002</p> <p>28.1.2002</p> <p>19.2.2002</p> <p>28.2.2002 &amp;</p> <p>1.3.2002</p>	<p>The meeting was held to discuss the final report submitted by the Study Group on Women and Child Labour. The Chairperson of Study Group Mrs. Revathy Padmaja explained the highlights of the Report to the members of the Commission. On 17<sup>th</sup> and 18<sup>th</sup> the Commission deliberated on the issues involved in employment of women such as equal wages, skill development, safety at the workplace, child care facilities, and/or employment levels of women and working of women during night hours.</p> <p>In this meeting the final report submitted by the Study Group on Social Security was discussed. On 31.10.2001 Shri R.K. Subrahmanyam, Chairperson of the Study Group apprised the Commission about the recommendation of the Study Group. On the next day, the Commission deliberated on the recommendations of the Study Group, i.e. the present status of Social Security system and the system proposed by the Study Group.</p> <p>The Committee on held its internal meeting to discuss the final reports submitted by the Study Groups on Review of Law and Unorganized Legislation for the Workers in the Unorganized Sector. Shri T.S. Sankaran apprised the Commission on 16.11.2001 about the recommendations of the Study Group on various issues. During the next day internal deliberation on Commission were held on the provisions as they exist in the existing laws and the recommendations of the Study Group. On the 28<sup>th</sup>, the Chairperson of the Study Group on Unregulated Legislation for the Workers in the Unorganized Sector, Shri D. Banshankarappa apprised the members of the Commission about the report of his Study Group. On the following day the members deliberated on the Report.</p> <p>The Meeting of the Commission was held further to discuss the final report submitted by the Study Group on Review of Laws wherein issues like, as defined term of workers, wages, retrenchment and whether strike should include go slow or work to rule, etc were discussed.</p> <p>The Commission held its internal meeting to discuss further on the final report submitted by the Study Group on Review of Laws wherein the authorities to be set up for dispute resolution and matters relating to registration and recognition of Unions and section 11 A, etc were discussed.</p> <p>The Commission held its internal meeting to discuss further on the final report submitted by the Study Group on Review of Laws wherein the authorities to be set up for dispute resolution and matters relating to registration and recognition of Unions and section 11 A, etc were discussed.</p> <p>In the meeting held on 28.1.2002, some of the issues relating to industrial relations such as unfair labour practices, workers participation in management, functions to be assigned to Labour Relation Commission, prohibitions of Industrial Employment Standing Orders, etc and Sec 9-A, Field Sec 22 of Industrial Disputes Act and Contract Labour and unfixing of wages with productivity were discussed.</p> <p>The Commission held its internal meeting to discuss the report submitted by the Study Group on Globalisation and its Impact. The draft indicative laws on Child Labour and Unregulated Legislation for Workers in the Unorganized Sector were also discussed.</p> <p>In the meeting held on 28.2.2002, the draft chapters on Women and Child Labour and draft chapter on Social Security were discussed. On 01.3.2002, the Report of the Study Group on Skill Development, Training and Workers Education was discussed.</p>	<p>18-21.3.2002</p> <p>26-27.3.2002</p> <p>27-3.4.2002</p> <p>22-25.4.2002</p> <p>14-15.5.2002</p> <p>31.5-7.2002 &amp;</p> <p>1.6.2002</p>	<p>The Commission held its internal meeting to discuss the revised draft indicative legislations on Child Labour and Unorganized Sector Workers, incorporating suggestions made by members for amendments in previous meeting pertaining to these laws. The Commission also discussed the draft chapter on Social Security and some important issues like contract labour. The Commission also discussed the draft chapter on Globalisation.</p> <p>The Commission held its internal meeting to discuss the draft chapter on Labour Administration indicating laws on Child Labour, Employment and other pending matters such as Labour Statistics and Composite law on occupational health &amp; safety.</p> <p>The internal meeting of the Commission was held to discuss on the 'revision of National Commission on Labour's Report'. The Chairperson apprised the members of revised scheme of various chapters and invited their comments. The members pertaining to wages, national minimum wage and draft law on wages were discussed.</p> <p>The Commission held its internal meeting to discuss the changes on review of Law, Labour Administration and other pending issues. The individual expenses, wages pertaining to leave, retrenchment and wages, requirements of 50% female and maternity related to right to strike, a socially acceptable strategy were discussed.</p> <p>The Commission held its internal meeting to discuss the changes on : Above Administrative ; draft law on Hours of Work, Leave and other Working Conditions of the corporate.</p> <p>The Commission held its internal meeting to discuss the scope of the '1st aim start' indicating law on Labour Management Relations. Suggestions made by some of the members for making changes in the draft indicate law were incorporated into Draft such changes did not call for any deviation from the decisions recommended in the chapter on Review of Laws..</p>
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Annexure - Xv  
Letters of the Chairman to Prime Minister regarding  
Finance Minister's Budget Speech

RAVIN德拉·瓦爾米亞  
Chairman



Government of India  
Ministry of Labour  
National Commission on Labour  
Statute Building, 2nd Floor  
32-35, Industrial Area, Opp. D Block  
Jainpuri, New Delhi - 110 088  
Phone: 6613689, 4617744 (O)  
22289-3, 3236931 (D)  
Fax: 2210971 (D)  
E-mail: [rnccnlab@minlab.nic.in](mailto:rnccnlab@minlab.nic.in)

No. Chairman/1/MO/Camp-Occ/2001

Dated 7th March 2001

Dear and Hon'ble Finance Minister Shri Atalji,

The onerous duties that you have cast on me by appointing me as Chairman of the National Commission on Labour make it necessary that I bring to your notice the very grave mood of introspection and sense of distress that have become evident in the minds of most of the members of the Commission and its study teams after the Budget speech of the Hn. Finance Minister in which he announced that the Government had decided to introduce legislation to amend the Industrial Disputes Act and the Contract Labour (Regulation and Abolition) Act in the current Budget session of Parliament. The very fact that the announcement came in an unusual and unprecedented manner from the Finance Minister and he not only indicated the possible direction of policy but also the specifics of the amendments and the schemes that were going to be introduced, has given rise to the apprehensions that are being articulated both by some members of the Commission and by many concerned groups.

2. I beg to point out that when the Government (which has the distinction of being led by you, a person who has always enjoyed a high reputation for fairness and straight forwardness) appointed our Commission, we were entrusted with two main tasks, to review and suggest rationalization of all existing labour legislation in the organised sector, and to propose an umbrella legislation for ensuring a minimum level of protection to workers in the unorganised sector. We understood this to mean that we had the duty to review all legislation in the Statute book - old, new or as amended - on the day we concluded our work as a Commission and signed our report.
3. We were, and are, aware that the Government has the responsibility to respond to circumstances and exigencies that demand immediate action, including legislation. We understand that this is a prerogative of the Government, and it is the prerogative of the Parliament to approve proposals for legislation that are presented to it. But we thought that since the Government itself had appointed the Commission and asked it to review all existing legislation including the Industrial Disputes Act, the Contract Labour (Regulation & Abolition) Act, etc., it would have waited for the report of the Commission. So, it felt that urgency warranted immediate amendment, asked the Commission for an interim report on the amendments that were considered necessary. We deeply regret that both these alternatives were ignored, thereby giving an opportunity for sceptics and critics to say that the Government's mind was already made up, and the Commission, therefore, had no relevance. Unfortunately this situation has made it possible for many groups to cast doubts on the credibility and utility of the Commission and say that our report has already been pre-empted, even while we had struggled hard and almost overcame the attacks on our credibility. Some distinguished members of our study teams have also expressed their deep concern, and asked whether the role of the Commission was really over and if the questions that were entrusted to us has already been settled in the Government's mind, there was any need for them to continue.

4. My own understanding, on the basis of which I am persuading them to continue and conclude our efforts quickly, is that the Commission is free to formulate or express its views on laws that are in the Statute book on the day the Commission completes its work; that the very broad and comprehensive canvas that has been entrusted to the Commission has not been exhausted by whatever proposals one Hon. Finance Minister has made; and that we should, therefore, continue with the work of the Commission and complete it as early as possible.
5. I will be grateful for any guidance you can give me that will enable me to assure all concerned that the Government still wants us to continue and complete the work that it entrusted to us.

Yours sincerely,  
  
(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,  
Hon'ble Prime Minister of India,  
South Block, New Delhi - 110001

**RAMENDRA VARMA**

Chairman



Government of India

Ministry of Labour

National Commission on Labour

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Domlalpur, New Delhi - 110 058

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Dated: 25 May, 2001

Dear and Hon'ble Prime Minister Shri Atal,

I was very happy I had an occasion to meet you at the session of the ILC or the '8', and to listen to your address. Subsequently, when it was conducted to the tea-room, you were about to leave, but I saw and heard the Trade Union leaders, and some representatives of management groups requesting you to put off the introduction of new labour laws till the National Commission on Labour submitted its report to you. I have already written to you on this question on the 7<sup>th</sup> of March soon after the Hon. Finance Minister referred to specific proposals for reforms in labour laws during his Budget speech.

But since I was present when the matter came up before you again, I thought it would not be inappropriate if I wrote to you about the perception of the Commission, and the progress that the Commission has made.

I do not write in detail about the perception of the Commission since I have already written about it in my letter of the 7<sup>th</sup> of March (copy enclosed for ready reference). The case for waiting for the report of the Commission rests on two main considerations: (i) The proposed amendments fall within the area that has been referred to the Commission and (ii) it is easier to find common ground in the background of a comprehensive new system that may be proposed as a substitute to the present fragmented bits of legislation, than if one confines oneself to one or two clauses in one or two of the many Acts that are involved.

In the last few months, we have worked hard to identify and expand the area of consensus on all the contentious issues in industrial relations. While we know it is very difficult to visualize a situation in which workers' organizations and

management : each unimrity on all matters, we feel optimistic about finding common ground on many issues. We feel convinced that a consensual approach, - not an approach of confrontation, - will make it easy to formulate, pact and implement the laws that are needed. The high degree of economic efficiency and competitiveness that we seek to succeed in the post-globalisation era may elude us if we allow confrontationist attitudes to linger and dominate the scene. Any solution that is looked upon or claimed as the victory of one side over another may also leave a trail of bitterness and sullenness that might in turn adversely affect productivity for long. In fact, anything that precipitates confrontation and conflict will only reduce our competence to compete. We cannot fight each other and also fight external factors and forces that we have to contend with. The Commission also feels that its task will be harder if confrontationist attitudes are allowed to entrench themselves.

On our part we wish to assure you that we will continue to work to expedite the evolution of an acceptable consensus that serves the interests of the country as a whole, and at the same time restores justice to all "social partners", - workers, management, consumers and the State. We hope to complete our work and submit our report by the end of the year. We realise that the Government has to take its decisions on executive and legislative action on the basis of its own assessments of urgency. But we thought we owe it to you to place our perceptions and estimates before you, in time.

With warmest regards,

Yours sincerely,

Ramendra Varma  
(Residing Varma)

**Hon'ble Shri Atal Behari Vajpeyi,  
Hon'ble Prime Minister of India,  
South Block,  
New Delhi - 110001.**

**Letters of the Chairman to Prime Minister  
seeking extension of term**

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**RAVINDRA VARMA**  
Chairman



Governor of India  
Ministry of Labour  
National Commission on Labour  
NATCOM, 2nd Flr,  
SC-31, Institutional Area, DLF, V Block,  
Janakpuri, New Delhi - 110 058  
Phone: 011-26144000  
Fax: 011-26144001  
E-mail: [ravindra.varma@natcom.mandal.gov.in](mailto:ravindra.varma@natcom.mandal.gov.in)

present problems and the fact that the Commission has been appointed after nearly three decades. I assure you that we will not take one more day than is absolutely essential to formulate a satisfactory report on the delicate and complex issues involved.

We make this earnest request to you to give us an extension of at least four months so that the extensive work we have done, which is likely to be of value for decades, is not adversely affected at the stage of completion, for lack of a few more days.

With high personal regards,  
September 25, 2001

Dear and Hon'ble Prime Minister Shri Atal

In the midst of the heavy pressure on your time, I have to crave your indulgence to make an earnest appeal on behalf of the National Commission on Labour.

The appointment of the Commission was announced on the 15<sup>th</sup> of October, 1999, and we were given 24 months to complete our work. The task entrusted was much heavier than that of the First Commission which was given three years. Unfortunately, as I have submitted in earlier representations to you, our Commission could not ever be provided with an office for five months. It took another three months for even a partial complement of technical staff and officers to be made available. Thus, we lost seven to eight months at the start, for no fault of the Commission.

In these months we have made very good progress in eliciting opinion, and conducting dialogues and discussions with affected parties, and functioning through Special Study Teams that have almost completed detailed enquiries.

We had requested for an extension of 5 1/2 more months to complete our work to make up for the six months that we lost for no fault of ours.

We are quite conscious of the urgency and expectations, etc. we want to do justice to the task that has been entrusted to us by you, particularly because of the

Yours sincerely,

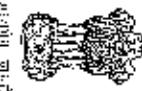
Ravindra Varma  
*Ravindra Varma*  
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With high personal regards,

(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,  
Hon'ble Prime Minister of India,  
South Block,  
New Delhi - 110001.

RAVINDRA VARMA  
Chairman



Government of India  
Ministry of Labour  
National Commission on Labour  
PARBES Building, 2nd Floor,  
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Jawahar Lal Nehru Marg - 110014  
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Dear and Honble Prime Minister Shri Atalji,

You may kindly recall that in July 2001 I had written to you on behalf of the National Commission on Labour, to request you to be kind enough to extend the term of the Commission by 6 months, in view of the fact that it took 5/6 months for us to get office accommodation and the core team of officers and staff necessary to commence our work. You were gracious enough to accept our request in part, and to extend the term of the Commission by four months. This period ends on the 15<sup>th</sup> of February.

In this interim we have been working conscientiously and with full consciousness of the need to complete our work by the 15<sup>th</sup> of February. But despite of all our efforts we now find that the original estimate on which we had based our request in July was fully realistic, and represented the minimum time such a massive work would take to be brought to a systematic completion.

We have received reports of four of the six study teams that we had appointed, and have given consideration to the observations and recommendations of these study teams, and made progress in finding convergence. But we are still to receive the reports of two of the important groups - one on the effect of globalisation on industry and industrial relations (the work force), and the other, on the new needs that have arisen for creating the skills necessary for employment and retention of eligibility for employment in the new conditions. We are expecting these reports by the end of this month. We will then have to work on these reports as well as integrate them into the total scheme till we hope to propose in our chapters on the existing legislation and legislation for the unorganized sector. This will take a few weeks.

January 15, 2002

In the meanwhile, the Commission has been permitted by the Government to visit China and Malaysia to get further acquainted with the manner in which these countries and others in similar situations, have dealt with the problems that we see facing after globalisation and the coming of the new WTO regime. Though we had initiated efforts on this study four quite some time ago, it is only on the 8<sup>th</sup> of this month that we received the necessary permission. This study visit will also bear about a fortnight.

We must also draw your kind attention to the fact that the Cartos, Trade Unions that are competing with the Commission have asked for another round of discussions with us before we finalize our recommendations to the Government. We have been told that the employers' organisations are also expecting a similar round of final consultations.

We feel it is important for us, in the current context of mistrust and threats of agitations and confrontation - to ensure that we do not leave scope for any of the major partners in industry to complain that consultations and efforts to find convergence or common ground have not been adequate or serious. It appears to us that the industrial harmony that we so badly need to enhance the competitiveness of our industry may elude us if we do not make full efforts to base the introduction of radical changes on consent, if not consensus, and where minds to move out of old rails of confrontational attitudes. We feel that we must make every effort in this direction.

Taking all these factors into consideration, we have therefore, to revise the request that we made on the 17<sup>th</sup> of July, that we be given the additional two months that we had requested for. We request that the Commission be granted extension till April 15 to complete our work and submit our report. I need not assure you that our attempt will be to complete the work even before the time we are requesting for.

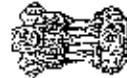
With warm regards,

Yours sincerely,

(Ravinda Varma)

Hon'ble Shri Atal Behari Vajpayee,  
Hon'ble Prime Minister of India,  
South Block,  
New Delhi - 110001.

RAVINDRA VARMA  
Chairman



Government of India  
Ministry of Labour  
National Commission on Labour  
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2225513, 3225610;  
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No. NCL/Ch/118/2002

Dear and Hon'ble Prime Minister Shri Atalji,

A few weeks ago, you were kind enough to grant an extension of the term of our Commission by two months. This period will expire on the 15<sup>th</sup> of April.

We have been working conscientiously and diligently to complete our work by the 1<sup>st</sup> of April, and have finalized most of the Chapters in the scheme of our report. However, we find that on the crucial chapter on existing legislation we still have some ground to cover. Here too, we have been moving towards a consensus. We feel that a comprehensive and holistic picture will enable the social partners, particularly labour and management, to see the holistic picture in which each may move some steps towards the position of the other. It appears that we will take more time to sew together all the issues.

What has weighed most with us in our realization that if we present our Report without sewing the suggestions together, some other group will have to be entrusted with the task, and this will take even more time than we need to sew things together, and this may also lead to the dissipation of the focus that we have evolved. Moreover, we realize that Commissions like ours are appointed only once in a few decades, and so it may be more advantageous to complete the attempt to sew things together, especially since the canvas we are covering is very vast and vital.

March 25, 2002

With warmest personal regards,

Yours sincerely,

Ravindra Varma  
(Ravindra Varma)

We therefore, request you to be generous enough to grant us an extension of two months.

We assure you that we will not request for another extension. In fact, we will try to complete and present our report much before the date we are requesting for, viz: the 15<sup>th</sup> of June, 2002.

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**Annexure - V**

**RAVINDRA VARMA**  
Chairman



Government of India  
Ministry of Labour  
National Commission on Labour  
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E-mail: [ravindra.varma@minlab.nic.in](mailto:ravindra.varma@minlab.nic.in)

June 10, 2002

Dear Sir and Hon'ble Prime Minister Sri Atal Bihari Vajpayee,

On the 1<sup>st</sup> of June, I had written to you informing you that our Commission had completed the task that you had entrusted to it, and had adopted its Report for presentation to you. I had also requested for an opportunity for the members of the Commission to call on you in person and present its report to you. I had asked for a date between the 13<sup>th</sup> and 15<sup>th</sup>.

Most unexpectedly and unfortunately we now find that there has been some upset in the schedule of printing. The Report is now being printed in the press, but the printing and binding are taking more time than was anticipated. It may take another two weeks for the process of printing and binding to be completed. We are therefore compelled to request you to extend the time we sought by another two weeks. We will seek some time from you towards the last days of the month, to present the printed Report.

We hope you will be gracious enough to accept our request.

With warm regards.

Yours sincerely,

Ravindra Varma

Subject : Extension of the term of Second National Commission on  
Labour upto 15.04.2002  
  
Sir,  
  
I am directed to refer to your letter No.231200CNCL/Misc. dated 22.01.2002 on the subject mentioned above and to convey the alluvial of the Government for extension of the term of Second National Commission on Labour from 16.02.2002 to 15.04.2002.

Yours faithfully,

Hon'ble Shri Atal Behari Vajpayee  
Hon'ble Prime Minister  
Government of India  
South Block  
New Delhi-110001

(B.S. NECC)  
Under Secretary to the Govt. of India

The Member Secretary,  
National Commission on Labour  
NATCCL Premises,  
30-31, Institutional Area,  
Opposite "Q" Block, Chanakyapuri,  
New Delhi 110058

No. Z-2601 4/3/2002-Cord  
Government of India Bharat Sarkar  
Ministry of Labour/Shram, Statistay3

\* \* \* \* \*

Shri Ram Shukla, Bhawan, Rafi Marg  
New Delhi, dated 10th May, 2002

To,

The Member Secretary,  
National Commission on Labour  
NATRASS premises,  
30-31, Institutional Area,  
Opposite 'C' Block, Janakpuri,  
New Delhi - 110058

Subject : Extension of the term of Second National Commission on  
Labour from 15-04-2002 and upto 15-06-2002

Sir,

I am directed to refer to Chairman, National Commission on Labour's D.O. letter  
No. NCL/CH/119/2002, dated 27.03.2002 on the subject mentioned above and to  
convey the approval of the Government for extension of the term of Second National  
Commission on Labour from 15.04.2002 to 15.06.2002.

Yours faithfully,



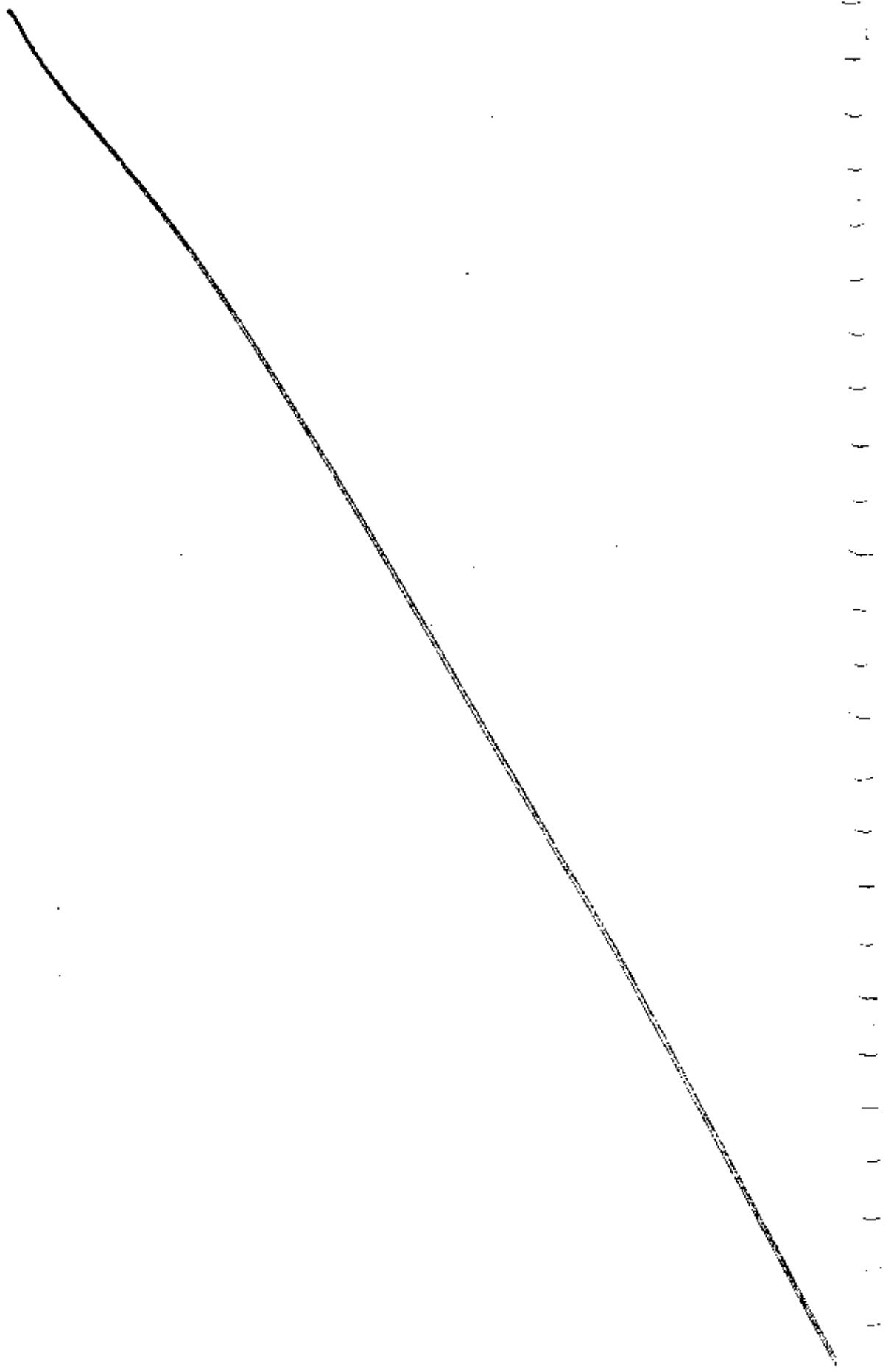
(B.S. Negi)

Under Secretary to the Govt. of India

Copy to :

1. Controller of Accounts, Ministry of Labour
2. PAC (MS), Ministry of Labour
3. B&A Studio

  
(B.S. Negi)  
Under Secretary to the Govt. of India



*Report of the  
Working Group on*

Labour Laws  
And  
Other Labour Regulations



Government of India  
Planning Commission  
New Delhi

In the context of preparation of the Eleventh Five Year Plan (2007-2012), the Planning Commission set up a Working Group on Labour Laws and Other Labour Regulations under the Chairmanship of Secretary, Ministry of Labour & Employment, Government of India, laying down the terms of reference.

The subject basically relates to labour law reforms. It is a dynamic and continuous subject, evolving over time. The Report touches upon the historical background, nature and classification of various labour laws and steps already taken and being desired so that our labour laws are in conformity with changing socio-economic scenario. The basic purpose being to promote interests of all stake holders and arriving at a consensus in the matter, we have immensely benefited from the interactions we had with them in various fora , including the deliberations in this Meeting of the Working Group. The Report tries to put in place the diverse views and at the same time show the path ahead by way of making certain useful recommendations. It is hoped that these would provide valuable input to the formulation of the Eleventh Five Year Plan.

I immensely appreciate the sincere efforts put in by the Convener of the Working Group Dr. Ashok Sahu, Economic Adviser, Dr. Harcharan Singh, Director and Officers and Staff of Coordination Section of the Ministry of Labour & Employment, who were instrumental in organizing meetings and preparing the report. I would like to convey my sincere thanks to all the Members of the Working Group for their fullest cooperation in handling such a complex subject of labour law reforms having wide-ranging ramifications on work force, trade industry as well as the economy.

( K.M. Sahni )  
Secretary  
Ministry of Labour & Employment

**REPORT OF THE WORKING GROUP ON LABOUR LAWS AND OTHER  
LABOUR REGULATIONS**

\*\*\*\* \*\*\*\*

**I. Introduction**

1.1 The Planning Commission, vide its Order No. U-20017/01/2005-LEM/LP dated 8.3.2006 notified the constitution of one Steering Group for Labour and Employment under the Chairmanship of Prof. B.L. Munekar and six following Working Groups :-

	<u>Working Group</u>	<u>Chairman</u>
i)	Labour Force and Employment Projection	Member (LEM) Planning Commission
ii)	Skill Development and Vocational Training	Secretary, Labour & Employment
iii)	Labour Laws and Other Labour Regulations	Secretary, Labour & Employment
iv)	Social Security	Secretary, Labour & Employment
v)	Child Labour	Secretary, Labour & Employment
vi)	Occupational Health and Safety	Secretary, Labour & Employment

1.2 The Working Group on "Labour Laws and other Labour Regulations" was constituted by Planning Commission, vide its Order No U-20017/01/2005-LEM/LP dated 3.3.2006. The composition and the terms of reference of the Working Group is enclosed as Annexure-I.

1.3. As per Para 4 of the Order constituting the Working Group on Labour Laws and other Labour Regulations, the Chairman of the Working Group may co-opt any other expert as Member of the Group. The representatives of Hind Mazdoor Sabha, National Commission for Enterprises in the Unorganized Sector and Labour Commissioner, Government of Uttar Pradesh were co-opted in the Group.

1.4. The meeting of the Working Group on "Labour Laws and Labour Regulations" was held under the Chairmanship of Secretary (L&E) on 8<sup>th</sup> August, 2006. The Group discussed in details the Terms of Reference and issues related to amendments of labour laws, simplifications and other labour regulations. The Principal Adviser, Planning Commission offered certain suggestion relating to the Minimum Wages Act, 1948, the Industrial Disputes Act, 1947, the Employees' State Insurance Act, 1948 and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 for being considered by the Working Group Meeting. His letter enclosed as Annexure-II was made part of the Agenda Note for the Meeting of the Working Group. This report is based on the discussions held by the Working Group. A copy of the Minutes of the meeting is enclosed as Annexure-III.

## 2. Historical Background of Labour Policy & Labour Laws

2.1 India's Labour Policy is mainly based on Labour Laws. The labour laws of independent India derive their origin, inspiration and strength partly from the views expressed by important nationalist leaders during the days of national freedom struggle, partly from the debates of the Constituent Assembly and partly from the provisions of the Constitution and the International Conventions and Recommendations. The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human beings has been enshrined in Chapter-III (Articles 16, 19, 23 & 24) and Chapter IV (Articles 39, 41, 42, 43, 43A & 54) of the Constitution of India keeping in line with Fundamental Rights and Directive Principles of State Policy. The Labour Laws were also influenced by important human rights and the conventions and standards that have emerged from the United Nations. These include right to work of one's choice, right against discrimination, prohibition of child labour, just and humane conditions of work, social security, protection of wages, redress of grievances, right to organize and form trade unions, collective bargaining and participation in management. Our labour laws have also been significantly influenced by the deliberations of the various Sessions of the Indian Labour Conference and the International Labour Conference. Labour legislations have also been shaped and influenced by the recommendations of the various National Committees and Commissions such as First National Commission on Labour (1969) under the Chairmanship of Justice Gajendragadkar, National Commission on Rural Labour (1991), Second National Commission on Labour (2002) under the Chairmanship of Shri Ravindra Varma etc. and judicial pronouncements on labour related matters specifically pertaining to minimum wages, bonded labour, child labour, contract labour etc.

### **3. Constitutional Framework**

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3.1. Under the Constitution of India, Labour is a subject in the concurrent list where both the Central and State Governments are competent to enact legislations. As a result , a large number of labour laws have been enacted catering to different aspects of labour namely, occupational health, safety, employment, training of apprentices, fixation, review and revision of minimum wages, mode of payment of wages, payment of compensation to workmen who suffer injuries as a result of accidents or causing death or disablement, bonded labour, contract labour, women labour and child labour, resolution and adjudication of industrial disputes, provision of social security such as provident fund, employees' state insurance, gratuity, provision for payment of bonus, regulating the working conditions of certain specific categories of workmen such as plantation labour, beedi workers etc. This is how we have a large number of labour legislations, which can be categorized as follows:

Sl. No.	Name of the Act
<b>(a) Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement</b>	
1.	The Employees' State Insurance Act, 1948
2.	The Employees' Provident Fund and Miscellaneous Provisions Act, 1952
3.	The Dock Workers (Safety, Health and Welfare) Act, 1986
4.	The Mines Act, 1952
5.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
6.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act, 1976
7.	The Mica Mines Labour Welfare Fund Act, 1946
8.	The Beedi Workers Welfare Cess Act, 1976
9.	The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
10.	The Cine Workers Welfare (Cess) Act, 1981
11.	The Beedi Workers Welfare Fund Act, 1976
12.	The Cine Workers Welfare Fund Act, 1981

**(b) Labour laws enacted by Central Government and enforced both by Central and State Governments**

13.	The Child Labour (Prohibition and Regulation) Act, 1986.
14.	The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996.
15.	The Contract Labour (Regulation and Abolition) Act, 1970.
16.	The Equal Remuneration Act, 1976.
17.	The Industrial Disputes Act, 1947.
18	The Industrial Employment (Standing Orders) Act, 1946.
19.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
20.	The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
21.	The Maternity Benefit Act, 1961
22.	The Minimum Wages Act, 1948
23.	The Payment of Bonus Act, 1965
24.	The Payment of Gratuity Act, 1972
25.	The Payment of Wages Act, 1936
26.	The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27.	The Building and Other Construction Workers Cess Act, 1996
28.	The Apprentices Act, 1961

**(c) Labour laws enacted by Central Government and enforced by the State Governments**

29.	The Employers' Liability Act, 1938
30.	The Factories Act, 1948
31.	The Motor Transport Workers Act, 1961
32.	The Personal Injuries (Compensation Insurance) Act, 1963
33.	The Personal Injuries (Emergency Provisions) Act, 1962

34.	The Plantation Labour Act, 1951
35.	The Sales Promotion Employees (Conditions of Service) Act, 1976
36.	The Trade Unions Act, 1926
37.	The Weekly Holidays Act, 1942
38.	The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
39.	The Workmen's Compensation Act, 1923
40.	The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
41.	The Children (Pledging of Labour) Act 1938
42.	The Bonded Labour System (Abolition) Act, 1976
43.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
(d) There are also Labour laws enacted and enforced by the various State Governments which apply to respective States.	

3.2. Besides, both Central and State Governments have formulated Rules to facilitate implementation of these laws.

3.3. The Ministry of Labour & Employment is mandated to create a work environment conducive to achieving a high rate of economic growth with due regard to protecting and safeguarding the interests of the working class in general and those of the vulnerable sections of the society in particular. The Ministry has been performing its assigned duties through the above stated legislations with the help and cooperation of State Governments.

3.4. It needs to be stated that in a dynamic context, laws need to be reviewed from time to time. Hence, review / updation of labour laws is a continuous process in order to bring them in tune with the emerging needs of the economy such as attaining higher levels of productivity & competitiveness, increasing employment opportunities, attaining more investment both domestic and foreign etc.

#### 4. Important Developments during the Tenth Plan

##### (a) The Second National Commission on Labour

4.1. The First National Commission on Labour was constituted on 24.12.1966 which submitted its report in August, 1969 after detailed examination of all aspects of labour problems, both in the organised and unorganised sector. The need for setting up of the Second National Commission on Labour was felt due to vast changes occurring in the economy during the last three decades especially in the nineties due to globalization, liberalization and privatization.

4.2. The Second National Commission on Labour was given two point terms of reference:

- i) to suggest rationalization of existing laws relating to labour in the organised sector; and
- ii) to suggest an umbrella legislation for ensuring a minimum level of protection to the workers in the unorganised sectors;

4.3. The Commission submitted its Report to the Government on 29.06.2002. The Commission has comprehensively covered various aspects of labour and given recommendations relating to review of laws, social security, women & child labour, wages, skill development, labour administration, unorganized sector etc.

4.4. The recommendations of Second National Commission on Labour inter-alia, included – (i) introduction of umbrella legislation for workers in the unorganized sector and agricultural labour, (ii) emphasis on up-gradation and development of skill of workforce by training/retraining of workers, (iii) encouragement of small scale industries, agri-business and rural sector for higher employment generation, (iv) bringing attitudinal change and change in the mindset and work culture where the employer and the worker work as partners with emphasis on participative management, (v) consolidation of social security legislations and establishment of social security system, (vi) abolition of child labour , etc.

4.5. The Ministry had held consultations and interactions with the workers representatives, employers' organizations, experts, professionals etc. The recommendations of the Commission were discussed in the 38<sup>th</sup> Session of Indian Labour Conference held on 28-29 September 2002, a National Seminar on

Unorganized Sector Workers held on 7-8 November 2002, Tripartite Committee meeting held on 18-19 February 2003, and Consultative Committee Meetings of Ministry of Labour held on 07.02.2003 and 30.4.2003. The recommendations had again been discussed in the 39<sup>th</sup> Session of Indian Labour Conference held on 16-18 October, 2003. While carrying out the amendments in labour laws, the recommendations of Second National Commission on Labour are also taken into consideration.

(b) Announcements by the Finance Minister

4.6. The then Finance Minister, in his Budget Speech, 2001, announced amendments to the Industrial Disputes Act, 1947 and the Contract Labour (Regulation and Abolition) Act, 1970, as reproduced below:

- (i) "Amendment to the provision of Chapter V-B of the Industrial Disputes Act – prior approval of appropriate Government Authority for effecting lay-off, retrenchment and closure after following prescribed procedures to now apply to industrial establishments employing not less than 1000 workers (instead of 100 workers at present) and separation compensation to be increased from 15 days to 45 days for every completed year of service. Appropriate legislation to amend the Act to be introduced by the Minister for Labour within this Session."
- (ii) "Section 10 of the Contract Labour Act to be amended to facilitate outsourcing of activities without any restrictions as well as to offer contract appointments. It would not differentiate between core and non-core activities and provide protection to labour engaged in outsourced activities in terms of their health, safety, welfare, social security, etc. It would provide for larger compensation based on last drawn wage as retrenchment compensation for every year of service. Appropriate legislation to amend the Act to be introduced by Ministry of Labour within this Session."

4.7. Accordingly, in respect of the Industrial Disputes Act, 1947 comprehensive amendment proposals including inter-alia, setting up of Grievance Redressal Authority, relaxation of qualification of Presiding Officers of Central Government Industrial Tribunal-cum-Labour Courts (CGITs), direct reference of disputes connected with termination / dismissal / retrenchment / discharge to Industrial Tribunals etc. were prepared. In its meeting held on 22.02.2002, the Cabinet approved the proposals while directing that process of building a consensus to

facilitate the introduction and passage of the Bill in the Parliament would simultaneously be initiated. Pursuant to the direction, wide-ranging consultations with all concerned were held to build up a consensus, including discussions in the Indian Labour Conference, Tripartite Industrial Committee etc. But it has so far proved elusive.

4.8. Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 provides for prohibition of contract labour under certain circumstances, such as, perennial nature of the process, operation or work etc. From time to time, workers and their representatives have been demanding prohibition of employment of contract labour in various categories of jobs in various establishments whereas there has been increasing resistance from the employers in the matter. In its judgment of December, 1996 in the Air India case the Supreme Court, inter-alia, ruled that where employment of contract labour has been prohibited in a process, operation or other work in an establishment, contract labour engaged in such activities would automatically become the employees of the principal employer. Subsequently, a five-judge Constitution Bench of the Supreme Court in the matter of SAIL vs. National Union of Waterfront Workers has quashed the Air India Judgment in August, 2001 prospectively diluting its impact, but the situation has not undergone much change. The workers have continued to demand for abolition of contract labour in the hope that they may force the employer to absorb them on a regular basis as they are entitled to get preference if the employer intends to take regular workmen in the prohibited job.

4.9. In the wake of economic liberalization, however, the previous Government had constituted a Group of Ministers (GoM) to consider the proposals for amending the Act. The GOM had several meetings between the years 2000 and 2003. One of the proposed amendments under consideration was to exempt certain activities from the application of Section 10 of the existing Act. The GOM identified the following ten (10) activities, which are in the nature of supportive services of an establishment for exemption:-

- (1) sweeping, cleaning, dusting and gardening;
- (2) collection and disposal of garbage and waste;
- (3) security, watch and ward ;
- (4) maintenance and repair of plant, machinery and equipments;
- (5) house keeping, laundry, canteen and courier;
- (6) loading and unloading

- (7) information technology;
- (8) support services in respect of an establishment relating to hospital, educational and training institution, guest house, club and transport;
- (9) export oriented units established in Special Economic Zones and Units exporting more than seventy five percent or more of their production; and
- (10) Construction and maintenance of buildings, roads and bridges.

4.10. However, there was no headway due to change in Government and subsequently absence of a consensus. Only the State Government of Andhra Pradesh has made amendments by defining core and non-core activity, prohibiting contract labour in all core activities except those normally done through contractors, part-time work or in case of sudden increase of work in a core activities. A designated authority enquires disputes as to whether an activity is core or non-core.

## 5. National Common Minimum Programme (NCMP)

5.1. The UPA Government has adopted a National Common Minimum Programme (NCMP). Some of the important points / issues which have a bearing on labour laws are as follows:

- (i) Comprehensive protective legislation will be enacted for all agricultural workers.
- (ii) The UPA Government is firmly committed to ensure the welfare and well being of all workers, particularly those in the unorganized sector who constitute 93% of our work force. Social Security, health insurance and other schemes for such workers like weavers, handloom workers, fishermen and fisherwomen, toddy tappers, leather workers, plantation labour beedi workers etc. will be expanded.
- (iii) The UPA rejects the idea of automatic hire and fire. It recognizes that some changes in labour laws may be required but such changes must fully protect the interests of workers and families and must take place after full consultation with trade unions. The UPA will pursue a dialogue with industry and trade unions on this issue before coming up with specific proposals. However, labour laws other than the Industrial Disputes Act that creates an Inspector Raj will be re-examined and procedures harmonized and streamlined. The UPA government firmly believes that labour-management relations in our country must be marked by consultations, cooperation and consensus, not confrontation. Tripartite consultations with trade unions and industry on all proposals concerning them will be actively pursued. Rights and benefits earned by workers, including the right to strike according to law, will not be taken away or curtailed.

The position with regard to the above is as under:

### (i) **Comprehensive Legislation for Agricultural Workers:**

5.2 The proposal of legislation of agricultural workers had been under consideration of the Government since 1975. The draft of the Bill was also prepared in 1997. However, due to lack of consensus amongst State Governments, the proposal could not be processed further. Presently, the Government is in the process of enactment of legislation for the workers in the unorganized sector including the workers in the agriculture sector. In view of this, the Ministry of Labour is of the view that the proposal could appropriately be left to the State Governments to act upon.

However, the interests of the agricultural workers will be addressed in the proposed Unorganized Sector Workers' Bill, 2005.

(ii) **Unorganized Sector Workers' Bill:**

5.3. To ensure the welfare of workers in the unorganised sector which, inter-alia, include weavers, handloom workers, fishermen and fisherwomen, toddy tappers, leather workers, plantation labour, beedi workers, the Government propose to enact a comprehensive legislation for these workers. The Ministry of Labour & Employment drafted the "Unorganised Sector Workers Bill, 2004" which, inter-alia, envisages provision for safety, social security, health and welfare matters. The draft Bill has been sent to all stakeholders including National Advisory Council (NAC) and National Commission for Enterprises in the Unorganised Sector. The Ministry has received a draft Bill namely, 'the Unorganised Sector Workers Social Security Bill, 2005 from NAC. The draft Bill is being examined in the Ministry in consultation with the State Governments, central trade unions, employers' organizations and NGOs and copies of the draft Bill have been sent to them. The NCEUS has now revised the Bills and have given two bills i.e. (i) Unorganized Sector Workers (Conditions of Work & Livelihood Promotion) Bill, 2005 and (ii) the Unorganized Sector Workers Social Security Bill, 2005 in place of earlier three Bills.

5.4. The draft Bills prepared by the Ministry of Labour and Employment, National Advisory Council (NAC) and National Commission for Enterprises in the Unorganized Sector (NCEUS) are still under examination. The proposal was discussed in the Meeting presided over by Hon'ble Prime Minister on 18<sup>th</sup> November 2005 and Members / Experts of NAC / National Commission for Enterprises in the Unorganized Sector on 22<sup>nd</sup> November 2005 .

5.5. As a follow up of the Minutes of the Meeting presided over by Hon'ble Prime Minister on 18<sup>th</sup> November 2005, a meeting was held with LIC under the Chairmanship of Member, LEM, Planning Commission on 20<sup>th</sup> January, 2006 in Mumbai in which it was suggested that LIC should work out the projections of funds required for the scheme providing for (i) life cover of Rs.5000/- (ii) accidental cover of Rs.40,000/- (iii) health insurance @Rs.6000/- (iv) maternity benefit of Rs.1000/-for two births and (v) minimum pension of Rs.200 or 300 or 400 or 500 per month guaranteed for life.

5.6. Some models for financing the scheme were also suggested. The LIC has given some projections for requirement of funds required to implement the scheme. This was also discussed in the Meeting taken by Hon'ble Minister of State for Labour & Employment with the Chairman and Senior Officers of LIC on 16<sup>th</sup> May, 2006. The Consultative Committee attached to Ministry of Labour and Employment also discussed the proposal on 17<sup>th</sup> May 2006 when LIC explained requirement of funds and informed that a "Strategic Business Group"(SBG) has been constituted to examine various options as to whether (i) a separate corporation would be required (ii) a subsidy of LIC ; or (iii) a joint venture of LIC and non-life insurance companies would be required to undertake such a gigantic task of implementation of all components of the scheme. The report of SBG is awaited. The matter is being vigorously followed up with LIC.

5.7 In the meanwhile, the National Commission for Enterprises in the Unorganised Sector (NCEUS) has submitted its report to the Government on the Social Security for the Unorganized Sector Workers in May, 2006. Amongst its various recommendations the Commission has recommended old age pension of Rs.200/- per month to all workers aged 60 years and above and belonging to BPL families. Similarly, the Commission has also recommended provision of Provident Fund to all other workers (Above Poverty Line) with a minimum guaranteed return of ten per cent to the workers, under the proposed provident fund scheme. The Social Security Scheme, as recommended by the Commission includes health insurance, maternity benefit, personal and accident insurance cover.

5.8. A meeting of CoS in this regard has been held on 25.07.2006. As directed by the CoS, the meeting of the Group constituted to examine various drafts and proposals was held under the Chairmanship of Secretary (L&E) on 24.08.2006.

### (iii) Tripartism

5.9. The Ministry of Labour & Employment has always been striving to promote harmonious industrial relations in the country. The Government, being committed to the ethos and culture of tripartism, took measures to revitalize it. The Ministry continues to have consultations with its social partners to obtain a consensus for enacting new laws or for bringing about changes in the existing laws.

(iv) Inspector Raj

5.10. The National Common Minimum Programme (NCMP) states that labour laws other than the Industrial Disputes Act, 1947 that create an Inspector Raj will be re-examined and procedures harmonized and streamlined.

5.11. In pursuance of the deliberations in the meeting of Prime Minister's Council on Trade & Industry on 4<sup>th</sup> December 2004, a Committee was set up under the Chairmanship of Shri Anwarul Hoda, Member (Industry), Planning Commission to look into the requirements of multiple inspections and recommend on steps to be taken to streamline and simplify them. The Committee submitted its recommendations to the Prime Minister's Office on 22<sup>nd</sup> December 2005, the major ones being as follows:

- (i) A system of third party inspection should be established to give to enterprises an option to get their regulatory compliance certified by reliable agencies {e.g. ISO 140-01 certification by the Quality Council of India, Occupational Health and Safety Standard (OHSAS 18001) by the British Standard Institute UK, Social Accountability Standard (SA 8000) by Social Accountability International, USA and corresponding standard developed by Bureau of Indian Standards (BIS)}. Once such certification has been obtained the unit should be exempted from routine inspection. Special Inspection would be authorized only on receipt of credible complaints;
- (ii) Mechanisms of joint inspections and joint annual calendar of inspections to be developed;
- (iii) Introduction of a scheme of self certification.

5.12. The Report also favoured enactment of the Small Enterprises (Employment Relations) Act for the establishments having less than 19 workers with a view to reduce the pressure on them and supported proposed amendments in the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1938.

5.13. The action taken is as follows:

- (i) Labour being a concurrent subject, the copy of the Report has been forwarded to all State Governments and Union Territories and circulated among all Divisional Heads and legislative sections inside Ministry of Labour and Employment for taking appropriate action;
- (ii) Some States like Gujarat, Punjab etc. have already introduced the system of self certification
- (iii) The Bill to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988, which intends to provide relief to a large number of enterprises, especially small and medium ones by allowing them to maintain only two registers, that too on computer and send only one return, also by e-mail, has been introduced in the Rajya Sabha on 22.08.2005.
- (iv) In the Central Sphere, the enforcing agencies, viz. Chief Labour Commissioner (Central), Employees' Provident Fund Organisation, Employees State Insurance Corporation have taken steps to reduce arbitrariness in the system of inspection and make it mostly complaint driven.
- (v) The Ministry has circulated a Discussion Paper on "Making Labour Markets Flexible: Suggestions for Consideration" among all stakeholders for their consideration, which, inter-alia, provides for streamlining the inspection regime and use of Information & Communication Technology.
- (vi) So far as enactment of Small Enterprises (Employment Relations) Act in pursuance of Second National Commission on Labour recommendations is concerned, a view was taken in the Ministry of Labour and Employment that it is not necessary in view of the proposed amendments as indicated at (iii) above and the Ministry of Small Scale Industries itself enacting a separate legislation for such industries. Moreover, as this legislation would be impinging upon the Industrial Disputes Act, 1947, it appears doubtful whether its enactment would at all be possible with National Common Minimum Programme disallowing any tampering with the Industrial Disputes Act, 1947

5.14. It may be noted that trade union leaders in various fora have criticized any attempt to dismantle inspector raj , as according to them , it would compromise the interests of vulnerable workers. So any consensus on this score is bound to remain elusive.

## **6. Labour Laws: Amendments under Consideration / Undertaken**

### **6.1. The Present Status of amendments in certain Acts is as under:**

- (i) The Factories (Amendment) Bill 2005 has been introduced in the Lok Sabha on 16<sup>th</sup> August 2005. The Bill proposes to amend the Section 66 of the Factories Act 1948, so as to provide flexibility in the matter of employment of women during night shift with adequate safeguards for their safety, dignity, honour and transportation from the factory premises to their nearest point of their residence.
- (ii) The Payment of Wages Act, 1936, ensures that wages payable to employed persons are timely disbursed and no unauthorized deductions are made from their wages. Presently, it covers only those employees whose wage ceiling is up to Rs.1600/- per month. The Payment of Wages (Amendment) Bill, 2005 has received the assent of the President on 5<sup>th</sup> September, 2005. The Payments of Wages (Amendment) Act, 2005 (41 of 2005) has been notified by the Ministry of Law and Justice on 6<sup>th</sup> September, 2005. Subsequently, the Ministry of Labour and Employment has issued notification No. SO 1577(E) dated the 8<sup>th</sup> November 2005 to enforce the amended provisions w.e.f 9<sup>th</sup> November 2005 . With the amendments, the wage ceiling for applicability of the Act, gets increased from Rs.1600/- to Rs.6500/- per month while empowering the Central Government to further increase the ceiling by way of Notification. It also enhances the penal provisions.
- (iii) The Cabinet had approved a proposal to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 on 11.05.2005, which intends to introduce simplified forms of registers to be maintained by the employees under certain labour laws. The amendments proposed include applicability of the Act to the establishments employing up to 500 persons instead of 19 persons, as at present. Consequently, establishments, which employ not more than 500 persons, shall not be required to file multiple returns and maintain separate registers under various labour laws. This will result in reducing the number of registers from 53 to 2 and number of returns from 11 to 1 under various labour laws, allowing maintenance of registers on computers and transmitting the annual reports or other reports by e-mail, enhancing the applicability of these provisions from 16 Scheduled Acts instead of 9, at present and prescribing uniform penalty for obstruction and non-maintenance of records

under the Scheduled Acts. The Bill was introduced in Rajya Sabha on 22.08.2005. Subsequently it was referred to Parliamentary Standing Committee on Labour for its examination. As directed by the Committee , two tripartite meetings were held with the representatives of Employers' and Employees' Group on 23<sup>rd</sup> January, 2006 and 22<sup>nd</sup> June, 2006 respectively to arrive at consensus on the Bill. However, no consensus was reached in these Meetings and further direction of the committee is awaited.

- (iv) Amendment of the Apprentices Act, 1961 has been introduced in the Rajya on 19<sup>th</sup> May, 2006 to provide (i) reservation for Other Backward Classes, (ii) related instructions to be imparted at the cost of employer and (iii) flexibility in respect of ratio's prescribed for Apprenticeship Scheme. The Bill has been referred to Parliamentary Standing Committee on Labour for examination. The Parliamentary Standing Committee on Labour examined the Bill on 3<sup>rd</sup> July,2006 and decided that after receiving the recommendations of Shri M. Veerappa Moily Committee in case of reservation for OBC, the Bill be reviewed again.

6.2. Further amendments to certain other labour laws like the Payment of Bonus Act, 1965 by increasing the eligibility and calculation ceilings from Rs.3500/- to Rs.7500/- per month and from Rs.2500/- to Rs.3500/- per month respectively and the Minimum Wages Act, 1948 are at various stages of consideration.

## 7. Attaining Flexibility in Labour Laws

7.1. In line with the NCMP, and with a focus to spearhead consultation process amongst the stake holders for carrying out labour reforms, The Hon'ble Labour & Employment Minister held a meeting with the representatives of industry, economists and academicians on 29.3.2005, wherein following broad points emerged:-

- (i) In order to compete in this global market, the management would require operational flexibility which includes power to right-size the work force;
- (ii) The industry is prepared to consider paying higher compensation to the retrenched workers; and
- (iii) There is need for having adequately trained manpower. The training facilities need to be upgraded.

7.2. Similarly, on the same subject Hon'ble Minister for Labour & Employment held meeting with the representatives of Central Trade Unions on 31.3.2005 wherein following broad points emerged:-

- (i) While considering labour reforms, the spirit of the NCMP, the mandate of the Ministry of Labour and Employment and the interest of the workers should not be lost sight of / compromised.
- (ii) Any proposal for labour reforms should be conceptualized only after the trade unions are duly consulted.

7.3. Further, on "Making Labour Markets Flexible: Suggestions for Consideration", a Discussion Paper had been circulated among various stake holders for eliciting their views. The suggestions, inter-alia, included:

- (i) amendment in the Contract Labour (Regulation and Abolition) Act, 1970 by placing certain activities in a separate schedule so that provisions of Section 10 may not apply to them, and by replacing the term "emergency" with the term "public interest" in Section 31 of the Act; and
- (ii) amendment in the Industrial Disputes Act, 1947 by raising the number filter from 100 to 300 for applicability of chapter VB and raising the compensation ceiling

payable to workers on retrenchment and on closure of the establishment, from 15 days' average pay to 45 days' average pay for every completed year of continuous service or any part thereof in excess of six months subject to the condition that such retrenchment compensation shall not be less than 90 days of average wages and by extending the powers of exemptions in the Industrial Disputes Act, 1947 under Section 36 B to include any Government Undertaking.

7.4. The Ministry of Labour and Employment had made a presentation on the aforesaid Discussion Paper before the Hon'ble Prime Minister on 18.11.2005. The PMO had suggested that the National Commission on Enterprises in Unorganized Sector (NCEUS), under Prof. Arjun Sengupta should be requested to prepare the paper by undertaking the review of the Indian labour laws, consistent with labour rights, in order to improve productivity, ensure greater competitiveness and generate greater employment in various sectors, like textiles, IT and SEZs, which would subsequently be considered by the CoS and GoM. Accordingly the NCEUS was requested to take immediate action in this regard. The paper from the Commission is awaited.

## 8. Initiatives Proposed by State Governments to Rationalize Labour Laws

8.1. The State Governments of Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh and Maharashtra have proposed to seek relaxation in some provisions of the Central Laws through State Governments so as to facilitate setting up of Special Economic Zones and Special Enclaves in their respective States. These proposals broadly relate to regulating the working hours, empowering the Development Commissioner to fix for minimum wages, making provisions for allowing the women workers to work in night shift etc.

8.2. The views of the Central Government on these bills are generally based on the following principles:

- (a) the provisions framed for ensuring safety and health aspects of the workers need not be relaxed;
- (b) the provisions of the Central Acts , which are mostly implemented by the Central machinery, need not be relaxed by the State Governments;
- (c) the provisions in the State Bill should not be in contravention of the provisions in the Central Bill, presently under consideration , on the same subject , such as provisions for employment of women in night shift under the Factories Act, 1948;
- (d) the principles enshrined in the National Common Minimum Programme with regard to hire and fire and the amendment of labour laws through consensus should be scrupulously observed; and
- (e) the powers and functions of the State Government, where there is no provision to further delegate such powers and functions, should not be allowed to be delegated further.

## 9. Approach Paper to the Eleventh Five Year Plan:

9.1. The Approach Paper has suggested that amendments to the Chapter V B of the Industrial Disputes Act, 1947 and the Contract Labour (Regulation and Abolition) Act, 1970 be carried out by arriving at a consensus, the position relating to which has been indicated above

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## 10. Written Comments

10.1. During the meeting of the Working Group, the participants were requested to furnish their observations in writing, if they so desire. Accordingly, comments have been received from Hind Mazdoor Sabha (HMS) , Employees State Insurance Corporation (ESIC), State Government of Uttar Pradesh, Government of NCT of Delhi and Teamlease Services.

10.2. Briefly stated, HMS feels that job creation is an important issue at present. But job creation shall be intended for full employment as well as decent employment. The principles given in the preamble, fundamental rights and the directive principles of our constitution and guidelines given in the ILO Conventions cannot be ignored. The entire intention of labour legislation is to protect labour from exploitation, as they are the weaker section. Trade unions are not bargaining for status quo but are requesting for protection of the existing rights and from further exploitation.

10.3. The ESIC has stated that annual phased programme has been drawn up by the Corporation in consultation with the state Governments for implementation of ESI Scheme in new areas/centres. The Corporation has since approved extension of ESI Schemes to educational and private medical institutions and some State Governments have issued the final notification. Ministry of Labour & Employment has issued a notification on 20.07.2006 inviting objections and suggestions on the proposal to enhance the existing wage ceiling from Rs.7,500/- per month to Rs.10,000/- per month.

10.4. In their comments, Labour Commissioner, Government of NCT of Delhi has mentioned that there is need for reforming the trade union movement by eliminating vested interest. The problem of inspector raj is perhaps over-exaggerated as the paucity of inspectorate staff has made inspection almost complaint driven. It can be best tackled by making the laws more rational, pragmatic and contemporary, providing exemption clauses in different laws which can be invoked judiciously to provide relief, and incorporating transparency by resorting to self-certification and placing employee-related information obtained through this method in the website. The system of giving Failure or Conciliation (FOC) Report under the Industrial Disputes Act, 1947 should be dispensed with as the Government has to take decisions in the national interest, even though no consensus is possible.

10.5. The Government of Uttar Pradesh has offered a number of suggestions. The Industrial Disputes Act may be amended to increase the number filter from 100 to 300 for seeking permission for retrenchment, closure and lay-off. Simultaneously, the retrenchment compensation should be increased from 15 to 45 days wages for each year of service rendered along with certain additional benefits. These relate to three months notice or payment in lieu thereof, all terminal benefits as stipulated under various laws, making the retrenchment effective only after the terminal dues are paid, provided further that if there are sufficient reasons, the appropriate Government may declare the lay-off, closure or retrenchment illegal. Besides, the Industrial Disputes Act, 1947 may be amended to incorporate a time limit of three years for filing claims or taking disputes under conciliation or adjudication. For promoting healthy industrial relations and increasing productivity among workers, taking into account the recommendations of the Bipartite Committee on new Industrial Relations Committee (Ramanujam Committee) and the Second National Commission on Labour, Section 9 (c) of the Industrial Disputes Act, 1947 relating to Grievance Redressal Authority may be amended as follows:-

- (a) Every establishment employing 50 or more workmen must have one or more Grievance Redressal Committee.
- (b) The said Committee shall consist of equal number of representatives from the management and the workmen. The size of the Committee should not be less than 2 and more than 6.
- (c) Setting up of Grievance Redressal Committee will in no way affect the right of the workmen to raise disputes under the ID Act.
- (d) The Grievance Redressal Committee shall finalize its proceedings within 45 days.

10.6. The State Government also feels that in order to strike a balance between protecting the interest of labour and the need for providing operational flexibility to enterprises, it may be necessary to amend certain labour laws (like licence of a factory of non-hazardous nature may be renewed for five calendar years at a time, whereas the factories of hazardous nature may be renewed every calendar year under the Factories Act, 1948), exemption under the existing provisions of labour laws (like allowing women to work during night time), simplification of procedure (like amendments proposed to the Labour Laws (Exemption from

Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988), and providing special measures for Special Economic Zones, Export houses etc. which foster creation of large employment opportunities (like self-certification, declaring them as public utility services, giving equivalent power of the Labour Commissioner to Development Commissioner of SEZ while providing latter with support services for effective administration and enforcement of labour laws). The State Government, however, does not support third party inspection for the compliance of health and safety provisions in SEZs. Besides, there is need for providing effective social security cover to workers engaged in smaller establishments and to contract workers.

10.7. The Teamlease Services has advocated that the provident fund needs to be paid on basic pay plus D.A, centralized compliance for Employees State Insurance Corporation and issuance of identity cards to members by employers may be allowed, there should be State and nation-wide registration of contractors, default compliance with Employees' Provident Fund Organisation should be simplified and minimum wages should take account on all types of compensation being paid to workers.

## 11. Recommendations

11.1 Taking into account the deliberations in the Working Group and the comments received, the recommendations of the Working Group are stated below:

- (i) As mandated in the National Common Minimum Programme, the amendments in the labour laws need to be based on a consensus, taking into account the interests of stakeholders. This applies to any suggested amendment in respect of the Industrial Disputes Act, 1947 and the Contract Labour (Regulation and Abolition) Act, 1970 as well.
- (ii) The Report of the National Commission for Enterprises in the Unorganized Sector, which is preparing a paper by undertaking the review of Indian Labour Laws, consistent with labour rights, in order to improve productivity, ensure greater competitiveness and generate employment in various sectors like textiles, IT and SEZs, as directed by the Prime Minister's Office, may be examined on receipt.
- (iii) In case any sector-specific relaxations in labour laws is sought, the administrative Ministries/ Departments should first formulate them, discuss with all stakeholders including Central Trade Unions and refer them for the consideration of Ministry of Labour & Employment only after a consensus is reached.
- (iv) The unorganised sector workers need social security cover, preferably through legislation. Especially the interests of the agricultural workers need to be protected.
- (v) Since inspections are becoming complaint driven, the problems of inspector raj may not be as formidable as it is made out to be. The system of inspections cannot be eliminated, as it would compromise with the interests of workers, especially those who are vulnerable. Hence it would be more pragmatic to promote transparency by resorting to self-certification system and placing employee-related information obtained through this method in the website.
- (vi) The recommendation of the Second National Commission on Labour, ILO Conventions, tripartite fora like Indian Labour Conference & Industrial

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Committees and bipartite bodies like Ramanujam Committee should be taken into account while formulating amendment proposals of various labour laws.

- (vii) Proposals pending consideration for a long time like the Workers Participation in Management Bill, 1990 amendment to the Payment of Bonus Act, 1965 and the Minimum Wages Act, 1948 etc. should be expedited.
- (viii) The possibility of expanding the scope of the Employees' State Insurance Act, 1948 and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 to cover even certain segments of unorganised sector workers may be considered.
- (ix) Judiciary is overburdened and valuable time of inspectors is wasted in visiting courts. The possibility of giving power of Executive Magistrate to Officers of the Labour Department to dispose of cases relating to minor offences may be explored.
- (x) More emphasis is to be placed on building up of an effective labour eco-system. While labour laws should be respected, what cannot be enforced should not be legislated. It makes effective implementation of labour laws feasible while making the environment conducive to job creation and friendly to small scale and unorganised sector enterprises.

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