

विधायी विभाग
Legislative Department

विधि और न्याय मंत्रालय
Ministry of Law and Justice

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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 the manner in which the rules shall be amended, varied or rescinded; and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 thereof 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 fulfils 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 prosecution 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

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 -

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- (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

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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 reasons 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 give all acquittances 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 effected 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 31st day of December next preceding such prescribed date, and of the assets and liabilities of the trade union, existing on such 31st 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.

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- (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, badlies;
 - (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 alia 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

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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

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- 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

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 be decided 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

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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 be 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

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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

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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

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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;

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- (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;

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- (d) 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

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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 be 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:

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- (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 seasonal character shall be entitled to compensation under this sub

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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 worker 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 forgoing 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 MANEGERIAL 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 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.

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93. Penalties

Any employer who

- (a) refuses or fails to submit for registration the regulations or any modification thereto as required by section 87; or
- (b) terminates the employment of any managerial or other employee in contravention of the provisions of section 89; or
- (c) 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**

- (1) 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.

- (2) 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.
- (3) 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 12^{1/2} (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 XII

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;

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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 or 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.

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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

PENALTIES

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

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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;

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(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.

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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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UNORGANISED 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

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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 Samities, 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.

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- (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 delays 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 on-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.

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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.

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APPENDIX - IV

INDICATIVE LAW ON CHILD LABOUR

INTRODUCTION

During the second half of 19th Century and early 20th 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 21st 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 22nd 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,-
 - (1) '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
- a) 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;
- b) 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 Seedi 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.

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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 here by 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

There 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.

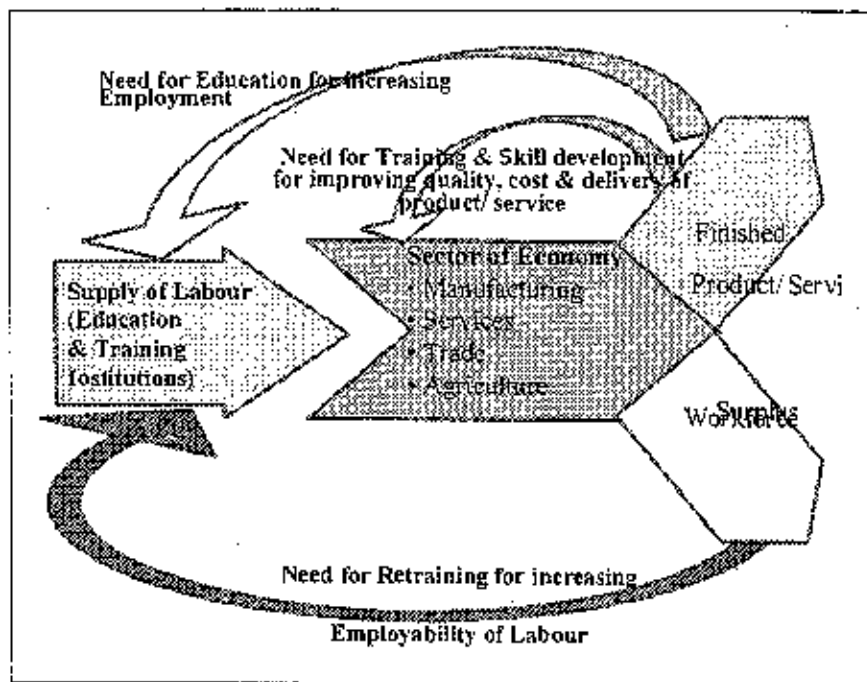
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DYNAMICS OF THE INDIAN LABOUR SYSTEM

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

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)

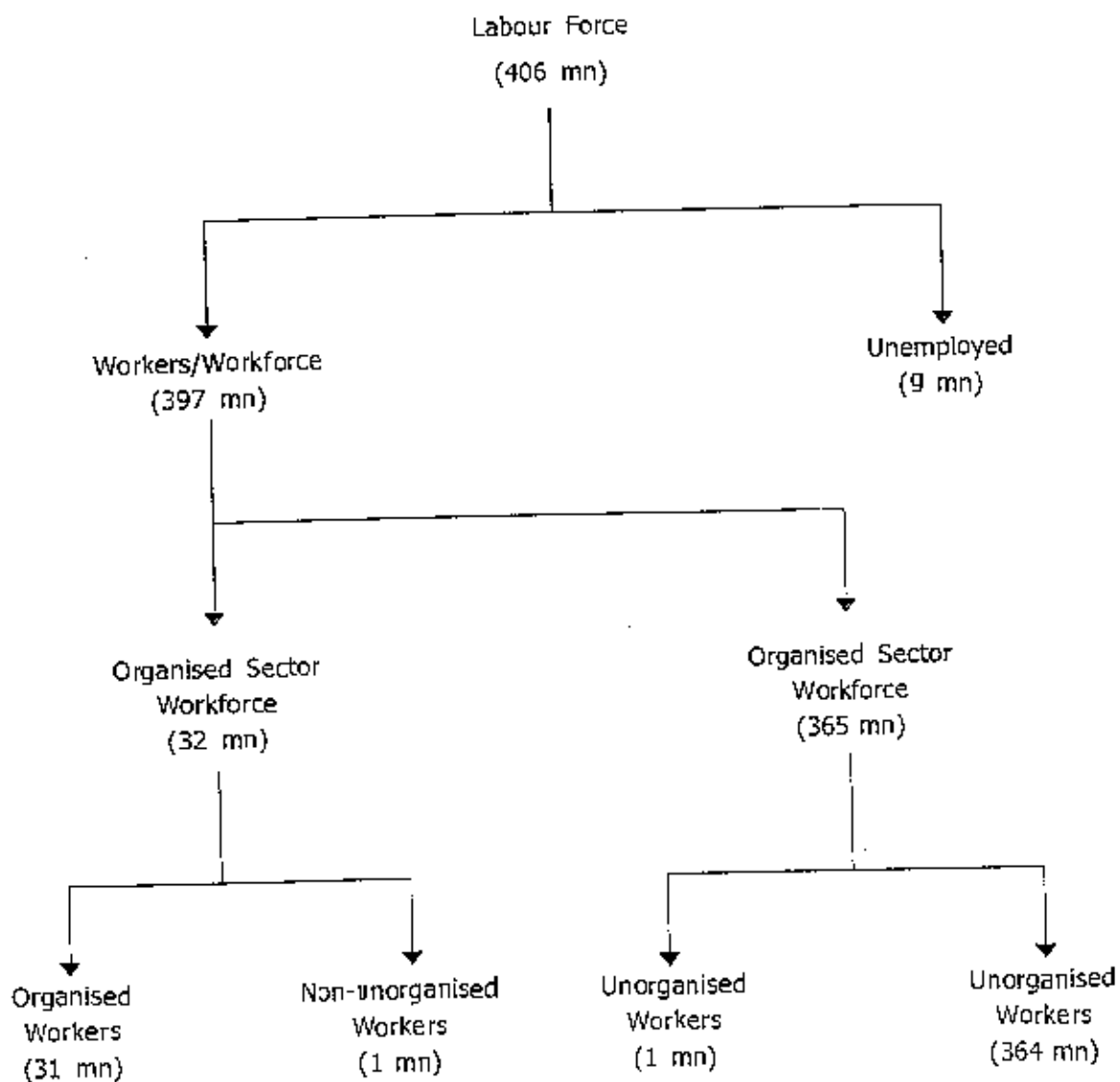
Year (%)	Agriculture (%)	Non-Agriculture		Total (%)
		Organised (%)	Informal (%)	
1972-73	175	18.8	42.5	236.3
	74	8	18	100
1977-78	195	21.2	54.5	270.7
	72	8	20	100
1982-83	206.2	24.1	72.5	302.8
	68	8	24	100
1987-88	206.4	25.7	89.9	322
	64	8	28	100
1990-91	218.4	26.7	96.8	341.9
	64	8	28	100
1993-94	242.5	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

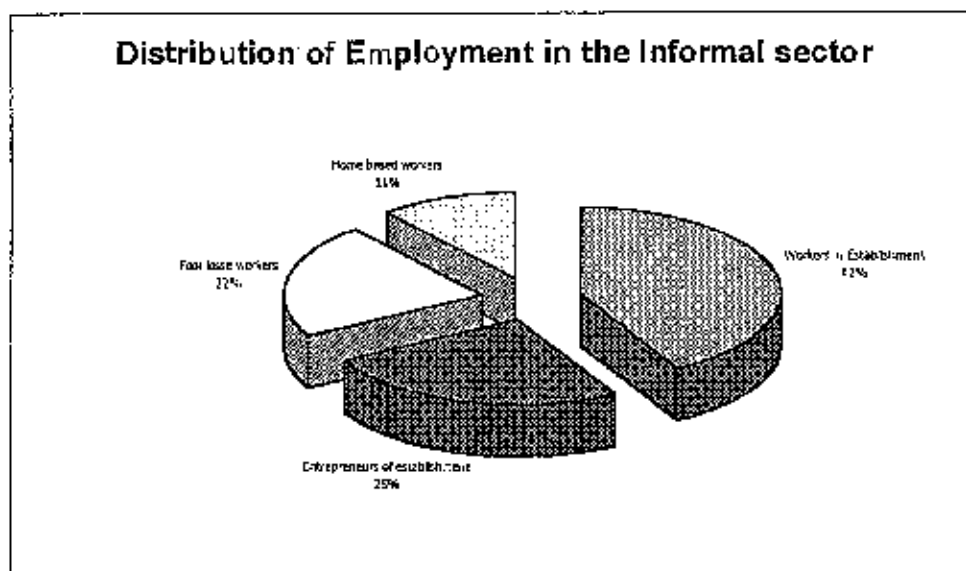
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10.8 The distribution of employment in different segments of the informal sector is given in Figure 10.4. Approximately

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

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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
Rural Areas					
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
Urban Areas					
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
All Areas					
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, 55th Round

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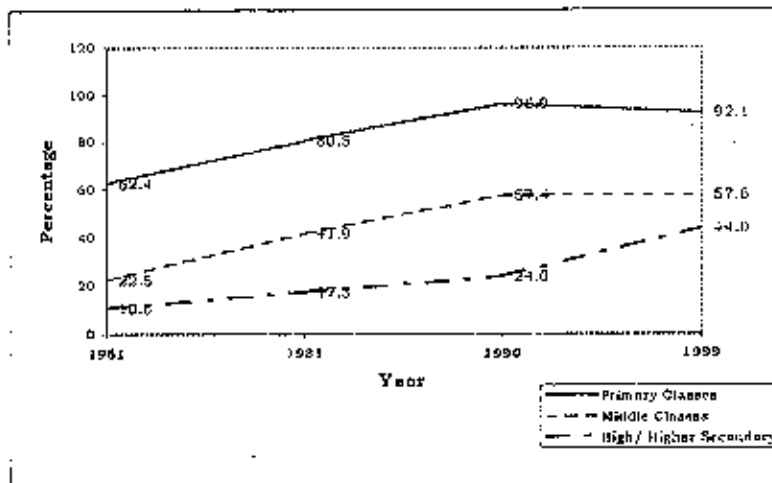
10.10 Further, the category "middle school and above" includes all those who have had some middle school education even though they may have dropped out of the school before completing middle school. The provisional drop out rate at middle school levels was quite high at 42% in the year 1998-99. As per a rough estimate from the 52nd 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

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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
Sample Persons	(183464)	(172835)	(109067)	(99283)

Source: National Sample Survey on Employment & Unemployment, 50th 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 7 years	2007 to 2012 5 years
Rural Areas ¹	52.40	40.30
Urban Areas ²	33.80	28.10
All India	86.20	68.40

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

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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.

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Table 10.5
Vocational Education & 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 ¹		* Training activities of KVIC	Employers Organisations * Support to Industry Training activities
* Community Polytechnic project	* Vocational Training Programme for women				
* Shramik Vidyapeeths	* CSTR * CSMI * CITS * FTIS				

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

¹STEP: Support to Training & Employment Programmes for women

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Table 10.6

Annual Training Capacity of Various Training Providers

Department/ Institution	Figures in lakhs
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. OF SSI & RURAL INDUSTRY	
- EDP	0.16
DEPT. OF RURAL DEVELOPMENT	
- SGSY	2.14
DEPT. OF URBAN EMPLOYMENT & POVERTY ALLEVIATION	
- SJSRY	2.00
MINISTRY OF TEXTILES	N.A.
MINISTRY OF INFORMATION TECHNOLOGY	0.35
MINISTRY OF TOURISM	
- Hotel Management	0.024
TOTAL CAPACITY	25.99

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

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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

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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 Trade 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.

- 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

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

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

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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.

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STANDARDS OF EXCELLENCE²

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

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

Standards of Excellence	Knowledge Requirements (what the job holder must know and understand)	Skill Requirements (what the job holder must be able to do and demonstrate)	Attitudinal requirements (how the job holders must conduct themselves with others)
Service	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
Product	Requirements of the market place including niches	Ability to prototype product fast	Focus on the market place and customers
Market	Market dynamics of changing user tastes	Shortest time to market product/ service	Speed is of the essence
People	High level of specialised domain knowledge	Ability to work with one's own hands	Positive attitude and national pride
Control	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

² 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

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System	Countries	Main Feature
"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

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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.

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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'³ concept- to reduce the rate of accidents and loss of man-hours due to damage, with a goal of zero accidents.
- d) Team to learn to identify and eliminate non-value adding activities and all kinds of waste.
- e) Develop training Module on TPM - Total Productive Self initiated Maintenance - involving total participation to achieve overall equipment effectiveness.
- 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.
- 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.
- h) Inputs on KAIZEN⁴ - 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.
- i) Train to learn Team Work:
 - 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 of 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.

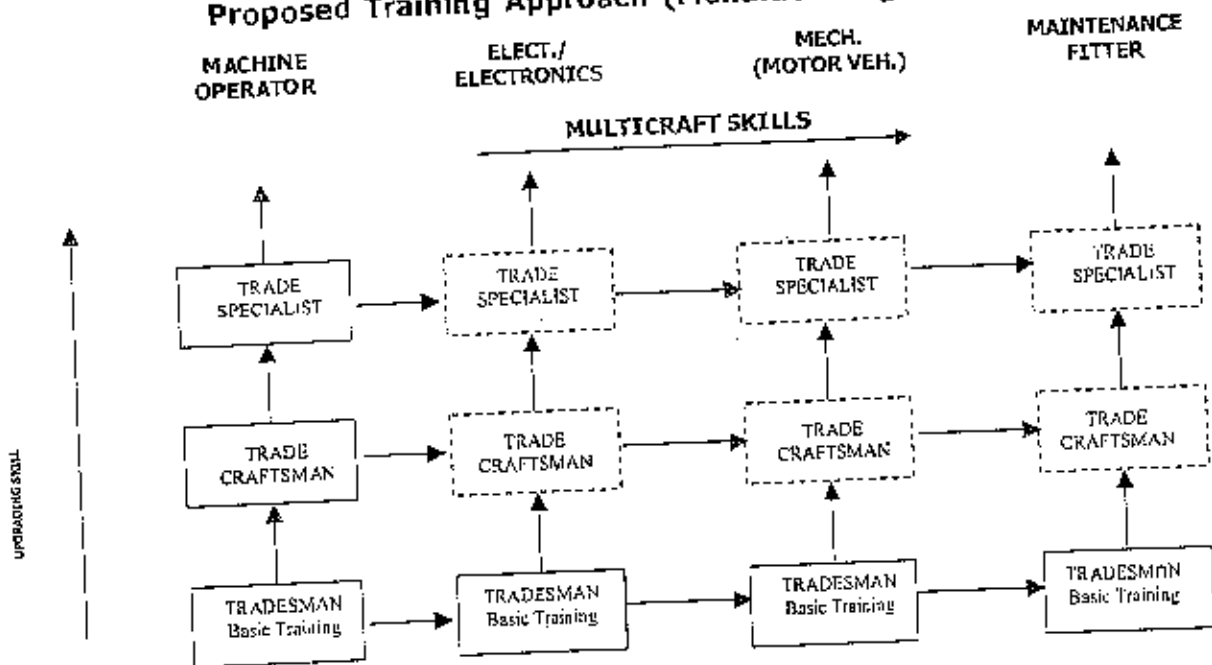
- Trainees to be exposed to Team Work by assigning small projects to a group of trainees. Required to plan, execute and evaluate the task assigned collectively.
- j) Market driven approach: The courses would have to be supported by a system of certification (currently the certification system for vocational 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.

MOOULAR APPROACH

10.30 The proposed training approach (Manufactng 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)



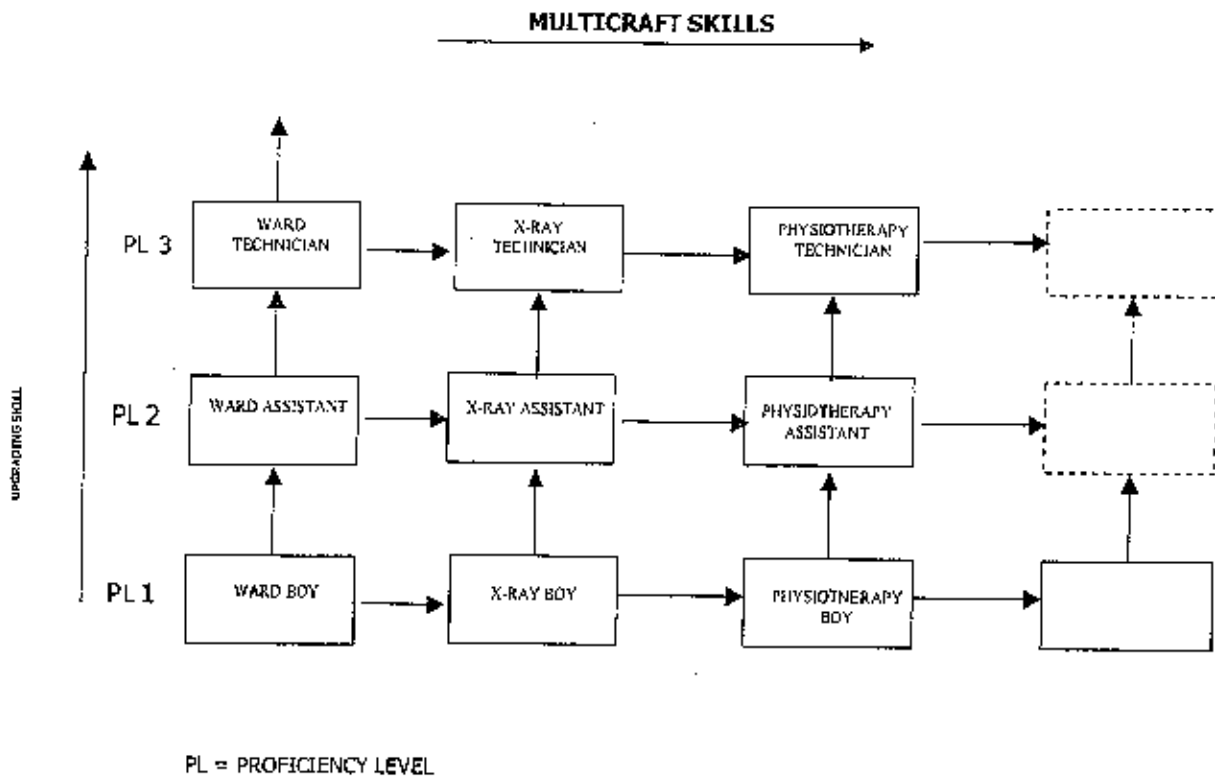
PL = PROFICIENCY LEVEL

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)



Source : Study Group Discussions.

a) PL₁, PL₂, PL₃ 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.

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- 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 1st 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 1st 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												C	
3				Task To Be Completed With Group Machines F									
4				Task To Be Completed With Group Machines F									

		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
		TOTAL	52

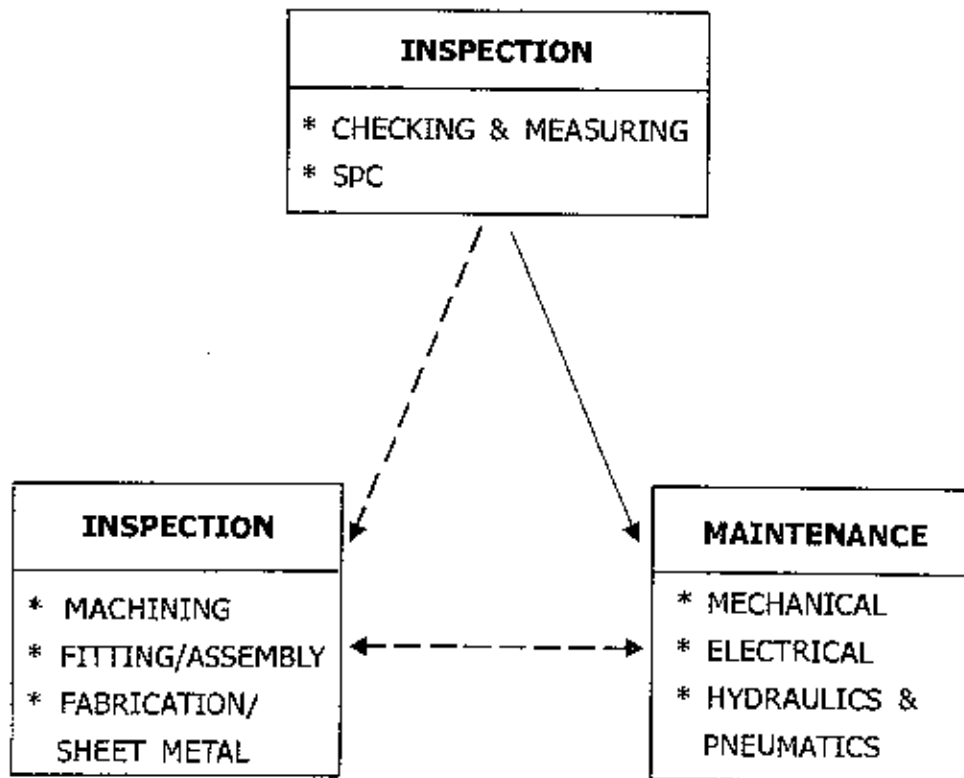
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g) Figure 10.9 indicates the modular approach towards cross-functional training. A trainee from the 'Production' area may be able to move to 'Maintenance' or 'Inspection' group, by selecting and undertaking appropriate modular

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

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- 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 PL₁ 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

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

TRAINING MODULES FOR SELF EMPLOYMENT

10.32 While developing modules based on proficiency levels PL₁, PL₂ 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 (paramedical - 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 : COMPE- TENCY 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

during the contact sessions

MODEL FOR COMPETENCY BASED TRAINING

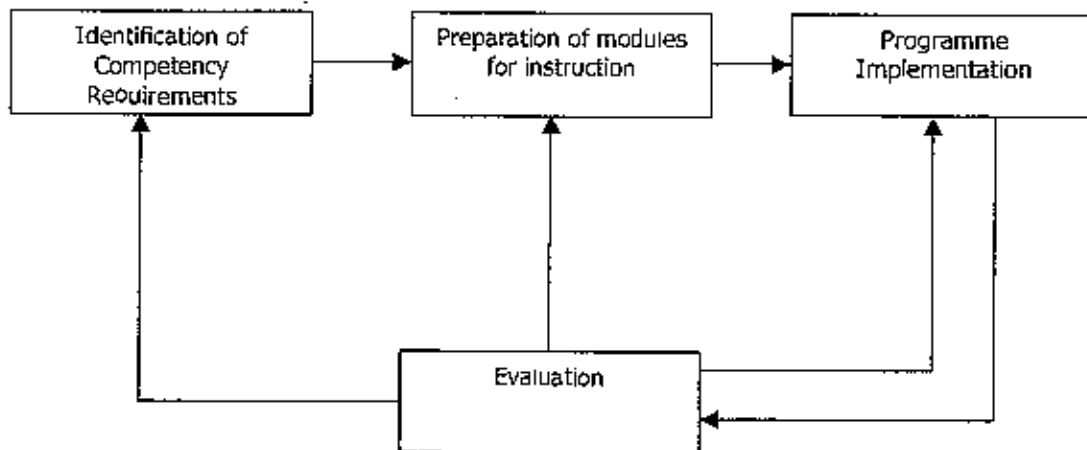
- d) The learning programme is individualised as far as possible, through the use of instructional modules for each competency, which offer different instructional alternatives
- e) Some of the competencies like leadership, team work will be developed in group situations

10.40 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.

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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 alumni 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 cognitive and 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.

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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	- Keeness - Accuracy - Carefulness

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

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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),

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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 : COMPE- TENCY 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 10.9.

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.

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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

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- 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

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

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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

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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 VIIth 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

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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

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- (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

Recognition of blue collar workers by way of special awards and publicity material.

- d) Faculty upgradation and development
- e) Industrial visits of Trainers and Trainees
- f) Providing slots for actual hands on experience
- g) Joint Research and Development Projects
- h) Sharing of testing and inspection facilities
- i) In-plant training of faculty/students
- j) Advise on generation and utilisation of revenue for the institute
- k) Participation of experts from industry in invigilation and as part-time lecturers
- l) Assistance in placement
- m) Accreditation of Institutes and Faculty
- n) Organising continuing educational programmes for working professionals

RESPONSIBILITIES OF THE INSTITUTE

- 10.78
- a) Ensuring quality of theoretical inputs
 - b) On- the -job training to the students
 - c) To encourage faculty for upgrading their knowledge through visits or short-term training courses
 - d) To generate revenues through short term training courses for the existing workers of the local industry
 - e) Proper maintenance of building and workshops of the institute

NEW TRAINING DELIVERY SYSTEMS

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 8th 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

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.

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- (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

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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
- 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

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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 effected 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 casual 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 Construction 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. **Supersession 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 or 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.

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- (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

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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 of 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: ESI, 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

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

- (b-f) 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.

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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.

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- (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.

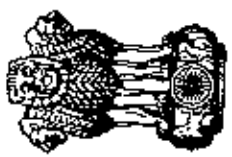
In order to fulfil the requirements of the safety and health policy at each site, the Unit Head will:

- (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, evolving 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. All wanted a comprehensive review, and reformulation of the legal framework, the administrative framework and the institutional structures in the field of social security. Demands 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.

The figure indicates the Chapter and Paragraph number in the body of the Report.

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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/society and the contributions that citizens/beneficiaries 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 pregnancy, delivery 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.
- 1.15 The context makes a special mention of the need to attain and retain the degree of 'interational 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 or 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 as 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 fall in mobilising its human resources to the full. The Commission has given special attention to the problems and potential of women members of the workforce.
- 1.23 The future will require concurrent training in multiple skills, and the constant upgrading 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 these 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 ethos of the country.
- 1.30 Our Constitution describes our State as a Sovereign, Secular, Democratic and Socialist Republic.
- 1.31 The Fundamental Rights guaranteed by the Constitution include: Right to Equality (Articles 14-18); Right to Freedom (Articles 19-22); Right against Exploitation (Articles 23-24). The Directive Principles are not justiciable in a court of law, but they are both for the guidance of the State and a covenant with the people.
- 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 7); Right to Social Security (Article 22); Right to Rest, Leisure, 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).
- 1.72 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.
- 1.76 Globalisation is both a consequence and a reminder of the perils of inter-dependence within which humanity lives, survives and prospers. The paradigms of inter-dependence impose 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 But 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 cooperation 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 One of 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 mortality rates and, in recent years, falling 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 peak 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 at an average annual rate of about 0.9%. The growth rate in urban labour force was 2.4% 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.
- 2.51 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% to 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 ratios have been coming down.
- 2.54 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, 40.0 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 amongst men and women,
 - A corresponding increase in the proportion of casual labour in the rural areas, both amongst 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 1999-2000, 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 1986 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 forestry, Mining and Quarrying, Construction, Textiles, Chemicals,

- 2.68 Agriculture, Engineering and other industries. The review that we present is by no means comprehensive or exhaustive.
- 2.69 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 Handlooms Census of 1987-88 and 1995-96, it is seen that monthly production has come down from about 296 million metres to 260 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 portals seem more somber with the removal of almost all quantitative restrictions on imports from 1st April 2001, and the full opening up of the textiles sector from 2005.
- 2.72 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.
- 2.73 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 Bombay, 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 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.
- 2.74 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.
- 2.75 India continued to be the 4th largest steel producing country in the world during 1999-2000. This sector directly provides employment to over 5 lakh people.
- 2.76 The world steel industry has witnessed major ups and downs in the last few decades, especially over the past five years.
- 2.77 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 domestic 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.
- 2.100 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 5.31 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 cardamom plantations were employing 30,000 workers.
- 2.112 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 hard conditions workers are often exposed to mistle. Every plantation is required to provide medical facilities such as dispensaries for the workers and their families. The Commission laid obligations to see the medical facilities and dispensaries maintained by some plantations. We realise that there has been some improvement in the past decades. But more attention has to be devoted to make the facilities adequate and satisfactory.
- 2.113 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 conciliation settlements.
- 2.118 The plantation industry is at present facing a severe crisis. The prices of coffee have come down almost by 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 in Sri Lanka too 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 95. 17 per cent.
- 2.124 Competitiveness and low costs of production have to be achieved through increased productivity, improved quality, uniformity, 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 12 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 strength 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 50% of the total dyestuffs production. In drugs and pharmaceuticals, the small-scale units account for 40% of the total production with more than 11,000 manufacturing units. The small-scale industries in the drugs and pharmaceutical 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, enamishes, etc. there are 24,000 small-scale units producing around 50% of the total production. The toiletries, cosmetics and agarbatti industry has more than 15,000 units in the small-scale sector.
- 2.133 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 periodical medical check-ups for early identification of occupational health hazards as well as technological vegetation 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 3,21,537 people were employed in the coal mining industry. In the year 1999-2004 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 21.71% to 75.05%. There is considerable increase in the number of hospitals. The number of schools and colleges too has increased.
- 2.146 Globalisation has had an adverse impact on the coal industry in India. Low ash coking 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 had to export produce coal, or where surface transportation cost to consumption centres is high, and 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 1947, non-coal mines employed 85,776 persons in about 1,074 non-coal mines. According to 1990 figures, the non-coal mine industry including all 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 other 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 40% 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 to 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 13.35 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 continued 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 material 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 unorganise 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 subcontracting. The worker wants improvement in his economic and social situation in the construction labour market. Skills and specialisations 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 jamaabars and mistris. 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

Employment and Conditions of Service) Act, 1970; (ii) Building and Construction Workers (Regulation of Employment and Conditions of Service) Act, 1971; (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 unskilled labour. It is estimated that the percentage of women in the construction industry is 30-4%.

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 jamadars 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 molten materials etc. They, and their family, live in huts or under canvas which lack toilet facilities. There is no access to clean drinking water.

2.199 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 economic and the strictly Trade Unionist on the other. This has led to tussles between those who wanted to preserve the Party's domination over fraternal 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.

2.228 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, dharnas, gharnas and bandhs. The resultant conditions became so grave, that the High Court of West Bengal (in 1968) and the High Court of Kerala (in 1997) 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 deteriorate into or gets transferred into law and order situations, does not benefit those who go on strike.

2.229 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 wherever there are prolonged strikes affecting medical services in hospitals, the public not only suffers, but also turns hostile, and demands administrative or judicial intervention.

2.231 Trade Unions that lead and represent workers have to reflect on the current situation. The organisations of the working class are weakened by fragmentation, disorganisation, poor unionisation, etc., and the forces ranged against them are strong and further strengthened by multidirectional 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 struggles.

2.238 The years beginning with 1989 saw a number of changes in economic policy. There was considerable growth in the economy, but fall in employment generation. Employers began the policy of 'outsourcing' their production to the unorganised sector.

2.239 The period from 1989 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 1989-91. 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 conflict/activities) that Indian industry has seen.

2.243 It is perhaps accepted by all that it is frustration and indignation that prompted workers to ignore Trade Union loyalties and turn to the leadership of Bhanu Sanyal, although they were aware that his style and tactics were unconventional.

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, alongside 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 1950, 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 more cotton yarn came from the decentralised sector (51%) than the mill sector. The persistent 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-Thane belt in the 1970s. Between 1960-1980, Maharashtra witnessed expansion outside the old traditional organised industries like textiles, and in sectors like engineering, pharmaceuticals, and chemical products. The annual average employment per worker in the textile industry (Rs. 7120) was roughly half of what was paid in the chemical industries (Rs.14,363).

2.248 As opposed to the industry-wide banyan-like structure evolved 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 Employers' 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 'deal' imposed by the BMR 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.

2.252 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 methods 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.

2.253 There are Trade Union Leaders who ask for the abolition of contract labour but ultimately relent if the contract assignment is given to them or their 'beauti' 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, politicisation, 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 cadres 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 other constructive activities like marketing, the provision of micro-credit, banking, training, representing the needs 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 disinvestments; the one day All India strike by all Central Trade Unions against disinvestments, privatisation and the economic policies of the Government on 25th July 2001, and the strike organised by Federation of Central Trade Unions against the bill to open the coal sector to private industry.

2.263 Another new feature is the readiness and the determination of Central Trade Unions to escalate the objective to matters of government policy like, disinvestment, privatisation, etc. Instances of such action were witnessed in the strike on DALCO privatisation, the Rajasthan agitation by the Government servants and the strike by electricity workers in U.P. government employees in Kerala, and so on.

2.266 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.

2.267 There were many areas of conflict between British business interests and Indian businessmen.

2.268 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

- 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 as years went 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 or products were given preference over the category of established importers. i.e. traders. Items that were scarce were channelised 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 (1971), Unit Trust of India (UTI) (1963), and the Life Insurance Corporation of India (LIC) (1956). For financial assistance to small entrepreneurs, Finance Corporations were established in all states on the basis of an Act that was passed by Parliament in 1951. 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 contribution 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 technical 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 central 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 entrepreneurs, and training in entrepreneurship development.

- 3.17 The Central and State Government 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 for industrial estates available to entrepreneurs.
- 3.22 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 1950, a very important role was assigned to the public sector, power, telephones, communications, atomic energy, defence industries and some areas were reserved for the public sector. Industries like life insurance, civil aviation, banks were nationalised 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; no one except the Central Government would be permitted to set up any new industrial undertaking "except under and 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 technology to be used; such licenses 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 sub part to another.)

- 3.37 The IDR 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 utilisation 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 (ILPIC), 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 the Government of India. Foreign firms were not allowed more than 40% of 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 I industries to be started by large business houses so that the competitive effort 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 licenses, 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 SSI 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 to the small-scale sector. This concept recommended by the Kargil Committee was introduced in 1967 with 47 products. The list of such reserved items was 504 till 1977. The new policy expanded this list to 807.

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-enforcement of licenses (1984), automatic re-enforcement of licensed capacities (1988), 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, when 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 downsize. 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

4.1 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 a regime of harmonious industrial relations, to ensure increasing opportunities of employment, to ensure at least the minimum level of protection and welfare for workers in all sections of the economy - organised as well as unorganised.

4.4 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 equity 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.

4.20 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.

4.21 The broad features of the economic reforms:

(a) The Government pushed major factors of the economy to the private sector.

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- 4.57 Foreign investment was invited in all these sectors.
- 4.58 All restrictions on the entry of the private sector into the field of infrastructure and strategic industries were removed.
- 4.59 There is more freedom for financial institutions.
- 4.60 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.
- 4.61 Private capital and foreign investments have been allowed in such areas as construction of roads, ports, airports, telephone services, etc.
- 4.62 The Government wants to reduce its investment in the public sector enterprises.
- 4.63 Import restrictions have been reduced.
- 4.64 Subsidies are being cut, tax rates are being reduced and the entire fiscal system is being streamlined.
- 4.65 The Controller of Capital Issues stands abolished.
- 4.66 The post-reform growth has been at least marginally better than the average rate of growth achieved during the pre-reform period.
- 4.67 The wide fluctuations in our national income growth have been curbed in the nineties.
- 4.68 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 leveling down of all productive activities. The implementation of the new economic policy has hit this sector hardest.
- 4.69 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 liberalization policy certainly has some credit for keeping prices under control.
- 4.70 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.
- 4.71 The Government was interested in augmenting the country's foreign exchange reserves, as that such an eventuality should not occur in future. On 30-December 2001, these reserves touched a figure of \$8.11 billion dollars. By the week ending 1 March 2002, we found that the reserves have jumped by as much as \$ 299 million, and they stood at \$ 50,744 billion. This is a significant achievement of the new economic policy.
- 4.72 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.
- 4.73 Indian exports have remained stagnant at around 5% of the GNP for almost a decade.
- 4.74 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 providing exports on a sustainable basis and improving our international competitiveness.
- 4.75 The rupee has depreciated significantly even after its devaluation in 1991. In the last few years, the rupee went down from Rs.18 to a dollar to Rs.47.91 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 controlled 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 generally 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 slumber and inactivity. More and more Indian entrepreneurs seem to be feeling that it is difficult to survive against the multinational 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. Reasons for this market and

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.
- 4.148 Article 13, 14 and 18 of Law on Labour Contract under which an employee can be terminated.
- 4.149 The labour contract is automatically dissolved in certain circumstances.
- 4.150 When dismissed by the foreign invested enterprise, the worker shall get economic compensation from the enterprise in accordance with 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 consultations 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 people's court of the district or county where 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, 10% 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 firing or 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 leaps and bounds 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 strictly 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 ACFU.
- 4.168 Globalisation, and the consequent downsizing of its enterprises have also affected Chinese economy.
- 4.169 Various Social Security Schemes:
1. Old Age Pension Scheme:

volume of sales are important considerations, and on that count, if a foreign company decides to undertake manufacturing in India, the company owners to do it alone with 100% foreign equity without joining hands with any Indian manufacturer.

- 4.118 During the last few years multinational companies (MNCs) have started acquiring the entire equity of their Indian subsidiaries through open offers and then de-listing from the stock exchanges.
- 4.121 With their exit, the market will be poorer. The Indian shareholders will no longer be able to participate in the prosperity of these MNCs.
- 4.122 From 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 or foreign equity versus foreign borrowings.
- 4.128 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 that too, to the extent that is necessary for our Report.
- 4.129 We were told by all the authorities whom we met that the Central Labour Law were applicable to the whole territory of the People Republic of China, that there were no areas or zones or enclaves or enterprises that were exempted from these laws or where any relaxation was permitted in these laws.
- 4.131 Laws can be circumvented through connivance or corruption or connivance induced by collusion. 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 employment plans, recruitment, the signing of labour contracts with individual employees, the signing of collective contracts with Trade Unions in the enterprise, conditions for "firing" for retrenchment, responsibility 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

2. Medical Insurance
3. Workers Injury Scheme
4. Maternity Benefits
5. Unemployment Insurance

4.121 Persons whose 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.

4.122 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 perception of freedom and fundamental rights that we have in India, in our Constitution and our Society, is different from what prevails in China.

4.208 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 strategic reform 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) "Skimming on salaries"
 - 6) Non-payment of wages on dates stipulated by law
 - 7) Retaliation by some enterprises to buy their workers insurance for unemployment, industrial accidents and provident funds
 - 8) Failure by enterprises to offer working protection facilities
 - 9) Frisking of women workers at factories
 - 10) Inequitable remuneration
 - 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."
- 4.210 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 compared to the tardy 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.

b) China did not follow the standard policy prescriptions laid down by the World Bank and IMF for developing economies blindly.

c) China followed a policy of competition rather than ownership for higher productivity

d) China did not give too much importance to balanced regional development.

e) China gave lot of importance to provide excellent infrastructure of international standard in Shanghai, Shenzhen and Guangdong provinces and attracted foreign enterprises over there.

f) Overseas Chinese have played a very important role in attracting foreign investments.

g) China followed proper sequence of reforms. China, instead of starting reforms with foreign trade and exchange rate liberalisation, started with agriculture. Then, China introduced export orientation for Township and village enterprises. Then, special economic zones were opened which offered foreign investors excellent infrastructure, special fiscal and financial incentives and flexible labour relations by their innovative contract system.

h) A new policy was first tried in a small region, and after gaining experience of such a policy and the difficulties encountered, it's policy with modifications was introduced in a wider area.

i) The administration in China is completely decentralised. Local municipal corporations can also take a decision regarding foreign investment up to a limit. The laws are simple.

j) China allowed its companies to grow. Chinese companies are much bigger in size than Indian companies. In India, because of our different ideas 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 nicknamed as 'crippled to global players. As a result, they cannot effectively compete.

4.211 It is not merely the flexible labour laws, but because of all those factors that foreign investment is attracted to China and China has been able to achieve phenomenal progress.

4.215 During the first few years of economic reform, there was a general growth in all sectors of the economy. But since 1990-91, industrial growth has slowed down, and there has affected almost all sectors of industries. During the last two years and especially in 2001-02, the growth rate has been very badly affected.

4.217 There are some signs of recovery in the internet site and consumer durable goods industry. The performance of the retail goods sector has been disappointing.

4.224 The value added growth after 1991 has not been substantially better than that achieved during the last 15 years of Indian planning.

4.226 If we look at the various industrial sectors of industry, we do not get an encouraging picture. The textile industry is in great difficulties.

4.227 Indian textile firms lack economies of scale. India's wage costs are also 30% higher at 60 cents than the rates in China.

- is now open for Indian companies.
- 4.239 With their investment and the decision of FII's on daily basis to get or buy equities, they wield 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 operations has changed as also the market practices with the introduction of on-line operations. Some consequences of global portfolio pattern can be seen in the use of new technologies, on line operations and quick settlements.
- 4.241 The Government policy during the 1990s was aimed at attracting foreign investment of all varieties. But in this process, and in the wake 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. For instance, agriculture and handicraft 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, agricultural production has been affected adversely. Agriculture which is still the mainstay of the Indian economy and which provides employment to almost 60% of our population does not appear to have got the thrust it deserves.
- 4.244 Agriculture and allied activities still contribute about 25% of GDP and a rise of over 5% in its output would make an incremental contribution of 1.5% to real growth or GDP.
- 4.248 Another area of concern is the declining level of capital formation in Indian agriculture. The inadequacy or slow capital formation has slowed down the pace and pattern of technological change in agriculture with adverse effect on productivity.
- 4.251 At the end of the first quarter of 2002-01, the total foodgrain stocks including coarse grains were 61.96 million tonnes. Procurement prices offered to farmers by the Government are higher than what could be obtained in the open market.
- 4.253 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 sales, food stocks run as well lost for the next four years.
- 4.254 It is not that there is no demand for grain under PDS. But rural poor do not have enough purchasing power to buy foodgrains.
- 4.259 Small entrepreneurs had hoped that the Government would come out with specific measures of a package of assistance to SSI 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.

- 4.228 The iron and steel industry is affected because of global trends. There is a glut in the global steel market.
- 4.229 The plantation industry is perhaps the most affected industry. Prices of rubber, tea, coffee, etc., have come down drastically during recent years and production in the plantation industry is no longer economic. 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 petrochemicals, 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 this coal is very high. Moreover, the cost of production of coal is very high in India because of reduction in tonnage and other factors, imported coal is much cheaper than indigenously produced coal. Over-managing of operations is adding 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 second hand machine tools. The 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, battery, locks, lamps and fixtures, silk yarn and so on. The only industries, which are prospering, now are the information technology, telecommunications and entertainment industry. The other potential sunrise sector industries are pharmaceuticals and biotechnology industries.
- 4.233 Small-scale industries are more vulnerable to the new trends of globalisation. Their very 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 practically bypassed the public sector enterprises.
- 4.235 The new policy of economic liberalisation neither specified 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 national, the central public enterprises generated Rs.1, 00,000 crore through internal accruals alone. There is hardly any evidence to show that the Government thinks that a reformed public sector can play an effective role in economic recovery.
- 4.237 The Indian stock market is one of the most and is operating since 1975. In 1998, 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 successful scam of 1992.
- 4.238 A large number of leading Indian companies have raised restrictions in Euro markets at low interest rates. One must say that because of globalisation a new avenue of raising funds

4.261 It was only on 30 August, 2000, that the Prime Minister announced a comprehensive package for small-scale industries and the hi-tech sector. The thrust of this package was to support this sector in areas of policy, taxation, credit, infrastructure, technology, marketing, etc.

4.262 A Committee under the chairmanship of Dr. Abid Hussain was appointed to report on policies relating to the SSI sector.

4.263 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 SSI sector to hold its own, and even progress, have not been implemented.

4.270 With the entry into the WTO, it is doubtful whether there will be any encouragement to ancillary industries.

4.271 The SSI units, which are producing indigenous products of their own, are in deep difficulties because of the large-scale imports from other countries.

4.272 On 30 August, 2000, the Prime Minister announced a comprehensive policy package giving fiscal credit, infrastructural, and technological support to small and tiny industries. The report containing many valuable recommendations. We were to find implementation of these recommendations could help healthy growth of small enterprises in India.

4.274 Trends in unemployment, underemployment rates, and the devaluation of total workforce :-

a) Overall unemployment is estimated to have grown at around 1.01% per annum in 1980s compared to 1.53% per annum in 1990s.

b) The number of unemployed in 1997 more than the number employed in organised sector.

c) About 7% 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 58.9% in 1977-78 to 52.9% in 1999-2000. But the number of casual workers has gone up substantially from 27.2% in 1977-78 to 33.2%.

e) Employment is not growing in the organised sector.

f) Forty four percent of the labour force in 1999-2000 was illiterate. Only 5% of the workforce had necessary vocational skills.

g) It is not crucial to create employment opportunities. The quality of jobs is equally important.

4.275 Because 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).

4.276 We list some of the main recommendations made by the Task Force :-

• Accelerating the rate of growth of GDP with particular emphasis on services likely to ensure the spread of income to the low-income segments of the labour force.

• Pursuing appropriate industrial policies in industrial sectors which are particularly important for employment generation. These sector level policies must be broadly consistent with the overall objective of accelerating GDP growth.

• Implementing focused special programmes for creating additional employment and enhancing income generation from existing activities aimed at helping vulnerable groups that may not be sufficiently benefited by the more general growth stimulating policies.

• Pursuing suitable policies for education and skill development which would upgrade the quality of the labour force and make it capable of supporting a growth process which generates high quality jobs.

• Ensuring that the policy and legal environment governing the labour market encourages labour absorption, especially in the organised sector.

4.279 The report of the Task Force has evoked considerable criticism.

4.280 A review of industrial relations in the pre-reform decade (1981-90) reveals that an average 407.1 million man-days lost during the decade (1981-90) i.e. in the pre-reform period. The number of man days lost declined to 110 million during 1991 to 2000 - i.e. the post-reform period. But these man-days have been lost in 1000s than in 100s.

4.281 A large number of workers have lost their jobs as a result of VRS, retrenchment 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.

4.284 We have received a large number of complaints on VRS schemes. We have also heard a lot of elements of industrial competition, pressure tactics, invasive forms of mental harassment, compelling employees to resign by seeking to terminate them, and in some cases, physical torture and threats of violence against themselves or departments.

4.285 We shall make a few other general observations on matters that have come before us about the industrial relations scenario.

1) It is interestingly noticed that trade unions do not invariably give a call 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 major disputes through negotiators at the paritry 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 concessions for closure or retrenchment are more easily granted.

5) The Conciliation Machinery is more eager to consider problems of employees and today

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consider issues like increase in productivity, cost reduction, financial difficulties of the employer, competition, market fluctuations, etc.

6) 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 entertain 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 1982.

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 borne results from the workers' point of view. Even resistance to privatisation from trade unions is not catering the government any longer.

4.289 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.

4.290 But in spite of the new regulations, courts take place at recurrent intervals. They expose the inadequacy of the present institutional and regulatory systems.

4.303 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.

4.305 In some industries like chemicals, plantation, household goods, toys, etc. products have been imported in a big way and are out-pricing 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 re-assign the set-up responsibility for this purpose, including augmentation of manpower 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 multinationals 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 inside the country. Thus, one avenue for SSI units will be permanently closed.

4.311 The integration of markets 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.

4.312 Increased internationalisation of production, trade and finance is expected to exert additional pressure on the countries of Africa and destinations 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 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 and professional expertise 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-flows from India to the industrialised countries :-

- Such outflows are made up almost entirely of permanent migration.

- A large proportion of these migrants are persons with professional expertise, technical qualifications or other skills.

- The destinations have been the United States, Canada, and the United Kingdom, 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.

4.322 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 services, operations, and maintenance workers requiring higher skills - thus, generating new opportunities for labour exporting countries.

4.323 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 foreign exchange

4.325 The employment of Indian workers helps to earn foreign exchange and leads to augmentation of the foreign exchange reserves of the country.

4.326 The closure of industrial units and bankruptcies are a normal feature in the developed economies 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 investible 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.

- 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 +7 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 25% in 1990-2000. 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 rigidity.
- 4.343 We were sometimes told of the "Social dangers" or changes in 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. Yet India is reputed 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 IMF's 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 slump, with capacity utilisation and industrial production reaching the lowest for two decades, in December 2001.

- 4.360 The growth of G7 countries is expected to slide down from 3.2% last year. This would be the lowest growth rate since 1992-93.
- 4.362 Whereas China's industrial production-growth has been surging ahead, India's growth-rate of manufacturing is stagnating.
- 4.363 The IMF in its World Economic Outlook has said that India, Russia and China are remarkably insulated from world turmoil as they are relying more on their huge domestic demand.
- 4.365 As a result of the new economic policy, inflation is under control; we have been able to accumulate enough foreign exchange reserves; Indian companies have access to global financial markets; India's external debt position has improved. Some industries like Information Technology (IT) have made impressive progress, taking advantage of global economic integration; foreign investment is coming to India both in portfolio investment as well as in industrial projects; Indian consumers have increased access to a large and a large variety of international brands of goods in the market.
- 4.368 Globalisation has also had negative impacts on a variety of sectors of Indian economy.

CHAPTER - V

APPROACH TO REVIEW OF LAWS

- 5.1 One has to accept the fact that we have travelled quite some distance along the road to full-scale globalisation. It is technology that has made globalisation possible. It has generated new hopes and given rise to new dangers and temptations. Its impact can already be seen in many fields of human activity. Old mindsets may prove a handicap in responding to the new situations and factors that have emerged.
- 5.2 Inclusivity is not an end in itself. It is a social activity undertaken to meet the needs of society. All economic activity is the result of unaided or self-help, and co-operation among the various factors that together constitute the cycle of economic activity. 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. This competitiveness cannot be acquired without harmonious relations on all vital parameters 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 new technology and the context of globalisation demand.
- 5.4 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, integrity and honesty, efficiency 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 linked 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 maximising 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 culpability of "short churning" 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 reputation abroad shows that our workers are capable of creating and maintaining the highest levels of work culture. The question "why is it that we do not create and maintain such high standards of work culture in our own country" is a matter 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.18 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 normal 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.
- 5.24 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.
- 5.26 We recommend 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 opt out 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.
- 5.32 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.
- 5.34 Most of those who demand the right to fire and fire 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 or fundamental change in the current system in vogue in most kinds of employments. While we understand that non-permanent jobs or temporary assignments can be on contract for specified periods, we are accustomed to look upon employment against permanent jobs as permanent service. Attempt to change the basis of tenure 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.
- 5.35 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.
- 5.36 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 worker's 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 skilled 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 viable 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 crash of Enron have altered the scenario in many ways. The "socially" of the state in economic 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 29th 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 dependency 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 an necessary in our country as in America. Those who look to America as a model should see the need for policies oriented to the creation of jobs and the provision of 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 keep it all. We should learn from the experience.

The new mindset 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 a fair-aim 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.

Necessaries of adjudication must be quick, expeditious and inexpensive. They should not involve delays that cripple the worker. Workers should be encouraged to organize 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 employment 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 our Commission.

6.2 The ILO declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference in June 1998, declares therein that in Member States wherever they have ratified the relevant conventions or not have an obligation in 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 effective 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, equity, 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, giving levels of living, meeting manpower requirements, and over-coming unemployment and under-employment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.
- (2) The said policy shall aim at ensuring that
- (3) There is work for all who are available for and seeking work.

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- (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 skill and the endowment in a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.
- (2) The said policy shall take due account of the rate 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:
- a) Right to work of one's choice
 - b) Right against discrimination
 - c) Prohibition of child labour
 - d) Just and humane conditions of work
 - a) Right to social security
 - b) Protection of wages including right to guaranteed wages
 - c) Right to redress of grievances
 - d) Right to organise and form trade unions and right to collective bargaining, and
 - e) 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, workmen's compensation, medical benefits and other elements of social security and safety which must be applicable to all workers, irrespective of the employment size of their 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 organized 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 entrepreneurs financial burdens that affect the viability of their enterprises or compel them to work under inhuman conditions. Balancing both these factors, the Commission feels that a limit of 10 workers should be accepted as the socially defensible mean.

6. 18 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. 19 Relatively better off section of employees categorised as workmen 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, cannot merely be categorized as those of ordinary workmen. We, therefore, recommend that Government may lay down a list of such highly paid jobs which are presently deemed as workmen category as being outside the purview of the laws relating to workmen and included in the proposed law for the protection of non workmen. Another alternative is that the Government fix a cut-off limit of remuneration which is substantially high enough, in the present context, such as Rs. 25,000/- p.m. beyond which employees will not be treated as ordinary "workmen".
6. 20 It would be logical to keep all the supervisory personnel, irrespective of their wages/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 interest of supervisory staff as they will now be part of the managerial fraternity.
6. 21 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 workmen and others not treated as workmen or excluded from the category of workmen.
6. 22 The Commission agrees with the Study Group that it is necessary to provide a minimum level of protection to managerial and other (excluded) employees too, against unfair dismissal or removals. This has to be through adjudication by labour court or Labour Relations Commission or arbitration.
6. 23 Constitution of India has included labour and related matters to the concurrent list. The Commission does not consider it necessary or desirable to change this.
6. 24 There is no need for different definitions of the term 'appropriate government'. There must 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, railways, posts, telecommunications, major ports, lighthouses, Food Corporation of India, Central Warehousing Corporation, banks (other than Cooperative banks), insurance, financial institutions, minus, stock exchanges, shipping, mints, security printing presses, air transport industry, petroleum industry, atomic energy, space, broadcasting and television, defence establishments, Cartomment Boards, Central social security institutions and institutions such as those belonging to CSIR, ICAR, ICMR, NCERT and in respect of industrial disputes

- between the contractor and the contract labour engaged in these enterprises/establishments. In respect of all others, the concerned State Government/Union Territory administrations should be the appropriate government. In case of dispute, the matter will be determined by the National Labour Relations Commission that we want to be set up.
6. 23 We had earlier indicated that in our attempt to rationalise labour laws, we could, with a certain degree, group 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.
6. 26 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, 1946. Mention must also be made of the Sales Promotion Employees (Conditions of Service) Act 1946 and other specific Acts governing industrial relations in particular trades or employments. 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 carve 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, 1946 and other specific Acts governing industrial relations in particular trades or employments; and also specific laws governing wage fixation in particular trades or employments. 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.
6. 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.
6. 31 We are adopting certain approaches in drafting the Law on Labour Management Relations.
6. 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.
6. 33 Secondly, the law will apply uniformly to all such establishments.
6. 34 Thirdly, we recognise that today the culture of unionisation is low and even this law 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 or where adjudication is the preferred mode, through labour courts and labour relations 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.
6. 35 Fourthly, we consider that provisions must be made in the law for determining negotiating agents, particularly on behalf of workers.
6. 36 Finally, 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.
6. 37 Sixthly, the Commission is of the view that changes in the labour laws be accelerated 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.
6. 38 One of the most important steps that we need to take in rationalising and simplifying the existing labour laws is 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.
6. 39 Likewise, we define establishment as a place or places where some activity is carried on with the help and cooperation of workers.
6. 40 It is desirable to define two terms, 'wages' and 'retrenchment', the former to include only basic wages and dearness allowance and no other for the purpose of contribution 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 'retrenchment'.
6. 41 We also discuss the question whether any distinction should be made between 'strike' and 'work stoppage' and come to the conclusion that the existing definition of 'strike' in the Industrial Disputes Act 1947 may stand. 'Go slow' and 'work to rule' are terms of action which must be regarded as misconduct. Striking orders and provisions relating to unfair labour practices already include them and provide for action both in the case of 'go slow' and 'work to rule'.
6. 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.
6. 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 contrary to that of the industry as well.

6. 40 There are some industries or services where the effects of industrial action create situations which threaten the lives and normal and essential needs and activities of the vast majority. Care must be taken to ensure that the general funds of trade unions are not used for political purposes.
6. 41 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. 42 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 5% 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. 43 We are recommending the withdrawal of the Essential Services Maintenance Act.
6. 44 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 disenfranchise 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 their case.
6. 45 A question was raised whether the right to registration as Trade Unions should be confined to organisations or workers only or employer's organisations should also enjoy this 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. 46 Any such dispute, which currently goes under the appellation of inter-union or intra-union rivalry, 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. 47 Separations 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. 48 We do not favour craft based or caste based organisations of workers or employees or employers. An unrecognised organisation shall not be entitled to any privileges, immunities, and rights.
6. 49 Other provisions of the Trade Unions Act 1925 including the provision to set up a separate political fund may be allowed to continue and approximately 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.
6. 50 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. 51 Negotiating agent should be selected for recognition on the basis of the check off system, with 66% entitling the union to be accepted as the single negotiating agent, and if no union has 66% support, then unions that have the support of more than 25% should be given proportionate representation on the college.
6. 52 The question of the method that should be used to identify the bargaining agent has been the subject of discussion and debate for many decades now.
6. 53 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, be avoided.
6. 54 Secret ballot even on a restricted basis is logararily and financially a difficult process in industries like railways, banks, post offices, coalmines and other undertakings operating in a number of states.
6. 55 Check off system has the advantage of accepting the relative strength of trade unions based on continuing loyalty reflected by the regular payment of union subscription. The argument advanced against the check off system is that it exposes the loyalty of the worker, and this may make him vulnerable to victimisation by the management or persecution by members of other unions.
6. 56 Check off system in an establishment employing 300 or more workers must be made compulsory for members of all registered trade unions.
6. 57 Though 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 such 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 in such units that the possibility of victimisation has to be provided against.

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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 labor 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 co-terminus with the period of settlement. No claim by any other trade union/worker/centre for recognition should be entertained till at least 4 years have elapsed from the date of earlier recognition. The individual workers' authorization for check off should also be co-terminus with the tenure of recognition of the negotiating agent or college.
6. 77 Establishments employing 20 or more workers should have standing orders or regulations. There is no need to call in 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 recognised union/worker/centres depending upon the concerns, and where there is any disagreement between the parties, the disputed matter will be determined by the certifying authority having jurisdiction, to which either of the parties may apply. Any amendment to the Standing 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 prescribe 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 finalized, 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 and disciplinary action cannot be completed in time for reasons attributable wholly to the worker's default or intransigence, 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 1947 Act. Further the Commission is of the view that notice of change, issued by an employer as per provisions of Section 9A, should not operate as a stay under Section 33 though such a decision of the management will be justiciable under Section 33 A.
6. 83 Employer 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 employer's 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 VB of the ID Act has aroused intense debate. We will not re-open 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 generalization of employment also imperative for social justice and social progress. Pending matters of this nature solely to bilateralism at this juncture may lead to widespread industrial unrest, strikes and lay offs and cost-escalation in industrial establishments.
6. 86 The alternative then is to pay adequate compensation, offer outsourced jobs to retrenched workers or their cooperatives, if any entrepreneurial desires to close down the workers at least. Unions a chance to take up the management of the enterprises before the decision to close is given effect for underwriter 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 concern 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 decision, even though they know that delay in taking decisions only adds to the burdens that such enterprises are faced to carry. Permission for closure are kept pending for months and years and employers keep waiting. Sometimes managements 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 more 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.

- 6.92 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 young and have had experience and familiarity with labour management relations, labour lawyers, trade union functionaries, employers, managers, officials of the labour department, both serving and retired, academicians, retired judicial officials and so on.
- 6.94 We recognise that, in the area of determination 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 expeditiously. We envisage a system of labour courts, labour appeals and Labour Relations 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 officers, 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 Relations 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 complete 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 year experience in the labour department and a degree in law, may be eligible for being appointed as presiding officers of labour courts. The Central and

6.89 Prior 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 months' 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 scale of compensation may vary for sick wages 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 post-1980 approval of the appropriate government. We recommend that the provisions of Chapter VB 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, irrespective of the employment 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 worker, 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 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 all 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.

6.90 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 veto, judicial review by the LRC in case of dispute, and (legal provisions or review by the appropriate Government) that make it obligatory for employers to purchase insurance cover for employees.

6.91 As a part of 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 establishments which employ 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

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.

- 6.96 All matters pertaining to industrial 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 college or resolution. A union which does not have at least 10% membership amongst the employees in an establishment should have no voice stand 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 retained. However, the law may be amended to the effect that where a worker has been dismissed or removed from service after a prima facie enquiry on charges of violence, sabotage, theft and/or assault, and if the labour court comes to the conclusion that the grave charges have been proved, then the court will not have the power to order reinstatement of the delinquent worker.

- 6.97 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 new Lok Adalats are being made than 1400 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 ensured that Lok Adalats are not used to browbeat 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.

- 6.98 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.

- 6.99 Jurisdiction of civil courts be retained 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 legal practitioners should not be permitted. We would also recommend levy of a higher court fee in respect of all matters coming up before labour courts and labour relations commissions. The State Governments may also decide the differential rates for court fees for the unorganised sector.

- 6.101 Strike could be called only by the recognised negotiating agent and that too only after it had completed 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

- apprehension 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 leading 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 and 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 leads an illegal strike must be de-recognised and debarred from applying for recognition or recognition for a period of two or three years.

- 6.102 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 an establishment employing 300 or more persons. For the smaller establishments, a non-statutory scheme may be provided. The system of recognition for 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.

- 6.103 There are a large number of social 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.

- 6.104 We would urge that these recommendations are taken up as a whole, and not in a piecemeal manner that may destroy the context of inter-relation, and the holistic approach.

- 6.105 In the enforcement of labour laws, there is discrimination between the private sector and public sector, the latter allegedly being handled leniently. For such discrimination should be penalised either by law or in practice, as the purpose of labour laws will be defeated by such discrimination.

- 6.106 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 effect the criterion of 'Inspector' Raj. An obligatory provision for social security with contributions from the employer and from the worker as also a compulsory annual bonus at 8% of the wages (a month's wages) are 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 vigilance in exercising managerial functions.

- 6.109 The Commission is conscious of the fact that in the fast changing economic scenario and changes in technology and management, which are noticed in existing 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 should 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 off-loading non-core services like canteen, watch & ward, cleaning, etc. to other employing agencies has to take care of three aspects - (1) there have to be provisions that ensure that peripheral core services are not transferred to other agencies or establishments; (2) where such services are being performed by employees on the payroll of the enterprises, 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 management will be free to entrust the service to outside 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 trade, i.e. unskilled, semi-skilled or skilled. The principal employer will also ensure that the prescribed social security and other benefits are extended to the contract worker. There is a reason that compels us to make this recommendation. At many of the cutters we visited, we were told during evidence, 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.

6.110 The Commission would recommend that no worker 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, if 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 supplemented by the recommendations made in the Judgment of the Supreme Court in the Kapilash Prati & 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 Onam or Puja or Ramzan or Christmas. Any demand for bonus in excess of this upto a maximum of 20% of the wages will be subject to negotiation. We also recommend that the present system of two wage ratings for reckoning entitlement and for calculation of bonus should be suitably enhanced to Rs.7500/- and Rs.3500/- 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 dearness 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. Farm States/Union Territory should have the authority to fix minimum rates of wages, which shall 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 or minimum wages for different regions in the state but no

such wage can be less than the national minimum wage. The Commission also recommends the abolition of the present system of notifying scheduled employments and of fixing/revising the minimum rates of wages periodically 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 rated daily rate.

6.117 We have been asked whether those who are employed in the relief works organized 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 food 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 token, 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 referred to 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.

6.120 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.

6.121 We would recommend enactment of a general 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 appended 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 minimum on employing 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 changes in 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

the list of such contingencies may be suitably expanded in consultation with the representatives of the industry to include more occupations, processes and contingencies. However we also recommend that the workers' right to wages for overtime work at the prescribed rate of overtime wages if they are asked to work beyond 9 hours a day and 48 hours a week should be ensured.

- g) There should be reduced working hours for adolescents, prohibition of underground work in mines for women workers, prohibition of work by women workers between certain hours and so on.
- h) On the question of night work for women there need not be any restriction on this if the number of women workers in a shift in an establishment is not less than five, and if the management is able to provide satisfactory arrangements for their transport, safety and rest after or before shift hours.
- i) 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.
- f) The Commission feels that the appropriate Government may be empowered to grant exemptions from different provisions of law in case of emergent situations that may arise in the workshed of an establishment or in cases of extreme hardship.
- g) Existing shiftwork having an employment size over a specified limit must provide for a canteen.
- h) Normal provisions as now obtaining in several laws regarding washing facilities, canteens and urinals (separate for men and women workers) and rest rooms may also be incorporated in the law.
- i) The help of municipal and other local bodies and NGOs may be taken for the creation of these amenities, common to a married or small industrial units.
- j) Canteens 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 canteen.
- k) There should be provision for holidays, earned 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 see the necessity to declare polling 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 things of which should be decided by mutual consultation amongst employers and workers.
- l. 123 We would say that the present laws on welfare outside the workplace should be integrated as far as possible with the laws on social security.
6. 124 As regards Workmen'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 in any cause under the said Act" is a welcome amendment. 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.

6. 125 That Schedule II to the Act though long is not complete. The 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 Workmen's Compensation Act as they are frequently required to go on the shop floor for performing their functions and are equally exposed to risks.

6. 125 We do not see why we should still have on the statute book laws like Employees' Liability Act 1938 and the ancient Fatal Accidents Act 1857, if necessary, the relevant provisions of these Acts may be suitably incorporated into the Workmen's Compensation Act 1923.

6. 128 Small enterprises are presently deprived of the opportunities of having apprentices, since the law lays down a minimum strength of tradesman of different categories in an establishment for allowing apprentices on a provisional basis. There is need to provide flexibility so that even if the strength of different categories of tradesman in a small enterprise does not match up to what is required for four 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.

6. 131 (v) The Commission regards the implementation of Bonded Labour System (Abolition) Act by the Ministry of Labour as appropriate.

(iii) The Commission has suggested a new law on the subject of Child Labour to substitute the provisions of the existing law to the benefit of children which would also aid the removal of child labour.

(iii) We are shocked at the proviso to the definition of 'an agreement or pledge of the labour of child' in Children (Proteging of Labour) Act, 1933. This proviso would amount to approving child labour if reasonable wages are paid. We think that, given this proviso, the entire purpose of the law is violated. Punishing of child labour can be made a crime under the criminal law of the land, and would, therefore, recommend the repeal of this law.

(iv) Dock Workers (Safety, Health and Welfare) Act 1986 should be of much importance to workers of minor ports too. We would recommend that the Director General (Factory Advisory Services and Labour Institutes) under the Ministry of Labour, who looks into minor matters so far as minor ports are concerned, be enabled to advise suitably State governments as well, at least in respect of some of the larger minor ports and also the newly established private sector ports.

(v) 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 Act be made applicable to all establishments to which the general law of employment relations will apply. Salary level of employees may be more, above which all vacant positions will have to be notified, be raised suitably.

(vi) Manual Scavenging and Construction of Dry Latrines Act applies in the first instance to the States of Andhra Pradesh, Guj, Karnataka, Maharashtra, Tripura and West Bengal and to all Union Territories. The law has made universality 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 Equal Remuneration 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 interstate 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 empowering 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 be 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 Empirical 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.
- 132 As per the evidence received by the Commission with regard to the Malhadi Workers in Maharashtra and Hind Hind workers in Kerala, though advantageous, 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.
- 133 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, infancy clauses have no place. The State may consider assisting new enterprises in other ways.
- 134 We would broadly exclude from the coverage of labour laws that we propose, all functions and functionalities, including defence forces, para military forces, police, fire services and prison services, services connected with law and order, tax levy and tax collection, internal and external security law making, administration of 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 KVTC reviews its remuneration system to reach the level of the prospective or prescribed national minimum as soon as possible, within five years of the latest; that it adjusts its piece rates for hours of work to reach the relation 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 19 or less workers or that prescribed for workers in the unorganised sector.
- 6.136 Any violation of a law or rules thereunder be treated as an offence, which must be made punishable 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 for 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 the constitution of an 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 bearer of a trade union of which the aggrieved person is a member or in a recognised welfare institution or organisation.
- 6.142 Rules and Regulations first be published as draft Rules or draft Regulations, giving a period of ninety 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 Though 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 diminishing 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. Giri 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 needing 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 Relation Commission. This will need considerable increase in the number of labour courts. The setting up of labour relations commissions also increases the demand for high-level labour adjudicating functionaries. All these compel 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 or and above the rank of Dy. Labour Commissioner/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 administrator 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 all practical 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 whirl 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 on

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.

CHAPTER - VII

UNORGANISED SECTOR

7.1 One of the five 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, tasked the benefits that can be gained from organisations, or derived the advantages flowing from the high visibility.

7.3 Though other Commissions before us have also looked at the unorganised sector it is for the first time that the Government has specifically asked a Commission 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 paucity 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.

7.15 The unorganised sector is too vast to remain within the confines of conceptual definition. Hence, descriptive means are used to identify the unorganised sector.

7.17 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.

7.18 Many efforts have been made to identify the characteristics of employments in this sector. It will be useful to list some of the characteristics namely, low level of organisation, casual 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, generation 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 unorganised 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 eludes definition. Its main features can be identified and the sector and processes where unorganised labour is used can be listed though not exhaustively. Apprentice, casual and contract 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.
- 7.28 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.
- 7.30 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 women, employment of family labour, unaid 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.
- 7.32 We may look at some of the specific groups of employment and problems confronted by them.
- 7.33 Home-based workers fall within a grey area between the employed workers and self-employed workers. There are self-employed workers as well as employed workers amongst the home-based workers.
- 7.37 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.

7.38 In the National Consultation held on the 17th January, 2000 the paper presented by the Ministry of Labour defined the home-based workers as those who are otherwise un-employed, intending to but not absorbed by the organised sector, with skills unutilised in certain jobs which have economic value. The home-based worker is thus a self-employed person conducting his activity for a portion or an organisation as there is no direct employer-employee relationship between a home-based worker and the person or organisation for whom he works.

7.39 Amongst 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 and 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 hazy but substantial. Studies point out that female workers constitute the majority of home-based workers.

7.44 The National Consultation was of the view that terms like home worker, self-employed person and own account worker should be defined and policies formulated to cover them.

7.45 Recommendations from the National Consultation suggested that the home-based workers should be limited 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.

7.47 There is no reliable estimate of number of persons engaged as domestic workers. Though 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.

7.48 The work does not require any special skill. The persons employed as domestic workers are extremely poor, illiterate and come mostly from rural areas.

7.49 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.

7.51 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.

7.55 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.

- 7.558 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.
- 7.559 At present no worker in plantations is covered under the Plantation Labour Act which stipulates the wage limit of Rs. 750 per month. We were told that large number of casual and contract workers are employed in plantations even on jobs which are regular and not seasonal. All plantation workers should be provided with gunnibags 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.
- 7.562 Plantation workers should be paid wages as per settlements or notified under the Minimum Wages Act and the middlemen should not be allowed to siphon away the part of wages of these workers.
- 7.563 The existing facilities for plantation workers should be continued and made more satisfactory in plantations 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.
- 7.604 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.
- 7.771 The working conditions of the workers 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 of 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 handling equipments and injuries due to blasting. The rate of accident in India in mining activities is very high as compared to other countries.
- 7.772 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 and other labour laws by circumventing the laws in various ways. There is high incidence of child labour and bonded labour in small mines and quarries.
- 7.778 Abolition of labour on the basis of caste is one of the fundamental tenets of caste system. As per Government estimates 1 million dalits are scavengers who clean public toilet and dispose off the dead animals.
- 7.83 The National Commission for Safai Karmacharies in its report in 1997 claimed that many scavengers are being 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 jarring surprise that many families of scavengers borrow money from their upper caste neighbours and consequently go into bondage.
- 7.105 Though the employment of manual scavengers and construction of dry latrine (Provisional) Act, 1993 prohibits the employment of scavengers or construction of 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 Karmacharies the scheme has benefited only a 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, Sasia ship-breaking yard is the biggest yard of its kind in Asia.
- 7.104 The industry dismantles 300 odd ships per year and employs about 17000 (1999-2000) workers which has now come down to about 7000 workers percentage due to competition from other Asian countries. We find it difficult to believe that this is the only cause.
- 7.106 Between the periods 1993-94 till 1999-2000 the average number of deaths in the industry has been 38 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 gassing 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.
- 7.108 In the ship breaking yards the workforce is largely migrant from UP, 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 treatment system for the fighting, piped potable water, LPG/oxygen pipeline, and fire site and waste management, setting up a safety institute, improved road connections, stable 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.
- 7.110 Most of the workers in construction industry are employed on casual basis. Inadequate employment/earnings and shifling of workplaces are the basic characteristic of work for construction workers. Though child labour is prohibited, children are engaged in unskilled 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, sanitary facilities and education. In most cases safety norms are violated. They are often not given maternity benefits, though obligatory.
- 7.112 Temporary residential sheds put up for construction workers lack minimum facilities. Crèche facilities are not available at work sites and social security benefits are virtually non-existent because of various constraints such as lack of stable news between employer and employee, instability of employment, poor and irregular earnings of workers, unreliable circulation 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 badge exists and gets extended from one generation to the next through child labour in construction industry.
- 7.115 In the post-independence 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. Illegals, 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 an 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 processors various levels of traders such as retailers, stockists and wholesalers exist.
- 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.
- 7.125 The Commission recognises the useful role played by scrap collectors both in 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, providing 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.
- 7.142 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.
- 7.143 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 apron, 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.
- 7.144 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.
- 7.145 India has tremendous potential for development of fish processing. The Commission feels that while creating conditions for growth and health of the industry, the interest of the workers engaged in it should also receive equal attention.
- 7.151 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.
- 7.152 Employment 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 water, related workshops etc.
- 7.159 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 is composed of mainly men, though women are sometimes involved in inland fishing. Women dominate the mending and processing activity accounting for about 70% of the workforce.
- 7.171 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.
- 7.172 Seasonality of employment in other sectors is also related to weather at sea. The range of days of employment in travelling, processing and marketing sectors is from 100-250 in the year.
- 7.175 Wages are paid by piece-rate, daily rate or as a share of net income. The last form is most common in harvesting activity.
- 7.176 The earnings of workers in fisheries sector as a whole are rather low and marked by very wide day-to-day fluctuations.
- 7.187 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.
- 7.193 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.
- 7.195 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.
- 7.197 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.
- 7.199 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, local 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 obsolete 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 forms of production.
- 7.205 The bangle industry as it is operating poses serious health hazards to workers. Temperature 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 dust leading to respiratory disorders and TB.
- 7.206 No security and safety measures are available in this industry to the workers, specially in household 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 enrolment 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 critically working conditions in the industry, it is necessary to improve its production technology and work environment besides training and equipping the workers with higher skills.
- 7.209 The brassware 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 workstations 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 ESI, 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 TD the children also suffer from eye burns.
- 7.212 75% of the carpet looms in the country are located in the Mirzapur-Dhawal area of UP which holds a very important position in manufacturing and exporting of hand-knotted woollen 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 avert the demerits 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-owners/weavers and use different methods to recover advances and material if not supplied in time. There are reported instances of unlawful behaviour met out to poor loom-owners and weavers.
- 7.219 Carpet weaving is not a full-time employment for everyone who is involved in weaving. There are categories of weavers right from full-time weavers to part-time weavers and casual weavers. Landless weavers having no other means of income are engaged 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 one of the 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 enter 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 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 administrators to facilitate hawkers in acquiring legal status and providing spaces for their hawkers.
- 7.226 With the exception of Kolkata, most municipalities provide licenses for hawking. Kolkata municipality not only conducts street vending as legal 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 licenses may solve many problems. Bribery 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 resist 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 'Manushi' it was contended that 5 lakh rickshaws 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 1996 was Rs. 5.6 crores, illegal fees paid was Rs. 5.5 crores.
- 7.235 Vendors have to deal with many authorities, municipal authorities, police, district administration, regional development authority, etc. Policy makers seem oblivious of the massive impact of street vendors on the social life of a city.
- 7.236 It is necessary to evolve national and state policies on street vendors and these could be borne in view while determining urban plans and schemes.
- 7.239 The Delgado International Declaration of Street Vendors 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 parking zones in urban plans etc. and sought for setting up of participatory participative mechanism and to work with regularisation of street vendors to link into their problems.
- 7.240 Rickshaw pullers, particularly in the north, are mostly migrants from the states of Bihar, UP, Orissa, 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.
- 7.242 Rickshaw pulling is one of the most preferred avenues of employment in the cities for the unskilled and illiterate but able-bodied persons providing instant source of employment.
- 7.243 Besides unregulated conditions the rickshaw pullers' vulnerability is further accentuated by the fact that majority of those who pull rickshaws do not own the rickshaws themselves.
- 7.244 Though in principle, in most cities only the rickshaw owner can be the rickshaw puller, in practice this happens only as an exception.
- 7.245 The nature of work of rickshaw pullers has a number of hardships built into it such as badly maintained roads, pulling rickshaw in chilling winter, blistering heat, and rains when the roads are waterlogged.
- 7.246 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.
- 7.252 Apart from providing direct employment, rickshaw pulling provides indirect employment to several others such as manufacturers and to those engaged in rickshaw repair activities.
- 7.253 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.

7.234 A good number of workers depend on natural resources for 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 role 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 affected people including involvement of communities in sustenance of these resources like village commons, grazing lands, the source of wood, fuel and other food items which are on the decline, putting people who are dependent on these into further degrees of impoverishment and poverty.

7.259 The odyssey and other pastoral groups who depend on forests are increasingly losing their livelihood or getting displaced because of lapidated policies and expanding forest cover.

7.262 Traditional artisans such as basket weavers and rope makers depend on resources taken from forest and village commons. Forest and village commons are also source of food, fodder and fuels for the poor villagers.

7.263 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 Fixable 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 unorganised 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 caste and tribes.

7.270 The National Commission on Rural Labour (NCRL) 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 indebted.

7.271 The NCRL 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 deficient. The Inter-State Migrant Workers 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 legislatively meet out fair treatment, ensure fair housing, adequate wages and social security benefits.

7.272 Though 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 inspectors are generally reluctant to visit farms and fields and employers are reluctant to cooperate with them. Ignorance and illiteracy of workers further puts 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, cash 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 number of laws which apply to agricultural sector such as the Workmen's Compensation Act, Minimum Wages Act, Personal Injuries (Compensation Insurance) Act, 1973, Bonded Labour System (Abolition) Act, Inter-State Migrant Workers Act, Insecticide 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 means of livelihood for millions of people. These products are licorice, tendu leaves, fruits, sal seeds, mutha petals, gum, tamarind, 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. Though 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 privatisation of rights of forest dwellers and nearby people over the reserves forests has impacted lives of hundred million forest 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-processed 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 non-timber 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 Zaungya workers are entitled to considerate treatment and should be rehabilitated with alternative jobs/land, and their villages should be treated as revenue villages.

7.298 Pastoralists like shepherds and nomads who depend on domestic animal herds and animal products, using village commons and forest lands are another category of self employed group who often live below subsistence level.

7.300 When earnings and wages are below the statutory minimum wage, and workers have to live by borrowing, the conditions of workers slide into bondage. When the worker is paid below the dignified 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.

7.304 The Apex Court ruling in the Asiad 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 bonded 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 concerted legislative step.

7.307 Aganvadi and bakshi workers are getting only nominal wages called honoraria. These, and 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 sphere of casual labour and

self-employed workers among female labour is higher compared to that among the male workers. The NSSO 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 1999-2000 which is based on 1991 census gives the following information about unorganised workers: out of the total workforce of 340 million, 286 million are main workers and 28 million are marginal workers. Out of the 286 million main workers, 259 million are in the unorganised sector. In relative terms, unorganised labour accounts for 90.6%. Out of 191 million workers engaged in agriculture, forestry, fisheries and plantations, 190 million (99.2%) are in unorganised sector. Out of 28.92 million workers in the manufacturing sector, 21.62 (73%) 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 50% 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 by providing an umbrella law that provides a minimum protection, access to social security, and redressal of grievances while retaining the existing sub-sectoral law 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 or 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 is 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 employer's liability 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.

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 1996 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 28 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 last previous year.

7.333

Under the above Act a fund has to be created with revenue from cess 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 illiterate 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 slushes have not collected cess because the rules have not been prescribed and several thousand more rupees of cess 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 Mithadi 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 employer 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 hour of work, intervals or rest, weekly holidays and also prohibits employment of child labour, night shifts for women and adolescents.

7.336

The employees 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 workers in the organised sector. Some of these are applicable to certain categories of unorganised sector workers.

7.338

The EPF Act is applicable to factories & establishments that employ 20 or more persons. A large number of workers working in small units remain out of the ambit of the Act. Though 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 districts, cine workers, and boat workers. For building & construction workers the welfare bonus 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. Mahad Boards exist for various groups of headload workers in Maharashtra.

7.341 Under the Special Workers Welfare Fund Act, a fixed cess is levied per thousand local manufacturers. Similarly there is a also cess for building and construction workers. Cess is levied on the mica mines and under other welfare laws on mine products on the basis of quantum of production. Under the Cine Workers Welfare Cess Act, the cess is levied on the basis of production of films 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 workers 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 adapted 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 the needy patients. The Funds could have done better if they had assigned the responsibility to agencies specialising in health.

7.347 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 holiday 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, 1982. 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 renewable 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 marriage, 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 1989. 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 (in 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, barters, dhotis, gaiter tree chippers and handicraft 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 accidental 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 artists 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 for what needs to be done is to prepare 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. Mahad Boards in Maharashtra have been successful in decentralising the heavy load workers to a great extent.

7.370 Through many witnesses who appeared before us in Maharashtra as well as in other States, extended the work done by Mahad 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 *mahad* who earn enough to pay Income Tax. They pay professional tax as well. Their Dearness Allowance is linked to the CPI. The PF contribution of workers is 4.33%. Their hospital contribution is Rs. 20 per month. Wages fluctuate from less than Rs. 1000 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 *welfare* boards. Kerala is trying to integrate or interlink its various enactments in the area of social security, while in Tamil Nadu, the latest trend is towards separate set-ups. The experience of welfare boards in both the States tells us that a *motherboard* that can accommodate variety serves as a better model. An unnecessary multiplicity of Funds has led to administrative problems in Kerala and proved unworkable. Cost of administration of central welfare funds has varied from 0.85% of the total benefit expenditure in the case of one worker fund to 2.21% in the case of the Limestone and Dolomite Labour Welfare Fund. Average of administrative cost of central welfare funds was 7.95%. In some cases, it will be better to levy cess as a percentage of the sale at various points of transactions like the wholesale, retail, etc. It is advisable to combine tax-based as well as contributory systems of financing of the Fund under one Board, because it would enhance the financial viability of the Fund on the one hand, and the initiative of 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, or providing services indirectly by entering into agreement with the providers of the service. Studies show that workers have to spend more on health problems in the unorganised sector and therefore health care must form a component of social security. Central Welfare Funds have cutting in the application of the benefits of the welfare funds. This used to be Rs. 1,600, and was raised to Rs. 3,500 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. We believe that the new structure we are suggesting will overcome these problems. 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.

7.362 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 preached. This provides a fertile ground for the birth and growth of movements that aim at overthrowing the system, like the Marxist 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 sector, in the rural, and in the urban areas.

7.363 Land reforms have not been implemented, in spite of reminders from many Commissions, and the manifestos of political parties. Employment opportunities are not adequate. Trade unionism often do not get the minimum wages that have been guaranteed in law. Working conditions are deplorable, squalid, 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.

7.364 It is, therefore, logical and wise to enact 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 employments or sub-sectors if experience indicates the need for it. It will also be open to Governments to repeal existing sub-sector laws or merge existing (welfare) Boards with the boards or Funds that we are suggesting in the umbrella legislation.

7.365 Our Constitution, the ILO Conventions that we have ratified and the existing laws together guarantee some rights to 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.

7.367 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 1989 (to which India acceded in 1992).

7.368 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 24). 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'.

7.392 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 near 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 by 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 improvement of public health, as among its primary duties.

7.393 Section 2(1)(d) of the Protection of Human Rights Act, 1993 (Act 10 of 1994) defines human rights as 'the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution. This Act also justifies the need for legislations in favour of workers who are not yet covered by existing legislation.

7.394 ILO Conventions are codifications of universally applicable labour standards and have led many countries to accept labour rights as basic rights. ILO Conventions protect children from,

about women from night shifts, and all workers from forced labour. In 1938, 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 98), (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 to the conclusion that new and separate legislative 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 agricultural 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 85% 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 radical divide between the Organised Sector (Formal) and the Unorganised Sector (Informal) of the country's economy, and the workers/labour engaged in them, is unequal 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, it should not be too formidable 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

entrepreneurship to the economy. When provided with these entitlements, their 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 crisis. If their economic contribution is not recognised and enhanced, if they continue to be treated as the recipients of safety net policies, 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 concomitant of the right to social security. According to us, social security must contain at least healthcare (including maternity, injury), children, shelter and old age support first strengthens productivity.

7.406 Suggestions of and recommendations of various committees or Commissions have exercised considerable influence on the concept 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 Commission, 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 drew the 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 (Shreem 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 productivity; 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 non-observance of these laws, the Commission recommended simplification of 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 Though 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 woman workers to earn for 8 hours of work a wage equal to the non-rated minimum wage. Despite the Equal Remuneration 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 employers. 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 they 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.
- 7.424 The Commission underlined the need for an integrated perspective 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 healthcare, 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, flood 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 a 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 1997 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
- 7.436 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.
- 7.438 The system for Social Security must be such that the worker can make a contributory contribution to the cost, consistent with as many of his needs as possible, and derive 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.
- 7.441 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 Fifth 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, amenities 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 Boards, NGOs and Social Organisations, for the upgradation of skills and the education of workers, and elimination of child labour, forced labour, and unfair labour relations and practices.
- 7.457 Before going into mechanics of setting up of an Unorganised Sector Workers Board it is necessary to classify the occupation in the unorganised sector.
- 7.458 Minimum wages legislations have listed certain employers/occupations.
- 7.459 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.
- 7.460 The factors considered for classification are recruitment, payment, organisation, casual nature, relation to child labour, family labour, migrant labour, wage and earning levels, skill levels, home-based activities, source of raw material, access to capital, nature of output, occupational hazards.
- 7.461 We have classified workers in this sector on the above basis.
- 7.463 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 1968 bases its report on the nature of occupation. In the unorganised sector both these principles can be used but combined with other elements.
- 7.464 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 unemployed and the self-employed. In our analysis, a substantial group emerged as merely self-employed or employer. In almost all occupations we can find both self-employed and employed workers.
- 7.466 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 work/stand also as construction worker.
- 7.468 We believe that classification should be an on-going process. For instance if a child labour prone 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.
- 7.469 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 underlying changes in respective

- groups of industry and occupation. For the purpose of social security measures, and also collection, separate group-based consideration 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 employees employing more than 5 workers shall ensure that the workers engaged by them are registered with the board and issued identities 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 list for the workers in the unorganised sector to ensure their minimum production 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 minimize 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.
- 8.51 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 would be 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.
- 8.53 The Task Force on Social Security recommended that 'wage ceiling and employment threshold can and should be uniform with a provision for raising the wage ceiling and its eventual removal and lowering employment threshold and its ultimate removal'. The Commission also concurs with it.
- 8.95 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 progressively; and restrictive clauses, wherever they occur in the Schedule, may be omitted.

- 8.97 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.
- 8.100 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.
- 8.101 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.
- 8.102 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.
- 8.103 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 ESI 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.
- 8.104 It does not seem possible to extend the existing composite scheme of the ESIC to all sections 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 ESI Scheme for the purposes of these benefits throughout the country. Alternatively, separate social insurance schemes confining to these benefits will have to be evolved.
- 8.105 The Study Group on Social Security has strongly urged that the benefit structure of the ESI 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.
- 8.108 When the constraints on extension of the ESI 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.
- 8.109 Casual and contract workers may be covered for limited benefits at reduced rates of contribution as recommended by various committees and the ILO.
- 8.111 Exemptions may be granted from the ESI, in cases where establishments provide similar or superior benefits.

Since the ESI Scheme is a contributory scheme, the rates of contribution should be fixed on an actuarial basis, and be free from collective bargaining.

- 8.112 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.
- 8.113 The management of the ESI scheme should be professionalised. 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.
- 8.114 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.
- 8.115 A law to place all the provident funds under a common regime seems to be called for.
- 8.117 The P.F. Act be made applicable to all classes of establishments, subject to such exceptions as may be considered necessary for specified reasons.
- 8.118 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.
- 8.120 Our Study Group has suggested that the special dispensation granted to co-operatives is not warranted, and should be removed. We endorse this view.
- 8.122 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 ESI 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 problems can be tackled.
- 8.124 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.
- 8.126 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.
- 8.128 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

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way to decentralize the administration is to authorize 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 establishments for purposes of the rate of contribution. This is, however, without prejudice to the suggestions made elsewhere to provide for different packages of contributions and benefits for different classes of employees.

8.130 The EPFO should streamline the procedure for tracking the defaulting employers speedily and to recover the arrears promptly.

8.132 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 of indexed bonds for investment of PF balances.

8.136 The Commission is of the opinion that the provision for premature withdrawal of funds should be restricted.

8.137 There can be no justification for permitting premature final withdrawals in case of resignation.

8.138 Proposals to integrate the Payment of Gratuity Act with the Employee Deposit Linked Scheme and also to introduce an Unemployment Insurance Scheme as part of the Scheme should be implemented soon.

8.139 It is desirable that an independent valuer and not the Actuary who designed the Employee Deposit Linked Scheme, does three yearly or five yearly valuations.

8.148 All the ambiguities in the interpretation of the Employee Pension Scheme be referred to the Actuary and the Scheme be amended suitably as per his advice.

8.149 The Payment of Gratuity Act may be integrated with the EPF Act and converted into a social insurance scheme.

8.150 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.

8.152 The scope of the Payment of Gratuity Act should be co-terminus with that of the EPF Act.

8.156 An integrated insurance scheme providing for gratuity, unemployment benefits, lay off and retrenchment compensation may be evolved, and entrusted to the EPFO for its implementation.

8.175 An unemployment insurance scheme could play a substantial role in coping with unabsorbable levels of unemployment resulting from the implementation of the structural adjustment programmes and other economic reforms.

8.176 The scheme should preferably be implemented through the EPFO organisation and be applicable to all establishments and employees to which the EPF Act is currently applicable.

8.177 The unemployment scheme should be financed by a tripartite contribution to be determined actuarially.

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 VSS. There is need to restructure this Fund to serve as a wage guarantee fund.

8.182 A provision be made for payment of education allowance to all employees by amending the existing laws regulating employment and conditions of service of employees.

8.182 The Welfare funds will do well to adopt models of reimbursing the expenditure, subject to such conditions as might be considered necessary for avoiding the services indirectly by entering into agreement with the providers of the service, certifying 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 apathy 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 decentralising 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 tripartite board, what they do not seem to want is regular 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 organisation 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.

8.246 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 fund is intended to be built for the inclusion of eligible workers.

8.248 The basic benefits may include (a) insurance against death or disability, (b) health insurance and (c) life save benefits.

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 mahila mandals or yuvak mandals or kisan haazir.
- 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.
- 8.271 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.
- 8.273 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.
- 8.275 Apart from NSAP, there are several schemes under which social assistance is being provided.
- 8.276 All such programmes should be integrated to maximise coverage, avoid overlapping and ensure a basic minimum to all.
- 8.277 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.
- 8.280 The quantum of maternity benefits may be raised to a minimum of Rs. 2,000/-.
- 8.281 The Commission endorses the suggestion that crèches must be provided to enable all working women to leave their children under proper care, in a safe environment removing the burden from the shoulders of their siblings.
- 8.286 The food security policy calls for a review and rationalisation.
- 8.287 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.

8.294 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.

8.296 Land is critical for rural people. Institutions and policy reforms 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 ESI 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.

8.347 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 remuneration.

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 Pensions 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 Khetbar Mazdoor Sima 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 on the same lines as the pension for the physically handicapped persons, with the rate of pension being raised to Rs.200/- per month.

- 8.387 The State should support the families of the mentally ill by providing them community based services and where absolutely necessary, financial aid.
- 8.388 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.
- 8.389 Aker-worked 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.
- 8.390 Effective measures be taken for waiting people engaged in manual handling of night job and for rehabilitating them in other employments.
- 8.391 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.
- 8.392 An appropriate National Scheme for providing relief and rehabilitation to people affected by economic and social distress, including natural disasters, may be designed.
- 8.393 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 distress due to calamities.
- 8.406 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 payment capacities. The Study Group has expressed the view that, in India, there already exists a three-tier system which can be expanded and consolidated.
- 8.407 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.
- 8.414 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.
- It is necessary to create a small but strong agency in the Central Government which will be concerned with the horizontal and vertical coordination of social security planning, monitoring and review.
- 8.415 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.

- 8.416 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.
- 8.417 We feel that the unification of administrative responsibility, in respect of the existing social security legislation, is both necessary and desirable.
- 8.418 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.
- 8.421 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.
- 8.422 We recommend constitution of District/Area Level Committees, which may be tripartite or multi-partite as the need demands with necessary secretarial assistance.
- 8.423 Services should be delivered at the doorstep of the beneficiaries.
- 8.424 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.
- 8.427 Social insurance schemes are contributory and their viability depends upon the levels 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.
- 8.429 A scheme may be contribution-defined or benefit-defined.
- 8.430 The Commission feels that the Schemes should be benefit-defined.
- 8.433 A Social Security Fund of India and a Social Security Fund of each State may be set up.
- 8.434 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

- 9.2 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 flawed on many counts. It is, therefore, necessary to ensure equal opportunities and protection from indignities.

- 9.3 The system and the laws have also to take cognisance of, and provide for, the special responsibilities that women bear to society and the species. 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 contribution 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 Organization (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 inaccuracies 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 processes of globalisation and their impact on the workforce, labour market, industry and industrial harmony, have been made in the Chapter on Globalisation.
- 9.47 Variation 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 women'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 changes have eliminated many jobs traditionally performed by women.
- 9.54 Beedi 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 unventilated 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 garment 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.
- 9.61 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

- 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-medicals.
- 9.66 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 rates need to be fixed in all work situations even where there is no clear 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 less 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 skill training and upgradation of skills for women: on 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 effect 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 high penalties for breaches is called for. All trades should be included in the Act, regardless of existing schedules. The Act should be expanded to include workers under piece-rates, regardless 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.

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- 9.102 General recommendations for increasing employment opportunities are: 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 recommendations 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, low-cost 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 sister sibling. A large part of sibling caregivers are girl-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 franchise groups (for creches, and employing units are asked to make a proportionate contribution to the costs.
- 9.112 The proposed 83rd Amendment Bill will guarantee the right to education for children in the 5-14 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 3-6 years should 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.

- 9.116 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 governmental or centralized 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.
- 9.117 The Actua Market Women's Association in Ghana developed a childcare programme that kept children safe while mothers conducted business.
- 9.118 Special efforts should be made to identify, develop and investigate low-cost, community-based approaches; to 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.
- 9.121 IDDS Schemes need to be redesigned to include the child under three. Current weaknesses in implementation and allocation need to be corrected. Wages, conditions of work, training and accreditation of childcare workers need consideration at the policy level.
- 9.122 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 breast-feeding 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.
- 9.125 The main international convention covering maternity benefits is the ILO's Maternity Entitlement Convention, 2000.
- 9.129 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.
- 9.130 Apart from these two Acts, there are several government schemes available for maternity benefits.
- 9.131 The population policy, particularly the two-child norm has an intimate relationship with the maternity benefits and entitlement issue.
- 9.133 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 retaining 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.

- 9.134 The Study Group has proposed a statutory scheme for the implementation of maternity entitlements. The scheme is to cover all women, the only discriminating factor being the economic criteria, and that too for a brief period of time if funds are not available.
- 9.136 The access to this scheme should be through multiple channels and agencies. The sources of funding would be employers and the state at the central, state, district (or municipal) and local (ward or panchayat) levels; employers and community contributors as follows: in Thailand and China, where the community sponsors one worker for every 100 families to ensure the proper delivery of benefits.
- 9.137 The scheme may also provide for the setting up of a Monitoring and Grievance Committee with representatives from workers, employers and local authorities.
- 9.138 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 bring their influence to bear on issues affecting them.
- 9.141 Women workers constitute the most vulnerable group in the economy.
- 9.143 Women are also physically vulnerable.
- 9.144 All recommendations for policies for women workers must be combined with an enhancement of their own strength, or what is called their 'empowerment'. Organisation, therefore, becomes the instrument for expanding legal protection and facilities, and for transferring them from the State to the lives of the individuals.
- 9.151 Women had also been active in the growth of the labour movement.
- 9.152 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. The 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 celebration of the International Women's year in 1975, saw a sudden growth and a new turn in the women's movement in India.
- 9.155 One of the significant lessons 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.
- 9.156 Today there are many different types of organisations that work with or for women workers.
- 9.166 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.
- 9.168 The success of acquiring and maintaining recognition for an organisation in the unorganised sector is long and tedious, and full of struggle.
- 9.170 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 marginalized in Trade Unions.
- 9.180 Organisations often face resistance against recognition when they apply for registration. Most Labour Commission associate trade unions with the formal sector and they, therefore, tend to question whether these organisations can be recognised as trade unions.
- 9.182 Co-operatives too face multiple problems while seeking registration.
- 9.183 The major problem that co-operatives face in registration is the amount of paper work and procedures involved.
- 9.184 Trade problems may now be dovetailing 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.
- 9.186 The main success of most organisations lies in their capacity to mobilise workers, to raise awareness and to run campaigns.
- 9.188 Forming an organisation requires a great deal of effort, sacrifice and costs. The question is: What are the returns from this effort? The study conducted by the Study Group found substantial returns in terms of material gains, more employment, higher wages, access to credit at lower rates, access to healthcare, childcare, and so on.
- 9.194 The Rules and Regulations of the Government can encourage or discourage trade efforts to organise. 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.
- 9.195 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 NGOs as implementing agencies for Government schemes; recognise MBOs in Export Promotion Zones (EPZs) to protect women workers in this zone; set-up Voice Representation Systems for MBOs of women; invest in training and research organisations for building up capacity for MBOs and sensitive State, district, block and panchayat functionaries on issues relating to women, so that village level women's organisations may seek their help.
- 9.196 Apart from MBOs, other agencies including NGOs, trade unions and various organisations can play a 'promotive' and 'supportive' role for MBOs; support mobilising efforts of MBOs, especially to increase awareness and membership; support the setting up of capacity building systems including many types of training programmes; support the all-round efforts of MBOs to enter markets and advocate and assist in the setting up of various forms of Voice Representation for MBOs.
- 9.197 The MBOs 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.

- 9.209 The last two decades have seen a significant increase in jobs and literacy on the one 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 environment. 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 greedy 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, meriting 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 acute 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 1983).
- 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 equates all children not going to school with child labourers, emanates from the rights-based approach towards development which considers being-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 merged by poor parents, other methods are also used to recruit children to work in industries. A very common practice in the brass 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 most so visible form of child labour in 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 employed in 'gruelling' activities as well.

- 9.223 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.
- 9.224 As far as education, it has been observed that child workers in India are largely illiterate.
- 9.225 Few children outside of agriculture and traditional crafts can be said to be apprentices, learning vocational family skills.
- 9.226 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 our 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.
- 9.227 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, wherever child labour has been abolished, this is how it has been done.
- 9.228 At the same time, a set of complementary measures needs to be put into place.
- 9.229 Public action must be mobilised along all fronts to change attitudes towards child labour and to build public pressure against hiring children.
- 9.230 Significant consideration is to see the link between eliminating child labour and universalising elementary education. One cannot be achieved without achieving the other.
- 9.231 The entire strategy would have to be based on promoting the aim that no child should work, and all children should be in school.
- 9.232 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.
- 9.233 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 opportunities for education.
- 9.234 The law does not say what should happen to the child labourer once the employer is prosecuted.
- 9.235 The implementation of the Act depends entirely on the State's bureaucratic machinery. It assumes that the bureaucracy, cooly 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.
- 9.236 Education is referred to in three different types of laws. Instead of enabling 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.
- 9.237 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 (NCL) 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 incorporate 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 engagement of trade apprentices within the same trade group; lengthy and clumsy administrative procedures of record keeping and filling up of return; 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 underemployment 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 enhancing and utilising effectively the infrastructure for education and training; and of absorption of new technologies by labour using education and training.

10.23 Training targeted at achieving global competitiveness can be successful only through a sense 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, appointed by us has recommended a new modular approach to vocational training, which will aid multi-skilling, impart skills aligned 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 courses, the trainees also become more vocationally-skilled.

10.37 In order to meet the new challenges facing the India 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 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 sign in for training if the situation demands or they feel a need to upgrade or shift laterally.

10.47 The competency based training system is applicable to the about 5000 both in the organised and the unorganised sectors. This system can be effectively used to develop competencies in any sub-sector in all sectors of economy, such as manufacturing, service, trade and agriculture.

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 retraining.

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 higher qualifications (of competencies). This means that verification of trainees/trainers's competency based, accredited persons and institutions, can conduct the tests at specified intervals.

10.55 The credits will be valid for a specified period, thereby necessitating re-validation of the competency. In case a person already possesses competencies, gained incidentally, 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 99% 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 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 established. This also requires imparting attitudinal training requisite for the occupation for which the learner is being trained.

10.64 A large part of the employment is being generated in the services sector and, therefore, 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 learning. It is felt that 'trainers' 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 doorstep 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 concentrate on the creation of a large infrastructure for such institutions.

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 constructive means for providing training at the small and micro level.

10.70 For better marketing 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, cut 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 4271 Industrial Training Institutes (ITIs), there are a number of problems with the ITIs. They need to restructure and reinvent their concepts at a much

- 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.
- 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 vis-à-vis 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 seek 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 VRG 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 give suitable training programmes to the workers in the co-operative sector. The functionalities of the Pantayati 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.

- 10.72 Like, however, recommend that IITs need to run market-driven courses; review, and if necessary, revise curriculum every 5 years to keep it contemporary; give refresher training on new technologies and tools to teachers at IITs 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 IITs may be selected, on a pilot basis, for development into Institutes of Excellence. They should be managed jointly with the industry.
- 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 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.
- 10.82 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.
- 10.84 In order to provide for retraining of workers rendered surplus/obsolete 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 office 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 employer and employees to this fund; for the purpose of collection of the contribution, we propose that it be merged 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 concession; at all points of time, 25% of the total amount in the SDF will be invested in a corpus; 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; 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.

10.102 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 formulating and implementing the strategies needed to ensure that the best long term interests of workers are safeguarded.

10.104 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.

10.105 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 negotiates 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) 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.

CHAPTER - XI

LABOUR ADMINISTRATION

11.3 There was a lead and 'man' the Ministry should have the highest degree of competence, vision, empathy, tact, skills in the arts of persuasion and producing interpretation, and articulating 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.

11.25 It is necessary to have a clear and unambiguous definition of the 'appropriate government'. 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 in the amendments that we have suggested in Chapter VI are adopted.

11.30 In the Chapter on Review of Labour Laws, we have recommended that the Labour Laws (Exemption) from Furnishing Returns and Maintaining Registers by Central Establishments Act, 1968 should be made applicable to all establishments, and the same provisions under the respective laws should be enhanced to make it at par with the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Central Establishments) Act, 1968.

11.31 The employer should be required to maintain registers and display notices at the work-spot 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 3-9 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 regularisation, promotion, etc., conciliation should be optional. The party should have the right to approach Labour Courts and the Labour Relations Commission straightaway. However, conciliation 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 nominated by the Labour Relations Commission or alternatively to 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 unionists and labour inspectors.

11.43 All employing Ministries should be advised to implement awards or sanctions straightforwardly with a one-point-of-the-matter being referred to tribunals, failing which it should be decreed that the sanction has been given.

11.54 Qualifications for appointment of Presiding Officers of Labour Courts, be relaxed to include Conciliation Officers to be considered for appointment.

11.60 Labour Courts be given powers to issue decrees or initiate conciliatory proceedings for non-implementation or non-compliance of awards.

11.61 A Central Labour Relations Commission should be set up for Central sphere establishments, and State Labour Relations Commission should be set up for establishments in the State sphere. Above the Central and State Labour Relations Commissions, there will be the National Labour Relations Commission to hear appeals against the decisions of the two other Commissions. The National ERG, Central ERG and the State ERGs will be autonomous and independent. These Commissions will function as appellate tribunals over the Labour Courts. They will be charged with the responsibility of superintendence of the work of Labour 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 Commissioners' Organisation. They may also be considered for deployment in the Qualification of CPWC, 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 IR & Implementation Division, and in the Office of the OGLW. 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 workmen. Inductory, 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 AI India service, like the Indian 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 Attachés, drawn from officials of the Labour Departments or the CLS and later from the proposed All India Labour Administrative Services.

11.74 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.

11.75 The Central Government should lay down some norms for the laws - inspector ratio and the infrastructure of the Labour Departments.

11.76 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 CIRW and the State Industrial Relations Machinery should have the benefit of computerisation.

11.77 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.

11.78 Labour Inspectorate should draw its programme of selective inspections based on returns submitted 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 basic of random sampling or complaints. Conducting the inspections 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 100% check of inspections by supervisory officers at all levels.

11.79 To make conciliation effective, it is necessary to improve the status and competence and calibre of Conciliation Officers through proper recruitment, training and placement. A Labour and Judicial Service can be formed.

11.81 For effective labour administration, there should be legislative backup 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, curbing of the existing set of labour laws 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.

11.82 Voluntary resolution of disputes should be encouraged over judicial approach of settlement of disputes through adjudication. Labour Administration should encourage better human resource management practices.

11.83 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 conciling verification 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 Wages Committee required to be constituted under Section 3 of the Industrial Disputes Act should be substituted by an Industrial Relations Committee to promote in-house dispute settlement.

11.84 The National Labour Relations Commission should function as the appellate authority in respect of the decisions of the Central and State LRCs.

11.85 The Indian Labour Conference should be an effective forum for review, consultation and formulation or evolution of perspective and policies.

11.87 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.

11.88 We are in general agreement with the proposals in the Draft Indian Labour Code for the strengthening of the Indian Labour Conference. The ILC can be used as a sounding board for proposals of legislation.

- 11.89 Suggested functions of the Indian Labour Conference would include review of labour situation; consideration of Conventions and Recommendations of the ILO for adoption; sounding 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 into 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 Commissions constituted under specific labour laws have special roles and require a certain degree of expertise. The non-statutory committees examine and deliberate on a variety of issues. The Labour Ministry should formulate the necessity, utility and the efficiencies 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 employment patterns and at the same time assures rigorous standards for protection of safety and health requirements. Regardless of whether the production takes 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 organisational levels. It should promote the participation of workers and their representatives at all levels especially at the organisational level. The policy should promote co-ordinative and supportive arrangements for OSH management systems at the organisational level by inspectors. 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 particularly

- 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, organising, 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 his 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 establishment 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 organisation'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 concept of Mutual Aid Response Group (MARG) 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 receive assistance during emergency. Similarity 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.

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- 11.148 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 of 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 reviews should evaluate the overall strategy of the OSH management system to determine whether it meets planned 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 well as the academic curriculum starting from primary school level.
- 11.188 The number of inspecting officers in the office of DGMS is about 72 per cent lower 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 DGMS 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 even to telephonic facilities.
- 11.195 The inadequacy of staff in the DGMS, 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 1978-79 by the Committee on Illegal Coal Mining.
- 11.207 The present strength of inspecting officers cannot take the existing load of 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 posts. In case this situation, the DGMS should be allowed to levy service charges. DGMS may be permitted to hire services of retired engineers, engineering firms, surveyors, etc. to get the mines inspected thoroughly 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 Councils are unable to influence the courts to do justice to the Government's submissions. The remuneration paid to them is low. The records 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 DGMS has to play a pro-active 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 earmarking of a certain part of the State Inspectorate budget as well as that of DGMS 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 amongst various organisations functioning under different Ministries that deal with the area of safety and occupational health.
- 11.225 The such time the Board becomes functional, the activities of the Board can be undertaken by the DGMS.
- 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 DGMS 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-III.
- 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. Giri National Labour Institute.
- 11.237 Research projects of the V.V. Giri Nil 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. Giri 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 scrutiny 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 pay scales and infrastructure provided to the officials of the CBWE.

11.246 We, thus, envisage a more pro-active 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 (1970-71) 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 that end comment upon matters of common interest or concern, and to endeavour to compose any material difference of opinion between the employers.

12.3 The session of Indian Labour Conference held in 1959 discussed the functions of the works committees 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 diseases, 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, re-employment 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 1956 declared that in a socialist democracy, labour was a partner in tripartite committee that worked in the 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 (1966-69), 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, joint 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 central 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' committees on the councils may be nominated by trade unions with the bulk of nominees from workers, outsiders should be limited to 25% or less depending on local conditions. If it is decided to constitute technical committees, their constitution should be laid down and on these committees outsiders be allowed to be nominated. The size of the councils 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 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 (JCM) 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 and with the object of increasing the efficiency of public service.

12.12 The objectives of JCM are an amalgam of the objectives of the Whitley Committees, Joint Management Councils and agencies of collective bargaining.

12.13 JCM is confined to persons who are highly knowledgeable and do not suffer from a sense of inequality or inferiority of status in initiating or conducting discussions with the 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 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 recorded at the national level JCM on any of these matters.

12.22 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 minor works and coordinates the activities of the Departmental Councils. There is also a Joint Town and District Council for dealing with matters relating to the township, medical, health and education matters. The Joint Consultative Council of Management is 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 JSCOs reviewed in consultation with the Trade Union from time to time.

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 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 consisting 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 consensus and a decision once taken was required to be implemented within one month.

12.29 Functions 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.

12.30 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, port and railways, railway stations/bookery offices, government provident fund and pensions organisation, road transportation, electricity board, insurance and for other service industries was introduced.

12.31 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 services. The scheme also emphasised on discipline, elimination of difference and all forms of corruption.

12.32 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/enterprises having shop and joint councils after 1979. The schemes became controversial because of reasons 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 officialdom which also contributed to ineffective functioning of many forums and their eventual decline.

12.33 Another scheme notified in December 1983 was made applicable to central public sector undertakings was announced. All undertakings of the central government, which are departmentally run, were excluded from the scheme because of availability of JCM.

12.35 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, balance sheet, operational expenses, absenteeism, administration of social security schemes, workers training programmes, issues pertaining to women, welfare issues like housing, medical benefits, transport facility, safety measures, canteen.

12.36 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

<name>ship of Sh. Ramesh Varma. The then Minister of Labour and Parliamentary Affairs to consider and recommend the curbing of schemes for workers' participation at different levels of management in industrial establishments keeping in view the interest of the national economy, industry & its efficient management and the interests of workers.

12.37 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, democratisation of work process, safeguarding of the interests of workers and training of workers and managerial personnel in the art of participative management sector. Any scheme of workers participation should develop 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 concerns.

12.38 Taking into account the shortcomings of the various schemes implemented from time to time and the experience gained and to evolve 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, 1980.

12.39 It covers all the industrial establishments or undertakings as defined under the Industrial Disputes Act, 1947. Government will have the power to notify the classes of industrial establishments to which the law will apply. The bill provides for formation 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 15% and persons representing other workers shall constitute 12%. This bill was referred to Parliamentary Standing Committee on Labour & Welfare.

12.41 The last five-year document plan contained a number of references about coalition between the employers and the workers. It held the view that the employer-employee relationship is essential of a partnership and calls for closer collaboration at all levels between the employer and the employees for increased productivity, improvement of quality, reduction of cost and minimisation of waste.

12.42 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 helping to build a progressive state in his own way.

12.43 The third plan provided that the works committees would be strengthened and made active agencies for democratic administration.

12.44 The sixth plan had known that there should be emphasis on promotion of cooperation between the workers and the employers through participation in management.

12.45 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.

12.46 Workers' participation in management was discussed in the 32nd session of the Indian Labour Conference, and there was general agreement that participation should be assured through legislation, or by mutual agreement between the employees and employers of selected industrial establishments. The employers' representatives warned 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 standing orders, retirement, demarcation, 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 responsibilities, 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 selection 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.

12.47 The issue was discussed again in 36th, 39th, 32nd and 33rd Session of I.L.C. 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 wherever recognised under the law and in other cases by secret ballot. Dismissed employees whose cases are subjudice 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 also the workers representation should be 30%, 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 32nd session of the JLC also deliberated on issue wherein 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.

12.48 We have seen that the workers participation in management introduced successfully 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 employers' organisations have been against introducing schemes of workers participation in management by law.

12.49 While looking a day back 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 wherever 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 technology, improve production processes, achieve production targets, smoothen retrenchment and welcome introduction of new technologies, to make the enterprises capable of standing up to global competition.

12.50 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 found 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 sea 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, solitary 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 participatory 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 or 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 it 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 hardly creating any new jobs. Most of the existing industrial units are shedding excess labour, and in order to be competitive are resorting to sophisticated machinery and automation. The NSS data also 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 1000 persons, 418 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 7.43% in 1987-88 to more 0.96% in 1999-2000 but the growth of Labour Force Participation Rate (LFPR) has declined from 2.29% to 1.03% during the same period. The growth rate of GDP has gone up from 5.25% to 6.60% during this period.

12.60 The number of persons employed in agriculture has declined from 48.5% in 1983 to 44.5% 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 20.7% to 14.3%. 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 406.98 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 units. National Institute Mills has introduced VRS in six units in Tamilnadu. During the last one-year, 15,000 jobs have been cut between March 2000 and June 2001.

12.78 About 1200 employees of the Taj Group of Hotels have opted for VRS. Oberoi and Welcome Group of Hotels have downsized by about 2800. TDC may opt to load another 1500 after privatisation. Automobile companies are downsizing in order to remain competitive. Tata has got downsized by 9,375 workers, Bajaj Auto by about 4,785 workers and Hindustan Motors by 1500 jobs. Escorts, Chawwa Jindia, JKL Ltd and Bharat Heavy Electricals 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 58.9% 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 1.70% per annum during the 1983-94 period and has further slided down to only 0.53% between 1994 and 1999. Since there is a general preference for jobs in organised sector, this trend is of great concern. 40% of the labour force in 1999-2000 was illiterate and 33% had schooling upto 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 employed is obviously no guarantee for escaping poverty because of low underemployment. It is estimated that 6.5% of the total employed (387 million in 1999-2000) i.e. around 21.74 million are underemployed.

12.75 The Task Force suggested by Planning Commission has recommended acceleration of the rate of growth of GDP, with particular emphasis on steps that ensure spread of income, pursuing appropriate sectoral policies in individual sectors which are important for employment generation, implementing for-usc 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 and legal environment governing the labour market that encourages labour absorption, accelerated GDP growth to a range between 8% and 9% (combination with GDP growth of about 6.5% will -at help) to achieve our objective of generating enough additional employment. The Task Force has further recommended lowering of import tariffs to ensure competition and increasing efficiency, allowing agro companies to buy, store, crush and sell dehydrated and waste-based other dehydrated commodities and taking these largely out of government of licence; legal freedom of conversion of rural land into urban use; active involvement of large industrial units and MNCs in 'out-sourcing', de-recruitment and increasing FDI in the SSI sector, expanding grant of necessary permission for setting up of good quality hotels, substituting modern retailing, emergence of modern and large transport companies; and removing present bias against large

12.76 construction firms. Central Government should completely withdraw from the delivery of vocational training and labour reforms should be undertaken.

12.77 Recommendations of the Task Force were criticised by the Swaseeri Jagran Komiti, Bharatya Kshetraj Sangh, Khadi & Village Industries Board.

12.78 Therefore, in order to undertake a review of these recommendations, Planning Commission has now set up another expert committee headed by Planning Commission Member Sh. S.P. Gupta. New committee is considering an agriculture driven job creation to be placed in the broad policy framework of sectoral generation 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 unemployment 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.

12.79 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.

12.80 According to the Panel, rural activities can create an additional 80 million jobs.

12.81 All these undertakes are based on various specific studies by the International Commission on Peace and Food, ICDR, NCAER, etc. These estimates literature have a sound basis.

12.82 According to the Panel, operationalization of this plan will result in improved living standards for the rural poor in terms of nutrition, health and education.

12.83 These recommendations appear practical, and have a practical base. It is worthwhile examining these suggestions seriously.

12.84 We discussed 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 models of employment growth.

12.85 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, stable or rising underemployment, increasing incidence of long-term unemployment, declining labour force participation and low level of education and skills of labour force.

12.86 Casual workers are increasing in both the urban and rural sectors.

12.91 The major contributors to employment in 1993-2000 were agriculture (50%), 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 this period approximately was 1.54%. From 1993-94 to 1999-2000, the average GDP growth was 6.60% 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 18.56 million having cumulative annual growth in employment of 4.15%.
- 12.96 There were 33,70 lakh small units in 2000-2001 (as against 19.40 lakh in 1990-91) with total production of Rs.5,39,054 crore employing about 1.8million persons and exporting goods worth Rs.99,978 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 complaining of harassment by inspectors and the rigidity of labour laws. While the large corporate sector employed a total number of 63.4 lakh persons, the small-scale sector 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 Iron Steel, with labour costs of 15.3% of total sales. Compared to manufacturing companies, hotels have more than 22% of costs as wages to sales; Infotech companies have 42% of costs 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 dhabas, pan shops, bakeries, 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

- 12.106 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.
- 12.107 In a residential zone, processing and manufacturing activity is not allowed to be carried on, whereby a large number of undertakings have to be closed down. Activities like IT industry, which do not produce 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 water resources and its equitable distribution among the rural communities. The Green revolution which took place, concentratedly in a small area of the country seems to have become unsustainable. NGOs advocate and practice water management in a scientific, basic, 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 Gaurav Mandal in Maharashtra, Forest Revival and Water Harvesting by Tarun Dhruval 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 patterns, water management including drainage, integrated horticulture, floriculture, medicinal plant production, production of seeds and planting materials, animal husbandry programmes, integrated program of intensive aquaculture, sericulture, wasteland development, soil conservation, water conservation and tank rehabilitation, compost preparation, vermiculture and organic 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, environmental 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.

- 12.114 A new thrust for the creation of employment can be by way of encouraging large-scale private sector investment in forestry and promotion of agro forestry in 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 bushy forest growth and therefore these came under the control of the State Revenue Departments and cannot be leased and Forest Conservation Act applies to them. Though 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 these 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 of recession 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 food from 70% to 45%. The Township, Village and Private (TVP) enterprise 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 confluence of casual workers and self-employed persons who are in large numbers. New economic changes will provide opportunities and not 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.
- 12.119 There was no Ministry of Department 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 copies to constituents to be answered in the Parliament.
- 12.120 The obvious choice seems to be the Ministry of Labour. Unless there is someone responsible, there will be no initiative, no diligent execution and no monitoring.
- 12.121 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 unemployed. If it is promoted there will be resultant spin-offs like revitalization of arts and crafts, including the performing arts.
- 12.122 The specific components of development which are under way as per Tenth Plan include infrastructure development, product development and diversification, promotion of entrepreneurship and self employment, human resources development, promotion and marketing thrust with public and private partnership with the Government making as facilitator. Specific development initiatives include development of Mega Tourism resorts, targeted approach towards development of tourism circuits, and promotion and marketing initiatives.

- 12.124 Promotion of domestic tourism has mostly been taken up by the State Governments based on their own resources. Development of the low-end sector of the travel and tourism industry has been largely in the hands of small enterpriseshusnesses, and mostly confined to pilgrimage and other commercial/ industrial centres.
- 12.125 The developments in the field of telecommunication, the Internet revolution, and associated IT enabled technological developments are bringing about rapid, innovative and significant changes in different aspects of human life. In all sectors of human existence and activity, healthcare communication, trade, manufacturing services, entertainment, education, research and so on, information technology has been in the forefront of ground changes.
- 12.126 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 1,56,000 are working in the IT enabled services, and 2,29,000 in user organizations. The average level of about 1,00,000 personnel employed in the IT enabled services is likely to grow to ten times by 2006. Domestic sector also offers a large potential for all such services with improvement in the infrastructure like assured electricity, better communication links, etc.
- 12.127 The health care sector is another area which offers considerable potential for the creation 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 Governmental approach 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 mid-wives can be permitted to render simple primary health services.
- 12.128 When increasing effluence leading to changes in the lifestyle and the health concerns associated with this stress and strain of urban life, there is also going to be a large increase in the requirement for medical services in the urban areas. This is further compounded by the increase in population and migration. There is substantial scope for increase in employment in sectors like psychiatric counselling, fitness exercises and nutritionists.
- 12.129 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 expanding requirements of this sector.

REVIEW OF WAGES & WAGE POLICY

- 12.131 The resources to pay wages have also to be studied. They have to come from the economic activity and profit of undertakings.
- 12.132 Our Commission accepts the responsibility of the state to create an economic order in which every citizen finds employment and receives a fair wage.

- 12.194 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 employ any worker in the country.
- 12.195 Till such time as a National Minimum Wage Policy is evolved, the floor level wage may be treated as the current national minimum wage.
- 12.196 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.
- 12.197 In determining such a national minimum wage, the recommendations of different Committees, the 15th Session of the ILC, and the judgements of the Supreme Court should be used as guidelines.
- 12.198 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.
- 12.199 The country needs to reward persons who have put in more efforts to acquire specialized skills.
- 12.200 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.
- 12.201 As long as we follow a laissez-faire policy in respect of wages and both employers and employees are free to fix their wages, the Government has barely any say in the matter.
- 12.202 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.
- 12.203 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.
- 12.204 The unorganised sector which accounts for less than 5% of the total labour force of India enjoys privileges and perquisites which are considerably more than that in the rest of the country.
- 12.205 The principle of wage determination have been greatly influenced by Court decisions from time to time.
- 12.206 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.
- 12.207 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. 45000/-) should be the minimum wage for a worker in the unorganised sector.

- 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 for 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 policy as part of total anti-poverty programme?
 - 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 increase in productivity?
 - Can we have wage, income and price policy?

- 12.248 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.
- 12.258 We agree that it is necessary and important to take the effective settlement machinery down to the local level.
- 12.259 The involvement and consultation of local bodies including village panchayats in the enforcement of the rates and payment of wages is important.
- 12.262 Workers cannot be given minimum protection unless minimum wages are prescribed and enforced in the unorganised sector.
- 12.264 We feel that the state government should specify minimum wages for all unskilled category of worker and these wages should be the same for all industries. We recommend that the distinction between scheduled and unscheduled employment should be given up, whatever the employment, ratification 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 employments in that region.
- 12.265 We feel that the second alternative (industrial method of fixing minimum wage) is better because it gives an opportunity to all concerned to have a say in the matter.
- 14.475 We have to make our industries competitive by adopting suitable changes in the existing practices.
- 12.295 The policy of economic liberalisation has certainly helped some Indian firms who have the ability to face international competition.
- 12.303 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 coming up with productivity linked wage system acceptable to all.
- 12.308 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

- 12.338 Statistical information on labour related matters is basically utilized 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.
- 12.339 The Government requires a comprehensive, up-to-date, reliable and authentic data base.
- 12.340 The collection of statistics is the primary responsibility of the Government and it cannot be delegated to NGOs and private individuals.

- 12.344 The Government of India has made attempts to review the system of labour statistics. In 1975, the Labour Ministry constituted a small working group for simplifying and rationalising the various registers, returns and reports prescribed under various Labour Laws. Another Committee was constituted in 1981 to look into the procedures for fixing in computing the primary statistics as well as simplification and rationalisation of returns. Many important recommendations made by these bodies remain unimplemented.

- 12.359 There are many problems in constructing Consumer Price Index (CPI) for industrial workers. The delay in revising the base year on continuation of ILO Convention No. 150 and Recommendation No. 170 is a serious problem. The ILO Convention requires us to update the base year once in five years and not later than 10 years so that changes in consumption patterns and non-availability of specified items are effectively taken care of. Timely revision of the base year for index numbers has a cumulative impact on the weights of various groups of expenditure. The current series is based on the base year 1982. We learn that this abnormal delay is caused by staff shortage and administrative problems, etc. revision of the present poor remuneration to price collector/supervisor supervisors assist all to ensure effective involvement of these field workers and adequate training of price collectors and supervisors and other shortcomings.

- 12.361 The base year 1980-87 for Consumer Price Index for rural and agricultural workers is too old, some of the items included in the consumption basket have disappeared long ago, and new items have emerged in their place. The series has become defective. Judicious basket of these returns would not therefore be able to compensate rise in prices.

- 12.353 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.

- 12.354 The Labour Bureau also compiles price indices of 31 selected essential commodities for urban areas. These index numbers are supplied in 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.

- 14.365 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.

- 12.366 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.

- 12.368 The report on employment and unemployment prepared by the Labour Bureau bases an data on consumption expenditure in rural areas does not show the overall picture of unemployment in the rural areas. The Rural Labour Equality (RLE) is silent on information relating to the interregional period of two successive rounds of survey. There is a handicap for policy formulation.

- 12.369 The wage rate indices for 18 agricultural and non agricultural occupations remain also be constructed by the Labour Bureau.

Government has to decide as to which agency will collect this data and the methodology of such collection.

12.410 The Commission feels that collection and systematisation of data on compensation to workers in general would be necessary. This would include data on all allowances paid and monetisation of the various benefits given to workers. It is necessary to compile industry-wise or region-wise data on the total compensation paid to the workers in the organised sector.

12.409 A majority of wage agreements are normally filed in the office of the Labour Commissioner. If the Government either publishes these wages agreements periodically or encourages any private institution to do so, this will be a valuable source of information.

12.410 Where there are industry-wise agreements on 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 I.L.I.

12.411 Studies of what happens to the graduates of educational institutions and training programmes - so-called sector studies - should be encouraged to obtain information on the connection, or lack of them, between the activities that create human capital and the realisation of their benefits in labour markets.

12.412 They could give insights on the extent of misallocation of education and training resources.

12.413 A major shortcoming has been that the educational institutions or authorities rarely obtain information about what happens to their graduates and recruits after they leave the institution. Tracer 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.

12.414 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 developed countries such evaluation studies have yielded much better information about the effectiveness of alternative training and employment programmes.

12.415 A complete unique study in this regard is the Labour 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 dynamism and surplus and how the market for different occupations evolves over time. Labour economists have looked at the character-stics of firms in terms of labour force turnover, job security, and the cost 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.

12.416 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 special purpose studies probably of a particular sector in a specific region.

12.417 Studies at all India level may not be of much use. The Commission has suggested an umbrella legislation for the informal sector, and when the Welfare Boards are set up under this legislation, probably such studies can be conducted in the different regions for those occupations.

12.418 It is not difficult methodically to add some modules dealing with migrants' questions to any labour force survey and obtain better migrant data. The problem is that the sample of migrants is likely to be a relatively small proportion of the total sample. Specialised migration data collections need a great deal more information about migration processes.

12.420 Whenever the Commission visited various States, we asked the officers of the State Labour Departments as to the impact of new economic policies of globalisation and liberalization on labour. There was a general consensus that there was large-scale retrenchment, Voluntary Retirement Schemes (VRS), and industries were being closed. But some had very correct figures. We would suggest that the Labour Bureau or the National Labour Institute of the affected State Governments to undertake such studies. There are a number of labour research institutes in the country. Government can assign them work of collecting data on this subject.

12.421 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.

12.422 A good number of Indian workers are working in countries in the Middle East and other countries. Statistics of 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.

12.423 The primary source of information on migration from India is the data published by the Directorate General of Emigrants, Ministry of Labour, Government of India. However, the Act exempts some categories of people from the Emigration Check & Not Required (ECNR category). The ECNR category of migrants affects the reliability of the data, as their numbers are not captured by the emigration data. Over and above, outflow of the proportion of the labour force (ICMR Category) to the Middle East has been on an increase.

12.424 The partial nature of this data is further compounded on account of illegal migration through the manipulation of tourist and business visas.

12.425 One of the areas requiring immediate attention is with respect to the creation of an appropriate information system on the international labour migration phenomenon from India. This is an important prerequisite to make future contact labour export strategy more purposeful and also to formulate effective reintegration/rehabilitation schemes.

12.426 The status of migration data can be improved drastically by making the registration of entry by migrant workers mandatory in the liaison missions operating in labour importing countries. The consuls 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 53 years is the compilation of CPL 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 ILO Convention.

12.371 There are two main present data gaps in the Annual Survey of Industries: (i) data on earnings need to be collected every year instead of in 4 years and, if there is need to collect data on wages in addition to the total labour cost of units, and (ii) the electricity establishments registered under the Central Electricity Authority were excluded from the ASI survey w.e.f. 1968-69 as data on different aspects of industry were available with the Central Electricity Authority. However, data on labour turnover, absenteeism, man-days worked, wages, earnings etc. may not be available with the Central Electricity Authority.

12.374 Occupational Wage Survey (OWS) data are of immense importance for conducting scientific studies on wage patterns and formulation of wage policy.

12.376 The main problems in the OWS are: (i) labour 8/10 to ten years to complete one round of the survey which is a very long period, the delay has caused delay in releasing 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.

12.380 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 filing the returns, inadequate coverage, low wage ceilings excluding large number of work-force, etc.

12.383 The data generated by the Directorate General of Employment and Training provide estimates of 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.

12.384 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.

12.385 The shortcomings of the data generated by the DGET 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 unemployment level and underestimation of the employment level, lack of data on the unemployment level in rural areas, etc.

12.386 It is important to redefine the role of the employment exchanges to meet the new challenges.

12.387 The Directorate General of Mines Safety (DGMS) is an enforcing agency under the Mines Act 1952. The management 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 definitional

problems, low response rate in non-unionised mines, outdated base year for index numbers for wages of the workers in mines, old format of the statutory returns and non-uptation of index numbers for workers of the workers in mines need to be revised/updated periodically.

12.392 In order to avoid the delay in publication of data by Labour Bureau, one to have the latest information for use, Directorate General Factory Advisory Services and Labour Institute (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 which processed manually which sometimes makes the available data faulty and inaccurate. What is required is to make it obligatory to submit the returns and to computerize 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, periodical surveys and research.

12.395 396 Adequate data regarding industries and establishments and wage level of industry in areas where the scheme is not in force is not available. The main sources of statistics on industrial 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 CSI scheme for better and reliable statistics.

12.399 The data management system under the social security schemes should be computerised so as to ensure better management of the Employees State Insurance, the Employees Provident Fund and other social security acts.

12.402 The census data have 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.

12.403 National Sample Survey Organisation (NSSO) collects data on different parameters of employment and unemployment through its quinquennial surveys since 1972-73.

12.404 The limitations of data are: the data does not capture informal sector workers, need for more 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 provide standard error of estimates of employment related variables, and 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.

12.405 The Labour Departments of the State Governments also do generate lot of data in respect of labour matters. Some compile and publish this data, while others do not.

12.407 There are certain areas in which no data is being collected in India. We propose to set some such areas and see that efforts should be made to collect data in these areas. The

- 12.438 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 defaulters. Since 1994, the percentage of submission of returns from trade unions has never been above 17%. In 1988, 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 the Commission has recommended for trade unions may improve the present situation.
- 12.439 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 long. Moreover, the occupational wage surveys does not include all categories of workers and therefore it is of not much relevance.
- 12.440 The Director General of Employment & Training publishes 8 publications. A lot most of these publications are brought out with considerable time lag.
- 12.441 The Employment, Market Information Programme (EMIP) does not cover employment in many sectors and therefore this data published by DCEI is of not much significance.
- 12.444 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 enactments. 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.
- 12.445 The prevalence of some forms with varying scope pose a problem especially to those filling and submitting the return. It also leads to confusion among the data users.
- 12.446 Our 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/very and delayed response of the returns under various Acts, poor quality and incomplete information, surveys/studies not reflecting the current economic scenario and non-availability of micro level/dis-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.
- 12.450 The statistical system in the labour departments in the states should be strengthened from district level onwards.

- 12.427 The nature of outflow data at home can be strengthened by a better utilisation of the data already available with government departments and recruitment agencies. Establishment of computerised 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 data relating to return migration can be strengthened by proper use of the disambiguation 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.
- 12.431 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 Governments for data collection. Since the data is to be collected periodically from the households, it will be necessary to involve the Panchayats, Blocks, Districts, Municipalities, 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 the 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 ILO 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 conventions with priority to the Convention Number 150 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 stake 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.

12.451 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 DGET, DCFASLI, etc and improve 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 regarding motivation or otherwise of occupational wage survey in its present form, inclusion of various economic activities under NERSY survey and so on.

12.453 The existing labour information system is heavily 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 reconcile these divergent 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.160) household Expenditure Surveys are to be conducted every ten years. The work has been initiated in 1989-2000 and new CPI (IW) series is likely to be released in 2003. This time lag is too long. Hence the Government needs to initiate a legislation like the Census Act, 1948 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 transmission. This system has already broken down and is unable to cope up with the size and complexity of data. Hence massive computerization and introduction of digital labour information system is absolutely necessary. This labour networking will ensure speedier 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 integrative system of collection, storage and retrieval of all the information available and designing appropriate indices 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 model agency to operate this system and also at state level (including district). Special training programmes will have to be organized 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 I)

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF LABOUR/SHRAM MANTRALAYA
SHRAM SHAKTI BHAWAN, RAJI MARG
New Delhi, dated the 15th Oct., 1999

R E S O L U T I O N

No. Z-20014/8/99-Coord. - The Government of India have decided to set up a National Commission on Labour consisting of the following:

CHAIRPERSON

Shri Davindra Varma

FULL TIME MEMBER

1. Dr. B.R. Rao

PART TIME MEMBERS

1. Shri Sunil Shastri
2. Shri Sudharshan Sazim
3. Smt. Sanjeeva Reddy
4. Smt. Itendra Vir Gupta
5. Smt. E.A. R. Bhat
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 safeguards 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 resumption in the Gazette of India. It may, if it deems fit, submit interim reports for any specific problem(s).
 4. The Commission will devise 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. MISHRA)

SECRETARY TO THE GOVERNMENT OF INDIA

2-20014/8/99-Coord.

New Delhi, dated the 15th Oct, 1999

ORDER

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.

(**DR. L. MISHRA**)
SECRETARY TO THE GOVERNMENT OF INDIA

Annexure - II

Resolution of the Government of India appointing to
Shri C. K. Saji Narayanan, Part-time Member

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF LABOUR/SHRAM MAUJALAYA

Shram Shakti Bhawan, Rafi Marg,
New Delhi, dated the 15th January, 2001

RESOLUTION

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 Sri Masubhai Dave appearing at Sl. No. 7 of the part-time Members may be substituted by the name of Shri C.K. Sainarayanan.

(**ANOD VAISH**)
SECRETARY TO THE GOVERNMENT OF INDIA

No. Z-20014/8/99-Coord. New Delhi, dated 15th January, 2001

ORDER

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.

(**ANOD VAISH**)
SECRETARY TO THE GOVERNMENT OF INDIA

Annexure - III

Secretariat of the National Commission on Labour

Chairman

Shri Ravindra Varma

Chairman's Secretariat**Private Secretary**

Shri P.N. Shukdhar

Personal Assistants

Shri P. Sivan, Ms R. Chulingamphy,

Data Entry Operator

Smt. Lissy Sunny

Full Time Member

Dr. B.R. Sabade

Member Secretary

Shri N. Sanyal

Director

Shri T.C. Gireha

Joint Directors

Dr. Rashmi Agrawal Shri Piyush Sharma

Deputy Directors

Dr. R.S. Tiwari Shri D.P. Singh Smt. Priti

Administrative Officer

Shri G. Roy

Principal Private Secretary/Private Secretary

Smt. B.K. Lamba Shri Chander Kumar

Investigators

Shri Arun Kumar Sarkar Shri Anil

Shri Sunil Kumar Smt. Dipati Bose

Shri D. Patro Smt. Shammai Sahoi

Personal Assistants

Shri Bharat Bhatnagar Shri Vineet Grover

Shri Jaswinder Singh Shri Gurbachan Singh

Shri Rajeev Kumar Shri Naresh Kumar

Shri AVR Subrahmanyam

Assistant/Accountant

Shri Lata Ram Shri P. Mannan

Lower Division Clerks

Shri Arvind Kumar Shri vikram Singh

Staff Car Drivers

Shri P. Sunder Shri S.R. Pandey

Peons

Shri D.D. Bhardwaj Shri Gambhir

Shri K. Ramesh Smt. Guddi Devi

Shri Sanjib Sasmal Shri Suresh

Farashi

Shri Churni Lal

Annexure - IV

Questionnaire Circulated by the National Commission on Labour

**SECOND
NATIONAL COMMISSION ON LABOUR**

QUESTIONNAIRE

PART-I

(ORGANISED SECTOR)

**NATIONAL COMMISSION ON LABOUR
MINISTRY OF LABOUR**

"WATRESS" Building, 2nd & 3rd Floor,
30-31, Institutional Area, Opp. D Block,
Janakpuri, New Delhi - 110 058
Telefax: 5617916, 5617911, 5617902, 5617904

RECRUITMENT & INDUCTION

Recruitment

1. How is labour recruited in various establishments of different categories like :
 - (i) Private sector
 - a) Companies
 - i) Large scale?
 - ii) Medium scale?
 - iii) Small scale?
 - 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) Charitable Districts
 - (v) Very Small Establishments in Informal sector?
2. Indicate your satisfaction level against system of recruitment in each category?
 - (i) Is there a mismatch between demand for particular skills in industries which are emerging or are 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?
 - (a) Whether at the time of recruitment deliberation best is taken?
 - (b) Whether the present system of assignment of work takes into account the aptitude of the labour? If not, what measures do you propose so that the worker is given the work of his aptitude?
 - (ii) Will skill upgradation improve supplies in different categories of labour? If so, what should be the remedial measures?
 - (iii) In what categories of industrial establishments are migration and reverse migration prevalent? What provisions do it pose in recruitment and how could these be overcome?
 - (iv) Whether recruitment of permanent employees is directly connected with financial problems? What do you feel?
 - (v) How do the existing statutory provisions in regard to employment 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 promoting employment of women?
3. In the context of structural adjustments and changing production processes, in the emerging, to what extent is casual/labour/intermittent labour is a) justified, and b) unjustified? what steps should be taken to safeguard the interests of the justified categories of casual labour?

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 and 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 technological 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 promotion 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

20. Do you think that present technical training institutes need any change and the curriculum updated?
21. Can you propose any technical courses to be included?
22. Do you think it is the function of industrial establishments to run educational centres to update workers as per their requirements? If yes,
 - a) Should that function be voluntary?
 - b) Should that function be made obligatory?
 - c) 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 produced by the industrial establishments? Do you wish it to be made obligatory? If so,
 - a) In house training.
 - b) By allowing special leave or relaxation in shifts or hours of working for those desirous to get training outside.
 - c) Monetary assistance for training.
24. Regarding employment of women and disabled:
 - a) are you satisfied with present mode of employment of women for work?
 - b) are they discriminated?
 - c) do they need special facilities?
 - d) what measures do you propose to do justice to employment of women?
 - e) 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 Plantation 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 diseases and (vi) overtime payment. 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. In the matter of national and festival holidays, what is the extent of difference in the total number of holidays from region to region? Is this difference justifiable? If not, is it possible to bring about uniformity in the total number of holidays in different regions?
3. Do you propose a national and/or uniform policy of leave all over the country irrespective of age and structure of industrial establishment?

3. What changes are necessary in the existing arrangements for ensuring conditions of work other than in factories, mines and plantations?
4. Does the worker find job satisfaction? If so, what are the reasons and how to remedy them?
5. During work do you undergo physical and mental strain? What can you propose for being free from strain?
6. Work is said to be worshipping and worshipping cannot be under strain or stress. Then why and how do we propose to create an atmosphere free from strain and which is pleasant and enables better performance?
7. (i) Does your organisation have canteen facility? Is canteen service subsidized? If not, what do you propose? Do you propose cash subsidy instead of subsidised 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 freely seek the solutions?
 - b) Is there no authority to solve such problems?
 - c) In case there is to hear and redress, what do you do?
 - d) Do you raise labour problems at work?
 - e) Do you put in a fair day's work? That is do you feel happy about your performance?
9. What, in your knowledge, is the extent of prevalence of employment of child labour? In what industries facilities for 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 benefits 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 describe any conditions regarding flexible working hours. How can this system be introduced?
13. With the introduction of computers, internet, modern 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 conceived from where is likely to come into practice. What conditions can one propose and how this virtual office can be regulated? Should we have any new legislation or provisions in the existing legislations regarding the conditions of work in such cases?
14. Many countries 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 the hour called 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 on safety for the benefit of new entrants to industrial establishments? Are any refresher course necessary for those who are already in employment? How should such courses be organised?
(ii) In your organisation, does the management impart training for handling hazardous operations to every worker?
17. 'Safety standards' in some industries have been evolved by bicartie agreements. How have these agreements worked in practice? How can this bicartie approach 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 employers, particularly in industries like chemical, electrochemicals 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 should provisions concerning industrial safety (Annexure (i) in the Factories Act, 1947, the Mines Act, 1952 etc., be amended?
20. Is the supply of safety equipment to workers for their personal use like gloves, shoes, spectacles, helmets, aprons, etc. adequate? Is there any reluctance on the part of workers to use such equipment? If so, what measures would you suggest to overcome this reluctance?
21. In your organisation, 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 organisation, are fully trained workers manager by hand to safety, dangerous, accident-prone work done? Is a technically 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 full expenditure of treatment including medicines. Are the nutritional requirements and incident costs also borne by the management which employs the workman?
24. In case of loss of a limb or capability to perform the same task, is the workman entitled to service with suitable work without loss of his income?
25. Does workmen's compensation as prescribed meet total requirements?
26. How has the present industrial policy adopted since June 1991, affected the employment conditions of the workers?
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?
27. At the moment, the officers from the department of Safety and Health do mainly paying work. If the law is not observed by the employers, punitive action is taken against them. Do you think that these officers should give more emphasis on the positive aspects of implementing various conditions regarding safety and health such as conducting training

programmes, providing guidance, making useful suggestions, designing proper equipment, suggesting a proper layout etc.?

19. (i) What are your suggestions regarding training in Health and Safety by establishments not covered by Factories Act and/or Shops and Establishments Act? What are your views about working conditions in these establishments? How Safety and Health aspects can be introduced in them?

(ii) Provisions regarding Occupations Hazard in establishments other than Factories appear to be inadequate. Is it necessary that industries like software, building construction, marine transport, atomic energy etc. be provided with necessary provisions?

20. Do you think that the chemicals whose production has directly or indirectly disabled countries whose main industry is ecology as well as disaster? Do you think that such products 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 workmen of the factory but the people living in the vicinity too. The Bhopal Gas Tragedy took toll of only a couple of workmen 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. Which are the factors which have contributed, a) positively and b) negatively, to the development and expansion 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/international/family well being? Give reasons for disagreement, if any, and propose alternative.

b) Do the trade unions normally include in their demands items which benefit their members in general in improving their living conditions, such as cooperative housing, consumer cooperatives, common good 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 fostering 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 order unions, trade unions/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 ethos and culture of social partnership among the Trade Unions, Employers and Government have been a) divided and b) strengthened, in the last decade? If the answer is a), give reasons and suggest remedial steps. If the answer is b), give the reasons and further suggestions.

8. In view of the economic liberalisation and globalization,

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 organizational pattern and attitudes?

c) What are the needs of activity in which they have an independent role to play?

d) i) what other means should they function in cooperation (?) 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 level 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 / or made more functional at the State level?

11. If it necessary and possible to meet the interest of the consumers while meeting 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 tripartite consultations at 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 organs/ unions of employers and workers and their constituents? How should these arrangements be improved?

16. Are there occasions when central organizations 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 organizations of employers and workers at the national level implemented by their constituents? Are there any effective sanction 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' organizations? Could you cite instances of such difficulties? How are such difficulties resolved?

19. What should be the responsibility of all India organizations of employers and workers towards (i) promoting 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 constituent 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.
20. Should trade union activity be prohibited in certain sectors such as hospitals, educational institutions, defence establishments, etc?
21. Should the trade union formation on caste basis be discouraged? how?
- Trade Unions — Constitution and Finance**
22. Should it be mandatory for trade unions that they must submit their annual report to the employers or the management where the union is working?
23. Should the procedure for the union or the office bearers from criminal liability be removed or curtailed?
24. If the union observes legal strike, should the members of unions or office bearers be given any punishment?
25. How are the office-bearers who man the trade unions appointed? How many of them are paid?
26. How are members of trade unions recruited? How are applications for membership scrutinized? What is the extent of multiple memberships of trade unions?
27. 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.
28. How do Trade Unions encourage participation of members in trade union activities?
29. 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?
30. a) What in your opinion is the extent of prevalence of closed shop? Is an establishment where only members of a union in good standing are hired or retained as employees.
- b) "Closed 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 stipulated level they join the union within a specified time. State its merits and demerits in Indian conditions.
31. What are the advantages of internal union and what are its disadvantages? What would you prefer, internal union or union with external leadership?
32. In what ways do trade unions help members/dependent of members in their personal affairs like unemployment, sickness and personal 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 advisable in the Indian conditions? If it is, should the structure 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 impact of political parties on the pattern of trade union development in India?
36. Should we allow 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 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 incorporated for this purpose?
41. At present, there is no limit on the number of seats 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. In Companies Act, some limits are prescribed on an individual holding directorship. Along 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 your 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 period be laid down for review of the percentage of membership to avoid frequent changes which affect discipline, production and productivity in the organization?
- Trade Union Recognition**
46. What are the advantages and disadvantages of regulation of trade unions? Are there some aspects in which the powers of the Registrar of Trade Unions could be altered with advantage?
47. Has there been a change in the attitude of employers towards trade unions, particularly in the matter of recognition of unions? If so, what have been the contributing factors?
48. What should 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, 1947 and Industrial Disputes Amendment Act, 1978 & 1998 in the matter of recognition of trade unions or provisions of M. P. Industrial Relations Act / Bombay Industrial Relations Act, 1967/ Maharashtra Recognition of Trade Unions Prevention of Unfair Labour Practices Act?

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 organization 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 organizations 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 officers/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/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' 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 managements? 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 Glass 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' organizations to the introduction, either by voluntary agreement or statutorily 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 mutually/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?

51. What are the advantages of industry wide 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 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 secret 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 Food Corporation of India case where verification by secret ballot was ordered?
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 as employer towards trade unions?
59. What should be the role of trade union leaders during working hours in the shop floor in removal of grievances? Should the workmen who are union leaders be allowed freedom to leave the work/ workplace during their working hours in perform functions of union leaders? Should they be allowed permission to save workplace/shop floor?
60. What procedure should be evolved to ensure that production/productivity 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 30 years, with special reference to the legislative and other arrangements for prevention and settlement of industrial disputes.
2. How have the patterns of industrial conflict changed in the last 30 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 liberalization?
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?

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- 22. What have been the difficulties in identifying the "go-slows"/individual methods affecting production/productivity/work culture in the workplace? Suggest suitable procedure which can be evolved to pinpoint/identify and avoid "go-slows" in workplaces?
 - 23. Define positive work culture within the organization. Suggest procedure whereby mass 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 bipartite/tripartite 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 where converse of the situation mentioned in the above question has occurred? If so, please elaborate.
 - 26. Have there been instances where even after specifically interlocking in the agreement that issues settled will not be raised during the period of settlement, similar 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) & 34 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 labour market cooperation? What is your view about such concessions being extended through 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 strike or 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 employees"?

- 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?
- Joint Consultation**
- 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 retained in the Industrial Disputes Act, 1947? What changes, if any, would you suggest and for what reasons?
 - 38. What have been shortcomings of the scheme of joint management councils and emergency production 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 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 proceedings to cover strike notices in non-judicial writs services also?
 - 49. Do you think that the scope of issues coming 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?

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 have 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 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 of 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 demand being declared illegal?

50. Do you consider that efforts in conciliation should be pre-emptive 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 Govt.' etc. as set 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 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 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?

83. How effective 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 (b) as a party to the dispute?
85. As present, if the employer's illegal, there is a punishment in the employer and if this strike is illegal, 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/semi-skilled labour force, new methods of production and informatization 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 revisited? 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?

Dearness Allowance

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 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?
 - a. In a system in which dearness allowance adjusted to changes in cost of living is favoured:
 - i. Which index number viz., (i) all India, (ii) regional or (iii) local should be preferred?
 - ii. What should be the frequency at which revision should be made - monthly/quarterly/ half-yearly, etc.?
 - iii. What should be the extent in change of index which should warrant such revision in dearness allowance - each point/slab of 5 points/slab of 10 points, etc.?
 - b. Give reasons in determination of quantum of dearness allowance, what should be the principles governing the rate of neutralization of price rise?
 - c. In determining the quantum of dearness allowance, what should be the principles governing the rate of neutralization of price rise?
8. Considering that payment of a cost of living allowance is meant to 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?
13. Do you support the concept of normative wage (ratio 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 this 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. Estimate 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 in lieu of industry-specific wage boards?
18. Is collective bargaining for wage fixation, should be the primary emphasis be laid on national agreements? If so, what adjustments should be made to meet legal 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 economics 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 enduring 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 sanction?

Wage Policy

22. It is said that in the balance between fair wages to workers, fair profits to employers and fair returns to treasury, the consumers are often left behind. How far is this contention valid? How best can the situation be remedied?
23. In the context of planned 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 globalization of the Indian Economy and third on 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?

- 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?
- 26. (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?
- (ii) If time 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 extension?
- 28. What should be the component factor which should determine the wage? How would those 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 laid down, 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

- 1. 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 employers 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 improvement in productivity?
- 9. What is the place for the innovation of worker for improving his standard of living in the successful working of incentive schemes?
- 10. What is the potential of new technology in employees' 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

- 1. (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 on a qualifying period for entitlement, led to large labour turnover? If so, what should be the remedial measures?
- 2. The convention on Minimum Standards of Social Security adopted by the International Labour Organization refers to the following branches of social security, namely, medical care, sickness benefit, old age benefit, unemployment benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivor's benefit.
(a) To what extent is each 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 fund such expenses? Should it be Government or employer or workman 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 shared?
- 3. Do you propose a suitable method to build a corpus with/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 on 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 organized 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 overcoming these?
(ii) Suggest control systems to be evolved to avoid malpractices/abuses/absenteeism in respect of the benefits of ESI/Social Security Schemes.

5. Should the provisions for exemption from the ESI Scheme be lightened? How should this be achieved?
 6. Do you think it is necessary to introduce unemployment insurance schemes? 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?
 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 families?
 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 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 F.U.F. Scheme to make the administration more satisfactory?
 13. Should a part of the provident fund be set apart for providing 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 factors that have affected the proper and effective implementation of the various labour laws as per annexure-1. Have these laws achieved the proposed 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 protected economy, the restrictions were perhaps justified, but now, those may not be relevant.
 3. (a) How have the existing legislation and other provisions for protecting the interests 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 implementing 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/ decentralisation of certain activities and functions necessary?
5. a) Should there be separate labour legislation for large, medium and small scale sector? If so, suggest changes required.
- b) Should there be separate provisions in labour legislation for public sector and private sector?
6. Do the control systems - reporting system/inspectorates/committees by Inspectorates/committees - lead to malpractices? Suggest changes required.
7. 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 notification?
8. 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?
9. On the basis of precedents evolved out of case laws over a number of years, what are your suggestions for reviewing and updating labour legislation in the country?
 - a) What are your suggestions regarding rationalisation and consolidation of existing labour laws after fewer comprehensive laws?
 - b) At present the definition of workmen, employee, women, industry are different 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 Trade Disputes, Inter Union 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 device of tripartite institutions, based on voluntary approach?
 1. Do you feel satisfied with tripartism as it prevails at present?
 2. Do you wish to shift to bipartite system of regulating labour relations?
11. 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?
12. What is the relative position of labour law enforcement in public and private sector? Please give your own comments on the present schemes of things.
13. Do you consider certain legislative provisions responsible for labour market rigidity, particularly relating to organised sector employment growth deceleration or stagnation? Please identify and suggest suitable legislative modifications.

- 16. Are changes necessary in labour legislation to curb "go-down" and "sudden stoppage of work"? If so, please suggest specific provisions.
- 17. Can there be generally accepted "exit policy", protecting the interest of both management and labour? If so, suggest changes required in existing legislations and outline the suggested policy.
- 18. Managements, as also in some cases labour, generally avoid using labour legislation machinery because of too much cumbersome taking procedures/perceived corrupt practices of officials/absence of transparency and/or 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?
- 19. There have been often a feeling 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 neither do the legal laws unlike in respect of many other declared state 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 and frequency of collection. The limitations 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? If the implementation of the Collection of Statistics Act, 1953 the answer?
- 2. There is a feeling that the practice of entrusting the administration of labour laws to different offices, the statutory requirements of maintenance of different registers and sending of different filings returns under these Acts, result in a good 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 state legislatures resort to haphazard revision of laws 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 unemployment 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 gap?
- 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 labour for each state/region? What other statistics would be required for framing an operational programme?
- 9. The use of unemployment based on employment exchange registration suffer from two basic flaws, viz. (i) an unemployed persons, particularly in rural areas, do not get themselves registered and (ii) persons securing employment continue to be included in the employment exchange registers long after their employment due to non inclusion 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 re-employment by employment exchanges? If so, please outline its features.
- 13. What improvements can be made in the Employment Exchanges to ensure that the infra-structure 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 co-ordinated research has been successively compiled 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 labour 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?

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 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 SAFETY NETS

1. 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/products in the organisations, while the organisations need flexibility in quality and quantity of manpower, the workers apprehend emotional 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 job loss due to restructuring, down-sizing, merger etc.?
4. What financial assistance should be provided to the redundant, retrenched, 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?
7. What should be the duration of such financial assistance either for a specified period or till redeployment?
8. What steps should be taken to improve the National Renewal Fund Scheme?
9. One of the criticisms of the V.R.S. is that the middle level supervisors are availing the benefits rather than the lesser skilled workers leading to vacuum in the organisational structure of enterprises and defeating the objective of the Scheme. Do you agree? If so, give reasons and your suggestions for improvement.

10. What are your suggestions for ensuring that the state intervention in long run technological requirements under the retraining and retooling component of VRS Scheme is adequately achieved?

11. What has been the efficacy of the VRS 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 rehabilitation programmes? How do they compare with the VRS and what have been the response to these schemes?

13. How would you assess the restructuring of industries which leads to displacing 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 required to provide necessary fund for retraining and rehabilitating them?
- (c) Would you propose any social Scheme?

- (d) Do you perceive that in view of the present industrial policy of liberalisation, increased use of informal or 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 intermediate, home-based category of workers etc? What implications would these hold 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, technologies, 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 sectoral requirements and labour market and planning needs?

ANNEXTURE - I

List of Important Labour Acts

1. Factories:-
The Factories Act, 1948
2. Mines:-
The Mines Act, 1952
3. Plantations:-
a) The Tea Districts Emergent Labour Act, 1932
b) The Plantations Labour Act, 1953

6. Transport:-

- a) The Indian Railways Act, 1930
- b) The Merchant Shipping Act, 1958
- c) The Dock Workers (Regulation of Employment) Act, 1948
- d) The Motor Transport Workers Act, 1961

5. Legislation Relating to Workers in Shops and Commercial Establishments.

6. Legislation Relating to Industrial Housing:-

- a) The Bombay Housing Board Act, 1948
- b) The Madhya Pradesh Housing Board Act, 1950
- c) The Mysore Housing Board Act, 1955
- d) The Hyderabad Labour Housing Act, 1952
- e) The Uttar Pradesh Industrial Housing Act, 1955
- f) The Punjab Industrial Housing Act, 1955

7. Safety and Welfare:-

- a) The Indian Dock Labourers Act, 1934
- b) The mica Mines Labour Welfare Fund Act, 1946
- c) The Coal Mines Labour Welfare Fund Act, 1947
- d) The U.P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950
- e) The Coal Mines (Conservation and Safety) Act, 1952
- f) The Bombay Labour Welfare Fund Act, 1953
- g) The Iron Ore Mines Labour Welfare Cess Act, 1961
- h) The Assam Tea Plantations Employees' Welfare Fund Act, 1959
- i) The Assam Tea Plantations Provident Fund Scheme Act, 1955

A. Wages:-

- a) The Payment of Wages Act, 1930
- b) The Minimum Wages Act, 1948

9. Social Security:-

- a) The Workmen's Compensation Act, 1923
- b) The Employees' State Insurance Act, 1948
- c) The Coal Mines Provident Fund and Bonus Schemes Act, 1948
- d) The Employees' Provident Funds Act, 1952
- e) The Maternity Benefit Acts (Central/States)

10. Industrial Relations:-

Central Acts-

- a) The Indian Trade Unions Act, 1926
- b) The Industrial Employment (Standing Orders) Act, 1946
- c) The Industrial Disputes Act, 1947

State Acts-

- a) The Bombay Industrial Relations Act, 1946
- b) The U.P. Industrial Disputes Act, 1947
- c) The Madhya Pradesh Industrial Relations Act, 1960

11. Miscellaneous:-

- a) The Children (Pledging of Labour) Act, 1933
- b) The Employment of Children Act, 1938
- c) Legislation Relating to Indebtedness
- d) Collection of Statistics Act, 1953
- e) The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959
- f) The Apprentices Act, 1961
- g) The Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958
- h) The Kerala Beedi and Cigar Industrial Premises (Regulation of Conditions of Work) Act, 1964

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 Workmen Act, 1979, Plantation Labour Act, 1951, Beedi & Cigar Workers Act, 1966, Bonded Labour System (Abolition) Act, 1975, Contract Labour System (Regulation & Abolition) Act, 1970, sufficient?
16. What are your specific suggestions regarding the changes that are required in the above laws in the context of unorganised sector labour?
17. What are your views for enactment of legislation on the lines of the Kerala 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 conditions 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 or other organisations among various kinds of unorganised sector labour?
23. 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?
24. Is the choice 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 to what effect? Which are the successful efforts and factors which helped such successes?
29. Is organisation of unorganised sector labour an essential prerequisite 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, 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 both 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 centre in this regard (in your State/region/area) 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 questions? 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 these who are mostly or completely self employed in agriculture vis-a-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 urban 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 total emoluments if it were to lead to the employer with creating non-monetary 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, 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 in reducing the minimum wage for drought relief, flood-relief and employment guarantee programmes 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 services in this regard and how these can be improved.
 46. What has been the impact of employment generation schemes like KIRP, RLEGN, JRY, 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 be below cost of piece rated 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? Should such schemes be operative only as a support mechanism, particularly for lean season employment in rural areas?
 48. What should be the criteria for allocation of funds to an area/district/State for employment generation programmes?
 49. 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 Act be vested in Panchayat Raj machineries, particularly in rural areas? Financial authorities in urban areas.
 50. In the context of economic liberalization with its emphasis on cost competitiveness and efficiency, leading to manpower rationalization / separation in many organised industries, what are your suggestions for improving the social security/ manpower development set-up for stabilizing unorganised sector employment?
- Migration**
51. 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?
 52. What are the estimates of migration inflow and outflow in your area during last 5 years? Is inter-state or inter-state migration in your State a serious problem? What steps have been taken to manage it?
 53. How do you distinguish migratory labour from resident labour? What are the main methods of recruitment of migratory labour in your area/State contractors, relatives, fellow workers or direct recruitment by employers?
 54. What are the effects of labour migration on the economy, particularly wage rates and employment, in the area-
 - (i) from where the labour has migrated?
 - (ii) area to which the labour has migrated? 55. 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/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?

56. Please comment on the working of administrative and regulatory measures, particularly the Inter-State 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 envisaged for unorganised sector labour like the Minimum Wages Act, 1948, Equal Remuneration Act, 1976, Inter-State Migrant Workers Act, 1979, Plantation Labour Act, 1951, Beedi & Cigar Workers Act, 1966, Bonded Labour System (Abolition) Act, 1975, Contract Labour (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?
57. What is your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workers Act? What improvements would you recommend?
58. 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?
59. 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?
60. 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?
61. 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?
62. What is the impact of technological up gradation and modernization and organisational restructuring (particularly in last one year) on labour efficiency, productivity and wages in organised sector and consequent impact on the unorganised sector.
63. To what extent is the proposition that improved technology leads to lower labour absorption, justified?
64. 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?
65. How successful have the legislative measures for land reforms been in relation to
 - (i) abolition of intermediaries,
 - (ii) security of tenure and
 - (iii) objective of conferring ownership rights to actual rights?
66. What is the extent of disguised tenancies in your area/State? What could be the measures for checking it?
67. The land ceiling laws have generated a relatively small extent of land to 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 constrained by factors such as:
- lack of permanent or stable nexus 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 employment 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 expanded in its 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. If there any scheme in your State/Territory 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 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 frame-work? 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 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 women 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 size of the target group, the past experience vis a 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 regarding any new legislation you may like to suggest.
81. 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?

82. Should such legislation be confined to the entire unorganised sector or be separate for rural and urban sectors or wage labour and self-employed persons? Should there be a separate legislation for agricultural workers who form a very large chunk of unorganised sector labour? Please also refer to questions 15, 31, 36, 47, 56 and 63/76.

Data Collection

83. Do 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.
84. Please state the additional items (together with sources and periodicity) or which data relating to unorganised sector labour should be collected.
85. Is the data collected on machinery adequate and well-equipped? What are your suggestions for improvement?
86. What measures do you suggest to ensure reduced time lag between reference period and availability of data?
87. What could be the measures to disseminate collected statistical data in a timely manner? 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 bases. What is your perception of core 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 undertaken quickly & widely to the other academic bodies and Government and non-Government agencies?

Composition of the Study Groups constituted by the
National Commission on Labour

Annexure - V

No.6/2000/NCL/Study Group

GOVERNMENT OF INDIA
MINISTRY OF LABOUR
NATIONAL COMMISSION ON LABOUR

NEW DELHI Dated 11th 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. Sarikara
2. Sh. Shankar Madhusudan Ojhasap
3. Sh. Sarat Mehta
4. Sh. R. P. Suresh
5. Sh. M. Das
6. Sh. K. R. Moha
7. Sh. V. S. Narasimhan
8. Sh. S. K. Gandyopadhyay
9. Sh. Suresh Rao

Chairman

Study Group 2 "Unimproved Legislation for Workers in the Unorganised Sector"

1. Sh. D. Bandopadhyay
2. Sh. Suresh Agrawesh
3. Sh. Balu Achar
4. Sh. G. P. Agbi
5. Sh. Awosh Kushal
6. Sh. Aruna Ray

Chairman

Study Group 3 (Globalisation and Its Impact)

1. Sh. Keshob Thakkar
2. Sh. C. S. Venkatarao
3. Sh. Aditya Narayan
4. Sh. Ramesh Chandra Kumbhar
5. Sh. S. K. Sasi Kumar

Chairman

Study Group 4 (Social Security)

1. Sh. R. K. A. Subramanya
2. Dr. M. S. Diwan
3. Sh. S. Mahendra Dev
4. Shri. A. P. Nagpal
5. Shri. Krishnaji
6. Dr. Anil Goswami
7. Dr. R. R. Guha

Chairman

Study Group 5 (Women and Child Labour)

1. Shri. Beena Jhavar
2. Sh. Shareshad Khan
3. Dr. S. Vijayakrishni
4. Shri. H. Manjambha Rao
5. Shri. Mercy Ravi
6. Sh. Tuskar Kandlikar
7. Mrs. Janaki Sridhartha

Chairperson

The list of members of Study Group may be further expanded subject to the maximum of nine inclusive of Chairman, if such alter further confirmation.

The Study Groups will be free to devise their own procedures and would report in accordance with the terms of reference of the Commission as per Government Resolution dated 15.10.99.

The Study Group on 'Skill Development, Training & Workers' Education' will be notified shortly.

By order of Chairman


(M. SANJAY)
Member Secretary

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No.6/2000/MCL/Study Group
GOVERNMENT OF INDIA
MINISTRY OF LABOUR
NATIONAL COMMISSION ON LABOUR

New Delhi Dated the 21st 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 Kungol | Chairman |
| 2. Shri S. Krishan | Member |
| 3. Shri S. V. Gokhale | Member |
| 4. Shri Gurnam Saran | Member |
| 5. Shri D. Tharkapan | Member |
| 6. Shri S. K. Bilkin | Member |
| 7. Dr. C. S. K. Singh | Member |
| 8. Shri B. A. Mittal | Member |

The list of members of Study Group may be further expanded subject to the maximum of nine inclusive 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. Z-20074/899, dated 15.10.1993.

By order of the Chairman

(N. SANYAL)
MEMBER SECRETARY

Copy to :-

1. P5 to Secretary, Ministry of Labour, Shri Shankar Bhawan, Rafi Marg, New Delhi - 110001.
2. Dr. G. S. Kum, Labour & Employment Advisor, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.


(N. SANYAL)

Study Group on
"REVIEW OF LAWS"

Chairperson

Shri T. S. Sankaran
 2-1, Dosh Barchhi Apartments
 Kalkaji, New Delhi-110019

Members

- | | |
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| 1. Shri Sanat Mehta
3-4, Shakuntal Park Society,
Sachind Shreyas School,
Manjibaur, Vasodara-390011 | 2. Shri R.P. Baruchia
Group President (IR&Legal)
Ary Praram Group,
Morarjee Mills,
Dr. Ambedkar Road,
Parel, Mumbai-400012 |
| 3. Shri M Dias
Secretary,
The Employers Association,
LJ-16, W.L.A., Karol Bagh,
New Delhi-110005. | 4. Shri S. M. Dharap
Advocate,
13/347, "Jyotima"
New MG Colony,
Bangra (East), Mumbai-400051. |
| 5. Shri Sharad Rao
D-7/10, Jainichi Society,
Bangur Nagar, M.G. Road,
Goregaon (W), Mumbai-400004. | 6. Shri K.R. Motilal
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1st floor, 28, Marshall Road,
Egmore, Chennai 600008. |
| 7. Shri V.S. Narasimhan
President
Federation of Association of
Small Industries of India,
C-19, Industrial Estate, Kundly,
Chennai-600032 | 8. Shri S. K. Bandyopadhyay
Gandh. Sinarak Nidh.,
Raj Ghat,
New Delhi-110002. |

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"UMBRELLA LEGISLATION FOR THE WORKERS IN THE UNORGANISED SECTOR"

Study Group on

Chairperson

Shri D. Bairatipadhyay

58-C, Block D,

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Members

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| 1. Swarni Agnihvash
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New Delhi. | 2. Smt. Aruna Roy
MKSS,
Village Dew Dungan,
P.O. Bary, Jaisal B-11,
Dist: Rajasthan-313341
(Jaisalmer) |
| 3. Shri Baba Adilwar
Hemal Bandrayal,
73, Main West,
Pune - 411 002 | 4. Shri O. P. Agli
Organising Secretary,
Bharatiya Mazdoor Sangh
Kam Reetesh Bhawan,
Chitra Kundli, Tik Gali,
Fehargarh, New Delhi-110055. |
| 5. Shri Avdesh Kaushal
Rural, Irrigation & Entitlement Kendra,
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| 7. Shri A. Kanaga Sabaipathy
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Study Group on

"GLOBALISATION AND ITS IMPACT"

Chairperson

Shri Keshobhai Thakkar

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Bharatiya Mazdoor Sangh,

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| 1. Shri Ramachandra Khuntia
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| 3. Shri Aditya Narayan
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| 5. Dr. S. S. Mehta
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Study Group on

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1. **Smt. Shamsad Khan**
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8. **Ms Shanta Sinha**
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Secunderabad - 500 025

Study Group on

"SOCIAL SECURITY"

Chairperson

Shri R. K. A. Svrabhananya.

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1. **Dr. M. G. Ghwan**
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2. **Shri S. Mahendra Dev**
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3. **Shri A. D. Nagpal**
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4. **Shri N. Krishnaji**
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Study Group on

"SKILL DEVELOPMENT, TRAINING & WORKERS' EDUCATION"

Chairperson

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| 1. Shri S. K. Bishnoi
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| 3. Shri Gurnam Saran
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| 5. Dr. C. S. K. Singh
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7. **Shri S. Krishnan**
Director General/Joint Secretary,
DGERT
Ministry of Labour
Shram Shakti Bhawan,
New Delhi - 110001.

Annexure - VI

Visits of National Commission on Labour to
States/Union Territories for collection of evidence

MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000

S.No.	Name of the Organisation	Name of the Participants with Designation
1	Hind Mazdoor Sabha, Mumbai	Shri Kamalakar Kojur Shri J. R. Kulkarni Shri B. Mohan Rao Shri Ekant Shrin Shri Vasant Gajjar Shri H. V. Tale Shri Suryakant Dajjal Shri Kavindra Chivastakar Shri S. K. Shelke
2	Indian National Trade Union Congress.	Shri H. N. Tibot Shri Vasantlal Shri Chandar Singh Shri Shankar Shri Sunil Fall Shri G. S. Jadhav Shri K. M. Solhe Shri P. A. Solhe Shri Govind Prasad Shri Balraj Jadhav, General Secretary
3	Raharashtra General Kamgar Union	Shri M. Ramnani Shri D. P. Gajjar Shri Uday Bhal Shri J. P. Prakash Enlare
4	Bharatiya Kamgar Sena	Shri Ramakant Wadga, President Shri K. Kordalekar, Gen. Secretary Shri D. Bhore, Vice President Shri N. Dada, Secretary Shri Ajit Sawi, Secretary Shri S. P. Durgare, Secretary Shri S. Vyre, Secretary Shri Ajit Meher, Secretary Shri Prakash Kanti, PRC
5	Bharatiya Mazdoor Sangh	Shri S. D. De Karm Shri Shashikant Desai Shri Indira Shri Ravi Varan Shri M. P. Pawarchar

MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000

S.No	Name of the Organisation	Name of the Participants with Designation
6	Bhartiya Mazdoor Sangh	Shri Sharad P. Joshi Shri J.S. Deshpande Shri B. Harolikar
7	Trade Union Centre of India	Sanjay Sanghvi Shri Pravin Kolhan Shri Anur Velaskar
8	Individuals	Shri N. Vagudevan, Jt. Convener Shri Anant Ware, G. Secretary Shri U.S. Bhargava Shri M.A. Padi Shri A. Jaisale Shri C.G. Chavan Shri F.L. Perbia Shri F. D'Souza/Shri Bannal C Joshi Ms. Deepthi Gopinath Shri Abhyakar Shri Santley Singh
9	Bombay Chamber of Commerce	Shri H. R. Khosro Khan, V. President Shri M. Sridhanti Shri Anil D. Malakar Dr. Paro Lekar
10	Indian Merchant Chamber	Shri Anurag Shri P. M. Mantry Shri M. C. Dalai Shri H. A. Sangani Shri Sanyu Dalvi Shri P. N. Mohan
11	Builders Association of India	Shri H. H. Shalla, Gen. Secretary Shri S. V. Vikram, President Shri Sanjeev Medhusudan, Exe. Assistant Shri R. Rathakrishnan, Advocate
12	Employers' Federation of India	Shri S. S. Patil, Secretary General Shri B. P. Rhaucha, Advisor Shri S. S. Hegde, Advisor
13	Jagdish Marathi Chamber of Commerce & Industry	Shri Chandrakant A. Anulke Shri S. R. Matesgamer
14	Maharashtra Chamber of Commerce & Industry	Shri R. N. Moxanti
15	Federation of Association of Maharashtra	Shri P. P. Agrul, Chairman Shri Mohan Surnari, President

MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000

S.No	Name of the Organisation	Name of the Participants with Designation
16	Federation of Association of Maharashtra	Shri A. K. Goshal, Jt. Secretary Shri Chandra Mohan Verma Shri S. G. Joshi, Secretary
17	Federation of Indian Industry	Shri D. S. Goward, Sr. Manager Shri Mahesh Verma Shri B. C. Mehra Shri S. S. Karm, General Manager Ms. Mira Mahantia
18	ITI Owners' Association	Shri Purnashah Jadhav, Sr. General Shri Prakash Poddar, President Shri Rajesh Singh, Secretary
19	Bharat Merchants Chamber	Shri V. D. Padi Shri S. d. Solanki Shri R. Prabhakar, Jt. Secretary Shri S. R. Rafique, Member Shri B. K. Deshpande, Secretary
20	Mumbai Grahaak Panchayat	Shri S. V. Deshpande
21	India - National Bank Employees Federal Union	Shri Subram Chaudhary Shri Subram Chaudhary
22	Indian National Trade Union Congress	Shri B. Rajgopal, General Secretary Shri S. C. Jena, GS Shri B. Maroti, Tolkata Shri J. V. S. Shrivastava, GS V.V.S. Sany Joseph, Co. Organizer Ms. Manjona Panchal, Social Worker Shri Manoj Mishra Shri P. Khan Shri Santosh Yadav Shri Shyam Kumar Reddy Shri Hem. Thakur
23	Campaign Domestic Workers' Bill	Shri Ravi, Rao Shri Bhatya Adhar
24	Akhal Bharniya Mahad Transport & General Kaangar Union	Shri A. A. Mopkar, Dy. Commissioner Shri K. P. Kulkarni, ALC
25	Yashashtra Rajya Hama Mahad Mahamandal	Shri M. D. Gaikwad, Adv. J. Lab. Commissioner Shri P. T. Jagtap Shri M. Salik
26	State Conciliation Officers	

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CHENNAI (TAMIL NADU) 17.06.2000-19.06.2000

S.No	Name of the Organisation	Name of the Participants with Designation
1	All India Skin & Hide Tanners	Shri S.M. Hassan, Secy. Shri. Sadasiv, Asst. Secy. Col. V. Alexander Shri R. Subramanian Shri. Zafarullaq, Member Shri. Mazhar Basha, Ex.
2	Ramanathapuram Sarvodaya Sangh	Shri S.S. Narayanan Shri SH. Mani Ram Shri. V.S. Sankaran Shri K. Balaguru Shri P. Padmanabhan Shri V. Rangachari
3	COBASSIA, Coimbatore	Shri R. Velangudi, President
4	South India Engineering Mills Association	Shri R. Srinivasan, President Shri Damodarani, Gen. Secretary Shri G. Venk. D.S.
5	Tamil Nadu Meehanar Pempai	Shri N. . Ramesh, Gen. Secretary Shri M. Sankaragopal, Asst. Secy
6	Confederation of Indian Industries	Shri C. Banerjee, Reg. Director Shri V. Sankaranarayanan, V. President Shri J. Anand, Ex. Director Shri K.V. Venk. Vice President Shri R. Vijayaranga, Dy. Director
7	Tamil Nadu Street Bldg. Mfg. Association	Shri. Madhavan Shri M. Arav. President Shri Anubandhu Kadar
8	CACL, Chennai	Shri Fr. Jesu, CFM, Director Shri S. Sankaran, Manager Dr. S. Rajagopalan, Vice President Shri P.M.A. Kadar, Convener Shri S. Thomas, Jayanti, Convener Shri Vigneshwaran, Ex. Director Shri M. Haridas, President, Manager Shri V. Suresh, Director Dr. A. Sankaranga, Convener Shri K. Leelavathi, Secretary Ms. Pralaya
9	T.R. Govt. Transport. Corp. Staff Federation	Shri T. Thirumaliswamy, Gen. Secy. Shri K. Karuppanan, State President Shri S. Sampath, State Treasurer

AHMEDABAD (GUJARAT) 1.8.2000-3.8.2000

S.No	Name of the Organisation	Name of the Participants with Designation
12	Ahmedabad Textiles Vets. Association, Ahmedabad	Shri D.C. Gandhi, Secy. Ahmedabad Shri Ach. Nava Shukla, Gen. Secretary Shri Parthiva Yojan, Ahmedabad
13	Gujarat Chamber of Commerce and Industry	Shri C.R. Shah, Secretary Shri Kalyan J. Shah, Vice President Shri Ghosh Palak, Secretary
14	Karnata Free Trade Zone	Shri N. V. Mahesh Shri R. Aravind
15	C. H. Ahmedabad	Shri C. P. Patel Shri N. S. Maheshkar Shri G. J. Patel
16	Vacoderk Employers Organisation, Vadodara	Shri S. M. Patel Shri N. Patel Shri S. C. Desai
17	Amleshwar Industries Association	Shri V. L. S. Jyoti, Dy. General Manager Dr. Mrs. Mani Rani, Ex. Director Shri V. S. P. Patel, Sr. Gen. Manager Shri Anand Palal, Personnel Officer Shri K. K. P. Patel, President Shri A. S. S. V. Patel, Vice President Shri Maheshu Bhilai Shri D. V. M. Mehta
18	Southern Gujarat Chamber of Commerce and Industries, Surat	Shri K. K. Mehta, President Shri P. B. V. Patel, Ex. Secretary Shri Vinod Mehta
19	Federation of Industries Association, GIDC, Estala	Shri S. Ch. Maheshwar, Director General
20	Vapi Industrial Association	Dr. Ashok Chinghani Shri Y. A. Baiyad
21	Mechanica Gandhi Labour Institute, Ahmedabad	Shri Parasuram
22	Faculty of Commerce, MS University, Vadodara	Dr. Vigneshwar, Director
23	Gujarat Alkalies & Chemicals	Shri S. Maheshwar, President
24	Nirma Institute of Technology	Shri V. A. Baiyad
25	Centre for Social Studies, Surat	Shri S. Maheshwar, President
26	GANACAR, Ahmedabad	Shri S. Maheshwar, President

CHEREMMI (TAMIL NADU) 17.08.2000-19.08.2000

CHEREMMI (TAMIL NADU) 17.08.2000-19.08.2000

S.No	Name of the Organisation	Name of the Participants with Designation
10	Madras Labour Union (BSC Mills)	Shri A. C. Mudali Shri P. Rajanatha Shri G. A. Xavier Shri G. Elumalai Shri K. Saling Shri V. Rajkumar Shri A. Shanmugam
11	All-India Progressive Federation	Shri T.V. Perumal, Gen. Secretary Shri V.S. Nar. J.L. Gen. Secretary Shri S.P. Subbapillai, J.L. Gen. Secretary Shri K. Eswaraswamy, V. President Shri M.A. Srinivasan, Secretary Shri K.S. Karunakaran, Member
12	Shardya Mazdoor Sangh	Shri K. Rajan, Gen. Secretary Shri N. Anguswamy, President
13	Tamil National Trade Union Congress	Shri P.L. Subbiah, President Shri S.K. Lakshman, Gen. Secretary Shri V. Karuppiah, Gen. Secretary Shri K. Radhakrishnan, Gen. Secy Shri K. Elango Shri K. Laxminarayana Shri B.D. Sankaranarayanan
14	Tamil Mahila Trade Union Congress	Shri V. Manojan, President Shri A. Shanmugam Ms. Babu Ammal, Vice President
15	Hind Mazdoor Sabha	Shri C.R. Arora, Secretary Shri Rajaram, Secretary Shri Urupathi, Secretary Shri Karthikeyan, V. President Shri S. Mohan, V. President
16	National Labour Organisation/Coimbatore	Shri G. Srinivasan, Gen. Secy Shri V.G. Rajaram, Secretary
17	Film Employees Federation	Shri M. Sundaram, Gen. Secy Shri X. Rajadurai, President Shri V. Sundaram, President Shri P. Rajhavan, Gen. Secy
18	Co-operative Bank Employees Association	Shri K. Mahalingam, President
19	Employers Federation of India	Shri T. Pandey Shri N. Kannan Shri Hari Ram

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S.No	Name of the Organisation	Name of the Participants with Designation
20	Kyapore Merchants Association	Shri V.K. Subramanian Shri R. Subramanian Shri N. Srinivasan Shri M. Rajanathan Shri P.K. Dasaswamy Shri K. Gajipathy Shri P. Rajaraman Shri A. Sankaranarayanan Shri R. Raju Shri V. Jayalaxmi Shri K. S. Sankaranarayanan
21	State Labour Department	Shri P.A. Dattatraya, Gen. Secy Shri A. Rajanarayanan, Secy Shri B. S. Ravi, A.C. Shri D. Rajadurai, A.C. Shri M. Karunakaran, A.C.
22	Inspection of Factories	Shri R. Rajanarayanan, Secretary Shri V. Perumal, Chief Inspector Shri R. Srinivasan, Asst. Chief Inspector Shri G. Mahalingam, Asst. Inspector Shri P. Srinivasan, Asst. Inspector Shri S. Srinivasan, Asst. Inspector Shri R. Srinivasan, Asst. Inspector Shri R. Srinivasan, Asst. Inspector Shri R. Srinivasan, Asst. Inspector
23	Inspection of Factories	Shri A. Srinivasan, Director Shri C. Chandrasekaran, Gen. Secy Shri K. Srinivasan, Gen. Secy Shri M. Srinivasan
24	Salem Steel Plant	Shri J. Srinivasan, Gen. Secy Shri K. Srinivasan, Gen. Secy Shri M. Srinivasan
25	Campaign for the Rights of Unorganized Workers	Shri A. Srinivasan, Director Shri C. Chandrasekaran, Gen. Secy Shri K. Srinivasan, Gen. Secy Shri M. Srinivasan
26	Coastal Action Network	Shri J. Srinivasan, Gen. Secy Shri K. Srinivasan, Gen. Secy Shri M. Srinivasan
27	United Trade Union Congress	Shri A. Srinivasan, President Shri C. Chandrasekaran, Asst. Secy
28	Tamil Mahila Kattisa Thozhilali Sangam	Shri M. Srinivasan Shri S. Srinivasan Shri V. Srinivasan

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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 Mazdoor Sangh	Shri Swapan Chakraborty, Genl. Secretary Shri Uman Goyen, Member
13	Bengal Hosiery Manufacturers Association	Shri S. Banerjee, Vice President Shri S. K. Bhattacharya, Treasurer Shri Pradip Aggarwal, J. Gen. Secretary Dr. Sivan Sundar, Vice President
14	Hosiery Workingmen's Union	Shri Abhishek Sen, State Chairman Shri B. Chakraborty
15	Buiders Association of India	Shri Chait Mukherjee Shri Anjan Kumar Shri B. K. Dasgupta Shri D. Chakraborty, Secretary General Shri Avijit Baha, J. Secretary Shri S. R. Sengupta Shri Kall Chakraborty Shri Anand Ghosh
16	Indian Tea Association	Shri J. Choudhury
17	United Trade Union Congress	Dr. Nirjita Banerjee, Professor (Eco) Shri Himmlendu Das Shri Rajendra Kumar Y. S. Mohanta, Bar Council Shri Tapas Mukherjee, Chairman Shri Ashok Kumar Das, Udyog. Council Shri Debashree Mondal Shri S. K. Majumdar Dr. S. Mallik, Genl. Secretary
18	Centre for Studies in Social Sciences	
19	Mysore District Coastal Fish Vendors Union	
20	Dakin Banga Matsyajihi Forum	
21	Eastern India Motion Picture Association	
22	Talipalli Milani Sangh	
23	Indian Rural Medical Association	

HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000

S.No	Name of the Organisation	Name of the Participants with Designation
1	BMS	Shri Ego Shrinani Shri R. V. Subbarao Shri R. L. K. Raju Shri K. Basu Sharma Shri S. Mahesham Shri A. V. Chalam Shri Venkateswari, President Shri K. Salya Narayanan, Gen. Secy Shri K. Srinivas Reddy, Executive Member Shri L. V. Reddy, Member Shri P. Ram Mohan Rao, Gen. Secy Shri Syed Mahmood, Joint Secy Shri J. Ramesh, State Secy Shri K. L. Reddy, Treasurer
2	A.P. Union of Working Journalists	
3	A.P.S.R.T.C. National Mazdoor Union	

KOLKATA (WEST BENGAL) 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 Shri Sudhakar Chakravarty, Chairman Shri Nazim Amir, Secretary General Shri S. S. Choudhury, Chairman Ms. Kaka Sharma, Secretary Shri S. K. Dasgupta, Director Shri Mahanvir Pal, Secretary Shri A. M. Banerjee, Chairman Shri S. Ray, Vice Chairman Shri S. K. Sengupta, Lab. Adviser Shri S. K. Pal
2	Bharat Chamber of Commerce	Shri Skiran Ghosh, General Secretary Shri Biswajit Mitra, Secretary Shri Faruk Saha, Treasurer Shri S. A. Maan
3	Hawker Sangrann Samity	Shri S. K. Ghosh, General Secretary Shri A. K. Majumdar, President Shri R. A. Chanda, Vice President
4	Ehatiya Kardoor Sangh	Shri Nimala Guha, General Secretary Shri Sanjiv Das, Assistant Secretary
5	Hind Mazdoor Sabha	Shri Sanjay Kalita, Chairman Shri S. K. Bhattacharya
6	Indian Jute Mills Association	Shri C. K. Sanyal, Secretary Shri P. K. Roy, Secretary Shri Kalyan Choudhury Shri S. Banerjee
7	All West Bengal Sales Representatives Association	Shri R. Venka RLC(C)
8	Regional Labour Commission (Central)	Dr. C. J. Patel, Chairman Shri S. Sengupta, Secretary
9	Federation of Beedi Leaves and Tobacco Merchant Association	Shri Kamal Krishna, President Shri Banachar Aggarwal, V. President Shri Anil Kumar Ganguly, EC Member Shri Anil Kumar Bhunia, Co-ordinator Shri Yogendra Nath Singh, For. President Shri Dhanraj Singh, EC Member
10	Bengal Brick Field Owners Association	Shri Narain Sen, President Shri N. P. Choudhury, National Coun. Secy Shri R. K. Laskar

HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000

S.No	Name of the Organisation	Name of the Participants with Designation
4	Tougu Madu Trade Union Council	Shri S. Ram Mohan Ram President Shri M. Sanyasurajana, State Ex Member Shri Chakraborty
5	A.P. Beedri Workers Federation, Nizamsagar	Shri Kinnal Shri P.V. Ramanathaiah, Chairman Shri M. Venkatesw Reddy, Gen. Secy.
6	A.P. Chennotta Aluva Karvecharama Samithi	Shri A.K. Ramesh, Vice President Shri A.V. Chaitanya, State President
7	All India Centre of Trade Unions	Shri M. Madhava Reddy, Gen. Secy. Shri V.V. Heming, Ex Member Shri V.A. Reddy, Ex Member
8	Hindu Mazdoor Kissan Parichayam	Shri K. Venkata Reddy, President Shri S. Sadasubrahmanya, Member Shri P. Venkateswaram, Secy.
9	HATS	Shri S.V.C. Ramakrishna, Member Shri J.V.R. Lakshminarayana, Deputy Secy. Shri Shri Kanna Kinga, Chairman Shri V. Kumar, Personnel Manager Shri Q.M. Muzammil, Consultant Shri D.V.S. Reddy Shri Ramakrishna Rao
10	Federation of A.P. Chamber of Commerce & Industry	Shri G.L. Reddy Shri V.M. Chetty Shri B.R. Vinnagi Shri A.H. Sriniva Shri Sahu Shri H.H. GURDAS Shri K.G. Rao Shri V. Ramulu, Gen. Secy. Shri V. Umaramaiah, Chairman Shri M. Sanyasurajana, Gen. Secy. Shri S. Srinivasam, Secy. Shri V. Phadkar, Reddy Shri R. Prasad Shri Haranath Lyall, Ex. President Shri Subhesh Sahu, Chairman Shri J.S. Shahu, HRE Manager Shri T.V.R. Varma Shri V.S. Srinivas Dr. B. Varma, Secy. Shri A.K. Jagu Haladiah, Associate Shri Y. Jitendra, Associate Shri B.G. Ramakrishna Reddy Shri K.V.R. Choudhary
11	Employers Federation of Southern India	
12	Confederation of Indian Industries	
13	INTUC	
14	A.P. Hoteliers Association	
15	Federation of A.P. Small Scale Industries Association	
16	A.P. Labour Practitioners Association	

HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000

S.No	Name of the Organisation	Name of the Participants with Designation
17	A.P. Labour Practitioners Association	Shri C. Lakshminarayana Shri C. Veni Mohan Rao, G.M. Shri S. Hariharan, DGM Shri T.N.J. Ganesh, Gen. Secy. Shri K. Rao, Manager Shri V. Chandrababu, Secy. Shri A.V. Yadav Shri K.C. Rao Shri S.R. Aravamudan Shri P. Ravindran Shri V.V. Subba Rao Shri G.P. Babu, Director Shri K.V. Reddy, Dy. Chief Inspector Shri C.S.N. Reddy, Chief Inspector Shri H.K. Reddy, Dy. Chief Inspector Shri R. Surendra, Joint Dy. Inspector Shri S. Sankar, Dy. Chief Inspector Shri P. Sanyasurajana, Dy. Chief Inspector Shri H. Krishna, Dy. Chief Inspector
18	Industrial Relations Association	
19	Inspectorate of Factories	

BANGALORE (KARNATAKA) 27.11.2000-29.11.2000

1	Indian National Trade Union Congress	Shri K. Swarnam, Ex. Secy./Gen. Secy. Shri C. Chandrashekharaiah, PR Shri B. Chandrashekharaiah, Secy. Shri S. Srinivasiah, Dy. Shri H.M. Chavara Shri A. Anandiah, Venkataram Shri D.K. Srinivas Shri K. Srinivas Shri S. Srinivas Shri A. Basanna, Gen. Secy. Shri P. Reddy Shri K. Hanumanthiah Shri R. Hanumanthiah Shri M.P. Srinivas Shri V. Adityan
2	Hindu Mazdoor Sabha	
3	Bharatiya Mazdoor Sangh	
4	Centre for Unorganised Workers Union	
5	Karnataka Sugar Workers Federation	
6	Karnataka State Hotel Workers Welfare Association	
7	National Centre for Labour, Karnataka Unit	
8	Karnataka Estate Labour Union, Jayapura, Chickmagalur	
9	Karnataka Plantation Trade Union's Federation, NTUG, Jayapura, Chickmagalur	
10	Karnataka Employers Association	
11	FACCI, Bangalore	

BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000

S.No	Name of the Organisation	Name of the Participants with Designation
12	KASSA	Shri E.M. Neele Dr. S. Krishna Kumar
13	Greener Mysore Chamber of Industry	Shri G.A. Srinivasa Murthy Shri V.K. Srinika
14	All India Manufacturers Organisation	Shri Anil K. Baxkar
15	Karnataka Pradesh Hotels and Restaurants Association	Shri U. Anantha Padmanabha Ballal Shri K. Sobantranya
16	Builders Association of India	Shri H.M. Vinaya Redhava Reddy Shri K. Anji Reddy
17	All India Banks Employees Association. All India Banks Officers Association.	Shri K.M. Shalya (President) Shri K.V. Naxa, Gen. Secy. Shri M. Giran, Org. Secretary. Shri H.S. Hegde, Secretary
18	Bharat Electronics Ltd., Bangalore CPSU	Shri H.S. Bhosrori, GM (D)CC Shri Esthava Rao, GM (P) & CX Shri V. Amarendra, Director (P) Shri A. Rama Sekhar, Dy. Mgr. Shri T.X. Ding, Director (P&A) Shri Sarvesh Sahu GM (P&A) Shri R.N. Negam, O.S. Shri Sumanarya V. President Shri Geowad Ch. E.C. Shri Tarunika Asst. Secy Shri U. Shivaswara EECOM
19	Hindustan Aeronautics Ltd.	Shri G. Nagaraj, President Shri Sridakshani, Gen. Secy
20	LROE Employees Union	Shri Nagarasa Kumar, Vice President Shri M.R. Mahalingam, Zone Chairman Shri P. Mishra Parashambhara, Zonal Secy Shri K. Ayyappan, Zonal Secy Shri F. Hanudakumar, Dal. Secy Shri P. Lakshapathi, Core Team Member Shri Prasanna, Core Member MS Sushila Rao, Core Member Shri F. Venkatesh Pallavar, Core Member Shri Vasudeva Sharma, Reg. Manager Shri Mageswara Prasad, Executive Director MS Sreeni. Ms. Vinila, Prog. Coordinator Shri K. I. Ramesh Shri K.S. Srinakar Shri P. Subramanian Shri M. Venka Ragu Shri S. Chikanna Shri S. Rajappa Shri C. Basarajama
21	Hindustan Aeronautics Ltd. Employees Association	
22	FC: Employees Union	
23	Campaign Against Child Labour, MARYA	
24	All India Agarbati Manufacturers Association	
25	Carera Bank Bahujan Employees and Officers Union	

BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000

S.No	Name of the Organisation	Name of the Participants with Designation
26	National Union of Telecom Engineering Employees	Shri Paragappa Gowda, Zone Secy Shri R. Subramani, Dist. President Shri Manjappa, Financial Secy Shri Chalana
27	Co-operation Bank Employees Guild	Shri M.R. Nayde Asst. Secy, Guildon Shri K.K. Chandra Can. Secy. Shri B. Vasudha Rao, Treasurer Shri G. Suresh, Zonal Secy Shri S. Venkatesh Sharma, Org. Secy. Shri T.K. Kupharo, Advisor Shri Anasa Agrawal, Secy. O.S.
28	Karnataka Railway Porters Union	Shri N. Ramesh Babu Shri V. Raju Shri Madhusudhan Rao Shri S. Rangaraj
29	All India Bank Sub Employees Union	Shri K.N. Gobbel, Secy. Circle C Shri U.P. Krishnamurthy, Vice President Shri Shankar Kumar, GM HR Shri B.C. Prabhu Rao Shri Mohan B. Shri J. Ramakrishna, Associate Vice President Shri Praveen C. K. Manager, P&S
30	Professional Workers Trade Union Centre of India	
31	Wipro Group of Companies	
32	HINXP	
33	Infosys Technologies Ltd.	
THIRUVANANTHAPURAM (KERALA) 27.11.2000 - 11.12.2000		
1	M.S. Institute of Labour and Management United Trade Union Centre	Shri P. Mahajan, Ex. M.L.S. and Member Shri D. Sundaresan, Secretary Shri P. J. Prakash, Joint Secretary Shri B. Pramodhan, Joint Secretary Shri Siva Kumar R.S. Shri K. Rajan Shri Madhu K. Kurian
2	Handloom Weavers Development Society, Thirupodu	Shri G. Ramesh Chari, Managing Director Shri V. Sushanthan, President
3	M/S. Kinuston Latex Ltd. Pujappura All Kerala Independent Swathanthra Peeling Trade Union, Alapuzha	
4	Vishwakarma Educational Organisations Jagathy	Dr. P.N. Sankaran, President Shri P. Subramanian, Secretary Shri S. Nandini, Managing Director Shri V. V. Rao, Manager
5	South India Mills Association, Coimbatore	Shri G. S. Subodhan, Gen. Secy. Kathal Krishna Kumar, Secy. Shri A. Venkateshwar, Advisor Shri K. K. Joseph, Gen. Secy
6	M/S. Thanikudam Bagawate Mills Ltd., Thrissur	
7	Kaithari Thech Iali Congress Kerala State Committee, Ootara	
8	Kerala Agriculturalists Association, Mangeri.	

BHUBANESWAR (ORISSA) 18.12.2000-19.12.2000

S.No	Name of the Organisation	Name of the Participants with Designation
4	Indian National Trade Union Congress	Sri S. Sen Sri D. Swain, Secretary Sri S. Ch. Mohanty, Gen. Secretary Sri S. Mishra Sri. S. Raju, Voluntary Co-ordinator Sri H. N. A. Co. Co-ordinator Sri Anjan Choudhary Sri G. Pujan Sri Abhay Kumar, Prof. Fessal (Presd) Dr R. C. Mahapatra, Professor Sri S. Chandra, Chairman Sri B. K. Mohanty, Dir. of Pers. Manage. Sri A. K. Nayak, Soc. Leg. Advisor Sri P. Baruah, CMD Sri K. N. Mishra, D.P. A. Sri P. K. Maiti, Asst. Manager, P&A; Sri M. K. Mohapatra, Dy. Com. Sri R. Prasad, Chief (P.R.) Sri A. K. Mohanty, Dy. Gen. Manager Sri B. K. Nayak, C.O. Sri R. K. Saral, D.G.M. Sri B. K. Raha, Manager (HRD) Sri A. K. Mohanty, Gen. Manager (HRD) Sri P. S. Dasgupta, Manager Sri M. Mondal, Ex. Member Sri R. N. Mishra, Dy. Gen. Manager Sri A. K. Tripathy, P.O. Officer Sri R. Mishra, President Sri Jayashankar Roy, Gen. Secretary Sri Srikant Sahu, Secretary Sri Prabhakar, Welfare Commissioner Sri M. Rama Rao, Reg. Director, I.E.S. Sri S. K. Mohanty, I.E.C. Sri H. C. Sarangi, I.L.C. Sri B. C. Das, Labour Commissioner Sri N. C. Mohapatra, D.L.C. Sri P. C. Pal, A.L.C. Sri L. K. Jena, A.L.C. Dr P. C. Das, Dy. Director, State Labour Institute Sri J. Sahu, Labour Officer Sri P. K. Dasgupta, R.F.C. EPFO Sri A. K. Patra, A.L.C.
5	Renji Travak Sangha, Bolangir	
6	Campaign Against Child Labour	
7	Individual	
8	Juvel University	
9	Minimum Wage Advisory Board	
10	Retirees Union, P&A	
11	KALCO, Bhubaneswar	
12	NFC, Angul	
13	Indian Metal & Ferro Alloys Co.	
14	Paradeep Phosphate Ltd.	
15	Chief Conservator of Forest	
16	Industrial Development Corporation	
17	Orissa Hydro Power Corporation	
18	Orissa Mining Corporation	
19	Orissa Chamber of Commerce & Industries	
20	TISCO	
21	Larsen & Toubro, Sundergarh	
22	Orissa Union of Working Journalists	
23	Central 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. Tripathy, A.L.C. Sri P. K. Behera, A.L.C. Sri L. D. Raha, A.L.C. Sri N. Kar Sri Chandra Mohan, A.L.C. Sri Nirmala Mishra, A.L.C. Sri P. C. Prasad, Labour Inspector Sri S. S. Mishra, Labour Inspector
		JAIPUR (RAJASTHAN) 22.4.2001-24.4.2001
1	Indian National Trade Union Congress, Jaipur	Sri R. L. Mishra, Gen. Secretary Sri V. K. Sharma, Secretary Sri Babu Sharma, Vice President Sri Shyamal Mohan, Secretary Sri Subhakar Verma, Jt. Secretary Sri Sankar Das, Member Sri S. C. Singh, President Sri Prasad S. Awana, Asst. President Sri Haran, Sakal Gen. Secretary Sri Brahmachari Sri R. Sri N. N. Nayak, Director Sri Saraj Agrawal Dr. Arvind Agrawal, Secretary Ms. Hemlata Kamra
2	Charatiya Mazdoor Sangh, Jaipur	
3	ROTU, Jaipur	
4	National Child Labour Project, Udaipur	
5	Society For Education Research and voluntary Effort, Jaipur	
6	National Campaign Committee for Legislation on Construction Labour	
7	SEWA Mandir, Udaipur	
8	Individual	
9	Mazdoor Kisan Shakti, Titonia	
10	Individual	
11	National Institute of personnel Management, Jaipur	
12	Individual	
13	Hindustan copper Ltd.	
14	National Thermal Power Corporation, Anta	
15	Rajasthan State Mineral Development Corporation Ltd.	
16	Rajasthan State Electricity Board, Jaipur	

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JAIPUR (RAJASTHAN) 22.1.2001-24.1.2002

JAIPUR (RAJASTHAN) 22.1.2001-24.1.2002

S No	Name of the Organisation	Name of the Participants with Designation
17	Industrial Tribunal and Labour Court, Jaipur	Shri R K Chakrabarti, Judge Shri R Verma, Judge Shri M C Dhillon, Judge Shri J L Verma, Judge Dr D S Meena, Judge Shri S K Parik Shri Chaudhary Shri Manoj Singh, District President Shri Shyam Kishor, Vice President Shri T C Jain, Advisor Shri M Suresh Kumar, Secy General Shri R S Sharma, Secretary Shri L Bhatia, President Shri V K Arya, Vice president Shri V M Reddy, Advisor Shri M L Choudhary Shri G U Kothewar Shri A Gupta, Executive Shri Hemant Kumar, Head Shri Gopal Sharma Shri R H Sharma, Secretary Shri M L Aiyawala, Dy Chairman Shri V K Ladia, Chairman Shri A L Maheshwari, Chairman Shri J Kishor, Ex Secretary Shri Anil Baxi, Honorary Shri Mahendra Singh, Member Mahendra Uthalia, Ex Director Shri D C Jain Shri G P Mahil Shri G P Agarwal Shri G Ramana Deyar Shri L K Goyal, Secretary Shri D U Jais Shri G P Mahil Shri H L Dalia Shri P N Kishor Shri Rajesh Sharma Shri S C T Jais Shri G C Gupta Shri P K Chaugan, Manager Shri Rajesh Kumar, Area Manager Shri S O Bawani, Secretary
18	Rajasthan Oil Industries Association, Jaipur	
29	National Engineering Industries Ltd	
30	J K Cement Works	
31	Sangan Processors Ltd, Bikaner	
32	Popular Air Palace, Jaipur	
33	Federation of Rajasthan Trade and Industry, Jaipur	

S No	Name of the Organisation	Name of the Participants with Designation
34	Chief Conservator of Forest, Jaipur	Shri D C Sood, CCF Shri A Sen, CF Shri Kishor, S.C Shri Mahesh Shri P S Sharma Shri S K Sharma Shri Bhatia, Secretary Shri Gopal Singh, Secretary Shri M Kishor, Dy Commissioner Shri H Singh, Dy Commissioner Dr. Pankaj Singh, Dy Director Shri A K Sharma, Dy Director
35	Public Works Department, Jaipur	
36	Advis. Chief Engr. (Irrigation Zone), Jaipur	
37	Directorate of Industries, Rajasthan	
38	Department of Labour and Employment, Rajasthan	
39	Welfare Commission, Bikaner	
40	IPFC and CS, Jaipur	
41	ESIC, Jaipur	

GUWAHATI (Assam, Arunachal Pradesh, Nagaland, Meghalaya) 17.02.2001-24.02.2001.

1	Sharan Parishad Assm	Shri Anil Kumar, President Shri S. Bora, Secy
2	OMS	Dr S. Kumar, Organizing Secy Shri Sankar Das, Dy Asst Gen. Secy Shri Jai Singh, Asst Gen. Secy Shri Pradyumn Raj, Gen. Secy Shri Prasad Singh, Under. President Shri A. K. Sarma, Secy Shri J. Datta, Member Shri Suresh Chandra, Secy Shri Kishor Chandra, Secy Shri Mahendra Kumar, Secy Shri D. Bora, Secy Shri G. Chakrabarti, Chairman Shri A. C. Sarma, Secy Shri L. Das, Asst. Secy Shri S. Chandra, Advisor Shri S. P. Bora, Secy Shri B. P. Chakrabarti, Asst. Secy Shri G. C. B. Gohari, Secy Shri S. K. Mahapatra, Member Shri P. K. Choudhary, Dy. Asst. Gen. Secy Shri Anil Das, Dy. Asst. Gen. Secy Shri H. Choudhary, Professor Shri N. Bora, Member
3	Cadicut Chh Branch Union, Student	
4	BCMS	
5	Indian Tea Employees Union	
6	Assam Jute Association	
7	Assam Chh Maxour Sangh	
8	Assam Tea Planters Association	
9	Tea Association of India	
10	Bharhya Chh Parishad	
11	Assam Branch Indian Tea Association	
12	Assam Chh Karachari Sangh	
13	Indians	
14	North - Eastern Social Legal Training & Research Institute	

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S.No	Name of the Organisation	Name of the Participants with Designation
1	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
2	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
3	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
4	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
5	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
6	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
7	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
8	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
9	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
10	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
11	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
12	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
13	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
14	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal
15	North Eastern Joint State Committee (Mizoram Nagaland Association)	Shri P. Chakrapati Shri R. V. Sankar Shri Manoj Chhangal Chhangal

PORT BLAIR (ANDAMAN & NICOBAR ISLANDS) 26.02.2001 - 28.02.2001

S.No	Name of the Organisation	Name of the Participants with Designation
1	INTUC, Goa Branch	Shri V. N. Karvali, President Shri V. S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
2	AIITUC, Panaji	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
3	BKS, Panaji	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
4	Zuari Industrial, Zuari Nagar	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
5	HAS, Goa Branch	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
6	Syncostra India Ltd, Ilhas	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
7	V.S. Domingo & Co. Ltd, Panaji	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
8	All Goa Cooperative Bank Employees Federation, Panaji	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
9	Advocate	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
10	All Goa Fanchyal Workers Union	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
11	Baia University, Dia Management Studies	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
12	Commission on Women's Right, Panaji	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
13	Goa Institute of Management, Ribandar	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
14	Marmagao Port Trust	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
15	National Institute of Personnel Management, Panaji	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary
16	Goa Shipyard Ltd, Vasco da Gama	Shri D. P. Saldanha, President Shri S. Saldanha, General Secretary Shri G. N. Nair, Secy. Shri C. Saldanha, Treasurer Shri P. Saldanha, Secretary

GOA 05.03.2001 - 06.03.2001

GOA 05.03.2001-06.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
17	Economic Development Corporation of Goa, Panaji	Shri A. V. Paikar, Gen. Manager, Shri S. V. Hanikar, Dy. GM Shri A. V. Peekar, Asst. Char. Engr, Shri S. V. Varkar, IAC Shri M. Vinobte
18	Goa Antibiotic B Pharmaceuticals Ltd.	Shri Ashok B. Shastri, MD. Shri Y. D. Harmalkar, LA
19	Kadamba Transport Corpn. Ltd. Panaji	Shri G. B. Pakar, GM, Personnel Shri G. Srinath, Secretary
20	Goa Chamber of Commerce & Industry	Shri G. Srinath, Secretary
21	Goa Mineral Ore Exports Association, Panjim	Shri G. Srinath, Secretary
22	Goa Mining Association, Panjim	Shri M. N. Faridkhan, Vice President, Shri M. M. Anjale,
23	All Goa Small Scale Industries Association, Panaji	Shri A. S. Marcolkar, Lab. Commissioner Shri S. P. Desai, Genl. Secy, Factory & Buss. Shri K. P. Bhatu Kurji, S.F.C., Shri S. L. Jam, Welfare Commissioner, Shri Ganesh Dhole, ALC
24	State Government	
25	Central Government	

LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

1	State & Central Govt Officials	Shri Anis Anisam Labour Court Officer Shri M. N. Sathiy, Director of Fisheries Shri Madan Lal Dwivedi, Spl. Secretary Shri Ashok Dixit, Asst. Director Shri Dilip Kumar, D.O. Shri Vishwan Saran, Director of Buss. Shri K. K. Swastava, Regional Director Shri Roman Sarkar, J. Director Shri U. S. Jugga, R.C. Shri Anand Kumar, Presiding Officer Shri Parikaj Agarwal Shri Rudra Kumar, Presiding Officer Shri Ganesh Singh Shri Ratan Lal Shukla Shri Sukdev Prasad Mishra Shri Shikari Smt. Karishma Trilathi Shri Savana Shri B. N. Mishra Shri Anilika Prasad Singh Shri Uma Shantini Mishra, Gen. Secy. Shri Y. D. Pandey, Vice President Shri A. Swarna, Vice President Shri Mishu Shukla, Org. Secy.
2	Central Govt Industrial Tribunal Cuni Labour Court	
3	BHAS	
4	HICS	
5	Nirman Mazdoor Panchayat Sangam	

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LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
6	Bidi Udyog Kamichari Union	Shri Anil Shukla, Member Executive Shri Anil Husain, President Shri Anand Singh, President Shri O. H. Anand, Vice President Shri C. P. Singh, Gen. Secy. Shri N. K. Sharma
7	IBTUC	Shri Anand Sharma Shri Sumedh Singh, Gen. Secy. Shri Ravi Yash Prasad, Gen. Secy. Shri K. Vikram Rao, President Shri Anand, President Shri Sudekar, Vice-Chairman Shri P. K. Sharma, Asst. Labour Officer Ms. Partha Prayagshahi, Resident Director Shri V. K. Agarwal, President Shri Sanjay Kaul, Gen. Secy. Shri G. C. Chakravarti, Chairman Shri Rajeev Kapil, Executive Director Shri Shalendra Jha, Committee Member Shri U. R. Agarwal, Committee Member Shri Subho Lal Mishra Shri A. K. Jha, Secy. Gen. Shri D. P. Dikshit, CFO Shri Sanjay Bhatia, Joint Executive Director Shri Ashraf Anwar Shri Malik Omair Shri Khalid Jamal Shri R. Zaver Shri Mahendra Prakash Agarwal, President Shri A. P. Parsoy, Representative Shri A. K. Ganes, Asst. Gen. Manager Shri Deepak Kumar, Asst. Manager Shri P. K. Koushik, Deputy Manager Shri N. K. Ranjan (M - ER) Shri S. M. A. Rizvi (M - PR&A) Shri Sudhakar Tiwari, GM-PR&A Shri P. K. Pandey, Sr. Uice President Shri Manoj Sharma, Dy. G.M. Shri. Ramesh Tiwari, Sr. Officer Shri Jacob Joseph, Private Secretary Shri Madan Lal, Legal Officer Shri L. Nigam, Asst. President Shri H. M. Wahid Khan, Secretary Prof. V. G. Goswami, Dept. Of Law
8	Indian Federation of Working Journalists	
9	Glass Bangladeshi 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 (Fertilizer), Subhaspur	
18	HINDALCO	
19	Scoters Inola Limited	
20	UPTREX	
21	Pulse, Oil seed Production & Marketing Corporation Society	
22	UNIT Kalin Bunker Mazdoor Sabha, Mirzapur Puv	
23	Lucknow University	

LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

DEHRADUN (UTTARANCHAL) 15.03.2001-16.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
24	VCLP, Miralbad	Mr. Rajendra, Project Director, NCLP
25	NCLP, Bhaboti	Shri A.K. Ray, Project Director
26	Kanpur University	Dr. Smt. Henna Sanyal
27	Dr. Shanbhadr Singh Research Foundation, Varanasi	Ex. Vice-Chancellor & President Shri Rajeev Kumar Singh, Gen. Secy
28	Caro & Fur India, Bhaboti	Shri Karan Singh Shri Prakash Singh Sharma, President Shri Anson Kaur, Secy.
29	UNICEF	Shri Anand Mishra Shri Jyoti Kishor (J.K.) Shri Parveen, Secy. Red Cross
30	Rashtriya Mahila Sangh, Red Cross, National Youth Federation & Survidha International	Shri Adarsh Kumar, Secy. Gen. (NMS) Shri. Anurag, Secy. (NMF) Shri. R.S. Saha, Chair/Convenor of Forests Shri G.S. Rishi, Joint Secy Shri K.K. Saha, Joint Manager Shri C.D. Singh, Officer
31	Forest Department	
32	Agr. culture Department	
33	U.P. Road Transport Corporation	
DEHRADUN (UTTARANCHAL) 15.03.2001-16.03.2001		
1	State Labour Department	Shri N.R. Prasad, Secretary Shri Daya Ram, Joint Secretary Shri J.S. Goyal, JLC Shri R.P. Singh, JLC Shri. Dhara, JLC Shri G.P. Singh, JLC Shri S.P. Khanna, JLC Shri N.C. Khanna, JLC Shri. K.N. Singh, JLC Shri K.P. Singh, JLC Dr. Sankar Prasad, Principal Dr. G. A. Sankar, In-charge Shri Braj Kumar Tripathi Shri Anil Kumar
2	Academics	
3	Indian Industries Association	Shri. Pankaj Gupta, President Shri. Suresh Agrawal, Vice President Shri. Anil Kumar, Sr. Vice Chairman Shri. Rajesh Bhatia, Gen. Secy Shri. B.P. Dwivedi Shri. Suresh Lal, U.P. State President Shri C. D. Sharma Shri Kamlesh Kumar, Secretary
4	Uttaranchal Industries Association	
5	BNS	

S.No	Name of the Organisation	Name of the Participants with Designation
1	BNS	Shri. Sankar Prasad, Officer Shri. Kalpana Singh Shri. K. D. Singh, State Vice President Shri. Suresh Kumar, Chairman Shri. S. Singh, Joint President Shri. Ravi Shankar
2	Sugar and Mazdoor Union	Shri. D.P. Singh, President Shri. Nandan Chandra Singh Shri. Jai Prakash Singh Shri. Suman Singh, President Shri. D. S. Rawat Shri. A.P. Bhat Shri. S. Singh
3	WTL C	
4	KLH Union Labour Law Consultants Association, Haldwani	
5	PEI	
6	National Development and Welfare Society	Shri. Nandan Chandra Singh Shri. Jai Prakash Singh Shri. Suman Singh, President Shri. D. S. Rawat Shri. A.P. Bhat Shri. S. Singh
7	Rural Litigation and Settlement Centre	Shri. Nandan Chandra Singh Shri. Jai Prakash Singh Shri. Suman Singh, President Shri. D. S. Rawat Shri. A.P. Bhat Shri. S. Singh
8	Nandi Ganga Movement	
9	BHEL, RANIPUR	Shri. N. Goyal, Gen. Manager Shri. P. Singh, Dy. Gen. Manager Shri. K. Singh, Manager Shri. Suresh Kumar, Deputy Manager Shri. K. Singh, Secretary General Shri. S. Singh, President Shri. E. K. Singh, President Shri. P. Singh, President
10	BEL, Kotdwara	
11	Hotel and Restaurant Association	
12	Doon Brick and Tile Association, Shalimar	
PATNA (BIHAR) 23.03.2001-24.03.2001		
1	BNS, Patna	Shri. Sankar Prasad, Joint Gen. Secretary Shri. B.K. Singh, Secretary Shri. Ashok Kumar, Treasurer Shri. S.P. Singh, Vice President Shri. E. Sankar Prasad, Secretary Shri. P. Singh, President Shri. D. K. Singh, Gen. Secretary Shri. A. K. Singh, Secretary Shri. A. K. Singh, Secretary Shri. H. Singh, Secretary Shri. A. Singh, Secretary
2	Jay Prabha Academy, Patna	
3	WTL C, Patna	
4	Confederation of Food Trade Unions of India	
5	Bachpan Bachao Andolan, Patna	
6	Bal Sakha, Patna	
7	UNICEF, Patna	

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DEHRADUN (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
9	CADL, Patna	Shri Anand Kumar
10	Labour Court, Patna	Shri A Das Saini, Gen. Secy
11	State Child Labour Institute	Shri K M Gupta, Advocate
12	Patna University, Dept. of Labour & Social Welfare	Dr. Kumar Vinay, Chairman
13	Hindustan Fertiliser Corporation, Patna	Dr. B N Saha, Professor
14	Indian Oil Corporation, Begunurahi	Shri S P Hemsani, Pers. Officer
15	ITFC, Patna	Shri U C Mishra, Pers. Officer
16	DELTRON, Patna	Shri V P Chaturvedi, Dy. Gen. Manager
17	C I I, Patna	Shri S Prasad, Sr. H. J. Manager
18	Bihar Industrial Association	Shri S K Mahala, Pers. Asst. Manager
19	Laghu Udyog Ghanti, Patna	Shri A K Singh, Sr. Pers. Officer
20	MACHOWELL'S Co. Ltd., Patna	Shri Vikash, Gen. Secy
21	KALVAMPUR CEMENT LTD	Shri R K Singh, Gen. Secy
22	Central Government Officials	Shri S K Ghosh, J.C.
23	State Government Officials	Shri R K Singh
		Shri Anup Kumar, M.O
		Shri K P S Kesri, Chairman
		Shri C K Chaturvedi, Secretary
		Shri Y Singh, Treasurer
		Shri D K Rathi, Member
		Shri A K Saha, Executive Officer
		Shri R Shukla
		Shri G K Sharma, President
		Shri R P Singh, Sr. Executive
		Shri M Hasan, Asst. Mgr. President
		Shri S K Ghosh, J.C.
		Shri A K Mukhopadhyay, J.C. & S.
		Shri S K Dasgupta, RPF
		Shri P D Singh, R.P.F.
		Shri V K Singh, J.C.

RANCHI (JHARKHAND) 26.03.2001-27.03.2001

1	INTUC, Janshedpur	Shri S K Baidyana, Working President
		Shri D K Singh, Gen. Secretary
		Shri J P Singh, J. Gen. Secretary
		Shri A Singh, Gen. Secretary
		Shri Gopal, Vice President
		Shri A P Jaiswal, Treasurer
		Shri M K Gopalan, Org. Secretary
		Shri M Choudhury, Gen. Secretary
		Shri Dhawan Singh, Secretary
		Shri R N Saha, Member

RANCHI (JHARKHAND) 26.03.2001-27.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
5	MFTU, Dhanbad	Shri G K Singh, Member
		Shri A Whator, Gen. Secretary
6	Ullas Bhatti Research and Study Centre, Bishnupur	Dr. Vijayanti Pandey, Director
7	Krisi Gram Vikas Kendra, Ranchi	Shri B. Agrawal, Secretary
8	Academicsians ALRI	Shri G. S. Verma, Consultant
		Dr. E. M. Rao, Professor
		Shri P. K. Sinha, Sr. Advocate
		Shri C. K. Verma, Advocate
		Shri Satish Bakshi, Advocate
		Shri R. S. Yadav, Gen. Secretary
		Shri Saurindra Tripathi, Gen. Secretary
		Shri S. S. Verma
		Shri Farooq Aham
		Shri Mahesh Singh
		Shri N. K. Prasad, J.C.M.
		Shri R. Singh, J.C.M.
		Shri S. S. Prasad, J.C.M.
		Shri K. S. Menon, Chief Inspector
		Shri V. K. Saha, Dy. Manager
		Shri A. K. Saha, Dy. Manager
		Shri D. K. Prasad, Asst. Director
		Shri V. K. Singh, Dy. S.M.
		Shri V. P. Das, Dy. S.M.
		Shri Anand Singh, Jharkhand Sr. Manager
		Shri S. S. Choudhary, J.C.M.
		Shri R. N. Pandey, J.C.M.
		Shri V. K. Agrawal, Works Manager
		Shri N. Singh, Sr. Manager
		Shri G. C. Singh, Asst. Manager
		Shri R. M. Nigam
		Shri R. S. Ambastha
		Shri A. Prasad, J.C.M.
		Shri A. K. Singh, Pers. Manager
		Shri R. Singh, Through President
		Shri P. Singh, Sr. President
		Shri R. Tewari, Secretary
		Shri Chandra Kant Rana, Chairman
		Shri V. L. Kungla, President
		Shri R. Agarwal, Asst. Secy
		Shri D. K. Puri, Secy
		Shri V. K. Singh, Gen. Secy
		Shri L. P. Rai, Org. Secy

RANCHI (JHARKHAND) 26.03.2001-27.03.2001

13	115CO B CII Janshedpur	
20	Usha Martin Industries Ranchi	
21	Indian Explosive Ltd, Bokaro	
22	Small Scale Industries Association, Ranchi	
23	Chhatnagpur Chamber Of Commerce, Ranchi	
24	Eastern Zone Mining Association, Chaibasa	
25	Laghu Udyog Bharati, Janshedpur	

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CHANDIGARH (PUNJAB) 09.04.2001-13.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
19	Petro Chemical & Pharmaceuticals Limited, Dera Bassi	Shri Raj Kumar Shri Tarsen Lal Shri Nalin Ram Shri R. Rast
20	Swarej Group of Company, Mohali National Fertilisers Limited	Shri P.K. Varma, Director Shri M.K. Gupta Shri C.M. Nagpal Shri V.P. Chhara, President Shri Tansen Sani, President Shri Ravinder Puri, Vice President Shri Chaman Goyal, Joint Secy. Shri Jitendra Kumar, Secy.
21	Dera Bassi Industrial Association	Shri Sangeet Kumar, Gen. Secy. Shri S.L. Seltue Shri A.S. Kalia Shri Manoj Talwar Shri Raj Singh Shri Sanjay
22	Mohali Industrial Association	Shri S.S. Gandhi, President Shri S.K. Sar., Labour Consultant Shri V.S. Palleka, Executive Member Shri Gajinder Singh, Office Secy Shri R.S. Sachdeva, Ex. President Shri S.S. Jetha, Executive Member Shri Gurmeet Singh Shri R. Sachdev Shri Avdesh Krishna, Gen. Manager Shri Ash Bagan Das, Senior Manager Shri S.K. Agarwal, Senior Manager Shri H.S. Vaidhri, IMAI Shri T.C. Khanna Shri N.R. Kausal Shri Salish Gogroda, Chairman (Himecra) Shri Vikram Selyal, Chairman (Charidigm) Shri Amarjeet Goyal, Chairman (Punjab) Shri Rajiv Bali, Co-Chairman Shri R.S. Sachdeva, Co-Chairman Shri Bhant Singh Shri P.K. Sharma Shri H.S. Malik Shri Subhew Raj Shri Ashwan Kumar Shri Mohan Singh Shri R.K. Gandhi Shri Kewal Chowdhary
23	Godrej Appliances Limited, Mohali	
24	Textile Manufacturers Association	
25	PHD Chamber of Commerce	
26	Handtools Exporters Association & Focar Point Industrial Association, Jalandhar	

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CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
29	Laghu Udyog Bharati	Shri Ashwari Kapoor, Gen. Secy. Shri Sukdev Singh
30	Shriy Klin Owners Association	Shri Sahajpal Singh, Sancho, President Shri Kuldeep Kumar Khandauja, Vice President Shri Vivek Vahi Shri Jagdeep Sukhiya Shri P.D. Sharma, President Shri S.M.S. Bhogal Shri Rajesh Mehta, President Shri S.P.S. Sehathi Secy Shri K. Sachdev, President & CEO Shri V. Baboo, Managing Director Shri D.L. Sharma, Executive Director Shri Raj Singh, Sr. Manager Shri Joravar Singh, HR Chief Shri Madhu Pina, Deputy Director Shri N.S. Khosla, President Shri Y.P. Kapoor Shri Anur Agarwal Shri Dinesh Gupta Dr. T.C. Mehta, Director Shri S.K. Sharma, D.C. Dr. Naresh Kumar, Vice President Shri V.N. Das, Director Dr. S.K. Sharma, Professor Shri Ashok Huma, Hony. Secy Shri B.C. Gupta, Secy. Labour & Employment Justice Jitlal Singh, P.O. Industrial Tribunal Justice Inder Singh, Addl. Dist. & Session Judge Shri S.K. Aggarwal, Addl. Dist. & Session Judge Shri Harpal Singh, Addl. Labour Commissioner Shri L.D. Sharma, C.C. Shri B. Sarkar Sasmit Sen, Labour & Employment Shri Inderjit Singh, ALC Shri R.P. Banger, LCO Shri S.S. Bansal, ALC Shri G.S. Wahi, ALC Shri Darshan Singh, LCO Shri Sach Lutharya, LCO Shri Harish Nayyar, ALC Shri S.S. Bardi, ALC Shri Nimesh Singh, LCO Shri Raj Chhnd, LCO
31	Apex Chamber of Commerce & Industries	
32	Confederation of Indian Industry	
33	Patiala Chamber of Industries	
34	ESI	
35	Ranbaxy Labs Limited	
36	State Government Officials	

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CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001

Name of the Organisation
 Name of the Participants with Designation

- State Government Officials**
- Shri H.P. Bedru, ALC
 - Shri Jagan Parraj, LCO
 - Shri U.S. Bhalla, LCO
 - Shri P.K. Jain, I.T.
 - Shri Sanjiv Kumar, Executive Officer
 - Shri Jagjit Singh

HARYANA 11.04.2001-12.04.2001

- 1 BMS
 - Shri Ranul Sharma, President
 - Shri Jung Bahadur, Gen. Secy
 - Shri Pawan Kumar, Secy
 - Shri Yash Prakash Singh, Secy
 - Shri Anand Singh, Executive Secretary
 - Shri Karan Singh, Vice President
 - Shri Gopal Lal Gupta, Executive Member
 - Shri Rajan Singh, Vice President
 - Shri Anand Singh, Ex. Member
 - Shri D.D. Yadav, Secretary
 - Shri Manoj Kumar, Gen. Secy
 - Shri Rajan Kumar, Vice President
 - Shri Ranvir Singh, Vice President
 - Shri K.L. Sharma, Gen. Secy
 - Shri Anand Sharma, Gen. Secy
 - Shri Manoj Singh, Convener/Membar
 - Shri H. Bhatia, Convener/Venue
 - Shri V.P. Singh, Gen. Secy
 - Shri R.P. Verma, Working President
 - Shri Indar Singh, President
 - Shri R.S. Ahluwalia
 - Shri Satish Singh
 - Shri Kamal Singh
 - Shri Vikram Kataria
 - Shri Raju Chahal, Gen. Secy
 - Shri R. K. Jain, Chairman
 - Shri P.K. Sharma, Labour Advisor
 - Shri Bansi Singh
 - Shri O.P. Malik
 - Shri O.P. Thakral
 - Shri M.N. Ajaya Kumar, Executive Secy
 - Shri R.C. Fadia, Asst. Manager
 - Shri Hari Prasad
 - Shri Suresh Chahal, President
 - Shri C. Mahesh, Ex. Member
- 2 HMS
- 3 IATUC
- 4 KISSAR Kheithar Mazdoor Union, Panipat
- 5 Yarnum Nagar Chambers of Commerce & Industry
- 6 Financed Small Scale Industries
- 7 PHD Chamber of Commerce and Industries, Chandigarh
- 8 Gurgaon Industries Association
- 9 United Trade Union Congress, Sonapat
- 10 Gurgaon Chambers of Commerce and Industries

HARYANA 11.04.2001-12.04.2001

Name of the Organisation
 Name of the Participants with Designation

1. Wipro India Ltd, Faridabad, Mrs Laxmi Prakash, Ltd
 - Shri R.P. Prasad, Director
 - Shri J.L. Gupta, Vice President
 - Shri A.C. Sahilvar, Gen. Manager
 - Shri Deepak Jain
2. Leghu Udyog Bharti, Faridabad
 - Shri Suresh Chandra
 - Shri S.P. Gupta, Head
 - Shri C.S. Goid
 - Shri D. Prasad Goid
3. Haryana Chamber of Commerce and Industry, Kurukshetra
 - Shri Shashi Bhusan, President
 - Shri K.G. Verma, Secy and Convener
 - Shri S. Mahindral, JLC
 - Shri Shalendra Jandu, JLC
 - Shri S.W. Mehan, Add. Secy
 - Shri K.S. Sharma, Dy. Director
 - Shri Manoj Kumar, JLC
 - Shri Anand Singh, JLC
 - Shri S.S. Sharma, Editor
 - Shri Mahesh Singh, Bara, JLC
 - Shri P.K. Saini, Statistical Officer
4. State Officers, Labour Department, Haryana

CHANDIGARH (PUNJAB) 11.04.2001-12.04.2001

- 1 IATUC - Chandigarh
 - Shri Anand Prakash, President
 - Shri Satish Sharma, Secy
 - Shri V.L. Bhatia, Gen. Secy
 - Shri Jagan Parraj, Gen. Secy
 - Shri Rajinder Singh, Vice President
 - Shri Subhash Talwar, Gen. Secy
 - Shri L. Bajaj, Convener
 - Shri V.P. Thakur, Office Secy
 - Shri A.D. Singh, Krishna Singh
 - Shri V.P. Yadav, Gen. Secy
 - Shri Karan Singh, Conv. Member
 - Shri R.D. Bhatia, Ex. Member
 - Shri Ramesh Kumar, Office Secy
 - Shri Harpreet Singh
 - Shri B.P. Arora, Convener, Punjab University
 - Shri S. Jaiswal, Professor - Law
 - Shri Jagan Parraj, Reader - Sociology
 - Shri Suresh Chahal, Lecturer - Law
 - Shri O.P. Mahesh, Labour Law Advisor
- 2 BMS, Chandigarh
- 3 HMS Chandigarh
- 4 Organisations of Employers of Service Industry - Chandigarh
 - Shri Harpreet Singh
- 5 Individuals

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CHANDIGARH (VF) 11.04.2001-12.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
6	Kamla Dal & Services Ltd M/s Groz Bagheri Aze Ltd.	Shri Sangy Singh, Asst. Manager M S Dhaliwal, Gen. Manager Shri S C Kish. President Shri Ravinder Kumar Shri Yashpal, President
7	Industries Association of Chandigarh	
8	Chamber of Chandigarh Industries	
9	Federation of Small Scale Industries	
BHOPAL (WADHYA PRADESH) 23.04.2001-24.04.2001		
1	INTUC, Bhopal	Shri Tara Singh Vijay, President Shri R D Tripathi, Gen Secretary Shri S S Yadav, SEC Shri Shradh Samil, S. Supanuclein Shri Manoj, Secretary Shri D K Srivastava, Jy G M HRD Shri P R Bedhiwar, Plus notal Shri R L Was, S. Manager Shri D R Kaushal Shri V P Kaurri Shri A P Singh Shri J P Pathak, Gen Secretary Shri S P V. sh. g
2	INCIS	Shri B D Gaurav, Gen Secretary Ms. Asha Mandlik Shri S. D. Yerna, Director Ms. Saba Joshi, Programme Head Shri B. C. Pathydnika, Lab. Consultant Shri Prasad, Member
3	Tata International Ltd, Devas	Shri S. C. Bhargava, Y. President Shri S. S. Wairia, G.M
4	Arant Spinning Mills, Mandla/Deop	Shri M. S. Kawa, Manager Shri G. K. Chibber, Advocate Shri Manojendra S. Tyagi, Dy. Chairman Shri V. S. Choudhury Shri B. Swainthlian, Y. President Shri S. C. Bhargava, Patron Shri Gautam Kishan, President Shri D. K. Shah, Gen Manager, Shri Yashendra Jain, Secretary Shri Hiralal Jain
5	M P Dairy Wagn Workers Mahasangh, Bhopal	Shri Jyendra Gupta, Secretary Dr. Ajay Narang, Vice President Shri Ron Bansal, President Shri Sridhar Daley, Member
6	M P Vidyut Karamchari Sangh, Federation, Jabalpur	
7	M P Anguwaadi Karyakanta Sangh, South T Negeri, Bhopal	
8	Industrial Health & Safety, Indore SEIWA, Indore	
9	Federation of Chamber of Commerce & Industry	
10	Raymond Ltd, Chhindwara	
11	Individual	
12	M. P. Textiles Mills Association, Indore	
13	P. S. Small Scale Industry Association, Bhopal	
14	Audyogi Sangathan, Indore	
15	M P. Beedi Udyog Sangh, Sagar	
16	Laghu Udyog Bharati, Bhopal	

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BHOPAL (MADHYA PRADESH) 23.04.2001-24.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
18	SHEL, Bhopal	Shri V. K. Kapoor, ALM Shri A. K. Bhat, Sr. Manager Shri S. P. Pathak, Sr. DEW Shri R. J. Pursey, AG Shri A. K. Pradip, Asst. Administrator Shri K. Vishva, Regional Director Shri V. Beakishet, RPFCC Shri B. Agrecha, AFCC Shri Govind Sharma, EC Shri Bara Lal Anwar Shri Yash Bharghe Shri Sanjay Sharma Shri Suresh Verma Shri Prasad Rastogi Shri V. R. Khare, M.J Shri Ramesh Dave, ED Shri R. S. Aeg, CCIT Shri Anil Chhabra, CUD Shri G. N. Rawari
19	Lakshmi Welfare Board	
20	Welfare & Coes Commissioner	
21	ESIC, Indore	
22	EPFO, Bhopal	
23	SHEL Thaka Karmachari Sanjuktia Mancha, Bhopal	
24	M. P. Forest Department	
25	Commerce & Industry Dept	
RAIPUR (CHHATTISGARH) 26.04.2001-27.04.2001		
1	AITUC, Raipur	Shri N. Khushagade, President Shri R. L. Shrivastha, Secretary Shri Kamal Raj, Gen Secretary Shri H. S. Mishra Shri R. K. Yadav Shri Ranjankul Yadav Shri Narayan Tiwari, President Shri Y. C. Sharma, Gen Secretary Shri A. S. Nayak, President Shri R. S. Srivastava, President Shri A. Gauram, Y. President Shri A. Devangan, Srg. Secretary Shri V. Chandraakar, Gen Secretary Shri K. N. Trivedi, President Shri R. C. Arya, President Shri R. Dixit Shri R. L. Yadav Shri B. Khatri, J Shri P. Sharma Shri P. Patil Shri J. L. Pant, S Shri V. K. Shukla, President
2	CIU, Bilai	
3	HKS, Bilai	
4	BMS Bilai	
5	INTUC, Chhatigarh	
6	Samta Party/Rananganon	

JAMMU

HIMACHAL PRADESH 19.07.2001 - 20.07.2001

S.No.	Name of the Organisation	Name of the Participants with Designation
1	Bureau of Labour Commissioner Kashmir JK Labour Department, Srinagar	Shri S.H. Khatri, Ex. JK Labour Commissioner Shri B.L. Rana, Convenor/Secretary Shri E. Kaur/Sri A. Labour Commissioner
15	Kashmir Hotel & Restaurant Association, JK	Shri K.B. Megolia, Dy. Labour Commissioner Shri Sitabehnd Secretary General
1	Doda, Jammu	Shri Gopal - Saini/Hari, Sainiwal
2	SANULRA, Jammu	Dr. P.R. Kishor/Dr. Praveen
3	Banyarjan Sarathi, Jammu	Major General, G.S. Jammu V.L.C.
4	Dept. of IITM, University of Jammu, Jammu	Shri U. Chhola, Professor Shri Pateshwar Doshi, Professor
5	National Front of Indian Trade Union, Jammu	Shri Salah Chand, Gen. Secretary Shri Jansoor/Dokar, Y. Treasurer Shri Bhanu Lal/Sudhi, V. Treasurer Shri Anand H. Singh
6	Industrial Estate Workers Union, Jammu	Shri Gaurjyan Sharma, President Shri Brijgopal Jaspal, Gen. Secretary Ms. Vansa Devi (Preeti Virog) Ms. Pooj Kaur (Nehru Virog)
	Bharatya Mazdoor Sangh, Jammu	Shri L. R. Singh, Executive Member Shri Virey Chandel, State President Shri H.K. Gupta, Gen. Secretary Shri - Jyotsna Choudhary, Secretary Shri R.K. Sharma State General Secretary Shri M.S. Saini
8	State Central Labour Union, (R.K. Sharma Group), Jammu	Shri Shankar Swaroop Shri Kishor Rai
3	State Central Labour Union, (Mohan Sharma Group), Jammu	Shri Dey, Ar. Singh Shri Kishor Kumar Shri Virey Singh Shri S. Chander Shri Swarn Singh Shri K. Sharma
10	HMT Employee Union, Jammu	Shri Karam Kumar Zafar, Gen. Secretary Shri L.K. Dhillon, President Shri S.M. Sharma, President
11	Bani Brahman Industry Employers Association	Shri K.C. Sharma, Vice President Shri A.K. Wadhwa, President
12	Management Charitable Trusts Mills, Jammu	Shri Chandel Kaul, Vice President Shri B.B. Tewari, Gen. Secretary Shri Bansilal/Gudra Viro President Shri R.V. Saini, Executive Member
13	Associations of Small Scale Industries	

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S.No.	Name of the Organisation	Name of the Participants with Designation
14	Chamber of Commerce & Industries	Shri Ravi Saini, President Shri Rajendra Prasad, Secretary Shri Ramesh Chandra Singh, Secy. Labour Shri Rajendra Prasad, Director Shri M. Kumar, Dy. Director Shri B. Sharma, Asst. Director Shri A.K. Sood, Asst. Director Shri S.C. Awasthi, J. Labour Officer Shri A.K. Sood, Dy. Labour Officer Shri R.K. Sood, Dy. Labour Officer Shri D. Sharma
1	Director of Labour, Government of Himachal Pradesh	Shri A.K. Sood, Dy. Director
2	Forest Department, Government of Himachal Pradesh	Shri D. Sharma
3	PWD, Government of Himachal Pradesh	Shri D. Sharma
4	Director of Health Services, Govt. of Himachal Pradesh	Shri D. Sharma
5	H.P. State Electricity Board, Govt. of Himachal Pradesh	Shri D. Sharma
6	MIS Ambu x Central	Shri D. Sharma
7	NHPC, Kud. V.P.	Shri D. Sharma
8	Kallipura Jhalari Power Co. p.n. Shimla, Himachal Pradesh	Shri D. Sharma
9	Verdhaman Searing Mills, Bawal, Himachal Pradesh	Shri D. Sharma
10	MIS ACC, Bannuara, H.P.	Shri D. Sharma
11	All India Trade Union Congress, Himachal Pradesh	Shri D. Sharma
12	I.V.I. U.C. Himachal Pradesh	Shri D. Sharma
13	B.M.S. Himachal Pradesh	Shri D. Sharma
14	PWD Chamber of Commerce & Industry, Shimla, H.P.	Shri D. Sharma
15	MIS Ambuja Cement Kamnuchan Sangh, Himachal Pradesh	Shri D. Sharma

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	Shri J. L. Bhargava, Ex. President, Shri Balwant Singh, Vice President, Sri Ashesh Member
17	Hotel & Restaurant Association, Himachal Pradesh	Shri Navinder Singh, President, Shri Mohan Kalaria, Vice President, Shri Sunder Singh, Shri Gopal Aggarwal, Shri Gan Palreja,
18	Confederation of Indian Industry, Northern Zone, Chandigarh	Shri O.P. Sharma, Legal Adviser, Captain Alex Sharma, Vice Chairman, Shri Pakesh Bhatia, Member, Shri Rajeev Singh, Ex. Director, Shri K. D. Puri, President, Shri S. S. Bhatnagar, President, Shri D. P. Sharma, Vice President, Shri Anil Kumar, General Secretary
19	Laghu Udyog Churati, Baddi, Himachal Pradesh	Shri Ramkali Sharma, Member
20	Bar Council, Himachal Pradesh	Shri A. G. Maurya, Regional Director
21	Central Board of Workers Education, Farwanoo H.P.	Shri Ravindra Pushpa, R.C.C (C)
22	R.L.C. (C), Dharmgarh	Shri Rajesh Bhatia, R.F.C
23	R.P.E.C., Shimla, Himachal Pradesh	Shri K. S. Chahal, Ex. Director, Shri P. D. Chauhan, Asst. Director
24	ESIC, Shimla, Himachal Pradesh	Dr. Rattan Chandra, DDO Dr. Sania Mehta, SMO

COMMISSION'S VISITS ABROAD

Malaysia	11-01-2002 to 12-02-2002
China	14-01-2002 to 18-01-2002

Annexure - VIII

List of Liaison Officers appointed by the States/Union Territories to coordinate the visits of National Commission on Labour

Maharashtra (Mumbai)	Shri M.K. Ambekar, Dy. Labour Commissioner	01.07.2000-07.07.2000
Gujarat (Ahmedabad)	Shri A.K. Bhasin, Dy. Labour Commissioner	01.08.2000-03.08.2000
Tamil Nadu (Chennai)	Shri P.A. Ramiah, Labour Commissioner	17.08.2000-19.08.2000
West Bengal (Kolkata)	Shri M.L. Gagan, Asst. Labour Commissioner	14.09.2000-15.09.2000
Andhra Pradesh (Hyderabad)	Shri M. Reddy, Asst. Labour Commissioner	12.10.2000-14.10.2000
Karnataka (Bangalore)	Shri M. Shastri, J. Labour Commissioner	27.11.2000-29.11.2000
Kerala (Thiruvananthapuram)	Shri C.U. Mory, J. Labour Commissioner	06.12.2000-08.12.2000
Orissa (Bhubaneswar)	Shri B.C. Das, Labour Commissioner	18.12.2000-19.12.2000
Rajasthan (Jaipur)	Shri M. Singh, J. Labour Commissioner	22.01.2001-24.01.2001
Assam (Guwahati)	Shri Bipul Sharma, Dy. Secy. Lab. & Emp. Dept.	17.02.2001-20.02.2001
Andhra Pradesh (Vijayawada)	Dr. S.P. Bharadwaj, Asst. Labour Commissioner	17.02.2001-20.02.2001
Tripura	Shri A.K. Das, Labour Officer	17.02.2001-20.02.2001
Mizoram	Shri P. Vanthlangthanga, Dist. Empl. Officer	17.02.2001-20.02.2001
Meghalaya (Shillong)	Shri A.K. Roy, Labour Secy. cum-Commissioner	21.02.2001-23.02.2001
Andaman & Nicobar Islands (Port Blair)	Shri Avtar Singh, Asst. Labour Commissioner	26.02.2001-27.02.2001
Goa (Panaji)	Shri S.A. Deshpande, Dy. Labour Commissioner	05.03.2001-06.03.2001
Uttar Pradesh (Lucknow)	Shri R. Gansh, Dy. Labour Commissioner	12.03.2001-14.03.2001
Uttaranchal (Dehradun)	Shri J.S. Vast, Dy. Labour Commissioner	15.03.2001-16.03.2001
Bihar (Patna)	Shri Raaj Deo Rajak, J. Labour Commissioner	23.03.2001-24.03.2001
Madhya Pradesh (Raipur)	Shri K.K. Chaudhary, Asst. Labour Commissioner	26.03.2001-27.03.2001
Punjab (Chandigarh)	Shri L.D. Sharma, Dy. Labour Commissioner	09.04.2001-10.04.2001
Haryana (Chandigarh)	Shri Mohan Singh, J. Labour Commissioner	11.04.2001-12.04.2001
Chandigarh (U.T.)	Shri S.S. Chauthan, Asst. Labour Commissioner	11.04.2001-12.04.2001
Madhya Pradesh (Bhopal)	Shri L.P. Pachak, Asst. Labour Commissioner	23.04.2001-24.04.2001
Chattisgarh (Raipur)	Shri H. R. Oviwadi, Dy. Labour Commissioner	26.04.2001-27.04.2001
New Delhi	Shri Z.U. Sindiqui, J. Labour Commissioner	08.05.2001-09.05.2001
Jammu & Kashmir	Shri Sayed Yasir Shah, Labour Commissioner	03.07.2001-04.07.2001
Shimla, Jammu	Shri Sayed Yasir Shah, Labour Commissioner	35.07.2001-05.07.2001
Himachal Pradesh (Shimla)	Shri S.C. Awasthi, J. Labour Commissioner	19.07.2001-20.07.2001

Annexure - VIII
**List of Meetings convened by the National Commission on Labour and Persons/
Organisations of the govt. evidence**

15.11.2000

ORGANISATION OF CHIEF LABOUR COMMISSIONERS (CENTRAL INDUSTRIAL RELATIONS MACHINERY)

1. Shri Suresh Sharma, (I.L.C.), New Delhi
2. Shri S.K. Mahapatra, (I.L.C.), New Delhi
3. Shri G.R. Mishra, Dy. C.I.C., New Delhi
4. Shri B.C. Bhasia, Dy. C.I.C., New Delhi
5. Shri Y.K. Tanna, Dy. C.I.C., New Delhi
6. Shri H.S. Sarawara, Director (I.L.C.), C.I.C. New Delhi
7. Shri S. S. Mishra, C.I.C., Ahmedabad
8. Shri Viswanath, C.I.C., Chandigarh
9. Shri R.L. Dantre, I.L.C., Ahmed
10. Shri B.R.S. Raut, S.I.C., Chennai
11. Shri L.R. Goyal, C.I.C., Guwahati
12. Shri B.S. Duggal, C.I.C., Kanpur
13. Shri Anil Kapoor, C.I.C., Delhi
14. Shri A.N. Mehrotra, C.I.C., Chandigarh

16.11.2000

STATE GOVERNMENT AUTHORITIES

1. Director of Factories, Andhra Pradesh
2. Jt. Labour Commissioner, Haryana
3. Labour Commissioner & Chief Inspector of Factories, Orissa
4. Labour Commissioner, Andaman & Nicobar,
5. Labour Commissioner, Arunachal Pradesh
6. Labour Commissioner & Chief Inspector of Factories, Assam & Dis.,
7. Secretary, Labour, Sikkim
8. Labour Commissioner, Assam
9. Jt. Labour Commissioner & Chief Inspector of Factories, Rajasthan
10. Jt. Labour Commissioner & Chief Inspector of Factories, West Bengal
11. C.I. Dy. C.I. & C.I. Factory, U.P.
12. Secretary Labour, Lakshadweep
13. Assistant Commissioner, Manipur

17.11.2000

STATE GOVERNMENT AUTHORITIES

1. LC & Jt. LC, H. Machal Pradesh
2. Dy. LC & Jt. Dir. of Factories, Punjab
3. Adm. Labour Commissioner, MP
4. LC & C.I., Tamil Nadu
5. I.C.C.I.R. Dargaj, Punjab Haveli
6. Adm. C.I., Chandigarh

17.11.2000

STATE GOVERNMENT AUTHORITIES

7. Comm. Coun. C.I. Pondichery
8. Jt. Labour Commr., Nagaland
9. Secretary Labour, Mizoram
10. Labour Commissioner, Karnataka

21.03.2001

NATIONAL TEXTILE CORPORATION

1. Shri K.H. Chudry, CMD, New Delhi
2. Shri A.K. Braradhana, Director(Fin./New Delhi
3. Shri R.P. Yadav, CMD, UP & Gujarat
4. Shri D. Saranwan, CMD, Tamil Nadu
5. Shri K. Rang, CMD, Madhya Pradesh
6. Shri B. Mahapatra, CMD, West Bengal
7. Shri B.D. Jadhav, New Delhi
8. Shri S.D. H. Kazi, Kerpur
9. Smt. Prabha Sethi, New Delhi
10. Shri N.S. Prabhu, CMD, Maharashtra
11. Shri D. R. Khatia, CMD, Madhyastra
12. Shri G.K. Sharma, New Delhi
13. Shri R.S. Goyal, Director (Fin.) A.I. & Karnataka
14. Shri N.K. Aggarwal, Chief General Manager, Gujarat
15. Shri V.V. K. Ramani, General Manager (S&D) N. Delhi

UNIONS

1. Shri S.S. Yadav, Secretary, (I.L.C.), MP
2. Shri G.B. Gawaiya, Office Secretary, B.M.V.S., Punjab
3. Shri C. T. Sawney, Office Secretary, S.A.S.S., Mumbai
4. Shri R. Dhruvare, Gen. Secretary, R.I.H.F.S., Mumbai
5. Shri A.D. Bisgal, Secretary, I.N.S., New Delhi
6. Shri Ram Kishore Tripathi, Secretary, I.N.S., UP
7. Shri Ananda Sharma, Vice President, H.V.S., UP
8. Shri M.M. Ghant, President, S.I.D., Ahmedabad
9. Shri R. D. Patel, Secretary, T.V.A., Ahmedabad

10-11-5-2001

DIRECTOR GENERAL OF MINES SAFETY

1. Shri A.K. Kurty, DGMS, Chennai
2. Shri M. Salyamurthy, Deputy Director General, Guwahat

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DIRECTOR GENERAL OF FACTORY ADVISORY SERVICE AND LABOUR INSTITUTE, MUMBAI

1. Shri S.K. Saxena, Director, General
2. Shri S.C. Gupta, Dy. Director, General
3. Shri V.D. Sankh, Dy. Director, General, (Safety)
4. Shri V.L. Kulkarni, Director, Safety
5. Shri Y.K. Rastogi, Dy. Director, (Staff Training)
6. Shri S.C. Sharma, Assistant Director

CENTRAL BOARD OF WORKERS' EDUCATION, MUMBAI

1. Shri V. Parameswaran, Director (Addl. Charge)
2. Shri M.K. Jain, Regional Director
3. Shri T.M. Ghosh, Dy. Director (Admin).

EMPLOYEES' PROVIDENT FUND ORGANISATION, NEW DELHI

1. Shri S.C. Ray, F&CAO
2. Shri S. Viswanathan, RPFCC
3. Shri Viswanathan, Addl. CPIO
4. Shri S. Rajaram, RPFCC

EMPLOYEES' STATE INSURANCE CORPORATION, NEW DELHI

1. Shri V.L. Nagarkar, Addl. Commissioner
2. Dr. (Smt.) S. Singh, Addl. Commissioner
3. S. Chandrasekharan, Insurance Commissioner
4. Shri D. Abdul Hamid, Addl. Commissioner

LABOUR OFFICE, CHANDIGARH

1. Shri G. S. Anand, Director
2. Shri Rajan Kumar, Director
3. Shri Dejeet Singh, Jt. Director
4. Shri Bhaskar Mehra, Assistant Director

03.06.2001 PUNE

Interacted with the Members of Labour Law Practitioners Association, Pune.

04.06.2001

INTERACTED WITH THE FOLLOWING RURAL SECTOR NGOS, PUNE

1. Shri M.B. Salunke, President, Panti Panchayat Gram Parishad
2. Kalpa Yashwanth
3. Gyan Prabodhpati
4. Manur Lok
5. Laghu Udyog Bharti, Pune

05.06.2002

- Interacted with the office bearers and visited workplaces of Narmal Parichaya (Health Workers Union) organized under the leadership of Dr. Baba Acharya such as Kachhar Bistar (Health Workers Welfare), Construction of roads, etc. Visited the office of the National Warmer Welfare Board.
- Held discussions with office bearers of different unions organized and operating under the leadership of Dr. Bubu Adhav such as Narmal Panchayat, Roshanwar Narmal Union, Rag Pipers Union, etc.

06.06.02

- Visited the office of Dr. P.S.J. Kumbhar, Mumbai, held discussions with JG-RAGU on other sector offices and saw the laboratory, the medical facilities for detection of occupational diseases and establishment established by JG-RAGU.

23.7.2001

RAILWAYS

MINISTRY OF RAILWAYS

1. Shri Suresh Kumar Saha, EDC (IR)
2. Shri R. Mazumdar, JDE (L)

BHARTIYA RAILWAY MAZDOOR SANGH

1. Shri P.C. Sharma, SWU
 2. Shri L.P. Jayswal, C.T
 3. Shri Kail Kumbhar
 4. Shri C.R. Yadav
- NATIONAL FEDERATION OF INDIAN RAILWAY**
1. Shri M. Rajkumar, General Secretary
 2. Shri Gauran Singh, Working President
 3. Shri R.P. Bhatnagar, Treasurer
 4. Shri N. Sathuramuni, Jt. General Secretary

ALL INDIA RAILWAY FEDERATION

1. Shri U. Purandhar, President
2. Shri J.P. Choober, General Secretary
3. Shri Rakesh Das Gupta, Assistant General Secretary
4. Shri N. Sunderesan
5. Shri S.G. Hishva

NAVY HEADQUARTERS, NEW DELHI

1. Shri V. J. Mathew, SCSC, DCP
2. Shri R.S. Panar, LMC

ARMY HEADQUARTERS, MINISTRY OF DEFENCE

1. Shri A.K. Dwivedi, Director, MES
2. Shri S.M.S. Murtitha, SES/DSCSC
3. Shri Shiv Omprakash, SES/DSCSC

ORDNANCE FACTORY BOARD/CELL

1. Shri Anil Kumar, Director, CR
2. Shri D.D. Koushik, Staff Officer

24.T.01**MANAGEMENT/TRADE UNIONS DE DEPARTMENT DE ADST, POSTAL SERVICE BOARD**

1. Shri S.C. Dutta, Member (Pres.)
2. Shri A. Mohan, Member (Finance Services)
3. Shri Sudhanshu Chandra, Director (SR)

BHARTIYA POSTAL EMPLOYEES FEDERATION

1. Shri V.S. Yadav, Secy, General
2. Shri M.K. Khandekar, Genl. Secretary
3. Shri U.D. Beldawa, General Secretary
4. Shri Santosh Kumar Singh, General Secretary
5. Shri Suman Ravi Varan, Secy
6. Shri Yashpal Singh Pawan, General Secretary

FEDERATION DE NATIONAL POSTAL ORGANISATION

1. Shri G.C. Pathak, Secy, General
2. Shri P. S. Bhatia, General Secretary

DIHARTIYA TELECOM EMPLOYEES FEDERATION

1. Shri Maheshji, Secretary General
2. Shri Suresh Kumar, President

25.7.2001**MANAGEMENT/TRADE UNIONS DE PDRT TRUSTS SHIPPING AND MANAGEMENT DE INDIAN PDRTS ASSOCIATION**

1. Shri Rajiv Saha, Chairman, Mordwan Port Trusts
2. Shri R.K. Jaiswal, Director, Ministry of Shipping
3. Shri C. Venkateshwarlu, Dir. Chandernagore, M.P.T.
4. Shri S.G. Sahasrabudhe, Secretary, Mumbai Port Trusts

INDIAN PDRTS ASSOCIATION

1. Shri P. Thiruk, Chief Executive

PORT TRUST KAMGAR SADAN

1. Shri S.K. Shrivastava, General Secretary

VISAKHAPATNAM PORT EMPLOYEES OMDM

1. Shri D.K. Sarma, Addl. General Secretary

BORDER UNIONS ORGANISATION

1. Shri B.S. Dhanraj, ODC(Pres.)
2. Shri R.K. Sankar, Director (Admin.)
3. Shri A.K. Madhava, R. Director (TR&O)

CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI

1. Shri A. Padmanabhan Reddy, Director (Admin.)

CENTRAL PUBLIC WORKS DEPARTMENT EMPLOYEES UNION

1. Shri Vinod Kumar Dix, General Secretary
2. Shri Jagan Singh, Jt. Secretary
3. Shri Rajeev Singh, Jt. Secretary
4. Shri Bhup Singh, Organ. & Soc. Secy
5. Shri Raju Srinivasu, Treasurer

CINDIA JAWAIR ENGINEERS ASSOCIATION

1. Shri D.K. Sharma, General Secretary
2. Shri Ajay Singh, Zonal Secretary

26.7.2001**EXPORT PROMOTION ORGANISATIONS****GEN & JEWELLARY EXPORT PROMOTION COUNCIL, NEW DELHI**

1. Shri George Purnose, Regional Officer

EXPORT PROMOTION COUNCIL, NEW DELHI

1. Shri Rajiv K. Pasi, Chairman
2. Shri R. K. Venka, Dy. Director
3. Shri Kesavadas Sambra, Secy (Chairman)

FEDERATION OF INDIAN EXPORT ORGANISATION, NEW DELHI

1. Shri K. C. Jain, President
2. Shri V. Rajasekhar, M.D.
3. Shri Prasad Sarin, Joint Director
4. Shri Anand T. Saha, 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/EXPERT**

1. Shri R. C. Khordha, U.S. Standing Committee Member
2. Dr. Yashvir Singh, Gen. Secy, Parity Lok Dal

28.8.01

1. Dr. Manmohan Singh, U.S. Congress
2. Shri Madhav Rao Scindia, U.S. Congress

programmes, providing guidance, making useful suggestions, designing proper equipments, suggesting a proper layout etc.?

29. (i) What are your suggestions regarding training 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 these establishments? How Safety and Health aspects can be introduced in them?

(ii) Provision regarding Occupations Hazard in establishments other than factories appear to be inadequate. Is it necessary that industries like software, building construction, nuclear transport, atomic energy etc. be provided with necessary provisions?

30. Do you think that the chemicals whose production has already been disallowed by developed countries cause harm to ecology as well as drinker? Do you think that such products 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 workmen of the factory but the people living in the vicinity too. The Bhopal Gas tragedy took toll of only a couple of workmen 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 sectors 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/international/family well-being? Give reasons for disagreement, if any, and propose alternative.

b) Do the trade unions normally include in their demands items which benefit their members in general in improving their living conditions, such as cooperative housing, consumer cooperatives, common food 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 furthering 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 recent times, there existed family industries/family type relationship in such industry/firm. 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 ethos and culture of social partnership among the Trade Unions, Employers and Government have been a) better and b) strengthened, in the last decade? If the answer is a), give reasons and suggest remedial steps. If the answer is b), give the reasons and further suggestions.

8. In view of the economic liberalisation and globalization,

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) In what other manner should they function in cooperation () 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 do you suggest for better interaction and communication? Are such tripartite consultations existing at the state level? How can these consultations 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. How far the involvement of other Ministries/ Departments be ensured in tripartite consultations at 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 sanction for non-compliance with these obligations? How far have they been used in recent years? How could these sanctions be made more effective?

18. On 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) promoting the interests of their constituents in all matters affecting industries

relations, (iv) implementation of laws, voluntary agreements, etc., (iii) training of personnel, (iv) providing guidance to constituent 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) increasing research, development and technical know-how and (ix) strengthening socio-economic justice in society.

20. Should trade union activity be prohibited in certain sectors such as hospitals, educational institutions, defence establishments etc?

21. Should the trade union formation on caste basis be discouraged? How?

Trade Unions — Constitution and Finance

22. Should it made mandatory for trade unions that they must submit their annual report to the employers or the management where the union is working?

23. Should the protection to the union or the office bearers from criminal liability be removed or enhanced?

24. If the union observes illegal strike, should the members of unions or office bearers be given any punishment?

25. How are the office bearers who manage the trade unions appointed? How many of them are paid?

26. How are members of trade unions enrolled? How are applications for membership scrutinized? What is the extent of multiple membership of trade unions?

27. 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.

28. How do Trade Unions encourage participation of members in trade union activities?

29. How are the activities of a trade union conducted? How is the policy decided? Who is responsible for implementing the policy once it is decided? To what extent does the rank and file influence the formulation of the policy?

30. a) What in your opinion is 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.

b) 'Union shop' is an establishment in which the employee 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 'industrial concerns'.

31. What are the advantages of internal union and what are its disadvantages? What would you prefer; internal union or union with external leadership?

32. In what ways do trade unions help members/dependent of members in their personal difficulties like unemployment, sickness and personal 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 advisable in the Indian conditions? If it is, should the provision 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 impact of political parties on the workers in trade union development in India?

36. Should we allow to continue the political influence of such parties or should we discourage 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 the 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 describe any limit on the number of various official posts one can hold in different trade unions. In Companies Act, some limits are prescribed on an individual holding posts in different companies same limits 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 your 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 recognition and recognition of trade unions to avoid multiplicity of trade unions in an organization. Should a minimum period be laid down for review of the percentage of membership to avoid frequent changes which affect discipline, production and productivity in the organization?

Trade Union Recognition

46. What are the advantages and disadvantages of registration of trade unions? Are there some aspects in which the powers of the Registrar of Trade Unions could be utilized to the advantage?

47. Has there been a change in the attitude of employers 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, 1947 and Industrial Disputes Amendment Act, 1978 & 1998 in the matter of recognition of trade unions or provisions of M. P. Industrial Relations Act / Bombay Industrial Relations Act, 1967 / Maharashtra Recognition of Trade Unions Prevention of Unfair Labour Practices Act?

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31. What are the advantages of industry wide 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 demarcated?
32. What are the advantages and disadvantages of naming a union as the sole bargaining agent in an industrial unit?
33. Do you propose to have a collective bargaining agent decided through secret ballot? Or do you propose to have a joint collective bargaining agent? How should one decide such joint bargaining agent?
34. 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?
35. What are your views regarding the 1995 Supreme Court judgement in the Food Corporation of India case where verification by secret ballot was ordered?
36. If a union is elected as the sole bargaining agent in an establishment, what should be its rights and responsibilities or other unions in the establishment?
37. What facilities should the Government extend at the workplace for the activities of the union?
38. What has been the attitude of the Government towards trade unions for the promotion of welfare of the workers during working hours? Should the shop floor be reserved for workers who are union leaders to allow freedom to leave the workplace during their working hours to perform functions of union leaders? Should they be allowed permission to leave workplace/shop floor?
39. What procedure should be evolved to ensure that production/productivity on the shop floor during working hours is not hampered, while ensuring adequate attention to and peaceful resolution of grievances?
40. 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 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 30 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? What improvements are necessary in the present arrangements for prevention of industrial disputes? What would be the role of mediator/service 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 organizations 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 officers/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/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/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 roles imposed by managements? 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 Guiso 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, 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 mutually/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/un the spot, as they arise/are noticed?

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- 22. What had been the difficulties in identifying the "go-slows" indirect 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 observing the work culture on the part of management, unions and workers.
- 24. Have there been instances when after bipartite/tripartite agreement, while the management have given the agreed benefits, the workers/unions have not observed their part of obligations/duties/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. Have there been instances where even after specifically incorporating in the agreement that issues settled will not be raised during the period of settlement, similar 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 occurring in "Major 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 agents for workers be determined? (see questions 51 & 56 under the Chapter Trade Union & 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 labour market cooperation? What is your view about such concessions being expanded through collective bargaining?
- 32. What should be the role of (a) collective bargaining and (b) adjudicator as methods for safeguarding industrial peace in the coming years?
- 33. In disputes arising over a change 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?

Joint Consultation

- 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 retained in the Industrial Disputes Act, 1947? What changes, if any, would you suggest and for what reasons?
- 38. What have been shortcomings of the scheme of joint management councils and emergency production 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 you suggest to make it more effective?
- 44. There has been criticism that conciliation machinery only adds to delayness 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 covers 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 proceedings 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 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 Govt.' etc. as set 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 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 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 disputes where voluntary arbitration can be preferred to adjudication.
68. What measures do you suggest to simplify the procedure for voluntary arbitration?
69. What have 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 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 judicial pronouncement by the Apex Court on awards being non-charter illegal?

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 mechanisms? 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 punishment to the employer but if this strike is illegal, 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/semi-skilled labor force, new methods of production, and internationalization 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 criteria 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 level? 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) 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.?
 - c) What should be the extent of index which should warrant revision in dearness allowance - each point/stat of 5 points/stat of 10 points, etc.? Give reasons.
 9. 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 to 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 allowance?

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?

Wage Differentials

13. Do you support the concept of cumulative wage ratios between the lowest paid and highest paid employee in any organization, as also between employees at different 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 and wage rates 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 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 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 economies 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 can be more enduring 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?
- Wage Policy**
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 planned development, the question of fixing 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 globalization of the Indian Economy and through co-operation?
 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 external balance in wage structure between the public and private sectors? If there is, how should it be achieved?
26. (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 time 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 extension?
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 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

1. 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 employees 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 improvement in productivity?
9. What is the place for the motivation of worker for improving his standard of living in the successful 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

1. (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 on a qualifying period for entitlement, led to large labour turnover? If so, what should be the remedial measures?
2. 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, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.
- (a) To what extent is each 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 fund such expenses? Should it be Government or employer or workman 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?
3. (i) Do you propose a suitable 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 trailers, 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 organized 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 overcoming these?
- (ii) Suggest control systems to be evolved to avoid malpractices/misuse/abuse in respect of the benefits of Employees Social Security Schemes.

3. Should the provisions for exemption from the ESI 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 administered, both financially and administratively?
7. What measures do you suggest to rationalise and streamline medical claims and benefits under the E.S.I.S?
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 families?
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 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 improvement?
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 coordinated, 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 factors that have affected the proper and effective implementation of the various labour laws at present? 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 illustration of the Indian economy, what, according to you, are the provisions in labour laws which require amendments? At the time, when there was protected economy, the restrictions 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?

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- (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 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/ decentralisation of certain activities and functions necessary?
5. a) Should there be separate labour legislation for large, medium and small scale sector? If so, suggest changes required.
b) Should there be separate provisions in labour legislation for Public sector and Private sector?
6. Do the control systems - regarding system/conditions/routines by Inspection/Authorities - lead to malpractice? Suggest changes required.
7. Do you consider that we have to avoid delays in providing amendment in the labour laws should the executive be given powers to effect such amendment in specified labour laws by proper notifications?
8. Please specify the ILO conventions which are possible to be ratified by the Govt. which, in what extent has it been possible to move in the direction of implementation of the ratified ILO conventions?
9. On the basis of principles evolved out of case laws over a number of years, what are your suggestions for reviewing and amending labour legislation in the country?
 - a) What are your suggestions regarding rationalisation and consolidation of existing labour laws into fewer comprehensive laws?
 - b) At present the definition of workmen, employee, wages, industry are different 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 of the lack of it of Code of Discipline, Industrial Trade Union, Inter-Union Code of Conduct etc. do you suggest a fresh approach for resolving the defective sought to have been achieved towards a healthy industrial relation through the above legislative instruments based on voluntary approach?
 11. Do you feel satisfied with the terms of ILO treaties 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 facilities when legitimate settlement of the industrial dispute is not possible?
 14. What is the relative position of labour law enforcement in public and private sector? Please give your critical comments on the present scheme of things.
15. Do you consider certain legislative provisions responsible for labour market rigidly, particularly resulting in organised sector employment growth deceleration? Please amplify 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 there be generally accepted "exit policy", protecting the interest 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 too much delay/denial taking procedures/perceived corrupt practices of officials of non-payment 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?
19. 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 neither do the labour laws unlike in respect of many other developed state provide 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 and frequency of collection. The findings in their publication can be distorted from primary data, 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 Collection of Statistics Act, 1953 the answer?
2. There is a feeling that the procedure of collecting the administration of labour laws to different officials, the statutory requirements of maintenance of different registers and sending of different returns under these Acts, result in a good 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 labour 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. Present statistics, 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 optional dismissal 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 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 educational and capability, as well as other social and sociological aspects of the labour force, is as 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 labour for each state? If so, 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) all unemployed persons, particularly in rural areas, do not get themselves registered and (ii) persons securing employment continue to be enrolled in the employment exchange registers long after their employment due to non-deletion 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 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 its regard?
15. Do you think that the recommendations of the First Labour Commission for coordinated research has been successfully complied 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 labour 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?

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. 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?
23. 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 good industrial relations?

ECONOMIC REFORMS AND SOCIAL SAFETY NETS

1. 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 revolves 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 organisations, while the organisations need flexibility in quality and quantity of manpower, the workers apprehend continual change or 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 minimise 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 'marrow' assistance should be provided to the redundant, restructured, laid-off and distressed workers?
 5. How the funds should be crossed to provide such financial assistance - whether with the contribution from State and employers or in the form of social levy?
 5. What should be the quantum of financial assistance?
 7. What should be the duration of such financial assistance either for a specified 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 V.R.S. is that the middle level supervisors are availing the benefits rather than the lower 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 line with technological requirements under the reskilling and retraining component of ERF Scheme is actually achieved?
11. What has been the efficacy of the ERF Scheme in achieving productive redeployment of workers? Give your suggestions for improvement.
12. Are you aware of any other sovereign 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 these schemes?
 13. How would you accept the restructuring of industries which leads to disturbing even regular/semi-regular/casual workers? Comment 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 training and retraining them?
 - (c) Should 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 kind of employer/employee relations such as contract labour through middle-man, home based category of workers etc? What implications would these portend for the existing labour laws?
 - (i) Will there adversely affect the women employees' pure or male 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, 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 sectoral requirements and labour market and planning?
 17. 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 sectoral requirements and labour market and planning?

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 Fringeless Labour Act, 1932
b) The Plantations Labour Act, 1951

4. **Transport:-**

- a) The Indian Railways Act, 1890
- b) The Merchant Shipping Act, 1958
- c) The Dock Workers (Regulation of Employment) Act, 1948
- d) The Motor Transport Workers Act, 1951

5. **Legislation Relating to Workers in Shops and Commercial Establishments.**6. **Legislation Relating to Industrial Housing:-**

- a) The Bombay Housing Board Act, 1948
- b) The Madhya Pradesh Housing Board Act, 1950
- c) The Mysore Housing Board Act, 1955
- d) The Hyderabad Labour Housing Act, 1952
- e) The Uttar Pradesh Industrial Housing Act, 1955
- f) The Punjab Industrial Housing Act, 1955

7. **Safety and Welfare:-**

- a) The Indian Dock Labourers Act, 1934
- b) The Iron Mines Labour Welfare Fund Act, 1946
- c) The Coal Mines Labour Welfare Fund Act, 1947
- d) The U.P. Sugar and Allied Alcohol Industries Labour Welfare and Development Fund Act, 1950
- e) The Coal Mines (Conservation and Safety) Act, 1952
- f) The Bombay Labour Welfare Fund Act, 1953
- g) The Iron Ore Mines Labour Welfare Cess Act, 1951
- h) The Assam Tea Plantations Employees' Welfare Fund Act, 1959
- i) The Assam Tea Plantations Provident Fund Scheme Act, 1955

8. **Wages:-**

- a) The Payment of Wages Act, 1936
- b) The Minimum Wages Act, 1948

9. **Social Security:-**

- a) The Workmen's Compensation Act, 1923
- b) The Employees' State Insurance Act, 1948
- c) The Coal Mines Provident Fund and Bonus Schemes Act, 1948
- d) The Employees' Provident Fund Act, 1952
- e) The Maternity Benefit Acts (Central/States)

10. **Industrial Relations:-****Central Acts:-**

- a) The Indigo Trade Unions Act, 1926
- b) The Industrial Employment (Standing Orders) Act, 1946
- c) The Industrial Disputes Act, 1947

State Acts:-

- a) The Bombay Industrial Relations Act, 1946
- b) The U.P. Industrial Disputes Act, 1947
- c) The Madhya Pradesh Industrial Relations Act, 1960

11. **Miscellaneous:-**

- a) The Children (Piercing of Labour) Act, 1933
- b) The Employment of Children Act, 1938
- c) Legislation Relating to Indebtedness
- d) Collection of Statistics Act, 1953
- e) The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1955
- f) The Apprentices Act, 1961
- g) The Madras Bhoodi Industrial Premises (Regulation of Conditions of Work) Act, 1958
- h) The Kerala Bhoodi and Cigar Industrial Premises (Regulation of Conditions of Work) Act, 1961

Composition of the Study Groups Constituted by the
National Commission on Labour

SECOND
NATIONAL COMMISSION ON LABOUR

QUESTIONNAIRE

PART - II
(UNORGANISED SECTOR)

NATIONAL COMMISSION ON LABOUR
MINISTRY OF LABOUR

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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 unemployed, underemployment, seasonal / structural unemployment etc. in the unorganised sector?
 3. Relative stability of employer-employee relationship as 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 'small size' workers there is a formal employer-employee relationship or the proposition that it should also cover various categories of self-cum small 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 strict categorisation between agricultural labour & others in the rural areas and urban and rural dimensions of the unorganised sector, what are your suggestions regarding other categories keeping in view the size of activity and the need for evolving a methodology for providing benefits and social security to unorganised sector labour?
- Recruitment**
6. A large percentage of unorganised sector labour is engaged in agriculture though its size is coming down. What methods do agriculturists use to recruit both permanent and seasonal labour locally?
 7. What are the main considerations (and constraints) of business/ enterprise owners in employing skilled, semi skilled and unskilled workers? Evaluate the role of factors like caste, creed, religion, language, caste, caste, caste and conditions, socio economic strata etc. of both employer & employee, particularly the latter.
 8. How is migrant labour used for both agricultural and non agricultural work recruited by it through (i) contractors, (ii) advertisements (iii) circulation from existing employees, (iv) employment exchange and (v) any other method?
 9. Are the recruitment arrangements satisfactory for different kinds of employment?
 10. 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 in different work situations?
 12. Is there earmarking of certain types of work for performance by traditional castes/ tribes who engage in search of such work though local labour may be idle? What could be the socio economic reasons for this situation?
 13. Vocational training inputs help in making unorganised sector labour more employable in traditional occupations as well as newly emerging opportunities? Which are the sub sectors where training inputs would be of significance?
 14. Are existing arrangements for vocational training in different fields sufficient? How can such facilities be improved?

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 Workmen Act, 1979, Plantation Labour Act, 1951, Beedi & Cigar Workers Act, 1956, Bonded Labour System (Abolition) Act, 1975, Contract Labour System (Regulation & Abolition) Act, 1978, sufficient? What are your specific suggestions regarding the changes that are required in the above laws in the context of unorganised sector labour?
17. What are your views for enactment of legislation on the lines of the Kerala Agricultural Workers Act, 1974 in your State?
18. Apart from law legislation or changes in existing ones, what other steps are required for ensuring proper working conditions 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 or other organisations among various kinds of unorganised sector labour?
23. What is the impact of social customs based caste and other considerations leading to structural rigidities in society, on the state of organisation of labour in this sector?
24. Is the choice bureaucratic 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 to what effect? What 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 broad reusing 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, 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-both male and female. What are the figures for silver rural labour in irrigated & non-irrigated areas as well as for self-employed persons? What is the situation in urban centre in this regard (in your State/ region/area) 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-a-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 'secure' (financial) 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 earnings?
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 intent of such minimum wage with the concept of poverty line?
40. Do you recommend similar initiatives for fixing a minimum wage for the urban 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 total employment if it were to lead to the employer will: drawing non-statutory 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, 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?

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44. These discriminations 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 improving the margin and sector labour and for their education to impart practical consciousness of their rights and privileges as regards wage entitlement, how these can be improved?
46. What has been the impact of employment generation schemes like HREZ, RLIGP, JRY, 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 NRY, Janshed etc. a large scale? Should such wages be standardized or price-related or a combination?
47. Employment is statutorily guaranteed only in Madhya Pradesh State. How effective has this guarantee been? Do you think that other States/Territories should enact similar legislation? Should such schemes be operated only as a support mechanism, particularly for lean season employment in rural areas?
48. What should be the criteria for allocation of funds to an area/district/State for employment generation programmes?
49. 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 State/level agencies, particularly in rural areas (municipal authorities in urban areas).
50. In the context of economic liberalization with its emphasis on cost competitiveness and efficiency, leading to manpower rationalization / separation in many organised industries, what are your suggestions for improving the social security manpower development set-up for stabilising unorganised sector employment?
51. 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?
52. 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 were taken to manage it?
53. How do you distinguish migratory labour from resident labour? What are the main troubles of recruitment of migratory labour in your area/State contractors, relations, job/workers or direct recruitment by employers?
54. What are the effects of labour migration on the economy, particularly wage rates and employment, in the area:
 - (i) from where the labour has migrated?
 - (ii) areas to which the labour has migrated?
55. 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/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?

56. Please comment on the working of section 17 and 18 of the Agricultural Labour Act, 1946. 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, Prudential Labour Act, 1951, Beedi & Cigar Workers Act, 1966, Unwaged Labour 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 to ensure proper working conditions of unorganised sector labour?
57. What is your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workers Act? What improvements would you recommend?
58. 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?
59. Planning and agrarian reforms-impact on unorganised sector: 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?
60. 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 Government programmes? Would you make any specific suggestion for enhancing the coverage to accommodate other important needs? Is implementation of programmes in these sectors satisfactory? How can these be improved?
61. 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?
62. What is the impact of technological up-gradation and modernization and organizational restructuring (particularly in last one year) on labour efficiency, productivity and wages in unorganised sector and concomitant impact on the unorganised sector?
63. To what extent is the proposition that improved technology leads to lower labour absorption, justified?
64. In which particular occupations in rural areas, the demand for labour is likely to decline with better technology/machinery? What could be the specific measures to absorb the labour in such areas?
65. How successful have the legislative measures for land reforms been in relation to:
 - (i) abolition of intermediaries,
 - (ii) security of tenure and
 - (iii) objective of conferring ownership rights to actual tillers?
66. What is the extent of displaced families in your area/State? What could be the measures for their rehabilitation?
67. 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

57. What is the importance of social security in strengthening the financial position of the unorganised sector labour?
58. 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.
59. It is held that social security measures for unorganised sector labour are constrained by factors such as:
- lack of permanent or stable nexus 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 employment which precludes benefits like sick leave, maternity leave etc.

To what extent can these constraints 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 expanded in its coverage? What are your views/suggestions for modifications regarding conditions for entitlement such as domicile, age, pecuniary circumstance etc?
71. Should the rates of old age pensions be revised at specified periodicity and such revision linked to cost of living index?
72. Is there any scheme in your State/Territory 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 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/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 with a view to improve the bargaining strength of women 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 locus of legislative intervention to provide basic elements of protection to unorganised sector labour keeping in view the size 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 dimension of implementing such laws? Give a brief outline regarding any new legislation you may like to suggest.

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?

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 persons? Should there be a separate legislation for agriculturists who form a very large chunk of unorganised sector labour? Please also refer to questions 15, 31, 38, 47, 56 and 59-76.

Data Collection

82. Do 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 needs (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? Who could be the role of information technology?
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?

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 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)

Chairman

1. Sh. T. A. Sarkar
2. Sh. Shrikant Madhusudan Dharam
3. Sh. Suresh Kumar
4. Sh. R. P. Barua
5. Sh. K. Das
6. Sh. K. R. Haldar
7. Sh. V. S. Narasimhan
8. Sh. S. K. Bandopadhyay
9. Sh. Sharad Ravi

Study Group 2 "Umbrella Legislation for Workers in the Unorganised Sector"

Chairman

1. Sh. J. Bandopadhyay
2. Sh. Swamy Ajitkesh
3. Sh. Babbar Aditya
4. Sh. G. P. Agri
5. Sh. Avadesh Kaurahel
6. Sh. Aruna Roy

Study Group 3 (Globalisation and Its Impact)

Chairman

1. Sh. Kesubhai Thakkar
2. Sh. C. S. Wankar
3. Sh. Aditya Narayan
4. Sh. Ramchandra Khuria
5. Sh. S. K. Sanyal

Study Group 4 (Social Security)

Chairman

1. Sh. R. V. A. Subramanyam
2. Dr. M. G. Dwan
3. Sh. S. Prasad Dey
4. Shri A. D. Jagpal
5. Shri Krishaji
6. Dr. Atul Goswami
7. Dr. B. V. Guha

Study Group 5 (Old men and Child Labour)

Chairperson

1. Sh. Ravana Jhaivela
2. Sh. Shamsud Khan
3. Dr. S. Vijayakrishna
4. Sh. H. Mangaladas Rao
5. Sh. Mercy Ravi
6. Sh. Taha Kerala
7. Sh. Janaki Andharia

The list of members of Study Group may be further expanded subject to the concurrence of the inclusive of Chairman in each after further consultation.

The Study Groups will be free to draw their own procedures and would report to the Commission within the terms of reference of the Commission as per Government Resolution dated 15.10.99.

The Study Group on 'Skill Development, Training & Workers' Education' will be notified shortly.

By order of Chairman



(N. SANYAL)
 Member Secretary

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No.6/2000/NCCL/Study Group
 GOVERNMENT OF INDIA
 MINISTRY OF LABOUR
 NATIONAL COMMISSION ON LABOUR

NEW DELHI; Dated the 21st 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 Sumit Kant Munjal | Chairman |
| 2. Shri S. Krishnan | Member |
| 3. Shri S. V. Gokhale | Member |
| 4. Shri Gurrarn Serer | Member |
| 5. Shri D. Shankappa | Member |
| 6. Shri S. K. Bijlan | Member |
| 7. Dr C. S. K. Singh | Member |
| 7. Shri R. A. Mittal | Member |

The list of members of Study Group may be further expanded subject to the maximum of nine inclusive 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. 7-20014/9179-Cord dated 15.10.1998.

By order of the Chairman



(N. SANYAL)
 MEMBER SECRETARY

Copy to :-

1. PS to Secretary, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.
2. Dr. G.S.Kumar, Labour & Employment Advisor, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.



(N.SANYAL)

**Study Group on
 "REVIEW OF LAWS"**

Chairperson

Shri T. S. Sankaran
 211, Dash Bandhu Apartments
 Kalkaji, New Delhi-110019

Members

- | | |
|---|--|
| 1. Shri Sanat Mehta
34, Shalimar Park Society,
Behind Sreevass School,
Manjalpur, Vadycara-390011 | 2. Shri R.P. Banticha
Group President (JP&Legal)
Ajay Pharma. Group,
Forayur Mills,
Dr. Ambedkar Road,
Parel, Mumbai-400012 |
| 3. Shri M Dias
Secretary,
The Employers Association,
13/16, W.E.A., Kanti Bagh,
New Delhi-110005. | 4. Shri S. M. Dharap
Advocate,
13/345, "Gasmine"
New VTC Colony,
Bandra (East), Mumbai 400051. |
| 5. Shri Sharad Rao
D-7/10, Jainidhi Society,
Bangur Nagar, M.G. Road,
Goregaon (W), Mumbai-400004. | 6. Shri K.R. Mittal
Lakshmi News, X Block,
1st floor, 28, Mansha Road,
Egmore, Chennai-600008. |
| 7. Shri V.S. Narasimhan
President
Federation of Association of
Small Industries of India,
C-19, Industrial Estate, Guindy,
Chennai -600032 | 8. Shri S. K. Bandyopadhyay
General Manager Nilmi,
Rej Ghat,
New Deh-110002. |

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"UMBRELLA LEGISLATION FOR THE WORKERS IN THE UNORGANISED SECTOR"

Study Group on

Chairperson

Shri D. Bandoopadhyay

5B-C, Block D,
New Alipore, Calcutta-700033.

Members

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| 1. Swarni Agnihvesh
2, Jantar Mantar Road,
New Delhi. | 2. Smt. Aruna Roy
MKS5,
Villane Dev Durgam,
P.O. Bagh, Telser Ginn,
Distt. Rajasmand-313341
(Rajasthan) |
| 3. Shri Baba Adhiv
Karnal Parochyer,
73, Nana Pally,
Pune - 411 002 | 4. Shri O. P. Agni
Organising Secretary,
Ruraliser Mazdoor Sangh
Karn Naresh Bhawan,
Chuna Kandi, Tikak Gali,
Palurpalli, New Delhi-110055. |
| 5. Shri Avdesh Kaushal
Rural, Jigton & Settlement Kendra,
68/1, Rajpur Road, Surpudk Colony,
Dehradun 248001 | 6. Smt. Natini Nayak
'Saccarand'
Anepara P. O
Thiruvananthapuram 695079 |
| 7. Shri A. Kanaga Sahapathy
Tamil Nadu Sevedaya Mandal,
25th M. Road, Jyva Kondam,
Tirunelveli, India - 620102. | |

"GLOBALISATION AND ITS IMPACT"

Study Group on

Chairperson

Shri Keshabhai Thakkar

All India Vice President,
Shardhya Mazdoor Sangh,
Ram Naresh Bhawan, 24/26, Tikak Gali,
Chuna Kandi, Palur Camp, New Delhi

Members

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| 1. Shri Ramachandra Raghun
President, INTUC
(Gurgaon Branch),
5/F-1, Unit-3, MG Road
Jubaneswar-751001. | 2. Shri C. S. Venkataratnam
Dean,
International Management Institute,
P.O. GUMAB (Institutional Area),
New Delhi - 110016. |
| 3. Shri Aditya Karayan
Managing Director,
ICI India Limited,
Faza Tower, 11th Floor,
DLF colony, Phase-1, Gurgaon. | 4. Shri S. K. Sasi Kumar
Fellow,
V.V. Giri National Labour Institute,
Sector-24,
NSIDA,
New Delhi. |
| 5. Dr. S. S. Mehta
Adjunct Professor,
School of Planning,
Centre for Environmental Planning & Technology,
(CPET), Kasubhai Lal Vyal Campus,
Newrangura, Ahmedabad - 380006 | 6. Dr. Vandana Shriv
Director,
Research Foundation for Science,
Technology & Ecology,
A-60, Hauz Khas,
New Delhi-110016. |

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Study Group on

"SOCIAL SECURITY"

Chairperson

Shri R. K. A. Subrahmanya
Secretary General,
Social Security Association of India,
573, 10th Cross, J. P. Nagar, II Phase,
Bangalore-560 078.

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1. **Dr. M. G. Diwan**
Consulting Actuary,
Flat No. 3, Gul Mohar Building,
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2. **Shri S. Mahendra Dev**
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3. **Shri A. D. Nagpal**
Secretary,
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Opp. Victoria Garden,
Bhadra,
Ahmedabad - 380 001

Study Group on

"WOMEN AND CHILD LABOUR"

Chairperson

Smt. Renana Jhaivola
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1. **Shri Shamshad Khan**
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3. **Smt. H. Mangalamba Rao**
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Utlaraya Mazdoor Sangh,
5.C. Road, Bangalore-9
4. **Smt. Mercy Rauli**
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INTUC,
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5. **Shri Tushar Kanjilal**
Tasore Society for Rural Development,
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6. **Smt. Janaki Andharia**
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7. **Dr. Kumud Skarma**
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Centre for Women's Development Studies,
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8. **Ms Shanta Sinha**
Secretary Trustee,
C/O Sh. M. Akandem,
Managing Trustee, M.V. Foundation,
28, Married Paly West,
Secunderabad - 500 026

Study Group on

"SKILL DEVELOPMENT, TRAINING & WORKERS' EDUCATION"

Chairperson

Shri Sunil Kane Murali

Hero Corporate Services Limited

E-1, Qutab Hotel Complex
Shahenai Jheel, Singh Marg
New Delhi - 110016.

Members

- | | |
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| 1. Shri S. K. Bijlani
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Divisional Manager (Tig.)
TILCO Ltd.
Pimpri
Pune - 411 018 |
| 3. Shri Gurnam Saren
Honorary President
FNP Group of Institutions,
CSKIN Educational Complex,
Sateber, Meerut,
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Koperkhavane,
Mumbai - 400 705. |
| 5. Dr. C. S. K. Singh
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V.V. Giri National Labour Institute
Sector - 24, NOIDA. | 6. Shri R. A. Mittal
Hind Mazdoor Sabha,
120, Babar Road,
New Delhi-110001 |
| 7. Shri S. Krishnan
Director (General)/Joint Secretary,
OCE&T
Ministry of Labour
Shyam Shakti Shawan,
New Delhi - 110001. | |

Annexure - VI

Visits of National Commission on Labour to
States/Union Territories for collection of evidence**MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000**

S.No	Name of the Organisation	Name of the Participants with Designation
1.	Hind Mazdoor Sabha, Mumbai	Shri Venkatar Kulk. Shri J.R. K. Karm Shri B. Mahesh Rao Shri Eknath Sutar Shri Yashraj Gajjar Shri H.R. Taye Shri Survekar Jagji Shri Ravindra Chavhan Shri S.K. Shetye
2	Indian National Trade Union Congress.	Shri H.N. Terwad Shri Varadwaj Shri Charan Singh Shri Shankar Shri Suresh Patil Shri G. Suresh Shri K. M. Solanki Shri P. P. Solanki Shri Gaurav Prasad Shri Rajal Jagtap, General Secretary
3	Maharashtra Ganvadi Kamgar Union	Shri P.S. Sarwanil Shri B.P. Gajjar Shri. Jitay Bhal Shri Jai Prasad Bhalze
4	Ranaraja Kamgar Sona	Shri Ramdevant Vate, President Shri. K. Korddekar, Gen. Secretary Shri D. Ghoshle, Vice President Shri A. Puro, Secretary Shri Ajit Salun, Secretary Shri. S.P. Dongre, Secretary Shri S. Hare, Secretary Shri Anil Melhe, Secretary Shri Prakash Nand, PRD
5	Bhaskiya Mazdoor Sangh	Shri S.D. Kulkarni Shri Shankant Chaudhari Shri Khilina Shri Raju Ramur. Shri K.P. Patwardhan

MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000

S.No	Name of the Organisation	Name of the Participants with Designation
5	Bharatiya Mazdoor Sangh	Shri Sharad P. Joshi Shri V.S. Deshpande Shri B. Hanthkar
6	Trade Union Centre of India	Savjay Singh Shri Pawan Kishan Shri Anu Veraskar
7	Individuals	Shri M. Vasudwan, Jr. Convener Shri Anant More, G. Secretary Shri D.S. Bhairav Shri M.A. Pail Shri A. Tapole Shri C.S. Ghavan Shri F.L. Perole Shri H. D'Souza/Sr. Rajeev D'Costa Ms. Deepa Coplanth Shri Ayyanar Shri Sanjay Singhi Shri H. R. Khusro Khan, V. President Shri M. Sidhani Shri Anil D. Malakar Dr. Panu Lakar
8	Bombay Chamber of Commerce	Shri Arvind Shri P. M. Wentry Shri M. C. Desai Shri A. A. Sanzgiri Shri. Sarayu Dhallary Shri P. N. Kothan
9	Indian Merchant Chamber	Shri H. H. Shalva, Gen. Secretary Shri S. V. Vician, President Shri Sanjeeva Mathuradan, Ex. Assistant Shri R. Rathi/Krishnan, Advocate Shri S. S. Patil, Secretary General Shri R. P. Dhanucha, Advisor Shri S. S. Pagar, Advisor
10	Builders Association of India	Shri Chandrokanth A. Jhuhe Shri S. R. Vaganner
11	Employers' Federation of India	Shri R. N. Motiani Shri A. P. Abul, Chairman Shri Mohan Gurnani, President
12	Jagtrik Marathi Chamber of Commerce & Industry	
13	Maharashtra Chamber of Commerce & Industry	
14	Federation of Association of Maharashtra	

MUMBAI (MAHARASHTRA) 4.7.2000 to 7.7.2000

S.No	Name of the Organisation	Name of the Participants with Designation
15	Federation of Association of Maharashtra Federation of Indian Industry	Shri A. K. Desai, J. Secretary Shri Chanchala Khatke Shri S. G. Joshi, Secretary Shri G. S. Sawant, B. Member Shri Madhav NHA Shri C. U. Manoo Shri S. S. Ayur, General Manager Ms. Alita Thombare
16	Mill Owners' Association	Shri Dhanu Shankar, General Secretary
17	Bharatiya Merchant Chamber	Shri Prakash Prasad, President Shri Raw Singh, Secretary
18	All India Judges Association	Shri V. P. P. J.
19	Laghu Udyog Bharati	Shri S. S. Shankar Shri R. Prabhakar, J. Secretary Shri S. R. Rathore, Member Shri B. K. Deshpande, Secretary Shri S. V. Deshpande
20	Mumbai Gramlak Panchayat	Shri Subhas Saunshiro Shri Subhas Chavan
21	Indian National Bank Employees Federation	Shri Chaitanya, General Secretary Shri S. O. Jadhav, SS Shri B. Mohan, Treasurer Shri V. S. Suresh, AS Ms. Sanyal, Cashier, Co-ordinator Ms. Khande, In-charge, Social Work Shri Manoj, Jyoti Shri P. Khan Shri Suresh Yadav Shri Syamant Kumar Rai Shri - an Thakur
22	Indian National Trade Union Congress	Shri Manoj, Jyoti Shri P. Khan Shri Suresh Yadav Shri Syamant Kumar Rai Shri - an Thakur
23	Campaign Domestic Workers' Bn	Shri Manoj, Jyoti Shri P. Khan Shri Suresh Yadav Shri Syamant Kumar Rai Shri - an Thakur
24	Aksharatiya Mahadi Transport & General Kamgar Union	Shri Manoj, Jyoti Shri P. Khan Shri Suresh Yadav Shri Syamant Kumar Rai Shri - an Thakur
25	Maharashtra Rajya Hamal Mahadi Mahamandal	Shri Manoj, Jyoti Shri P. Khan Shri Suresh Yadav Shri Syamant Kumar Rai Shri - an Thakur
26	State Conciliation Officers	Shri A. A. Mhatre, Dy. Commissioner Shri K. P. Khatke, J. Secy. Shri M. D. Gajwe, J. Secy. Lett. Commissioner Shri P. T. Jagtap Shri V. Sankar

CHENNAI (TAMIL NADU) 17-08-2000-19.88.2000

CHENNAI (TAMIL NADU) 17-08-2000-19.88.2000

S.No	Name of the Organisation	Name of the Participants with Designation
10	Madras Labour Union (B&C)Mist	Shri A. D. Mani, Shri V. Rajaram, Shri G. A. Xavier, Shri G. Duraid, Shri K. Sathya, Shri M. Kalarasan, Shri A. Srinakar
11	Labour Progressive Federation	Shri Ty. Permal, Gen. Secretary Shri S. Mani, Jr. Gen. Secretary Shri S. Sathya, Jr. Gen. Secretary Shri R. Govindaswamy, V. President Shri M. A. Subramaniam, Secretary Shri K. Karimoodan, Member
12	Shri. V. V. Vaidyanathan	Shri K. Govindan, Secretary Shri H. Anugnanam, President
13	Indian National Trade Union Congress	Shri P. Srinivasan, President Shri P. K. Manoj, Gen. Secretary Shri H. Narayanan, Gen. Secretary Shri S. Sathya, Gen. Secy. Shri K. Sathya, Shri K. Jayaraman, Shri B. C. Sathya
14	Tamil Mahila Trade Union Congress	Shri N. Narayanan, President Shri B. Sathya, Shri B. Anand, Vice President
15	Hind Mazdoor Sabha	Shri C. R. Arjun, Secretary Shri Rajaram, Secretary Shri U. R. Sathya, Secretary Shri K. Sathya, V. President Shri S. Sathya, V. President
16	National Labour Organisation, Coimbatore	Shri G. Sathya, Gen. Secy. Shri V. R. Sathya, Secretary
17	Ilum Employees Federation	Shri P. Sathya, Gen. Secy. Shri N. Sathya, President Shri V. Sathya, President Shri P. Sathya, Gen. Secy. Shri V. Narayanan, President
18	Co-operative Bank Employees Association	Shri J. Sathya, Shri N. Sathya, Shri H. Sathya
19	Employers Federation of India	Shri H. Sathya

S.No	Name of the Organisation	Name of the Participants with Designation
20	Employers Federation of India	Shri S. Sathya, Shri R. Sathya, Shri V. Sathya, Shri N. Sathya, Shri P. Sathya, Shri R. Sathya, Shri V. Sathya, Shri A. Sathya, Shri G. Sathya, Shri H. Sathya
21	State Labour Department	Shri S. Sathya, Shri V. Sathya, Shri P. Sathya, Shri C. Sathya
22	Regional Labour Commissioner(Central)	Shri S. Sathya, Shri R. Sathya, Shri N. Sathya, Shri H. Sathya, Shri G. Sathya, Shri V. Sathya, Shri P. Sathya, Shri C. Sathya
23	Inspectorate of Factories	Shri R. Sathya, Secretary Shri V. Sathya, Chief Inspector Shri P. Sathya, Asst. Ch. Inspector Shri G. Sathya, Ch. Inspector Shri H. Sathya, Ch. Inspector Shri S. Sathya, Ch. Inspector Shri N. Sathya, Ch. Inspector Shri M. Sathya, Ch. Inspector
24	Salem Steel Plant	Shri A. Sathya, Gen. Secretary Shri V. Sathya, Gen. Secretary Shri P. Sathya, Gen. Secretary Shri C. Sathya, Gen. Secretary
25	Campaign for the Rights of Unorganized Workers	Shri S. Sathya, Shri V. Sathya, Shri P. Sathya, Shri C. Sathya
26	Coastal Action Network	Shri S. Sathya, Shri V. Sathya, Shri P. Sathya, Shri C. Sathya
27	United Trade Union Congress	Shri S. Sathya, Shri V. Sathya, Shri P. Sathya, Shri C. Sathya
28	Tamil Mahila Trade Union Congress	Shri S. Sathya, Shri V. Sathya, Shri P. Sathya, Shri C. Sathya

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KOLKATA (WEST BENGAL) 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. E. Chatterjee, Advisor Shri Sudhakar Choudhury, Chairman Shri Nazim Ali, Secretary General Shri S. S. Chaudhury, Chairman Ms. Ansa Ghosh, Secretary Shri S. K. Dasgupta, Director Shri Mahadev Pal, Secretary Shri N. M. Banerjee, Chairman Shri S. Roy, Vice Chairman Shri S. N. Sengupta, Law Advisor Shri S. K. Pal
2	Bharat Chamber of Commerce	Shri Skinner Ghosh, General Secretary Shri Bhowananda, Secretary Shri Bharat Sarkar, Treasurer Shri S. A. Mazan
3	Havker Sangram Samity	Shri S. K. Ghosh, General Secretary Shri A. K. Mukherjee, President Shri R. A. Chandra, Vice President
4	Bhartiya Mazdoor Sangh	Shri Nirmal Chakraborty, General Secretary Shri Rajal Das, Assistant Secretary Shri Saranya Sanyal, Chairman Shri S. K. Bhattacharya
5	Hind Mazdoor Sabha	Shri C. K. Sanyal, Secretary Shri P. K. Roy, Secretary Shri Kalyan Choudhury Shri S. Banerjee
6	Indian Jute Mills Association	Shri R. Verma, HLC(C) Dr. C. J. Paul, Chairman Shri S. Sengupta, Secretary
7	All West Bengal Sales Representatives Association	Shri Kamal Krishna, President Shri Bandyopadhyay, Vice President Shri Ajit Kumar Ganguly, EC Member Shri Anil Kumar Bhakta, Co-ordinator Shri Narendranath Singh, Ex. President Shri Debnath Singh, EC Member
8	Regional Labour Commission (Central)	Shri Narayan Sen, President Shri N. P. Chatterjee, National Coun. Secy. Shri R. K. Dasgupta
9	Federation of Beedi Leaves and Tobacco Merchant Association	
10	Bengal Brick Field Owners Association	
11	National Front of Indian Trade Union	

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 Swapan Ganguly, Genral Secretary Shri Ullas Ghosh, Member
13	Bengal Hosiery Manufacturers Association	Shri S. Banerjee, Vice President Shri S. K. Bhattacharya, Treasurer Shri Pradyumn Aggarwal, Jt. Gen. Secretary Dr. Sriyan Guider, Vice President
14	Hosiery Workmen's Union	Shri Biswanath Sen, State Chairman Shri S. Chakraborty Shri Bijan Mukherjee
15	Builders Association of India	Shri Anjan Kumar Shri R. N. Dasgupta
16	Indian Tea Association	Shri D. Chatterjee, Secretary General Shri Anji Raha, Jt. Secretary
17	United Trade Union Congress	Shri S. R. Sengupta Shri Kam Chakraborty Shri Anil Choudhury
18	Centre for Studies in Social Sciences	Dr. Nirmala Banerjee, Professor (Eco)
19	Midnapore District Coastal Fish Vendors Union	Shri Nirmalendu Das Shri Rajkumar Kurua
20	Bakshi Banga Matsyaji's Forum	Ms. Manjusha Banerjee
21	Eastern India Motion Picture Association	Shri Lakshmi, Secretary, Chairman Shri Anil Kumar, Day Shownik, Co-ordinator Shri Debashree Mandal Shri U. K. Majumdar
22	Tatapalli Mitrami Sangh	Dr. B. Mallik, General Secretary
23	Indian Kural Medical Association	
HYDERABAD (ANDHRA PRADESH) 12.10.2000 - 14.10.2000		
1	SIMS	Shri Ega Sathian Shri K.V. Subbarao Shri R.L.V. Ray Shri K. Basu Sharma Shri S. Malleshwar Shri A.V. Chavan Shri D. Venkateshwar, President Shri K. Sanyal, Secretary, Gen. Secy Shri K. Sanyal, Executive Member Shri T. Mahal, Member Shri P. Ram Mohan Rao, Gen. Secy. Shri Syed Mahmood, Joint Secy. Shri J. Ramesh, State Secy. Shri K. L. Reddy, Treasurer
2	A.P. Union of Working Journalists	
3	A.P. S.R.T.C. National Roadworker Union	

BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000

S.No	Name of the Organisation	Name of the Participants with Designation
12	KASSIA	Shri E. M. Nene Dr. S. Krishna Kumar Shri S.A. Shivasa Murthy Shri M.K. Saha Shri Asit K. Sarker
13	Greater Mysore Chamber of Industry	Shri T.U. Anantha Padmanabha Banna Shri K. Suresh Babu Shri H.S. Vijaya Raghav Reddy Shri K. Appanahally
14	All India Manufacturers Organisation	Shri K.M. Saha, President Shri K.V. Naik, Gen. Secy Shri M. Kiran, Ctg. Secretary Shri F.S. Hegde, Secretary
15	Karnataka Pkesh Hotels and Restaurants Association	Shri S.S. Bhadrani, GM/CMCO Shri Suresh Babu, GM/Prleg. CX Shri V. Arunachala, Director (F) Shri A. Rana Sekhar, Dy. Mgr Shri T.K. Umar, Director (P&A) Shri Sankar Sai, GM (P&A) Shri H.N. Nagaraj G.S. Shri Sarmanya V. Prasad Shri Govindach EEC Shri Yamini Asst. Secy Shri D. Bhaskara EEC/W Shri G. Nagaraja, President Shri Sreerajkishah, Gen. Secy.
16	Builders Association of India	Shri Nazim Kumar, Vice President Shri M.R. Mohan Babu, Zonal Chairman Shri P. Krishna Paramanama, Zonal Secy Shri K. Ayalathurai, Zonal Secy Shri H. Handanarath, Dist. Secy Shri P. Lakshapathi, Core Team Member Shri Prasanna, Core Member MS Suchitra Rao, Core Member Shri T. Veerappa Pillai, Core Member Shri Vaidya Sharma, Reg. Manager Shri Mahesh Philip, Executive Director MS Sroja, Ms. Vinla, Prog. Coordinator Shri K.L. Ravish Shri K.S. Shankar Shri R. S. Ibrahim Shri M. Varale Raju Shri S. Chikrenva Shri S. Rajappa Shri C. Resarona
17	All India Banks Employees Association. All India Banks Officers Association.	
18	Shant Electronics Ltd., Bangalore CPSU	
19	Hindustan Aeronautics Ltd.	
20	LRDE Employees Union	
21	Hindustan Aeronautics Ltd, Employees Association	
22	FCI Employees Union	
23	Campaign Against Child Labour, MAYA	
24	All India Agricultural Manufacturers Association	
25	Canara Bank Babujan Employees and Officers Union	

BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000

S.No	Name of the Organisation	Name of the Participants with Designation
26	National Union of Telecom Engineering Employees	Shri Pulakay Govda, General Secy Shri R. S. Ramon, Dist. President Shri Venkatesh, Financial Secy Shri Chahwa Shri NR Hegde, Ass. Secy, General Shri K. Krishna Rao, Gen. Secy Shri B. Madhukar Rao, Secy Shri C. Venkita, Zonal Secy Shri S. Vijayashankar, Dist. Secy Shri Venkatesh Sharma, Ctg. Secy Shri T.K. Vinodh, Asst. Secy Shri Azeez, Admin. Secretary Shri N. Balakrishna Shri A. Raju Shri Anand Prasad Shri R. Rangana Shri R.M. Subbarao, Secy, General Shri G.R. Kishanrao, Dy. Vice President Shri Sankar Lakshmi, GM, HR Shri DC Prabhakar Shri Mahab Shri D. Ramaswamy, General Secretary, Vice President Shri Anwar C.K. Mangalapur, Secy.
27	Co-operation Bank Employees Guild	
28	Karnataka Railway Porters Union	
29	All India Bank Sav. Employees Union	
30	Professional Workers Trade Union Centre of India	
31	Wipro Group of Companies	
32	HARP	
33	Infasye Technologies Ltd.	
THIRUVANANTHAPURAM (KERALA) 6.12.2000 - 8.12.2000		
1	IAS Institute of Labour and Management	Shri R. Prakash, Ex. MJA and Member Shri D. Sundarasan, Secretary Shri P. J. Prakash, Joint Secretary Shri E. Manojkumar, Joint Secretary Shri Siva Kumar P. S Shri K. Rajar
2	United Trade Union Centre	Shri Madhu K. Kishan Shri Rajamohan, Chief Managing Director Shri V. Sreedharan, President
3	Handloom Weavers Development Society, Thunooru	Dr. P.K. Sankaran, President Shri P.K. Subramanian, Secretary Shri S. Narayana, Managing Director Shri M.V. Subramanian
4	MS Hindustan Latex Ltd. Puzhappara	Shri C. Subodhan, Gen. Secy. Kathalal Krishna Kumari, Secy Shri A. Venkateshwar, Asst. Secy Shri K.K. Joseph, Gen. Secy.
5	All Kerala Independent Swathanthra Poring Theozhili Union, Alapuzha	
6	Vishwakarma Educational Organisations Jaggathy	
7	South India Mills Association, Changanassery	
8	MS Thanikudam Bagawale Mills Co., Thiruvissur	
9	Karbari Theozhili Congress Kerala State Committee, Oattara	
10	Kerala Agriculturalists Association Mangal	

GUWAHATI (Assam, Assamachal Pradesh, Nagaland, Meghalaya) 17.02.2001-26.02.2001.

S.No	Name of the Organisation	Name of the Participants with Designation
15	Birla Mazdoor Federation, Dhalubi	Shri Hareswari Das, President
16	Coal India Ltd	Dr. Ranjit Choudhury, Pers. Manager
17	Oil India Ltd, Dibrugarh	Shri D. D. Bhattacharya, R. Manager
		Shri V. K. Sharma, Sr. Manager
18	Indian Oil Corporation Ltd	Shri M. M. Mazumdar, Manager
	GHY Refinery (Assam Oil Division)	Shri M. S. Kumar, GM
		Shri M. D. Karmali, DGM
		Shri A. K. Kalita, SA
19	Kumailgarh Refinery Ltd	Shri A. Tanti, DPM
		Shri P. L. Baruah, Advisor
20	Bongpason Refinery & Petro Chemicals Ltd	Shri B. Ekka, GM
21	Assam Asbesters Ltd	Shri P. K. Barua, GM
		Shri L. M. Sivasubramanian, President
		Shri M. S. Das, Dy. Manager
22	INTUC	Shri Renuka Devi, President
		Shri Dinesh Hareswari Das, Gen. Secy
		Shri Samant Mishra, Asst. Gen. Secy
		Shri Jayanta Kumar Das, Gen. Secy
		Shri J. C. Kakoti, President (Apex Banks)
		Shri A. Singh, Asst. Gen. Secy
		Shri G. S. Sharma, Advisor
		Shri S. Choudhury, VP, President
		Shri P. Mahi, Ex. Member
		Shri S. Sinha, VP, President
		Shri P. Sen, Gen. Secy
		Shri J. K. Das, Gen. Secy
23	Assam Industrial Development Corpn.	Shri J. C. Sanyal, Director, IICD
24	Assam Tea Corpn. Ltd.	Shri P. C. Goswami, Manager
25	Geedi Manufacturers, Dhebi	Shri A. R. Das
26	Assam Carbon Products Ltd, Guwahati	Shri R. C. Gupta, Director
27	Federation of Industries (N-E Region)	Shri B. K. Saikia, Manager
		Shri B. L. Aggarwal
		Shri S. S. Parulhi
28	Shadow Assam Bolebri Karmi Sangh, Guwahati	Shri Jagjit Singh, President
29	State Govt. Officials	Shri M. C. Baruah, Secretary (Labour)
		Shri S. J. Das, OIB
		Shri G. Haque, Asst. OIB
		Shri A. K. Mallick, Lth. Commissioner
		Shri R. Chetry, Dy. Director
		Shri R. K. Kalor, Chief Inspector of Fac.
		Shri M. K. Boruah, Asst. Chief Inspector of Factories
		Shri P. R. Borah, DDC
		Shri P. K. Barua, Director
		Comp. S. Guha, Training In-charge

ARUNACHAL PRADESH

S.No	Name of the Organisation	Name of the Participants with Designation
1	All Purvik Welfare Society, Papunpata	Shri C. Awang, Vice President
		Shri Kasya, H. Secy
		Shri Boper, Purvik
2	Labour Cell (B. J. P)	Shri Madang Soomai, Chairman
3	Dept. of Labour & Employment, Mahabangur	Dr. S. P. Sharmah, ALC
4	All Assam SSI Association, Baramuni Maidan	Shri Dip Kumar
		Shri B. L. Aggarwal
MAGALAND		
1	Labour & Employment Dept.	Shri E. Fitcho, Asst. Jt. Secy, Commissioner
		Shri Haizang Zovang, ALC
		Shri C. N. Shukla, C. O
2	Cimaipur Cycle Rickshaw Puller Union,	Shri P. Bedang Jami, President
3	Nzanehi Women Welfare Society, Cimaipur	Shri Kani Rongmai, Gen. Secy
4	Nagaland Pulp & Paper Workers' Union, Tuji	Shri Japant, Chairman
		Ms. Susi Ocha, Gen. Secy
		Shri Someshwar Das
5	Nagaland Sugar Mill Workers Trade Union, Dimaapur	Ms. Borjang Shingti, Secretary
		Shri R. Mory, President
		Shri Y. Kheloh, Asst. Secy
6	Dimaapur Hooter Workers Trade Union	Shri L. Goshwami, President
7	Eastern Farming Association, Twangsang	Shri Momya Spong, President
		Shri Y. Tokuang, Chairman
		Shri K. Vihmo, Project Secretary
		Shri H. Z. Naggyang, Secy. Gen.
SHILLONG		
1	AITUC	Shri Bawng, President
2	INTUC	Shri Bainglong, Project Gen. Secretary
		Shri B. R. Tewasah, President
3	Meghalaya PWD Master Road Workers Union	Shri W. S. Mahary, Vice President
4	State Government Officers (Labour Department)	Shri Bainglong, Director, Gen. Secretary
		Shri P. Bar, Sr. Inspector of Docks & Factories
		Shri S. D. Shra, DDC
		Shri F. G. G. L. S. N. Dyles, Inspector
		Shri K. C. Chynra, Labour Inspector
		Shri S. Rahman, Secretary & Commissioner
		Dr. A. S. Kyling, ES
		Shri A. P. Symbing, President
		Shri S. Mungching
5	Khasi Jaintia Labour Union	Shri H. Vaddy, Secretary
6	Shillong Club Workers Union	

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EOA 05.03.2001 - 06.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
17	Economic Developmental Corporation of Goa, Panaji	Shri A. V. Polkar, Gen. Manager, Shri S. V. Barikar, Cy. GM
18	Goa Antibiotics & Pharmaceuticals Ltd.	Shri A. V. Paikar, vice Chairman, Shri S. V. Venkatar, MD Shri M. Antole
19	Kadamba Transport Corpn. Ltd. Panaji	Shri Anant B. Bharu, MD, Shri V. P. Karmakar, LA
20	Goa Chamber of Commerce & Industry	Shri G. E. Huler, GM, Personnel
21	Goa Chemicals Exports Association, Panaji	Shri S. Sridhar, Secretary
22	Goa Mining Association, Panaji	Shri Gannu Kavanpara, Dy. Secretary
23	All Goa Small Scale Industries Association, Panaji	Shri M. N. Parakkal, Vice President Shri Madhukar
24	State Government	Shri R. S. Wankar, Lab. Commissioner Shri S. S. P. Desai,
25	Central Government	Chief Inspector, Factory & Boilers, Shri K. P. Balu, Kurry, RPF, C, Shri S. L. Jain, Welfare Commissioner, Shri Ganapath Babu, ALC

LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
1	State & Central Govt Officials	Shri Anand Kumar, Labour Commissioner Shri Vinod Kumar, Director of Factories Shri Madhukar Dwivedi, Sp. Secretary Shri Ashok Gaid, Addl. Director Shri Dilip Kumar, JCO Shri Vishnu Saren, Director of Rollers Shri K. L. Sivastava, Regional Director Shri Ramesh Sanku, JI Director Shri B. S. Duggal, I.C. Shri Radhesh Kumar, Presiding Officer Shri Anand Kumar, Commissioner & Director, ESI Shri Pankaj Agarwal Shri Anand Kumar, Presiding Officer Shri Devendra Singh Shri Ramakant Shukla Shri Sukdev Prasad Mishra Shri Shrikant Shri Kamesh Tripathi Shri Savana Shri N. Mishra Shri Anil Kumar Prasad Singh Shri Uma Shankar Mishra, Gen. Secy. Shri V. D. Pandey, Vice President Shri A. Sharma, Vice President Shri Mishra Sujka, Chg. Secy.
2	Central Govt Industrial Tribunal Cum Labour Court	
3	BMS	
4	HMS	
5	Nirman Mazdoor Panchayat Sangam	

LUCKNOW (UTTAR PRADESH) 12.03.2001-14.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
6	Bidi Udyog Karmichari Union	Shri Anand Shukla, Member Executive
7	INTUC	Shri Abul Husain, President Shri Anand Singh, President Shri D. N. Ansari, Vice President Shri C. P. Singh, Gen. Secy Shri P. K. Sharma
8	Indian Federation of Working Journalists	Shri Anand Singh, Gen. Secy.
9	Glass Bangladeshi Workers Union	Shri Ram Yash Prajapati, Gen. Secy
10	PHD Chamber of Commerce and Industry	Shri K. Vikram Reddy, President Shri Anand Singh, President Shri Sukumar Tiwari, Chairman Shri P. K. Sharma, Addl. Labour Advisor Ms. Punia Prayadarshan, Resident Director
11	Indian Industries Association	Shri V. K. Agarwal, President Shri S. G. Yousuf, Chief Co-ordinator Shri G. C. Chaturvedi, Chairman Shri Rajeev Kanti, Executive Director Shri Shalendra Jain, Committee Member Shri U. R. Agarwal, Committee Member Shri. Social Lab. Member Shri R. K. Jain, Secy. Gen. Shri U. P. Dikar, CEO
13	Udyog Bandhu	Shri Suman Bhatia, Joint Executive Director
14	Carpet Export Promotion Council and All India Carpet Manufacturers Association	Shri Anand Anand Shri Malik Omkar Shri Shajid Jamal Shri R. Izwal
15	Glass Industrial Syndicate, Firozabad	Shri Manendra Prakash Agarwal, President Shri J. P. Pandey, Representative
16	Tata Engineering and Locomotive Company Limited	Shri A. K. Ghose, Asst. Gen. Manager Shri Deepak Kumar, Asst. Manager Shri P. K. Kausari, Deputy Manager Shri Anand Kanti (M - ESI) Shri S. M. A. Rizvi (M - PR&A)
17	Indo-Gulf Corporation Limited (Fertilizer), Surtaapur	Shri Sunil Kumar Tiwari, GM-PR&A Shri P. K. Pandey, Sr. Vice President Shri Anand Sharma, Dy. G. V. Shri Rajesh Tiwari, Sr. Officer Shri Jeeva Joseph, Private Secretary Shri Madan Lal, Local Officer
18	HINDALCO	
19	scoters India Limited	
20	UPTRON	
21	Pusa, Oil seed Production & Marketing Corporation Society	Shri Anand Lal, President
22	UNI Kalla & Under Industries Sabha, Mirzapur Pvr	Shri H. M. Wahid Khan, Secretary
23	Lucknow University	Prof. V. G. Goswami, Dept. Of Law

DEHRA DUN (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
9	C.A.C.L, Patna	Shri Manoj Kumar
10	Labour Court, Patna	Shri A Das State Convener
11	State Child Labour Institute	Shri K W Gupta, Advocate
12	Patna University, Deptt. of Labour & Social Welfare	Dr. Kumar Vimal, Chairman
13	Hindustan Fertiliser Corporation, Patna	Dr. B M Singh, Professor Shri. S P Himphehu, Pers. Officer
14	Indian Oil Corporation, Begusarai	Shri U C Mishra, PWS Officer Shri M P Choudhary, Dy. Gen Manager
15	NITPC, Patna	Shri S Pasrah, Sr - D Manager
16	BELTRON, Patna	Shri. S K Mahata, Pers. Administrator
17	C I I, Patna	Shri A K Sinha, Sr. Pers Officer
18	Bihar Industrial Association	Shri Vasesh Singh, C.O
19	Laghu Udyog Bharati, Patna	Shri S K Singh
20	MACDOWELL'S Co. Ltd., Patna	Shri Anup Kishorji, MD
21	KALYANPUR CEMENT LTD	Shri K P S Kesri, Chairman
22	Central Government Officials	Shri D K Chaurwal, Secretary Shri V Singh, Treasurer Shri D K Rathi, Member Shri A K Sinha, Executive Officer Shri R Shekhar
23	State Government Officials	Shri G Khetke, V. President Shri R P Singh, Sr. Executive Shri M Hesa, Asst. Vice President Shri S K Chans, JLC Shri A K Mukhopadhyay, RO, ESI Shri G K Thakur, RPF C Shri P D Singh, R P F C Shri V K Singh, J C

RANCHI (JHARKHAND) 26.03.2001 - 27.03.2001

1	INTUC, Jamsheedpur	Shri S K Bozjanis, Working President Shri D K Singh, Gen. Secretary
2	BMS, Jharkhand	Shri. Anup Singh, Gen. Secretary Shri A. Singh, Gen. Secretary Shri Damodar Prasad, Secretary Shri A. Kumar, Vice President Shri R. P. Jaiswal, Treasurer Shri M. K. Gopalan, Org. Secretary Shri M. Choudhury, Gen. Secretary Shri Phoolen Singh, Secretary Shri R. N. Sinha, Member
3	HMS, Ranchi	
4	GITU, Ranchi	

RANCHI (JHARKHAND) 26.03.2002 - 17.03.2001

S.No	Name of the Organisation	Name of the Participants with Designation
5	NIFTU, Dhanbad	Shri B K Singh, Member Shri G Wheeler, Gen. Secretary
6	Vilas Bharti, Research and Study Centre, Bisanupur	Dr. Vijaypani Pandey, Director
7	Krisi Gyan Vikas Kendra, Ranchi	Shri. Shikari Chugh, J. Secretary
8	Academicians XUBI	Dr. S C Titchay, Advisor Shri G S Verma, Consultants Dr. E M Rao, Professor
9	Jharkhand High Court, Ranchi	Shri P K Sinha, Sr. Advocate Shri C K Mishra, Advocate
10	HMS, Ranchi	Shri Saugat Bakshi, Advocate
11	Jharkhand SAIL Hazdcor Morcha, Ranchi	Shri R S Yadav, Org. Secretary Shri Surendra Tripathi, Gen. Secretary
12	Bokaro Steel Plant Ltd	Shri Sanku Varma Shri Pawan Alam Shri Manasa Singh
13	SAIL, RDGOS, Ranchi	Shri N K Prasad, GM Shri Rangil Lal, GM Shri Shilanshi, Prasad, GPM Shri K K Meron, Chief Personnel Shri V K Sinha, Dy. CPO Shri A K Sinha, Dy. Manager
14	Dandekar Valley Corporation, Dhanbad	Shri. Omkar Prasad, Joint Director
15	Hindustan Copper Ltd, Singhbhum	Shri N K Gaudy, GM
16	HEC, Ranchi	Shri V P L Das, Sr. Dy. M
17	COFED, Ranchi	Shri Avadesh Dugghera, Sr. Manager Shri G S Choudhary, GM
18	Indian Aluminium Co Ltd, Chotamuri	Shri P M Paucy, GPM Shri V R Agrawal, Works Manager Shri V. S. Saha, Sr. Manager
19	TISCO & Co, Jamshedpur	Shri G C Singh, Asst. Manager Shri R M Misra
20	Daha Martin Industries, Ranchi	Shri R S Anand, GM
21	Indian Explosive Ltd, Bokaro	Shri A K Singh, Pers. Manager
22	Small Scale Industries Association, Ranchi	Shri Ranjit Tiwari, President
23	Chhotanagpur Chamber of Commerce, Ranchi	Shri Prem Malal, Sr. V. President Shri R. Tebrawal, Secretary Shri Chandra Kant Rai, Gen. Chairman Shri N L Rungta, President Shri R. Agrawal, Advisor Shri D K Tiwari, Secy Shri N K Singh, Gen. Secy Shri L. P. Rai, Org. Secy

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RANCHI (JHARKHAND) 26.03.2001-27.03.2001

CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
	CITU Ranchi	Shri S.P. Singh, Gen. Secy Shri R. Gupta, President Shri P.S. Chandra, Secy
25	State Government Officials	Shri A.K. Sarin, Joint Secy, Commissioner Shri R.K. Chaurhary, J.C. Shri M.M. Mishra, J.L.C. Shri H.N. Dhabry, A.O. Shri K.T. Thirava, R.P.C. Shri B.J. Singh, Asst. Director of Mines Shri S.K. Singh, Mining Officer

CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001

1	People's Vigilance Committee	Shri Jai Singh, Chairperson Shri B.S. Rawat, Advocate Dr. Subhash Sharma, President Shri Mohinder Singh, Vice President Shri Sachchid Sharma, Treasurer Shri Anshul Kumar, Gen. Secy. Shri H.K.S. Pawa, Gen. President Shri Dinesh Singh Bhat, Vice President Shri Kunal Krishan Sharma, President Shri Sarabjeet Singh, Chairman Gurpreet Kaur, Secy. Lalhana Shri Karan Singh Shri S.D. Kapoor, Asst. Secy. Shri Ravi Kishan Sharma, J.L.M. Shri Sushratar Palit Shri Kishan Bawa Shri Prabhakar, Secy. Shri Narayan Singh Shri Sarb Ram Shri Ranjit Doyal, President Shri Hardeep Das, Gen. Secy. Shri Kuldip Singh, Joint Secy. Shri Satish Kumar, Executive Member Shri Balraj, Gen. President Shri Karan Singh, Secy. Shri Chalu Singh, Secy. Shri D.P. Singh, Gen. Secy. Shri Raju Singh, Member Shri Balraj Singh, Member Shri Jeonni, Secretary
2	INTUC	
3	AIMS	
4	HMS	
5	Married Employees Union	
6	Punjab Milkdoor Dal	
7	Nelay Azad Trade Union, Amritsar	

S.No	Name of the Organisation	Name of the Participants with Designation
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	Retail Azad Trade Union, Amritsar	Shri Gaur Vambur Shri Rakesh Kumar, Member Shri Harj Singh, Secy Shri Jagdish Singh Shri Ar Singh Shri Tarda Singh Shri Jaspreet Singh Shri Teje Singh Shri Jitendra Singh Shri Pravej Singh Shri Gaur Singh
8	Punjab State Karamchari Dal	Shri Jai Singh, Chairperson Shri B.S. Rawat, Advocate Master Gurdip Singh, President Shri Tarsem Pal, Secretary Shri Surinder Saini, Co-ordinator Shri Mohan Singh, Secy. Shri S.D. Arora, Advocate Shri Gurdip Singh, Advocate Shri R.P. Badi, Advocate Shri P.D. Sharma, Advocate Shri Gagnev Advocate Shri B.N. Sengra, Advocate Shri Sharan Saini, Advocate Dr. A.S. Saini, Advocate Dr. Karan Singh, Director Dr. B.K. Agrewal, President Dr. H.S. Rana, Secy. Dr. Gurpreet Singh, Head Dr. Manjit Singh, Secy. Shri Rajender Shri Rajinder Pal Shri P.S. Ajeet, Professor Shri K. Gopal Singh, President Shri Jugal Singh, Secy. Shri Gopal Kumar, President Shri V. Mahra, Chairman Shri Gaur Vambur, Secy. Shri Jagdish Singh Shri Gaur Singh
9	Volunteers for Social Justice Phillet	
10	Pendu Mazdoor Union	
11	Rotary International, Jalandhar	
12	Individuals	
13	Punjab Agricultural University	
14	Department of Law, Punjab University	
15	Workers of Spinning Textile Mills, Hoshiarpur	
16	Punjab University, Chandigarh	
17	Pipe Fittings Manufacturers Association	
18	Petro Chemical & Pharmaceuticals Limited, Durgam Chas	

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CHANDIGARH (PUNJAB) 09.04.2001-30.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
	Petro Chemical & Pharmaceuticals Limited Darabassi	Shri R.K. Kumar Shri Jasraj Lal Shri Nolla Ram Shri R. Raju Shri P.K. Verma, Director Shri N.K. Gupta Shri C.M. Nigam Shri V.P. Chopra, President Shri. Tansen Saini, President Shri Raminder Puri, Vice President Shri Chaman Goyal, Joint Secy. Shri Jitendra Kumar, Secy. Shri Sanjay Kumar, Gen. Secy. Shri S.L. Seneja Shri A.S. Kaur Shri Manoj Kumar Shri Raj Singh Shri Sanjay Shri S.S. Gumber, President Shri S.K. Bui, Labour Divulgant Shri Y.S. Anand, Executive Member Shri Ginder Singh, Office Secy. Shri R.S. Sohaldeva, Ex. President Shri G.S. Leneal, Executive Member Shri Gurpreet Singh Shri R. Sachdev Shri Anandh Krishna, Gen. Manager Shri Asit Baran Das, Senior Manager Shri S. K. Agarwal, Senior Manager Shri B.S. Malhotra, (TWA) Shri T.C. Khanna Shri N.R. Kaushal Shri. Salish Bagrodia, Chairman (Himachal) Shri Vikram Sengal, Chairman (Chandigarh) Shri Anandjit Goyal, Chairman (Punjab) Shri Rajiv Dahi, Co-Chairman Shri R. S. Sohaldeva, Co-Chairman Shri Beant Singh Shri P.K. Sharma Shri H.S. Malik Shri Subhdev Raj Shri Ashwani Kumar Shri Mohan Singh Shri R.K. Gandhi Shri Kewal Choudhary
19	Swaraj Group of Company, Mohali	
20	National Fertilizers Limited	
21	Federation of Small Industries Association	
22	Punjabi Rice Millers Association	
23	Deva Bossi Industrial Association	
24	Mohali Industries Association	
25	Godrej Appliances Limited, Mohali	
26	Textile Manufacturers Association	
27	PHD Chamber of Commerce	
28	Handtools Exporters Association & Focal Point Industrial Association, Jalandhar	

CHANDIGARH (PUNJAB) 09.04.2001-30.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
29	Lagatu Udyog Bhanali	Shri Ashwini Kapoor, Gen. Secy. Shri Indeeep Singh
30	Brief: Kin Owners Association	Shri Sahaji Singh, President Shri Kuldip Kumar Khanda, Vice President Shri Vivek Verma Shri Jagdeep Sukhiya Shri P.D. Sharma, President Shri S.M.S. Bhatgal Shri Rajesh Anand, President Shri G.P.S. Sehra, Secy Shri K. Sachdev, President & CEO Shri Y. Sebba, Managing Director Shri O.L. Sharma, Executive Director Shri R. Singh, Sr. Manager Shri Jawhar Singh, HR Chief Ms. Madhu Filali, Deputy Director Shri N.S. Kaur, President Shri Y.P. Kaur Shri Anil Aggarwal Shri Dinesh Gupta Dr. T.C. Mehra, Director Shri S.K. Sharma, D.C. Dr. Nareesh Kumar, Vice President Shri H. Des. Chugh Dr. S.K. Sharma, Professor Shri Anand Kumar, Hon. Secy Shri S.C. Gupta, Secy. Labour & Employment Justice (Bar Singh), P.O. Industrial Tribunal Shri Indar Singh, Adm. Off. & Session Judge Shri S.K. Agarwal, Adm. Off. & Session Judge Shri Rajdev Singh, Adm. Labour Commissioner Shri L.D. Sharma, DDC Shri R. Sehgal Shri R. Singh, Labour & employment Shri Anand Singh, ALC Shri R.P. Bangar, LDC Shri S.S. Dahi, ALC Shri G.S. Walia, ALC Shri Dhanraj Singh, LDC Shri Ram Lubhaya, LDC Shri Harish Nayyar, ALC Shri S.S. Laddi, ALC Shri Nirmal Singh, LDC Shri Faiz Chaud. LDC
31	Apex Chamber of Commerce & Industries	
32	Confederation of Indian Industry	
33	Pallana Chamber of Industries	
34	ESI	
35	Ranboxy Labs Limited	
36	State Government Officials	

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CHANDIGARH (PUNJAB) 09.04.2001-10.04.2001

HARYANA 11.04.2001-12.04.2001

S.No Name of the Organisation Name of the Participants with Designation

State Government Officials

- Sri H.R. Arora A/C
- Sri Jeeva Parash, I/O
- Sri C.S. Pasola, I/O
- Sri P.K. Jain, I/T
- Sri Sangar Kumar, Executive Officer
- Sri Jaspal Singh

HARYANA 11.04.2001-12.04.2001

BNS

- Sri Rant Singh, President
- Sri Jung Bahadur, Gen. Secy
- Sri Pawan Kumar, Secy.
- Sri V.K. Thakur Singh, Secy.
- Sri Narinder Vahay, Finance Secretary
- Sri Karam Singh, Vice President
- Sri Sohan Lal Gupta, Executive Member
- Sri Bhatnagar Singh, Vice President
- Sri Pooja Chahal, Secy. Ex Member
- Sri R.D. Yadav, Secretary
- Sri Narinder Bhasin, Gen. Secy.
- Sri Ram Kaler, Vice President
- Sri Randeep Singh, Vice President
- Sri K.L. Sharma, Gen. Secy
- Sri Navinder Sharma, Gen. Secy
- Sri Ananta Singh, Executive Member
- Sri Bhatnagar, Executive Member
- Sri P. P. Verma, Gen. Secy.
- SriINDER Singh, President
- Sri R.S. Malhotra
- Sri Sacha Saluja
- Sri Kamal Singh
- Sri Vikram Kaur
- Sri Rajiv Chahal, Gen. Secy
- Sri P.K. Jain, Chairman
- Sri P.K. Sharma, Labour Advisor
- Sri Beant Singh
- Sri C.P. Malik
- Sri O.P. Thakur
- Sri M.M. Akhatar, Executive Secy.
- Sri R.C. Puri, Asst. Manager
- Sri Satinder
- Sri Smt. Saralwaj, President
- Sri G.C. Walia, Ex. Member

INTUC

- 4 Kissan Khetkar Mazdoor Union, Panipat
- 5 Yamuna Khetkar Chambers of Commerce & Industry
- 6 Faridabad Small Scale Industries
- 7 PHD Chamber of Commerce and Industries, Chandigarh
- 8 Curjagon Industries Association
- 9 Jhedi Trade Union Congress, Sonapat
- 10 Burgers Chambers of Commerce and Industries

S.No Name of the Organisation Name of the Participants with Designation

- 11 Multi-Pool India Ltd, Faridabad, A/Cs Laxmi, Prakashan Ltd
- 12 Roshni & Professional Burgers Association, Faridabad
- 13 Lajpuri Udyog Bharti, Faridabad
- 14 Farjagona Chamber of Commerce and Industry, Karnal

State Officers, Labour Department, Haryana

- Sri Ananta Singh, President
- Sri K.S. Verma, Secy and Comptroller
- Sri L.S. Khandelwal, I/O
- Sri Shyam Lal, I/O
- Sri S.V. Yadav, Asst. Director
- Sri K.S. Sharma, Asst. Director
- Sri Mahendra Singh, I/O
- Sri Ananta Singh, I/O
- Sri S.S. Saurav, Editor
- Sri Mahendra Singh, I/O
- Sri R.K. Singh, Executive Officer

CHANDIGARH (PUNJAB) 11.04.2001-12.04.2001

INTUC - Chandigarh

- 1 Sri Ram Pal Sharma, President
- 2 Sri Satinder, Senior Vice President
- 3 Sri M.L. Kaur, Gen. Secy
- 4 Sri Jitendra, Gen. Secy
- 5 Sri Harinder Singh, Vice President
- 6 Sri Subhash Tewari, Gen. Secy
- 7 Sri J.L. Bhatnagar, President
- 8 Sri V.K. Thakur, Office Secy.
- 9 Sri A.D. Khandelwal, National Secy.
- 10 Sri V.P. Reddy, Gen. Secy
- 11 Sri Kaur, Gen. Secy
- 12 Sri R.K. Sharma, Ex. Member
- 13 Sri Rajender Kumar, Office Secy.
- 14 Sri Manoj
- 15 Dr. B.S. Tandon, Professor, Punjab University
- 16 Dr. S.S. Arora, Professor, Law
- 17 Sri K.S. Singh, President - Sociology
- 18 Sri S.S. Ehsan, Lecturer - I, Govt
- 19 Sri D.P. Sharma, Labour, Adv. Advisor

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CHANDIGARH (UT) 11.04.2001-12.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
1	Kumta Dist. & Devices Ltd.	Shri Srinjay Sagar, Asst. Manager
2	M/S. Ona Becker Axle Ltd.	M.S. Chhwal, Gen. Manager
3	Industry Association of Chandigarh	Smt. S.C. Kohn, President
4	Chamber of Chandigarh Industries	Shri Alexander Kuriha
5	Federation of Small Scale Industries	Shri Yashraj, President
BHOPAL (MADHYA PRADESH) 23.04.2001-24.04.2001		
1	INTUC, Bhopal	Shri Tara Singhwadi, President Shri R.C. Imarti, Gen. Secretary Shri S.S. Yadav, SEC
2	HMS	Shri Anwar Sami, Sr. Superintendent Shri Manoj Singh, Secretary
3	Tata International Ltd, Dewas	Smt. C.K. Srivastava, Dy. GM, HRD
4	Anani Spinning Mills, Mandla	Shri D.R. Dhadwar, V. President
5	M.P. Dairy Wages Workers Mahasangh, Bhopal	Shri R. Tiwari, Sr. Manager Shri D.R. Kauluk Shri V.P. Kulkarni Shri A.P. Singh
6	M.P. Yigyyat Karmachari Sangh Federation, Jabalpur	Shri D.P. Palnab, Gen. Secretary Shri S.P. Mishra
7	M.P. Angadwadi Kanyakanta Sangh, South T T Nagar, Bhopal	Smt. B.D. Gauram, Gen. Secretary Ms. Asha Mandlik
8	Industrial Health & Safety, Indore	Shri S.D. Verma, Director
9	SEWA, Indore	Ms. Sikha Joshi, Programme Head
10	Federation of Chamber of Commerce & Industry	Shri P. C. Palanikumar, Lab. Consultant Shri Prasad Verma Shri S. C. Dhangana, V. President Shri S. S. Mishra, G.M.
11	Reynold Ltd, Chhindwara	Smt. Y. S. Kavay, Manager
12	Individual	Shri G. K. Chhabar, Advocate
13	M.P. Textiles Mills Association, Indore	Shri Mahendra S. Tyagi, Dy. Chairman Shri V. S. Choudhury
14	F. S. Small scale Industry Association, Bhopal	Shri R. Sumanbhan, V. President
15	Aaryog Sangathan, Indore	Shri S. C. Dhangava, Patron
16	M. P. Baidi Udyog Sangh, Sagar	Shri Gadam Kolsakar, President Smt. D. K. Shah, Gen. Manager Shri Vinodrao Jain, Secretary Shri Hiralal Jain
17	Leghu Udyog Bhavni, Bhopal	Shri Jitendra Gupta, Secretary Dr. Ajay Harang, Vice President Shri Rami Bansal, President Shri Sudhir Caley, Member

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BHOPAL (MADHYA PRADESH) 23.04.2001-24.04.2001

S.No	Name of the Organisation	Name of the Participants with Designation
18	BHEL, Bhopal	Shri V.K. Kapoor, ALM Smt. K. K. Nair Sr. Manager Shri G. P. Patil, Sr. DGM Shri R. B. Pandey, WC Smt. A. K. Pathak, Asst. Administrator Shri K. Mishra, Regional Director Shri V. Balkrishnan, R.F.C. Smt. A. Agnihotri, A.F.C. Shri Gurug. Srivastava, EO Shri Bala Lal Ahwar Shri Vinod Bhargava
19	Labour Welfare Board	Shri Sanjay Sharma
20	Welfare & Cess Commissioner	Smt. Suresh Verma
21	ESIC, Indore	Shri Patesh Ram Arja
22	EPFO, Bhopal	Shri V. R. Khand, MD Shri Ramesh Chav, ED Shri R. S. Hegy, CCFE Shri Anil Kumar, CDD Smt. A. N. Tikari
23	BHEL Thirava Karmachari Sanjuka Morcha, Bhopal	Shri N. K. Karagade, President Shri H.L. Shrivastha, Secretary Shri K. Madhai, Gen. Secretary Shri S. Mishra Shri R. K. Yadav Shri R. N. Khand Shri R. S. Srivastava, President Shri A. Gauram, V. President Shri A. Desai, Gen. Secretary Shri V. Chandra, Gen. Secretary Shri N. N. Trivedi, President Shri P. C. Arja, President Shri R. Dula Shri R. C. Yadav Shri B. Khand Shri R. Sharma Shri P. P. Puri Shri V. K. Shrivastha, Patron
24	M. P. Forest Department	
25	Commerce & Industry Dept	
RAIPUR (CHHATTISGARH) 26.04.2001-27.04.2001		
1	AITUC, Raipur	
2	CITU, Bilhail	
3	HMS, Bilhail	
4	BMS Bilhail	
5	INTUC, Chhatnagpur	
6	Samta Party Rajnandgaon	

NEW DELHI, 08.05.2001 - 09.05.2001

S.No	Name of the Organisation	Name of the Participants with Designation
11	Chitila Factories Owners Association, New Delhi	Shri A.K. Sood, President
12	A.J. India Women's Conference, New Delhi	Shri. Deebhari Lal, Accounts Officer Shri N.K. Agarwal, Estate Manager Shri. Ashok Ranjey, Secy. Smt. Jaswant
13	Anand's Federation of Trade Unions, New Delhi	Smt. Rajesh Jain
14	Consentium of Caught Place, New Delhi	Smt. Raunigh Smt. A.S. Zohu
15	Udyog Nagar Industrial Estate, New Delhi	Smt. Anuradha Gupta, President
16	Wazirpur Udyog Sangh, New Delhi	Smt. Chandan P. Nayga, Ex. Member Smt. Hari Lal, President
17	Wazirpuri Mandali, Karol Bagh, New Delhi	Smt. Saini Lal, Gen. Secy.
18	A.I. India Garment Exporters' Common Course Unit	Smt. Charu K. Anand, President
19	Pattarganj F.I.E. Entrepreneurs	Smt. V.N. Sharma, Gen. Secy.
20	Hotel Restaurant & Club's Employers Association	Smt. G.M. Aggarwal, Ex. Member
21	Garments Exporters Association	Smt. G.M. Saini, President
22	Jh. Mill Small Industrial Association	Smt. Satish Lakshmi, Vice President Smt. T.P.S. Mamik, Member
23	Labour Law Association	Smt. Sadhu Atarabanda, Gen. Secy.
24	Lawyers Chambers	Smt. Surinder Anand, Ex. Secy.
25	Employees State Insurance Corporation	Smt. Kamal Gupta, President Smt. Harjagan Singh, Vice President Smt. D.K. Sharma, Secy.
26	Delhi Commission for Women	Smt. Anil Sharma, Former President
27	Labour Department	Smt. Raj-Royal, Senior Advocate Smt. P.R. Gaudan, Regional Director Smt. S.K. Sinha, Deputy Director Smt. M. Chakraborty, Deputy Director Smt. Pooja Jacob, Member Smt. Z.U. Siddiqui, Joint Labour Commissioner Smt. K.R. Sahney, Dy. Labour Commissioner Smt. C.M. Bhasin, Chief Inspector

JAMMU & SRINAGAR (JAMMU & KASHMIR) 03.07.2001 - 05.07.2001

1	ITI Employees Union, Srinagar, J&K	Smt. Nagar, Ahmed Bandy, Secy
2	HMT Employees Union, J & K	Smt. Hiji G.N. Jai, President Smt. P.K. Bhal, Secretary
3	Coordination committee of Trade Unions	Smt. Boshik, Member, Joint Secretary Smt. Ali, Mohd Y.N. Gen Secretary Smt. M.A. Meo Smt. H.V. Bhal Smt. Sh. Hasna Dar Smt. Mita, Muqul

JAMMU & SRINAGAR (JAMMU & KASHMIR) 03.07.2001 - 05.07.2001

S.No	Name of the Organisation	Name of the Participants with Designation
4	State Central Labour Union, J & K	Smt. Nisar Ahmad Smt. Abul Rasheed Farooq, President Smt. Gh. Ahmed Wajid, Chairman Smt. Gh. Hassan Peer, General Secretary Smt. G. Rasool Mujar, Secretary Smt. Masood Ahmad, President Smt. GM Shaha, Chief Organiser Smt. GA Gujra, P.O. Secretary Smt. Wajid Yusuf, Vice President Smt. Gh. Naji Bhal, Chairman Smt. Ab. Rasheed Y.N., President
5	State Central Labour Union, J & K	Smt. Nisar Ahmad Anshah, Gen. Secy. Smt. Ab. Rasheed Farooq, Gen. Secy. Smt. As. Rahim Qureshi Smt. Ghawer Mir, Advisor Smt. Mubhd Latif, Sr. Vice President Smt. Wajid Amin, Secy.
7	All India J & K Bank Employees Federation, Srinagar	Smt. An. Mujib, Advisor Smt. Pooja, Ahmed Bhat, Gen. Secy. Smt. Pooja, Ahmed Wajid, Member Smt. Abul Rasheed, Member Smt. Tariq, Qureshi, Member Smt. A.P. Mir, Gen. Cashier Smt. A.R. Bhatt, Head Cashier Smt. Tanveer Tareen, Managing Director Smt. R.A. Ghafoor, Managing Director Smt. Saleem Bae, Director Smt. Pralab
8	All India J & K Bank Employees Federation, Srinagar	Smt. M. Abul Paroo, Convener Smt. Manzoor Ahmed, Member Smt. G.M. Doo, President Smt. Muzaffar Khan, Sr. Vice President Smt. Mushtaq Ahmed Wajid, Executive Member Smt. Latif Ahmed Bhatt, Secretary General Smt. M.L. Kapoor, Gen. Manager Smt. Nisar Ahmed Bhatt, Legal Assistant Smt. Jan Wajid, Karkoo, President Smt. M.Y. Tareq, Vice President Smt. T.A. Wajid, Secretary General Smt. Syed Faraz Elahi, P.O. Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Reader Smt. M. Saraf, Retired Dy. Labour Commissioner
9	Bank of India Employees Association, Srinagar	Smt. R. A. Ghafoor, Managing Director
10	Kashmir Hotels & Restaurant Owners Federation, Srinagar	Smt. M. Abul Paroo, Convener Smt. Manzoor Ahmed, Member Smt. G.M. Doo, President Smt. Muzaffar Khan, Sr. Vice President Smt. Mushtaq Ahmed Wajid, Executive Member Smt. Latif Ahmed Bhatt, Secretary General Smt. M.L. Kapoor, Gen. Manager Smt. Nisar Ahmed Bhatt, Legal Assistant Smt. Jan Wajid, Karkoo, President Smt. M.Y. Tareq, Vice President Smt. T.A. Wajid, Secretary General Smt. Syed Faraz Elahi, P.O. Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Reader Smt. M. Saraf, Retired Dy. Labour Commissioner
11	Kashmir Chamber of Commerce & Industry, Srinagar	Smt. M. Abul Paroo, Convener Smt. Manzoor Ahmed, Member Smt. G.M. Doo, President Smt. Muzaffar Khan, Sr. Vice President Smt. Mushtaq Ahmed Wajid, Executive Member Smt. Latif Ahmed Bhatt, Secretary General Smt. M.L. Kapoor, Gen. Manager Smt. Nisar Ahmed Bhatt, Legal Assistant Smt. Jan Wajid, Karkoo, President Smt. M.Y. Tareq, Vice President Smt. T.A. Wajid, Secretary General Smt. Syed Faraz Elahi, P.O. Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Reader Smt. M. Saraf, Retired Dy. Labour Commissioner
12	J&K Project Construction Corp. Srinagar	Smt. M. Abul Paroo, Convener Smt. Manzoor Ahmed, Member Smt. G.M. Doo, President Smt. Muzaffar Khan, Sr. Vice President Smt. Mushtaq Ahmed Wajid, Executive Member Smt. Latif Ahmed Bhatt, Secretary General Smt. M.L. Kapoor, Gen. Manager Smt. Nisar Ahmed Bhatt, Legal Assistant Smt. Jan Wajid, Karkoo, President Smt. M.Y. Tareq, Vice President Smt. T.A. Wajid, Secretary General Smt. Syed Faraz Elahi, P.O. Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Reader Smt. M. Saraf, Retired Dy. Labour Commissioner
13	Federation Chamber of Industries, Kashmir	Smt. M. Abul Paroo, Convener Smt. Manzoor Ahmed, Member Smt. G.M. Doo, President Smt. Muzaffar Khan, Sr. Vice President Smt. Mushtaq Ahmed Wajid, Executive Member Smt. Latif Ahmed Bhatt, Secretary General Smt. M.L. Kapoor, Gen. Manager Smt. Nisar Ahmed Bhatt, Legal Assistant Smt. Jan Wajid, Karkoo, President Smt. M.Y. Tareq, Vice President Smt. T.A. Wajid, Secretary General Smt. Syed Faraz Elahi, P.O. Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Reader Smt. M. Saraf, Retired Dy. Labour Commissioner
14	Dept. of Law, University of Kashmir, Srinagar Labour Law Practitioner	Smt. M. Abul Paroo, Convener Smt. Manzoor Ahmed, Member Smt. G.M. Doo, President Smt. Muzaffar Khan, Sr. Vice President Smt. Mushtaq Ahmed Wajid, Executive Member Smt. Latif Ahmed Bhatt, Secretary General Smt. M.L. Kapoor, Gen. Manager Smt. Nisar Ahmed Bhatt, Legal Assistant Smt. Jan Wajid, Karkoo, President Smt. M.Y. Tareq, Vice President Smt. T.A. Wajid, Secretary General Smt. Syed Faraz Elahi, P.O. Smt. J.A. Bhat, Treasurer Dr. G.C. Mir, Reader Smt. M. Saraf, Retired Dy. Labour Commissioner

JAMMU

Name of the Participants with Designation

S.No	Name of the Organisation	Name of the Participants with Designation
1	Government of Jammu & Kashmir	Sri G. H. Kishan, Ex Dy. Labour Commissioner
2	JK Labour Commission, Srinagar	Sri P. L. Singh, Convener/Secretary Sri S. Kishan Singh, Labour Commissioner
3	Kashmir Hotel & Restaurant Association, J&K	Sri K. D. Yogi, Dy. Labour Commissioner
4	Hotel, Jammu	Sri S. J. Ahmed, Secretary General
5	SAHYERA, Jammu	Sri Syed Hameed Hasan, Amroha Dr. R. R. Khanna, President
6	Pargayara Sanstha, Jammu	Major General, G. S. Jambhal, MLC
7	Dept. of MBA, University of Jammu, Jammu	Sri J. K. Choudra, Professor
8	National Front of Indian Trade Union, Jammu	Sri Parva Heni, President Sri S. J. Choud, Gen. Secretary Sri Jambhal Khanna, V. President Sri Bano Lal, South V. President Sri Arun Hassan
9	Industrial Estate Workers Union, Jammu	Sri Ganesh Singh, President Sri Kishan Singh, Gen. Secretary V. S. Verma, San. Karam (Kang) Ms. P. H. H. Singh, (Woman Wing) Sri L. H. Singh, Executive Member Sri V. Singh, Secy. Member Sri A. K. Gupta, Gen. Secretary
10	Union of Indian Textile Workers, Jammu	Sri A. K. Gupta, Gen. Secretary
11	State Central Labour Union, J&K, Sharma Group, Jammu	Sri A. K. Gupta, Gen. Secretary
12	State Central Labour Union, (Maidan Street Group), Jammu	Sri A. K. Gupta, Gen. Secretary
13	State Central Labour Union, (Maidan Street Group), Jammu	Sri A. K. Gupta, Gen. Secretary
14	State Central Labour Union, (Maidan Street Group), Jammu	Sri A. K. Gupta, Gen. Secretary
15	State Central Labour Union, (Maidan Street Group), Jammu	Sri A. K. Gupta, Gen. Secretary

SIMLA (HIMACHAL PRADESH) 19.07.2001 - 20.07.2001

Name of the Participants with Designation

S.No	Name of the Organisation	Name of the Participants with Designation
1	Chamber of Commerce & Industries	Sri Ram Saran, President Sri R. P. Singh, Secretary General Sri P. Singh, Vice President
2	Department of Labour, Government of Himachal Pradesh, Simla	Sri J. P. Singh, Commissioner/Director Sri D. Singh, Dy. Director Sri A. K. Singh, Asst. Director Sri S. Singh, Asst. Director Sri P. Singh, Asst. Director Sri H. Singh, Asst. Director Sri R. Singh, Asst. Director Sri G. Singh, Asst. Director Sri K. Singh, Asst. Director Sri L. Singh, Asst. Director Sri M. Singh, Asst. Director Sri N. Singh, Asst. Director Sri O. Singh, Asst. Director Sri P. Singh, Asst. Director Sri Q. Singh, Asst. Director Sri R. Singh, Asst. Director Sri S. Singh, Asst. Director Sri T. Singh, Asst. Director Sri U. Singh, Asst. Director Sri V. Singh, Asst. Director Sri W. Singh, Asst. Director Sri X. Singh, Asst. Director Sri Y. Singh, Asst. Director Sri Z. Singh, Asst. Director
3	Director of Health Services, Govt. of Himachal Pradesh	Dr. S. Singh, Director
4	H.P. State Electricity Board, Govt. of Himachal Pradesh	Sri S. Singh, Director
5	MPS, Ambala Cantonment	Sri S. Singh, Director
6	MHP, Kulu, H.P.	Sri S. Singh, Director
7	Maha Ushakti Power Corp., Simla, Himachal Pradesh	Sri S. Singh, Director
8	Yashwantrao Chavan Pratishthan, Govt. of Himachal Pradesh	Sri S. Singh, Director
9	MNS ACC, Darnaha, H.P.	Sri S. Singh, Director
10	All India Trade Union Congress, Himachal Pradesh	Sri S. Singh, Director
11	AITUC, Himachal Pradesh	Sri S. Singh, Director
12	W. S. Himachal Pradesh	Sri S. Singh, Director
13	W. S. Himachal Pradesh	Sri S. Singh, Director
14	W. S. Himachal Pradesh	Sri S. Singh, Director
15	All India Congress Committee, Himachal Pradesh	Sri S. Singh, Director

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SHIMLA (HIMACHAL PRADESH) 19.07.2001-23.07.2001

S.No	Name of the Organisation	Name of the Participants with Designation
15	India Plantation Association, Himachal Pradesh	Shri J. Dhillon, Ex. President, Shri Rajwanti Singh, Vice President, Shri Animesh, Member
17	Hotel & Restaurant Association, Himachal Pradesh	Shri M. Shinde, Secy. President, Shri Harraj Kundra, Vice President, Shri Suresh Singh, Shri Gopal Aggarwal, Shri Chela Kokeja, Shri G. P. Sharma, Legal Advisor Captain Ajay Sharma, Vice Chairman, Shri Rajeev Bansal, Member, Shri Rajeev Singh, Ex. Director
18	Confederation of Indian Industry, Northern Zone, Chandigarh	Shri K. C. Rajput, President, Shri S. S. Chatterji, President, Shri M. P. Sharma, Vice President, Shri Anu Rawal, General Secretary Shri Ramesh Sharma, Member
19	Lajpat Uday Singh Bharti, Baidi, Himachal Pradesh	Shri A. S. Maurya, Regional Director Shri Rajesh Bansal, NFFE Shri K. S. Dhillon, Ex. Director, Shri R. D., Asst. Director Dr. Rattan Chandi, OSD Dr. Saina Mishra, SVO
20	Bar Council, Himachal Pradesh	
21	Centre, Board of Workers Education, Ranwano, H.P.	
22	R.L.C. (D), Dairidigarh	
23	R.P.F.C., Shimla, Himachal Pradesh	
24	ESU, Shimla, Himachal Pradesh	

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

Maharashtra (Mumbai)	03.07.2000-07.07.2000	Shri M.K. Arbole, 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. Kamath, Labour Commissioner
West Bengal (Kolkata)	14.09.2000-16.09.2000	Shri M.L. Gayen, 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 (Thiruvananthapuram)	05.12.2000-08.12.2000	Shri C.U. Manji, Jr. Labour Commissioner
Orissa (Bhubaneswar)	15.12.2000-19.12.2000	Shri S.C. Das, Labour Commissioner
Rajasthan (Jaipur)	22.01.2001-24.01.2001	Shri N. Sireni, Jr. Labour Commissioner
Andhra (Guwahati)	17.02.2001-20.02.2001	Shri Bipul Sharma, Dy. Secy. Lab. & Emp. Dept.
Andhra Pradesh	17.02.2001-20.02.2001	Dr. S.P. Bhadrachari, Asstt. Labour Commissioner
Tripura	17.02.2001-20.02.2001	Shri A.K. Das, Labour Officer
Mizoram	17.02.2001-20.02.2001	Shri Pu Vanhmingchanga, Dist. Engr. Officer
Meghalaya (Shillong)	21.02.2001-23.02.2001	Shri A.K. Roy, Labour Secy. cum-Commissioner
Assam & Asscher (Saidpur/Port Blair)	26.02.2001-27.02.2001	Shri Avtar Singh, Asstt. Labour Commissioner
Goa (Panaji)	05.03.2001-06.03.2001	Shri S.A. Deshpande, Dy. Labour Commissioner
Uttar Pradesh (Lucknow)	12.03.2001-14.03.2001	Shri K. Ganesha, Dy. Labour Commissioner
Uttaranchal (Dehradun)	15.03.2001-16.03.2001	Shri J.S. Vist, Dy. Labour Commissioner
Bihar (Patna)	23.03.2001-24.03.2001	Shri Ram Dev Rajak, Jr. Labour Commissioner
Jharkhand (Ranchi)	26.03.2001-27.03.2001	Shri R.K. Chaudhary, Addl. Labour Commissioner
Punjab (Chandigarh)	09.04.2001-10.04.2001	Shri L.D. Sharma, Dy. Labour Commissioner
Haryana (Chandigarh)	11.04.2001-12.04.2001	Shri Hoshar Singh, Jr. Labour Commissioner
Chandigarh (U.T.)	11.04.2001-12.04.2001	Shri S.S. Chatterji, Asstt. Labour Commissioner
Madhya Pradesh (Bhopal)	23.04.2001-24.04.2001	Shri L.P. Patil, Asstt. Labour Commissioner
Chattisgarh (Raipur)	26.04.2001-27.04.2001	Shri S. R. Deivedi, Dy. Labour Commissioner
New Delhi	08.05.2001-09.05.2001	Shri Z.U. Siddiqui, Jr. Labour Commissioner
Jammu & Kashmir	03.07.2001-04.07.2001	Shri Sayed Yasin Shah, Labour Commissioner
Srinagar, Jammu	05.07.2001-06.07.2001	Shri Sayed Yasin Shah, Labour Commissioner
Srinagar, Jammu (Shimla)	19.07.2001-20.07.2001	Shri S.C. Awasthy, Jr. Labour Commissioner

Annexure - VIII

List of Meetings convened by the National Commission on Labour and Persons/
Organisations who gave evidence

15.11.2000

ORGANISATION OF CHIEF LAOOUR COMMISSIONERS (C)
(CENTRAL INDUSTRIAL RELATIONS MANAGEMENT)

1. Shri Subhash Sharma, CLIC, New Delhi
2. Shri S.K. Mukhopadhyay, IC, CLIC
3. Shri S.M. Mohi, Dy. CLC, New Delhi
4. Shri B.K. Bhas, Dy. CLC, New Delhi
5. Shri V.K. Taneja, Dy. CLC, New Delhi
6. Shri H.S. Saravalia, Director (Inq.), CLC, New Delhi
7. Shri S. S. Munda, RLC, Ahmedabad
8. Shri Vishwanath, RLC, Thiruvananthapuram
9. Shri R.L. Dattaraj, RLC, Chennai
10. Shri S.R.S. Reddy, RLC, Chennai
11. Shri T.R. Qura, RLC, Guwahati
12. Shri R.S. Duggal, RLC, Kanpur
13. Shri Anil Kapoor, RLC, Delhi
14. Shri A.N. Mehdra, RLC, Dhanbad

16.11.2000

STATE GOVERNMENT AUTHORITIES

1. Director of Factories, Andhra Pradesh
2. Jt. Labour Commissioner, Haryana
3. Labour Commissioner & Chief Inspector of Factories, Orissa
4. Labour Commissioner, Andaman & Nicobar
5. Labour Commissioner, Arunachal Pradesh
6. Labour Commissioner & Chief Inspector of Factories, Bihar & Oris.
7. Secretary, Labour, Sikkim
8. Labour Commissioner, Assam
9. Jt. Labour Commissioner & Chief Inspector of Factories, Rajasthan
10. Jt. Labour Commissioner & Chief Inspector of Factories, West Bengal
11. I.C. Dy. LC & Dy. Factory, U.P.
12. Secretary Labour, Lakshadweep
13. Resident Commissioner, Manipur

17.11.2000

STATE GOVERNMENT AUTHORITIES

1. J.C. & J.L.U., Himachal Pradesh
2. Dy. LC & Jt. Dir. of Factories, Punjab
3. Adcl. Labour Commissioner, MP
4. J.C. & CLP, Tamil Nadu
5. CWGIT, Dunder Nagar, Travancore
6. Adcl. LC, Chandigarh

17.11.2000

STATE GOVERNMENT AUTHORITIES

7. Comm. Cum. CIE, Pondichery
8. Jt. Labour Commr., Nagaland
9. Secretary, Labour, Tripura
10. Labour Commissioner, Goa/Daman

21.03.2001

NATIONAL TEXTILE CORPORATION

1. Shri K.M. Chandra, CMD, New Delhi
2. Shri A.H. Bharathnaya, Director (Fin), New Delhi
3. Shri R.P. Vaidya, CRD, UP & Gujarat
4. Shri P. Saravanan, CRD, Tamil Nadu
5. Shri K. Rang, CRD, Madhya Pradesh
6. Shri B. Mahapatra, CRD, West Bengal
7. Shri B.C. Joshi, New Delhi
8. Shri S.D. H. Kazim, Kerala
9. Shri Prabha Sekh, New Delhi
10. Shri M.S. Mathur, CRD, Maharashtra
11. Shri Q. R. Mehra, CRD, Maharashtra
12. Shri R.K. Sharma, New Delhi
13. Shri R.S. Sengal, Director (Inq.) A.P. & Karnataka
14. Shri V.S. Aggarwal, Chief General Manager, Gujarat
15. Shri T.V. K. Ramani, General Manager (R&D) R. Delhi

UNIONS

1. Shri V.S. Vaidya, Secretary, INTUC, MP
2. Shri G.D. Ganesha, Office Secretary, RSTKS, Mumbai
3. Shri C.T. Saraya, Office Secretary, RSTKS, Mumbai
4. Shri R.D.H. Javale, Gen. Secretary, RSTKS, Mumbai
5. Shri A.D. Nagpal, Secretary, FHS, New Delhi
6. Shri Ram Kishore Tripathi, Secretary, IFS, UP
7. Shri Ananda Sharma, Urea President, FHS, UP
8. Shri H.K. Bhaarti, President, ICU, Ahmedabad
9. Shri R. D. Patel, Secretary, TLA, Ahmedabad

10-11-5-2001

DIRECTOR GENERAL OF MINES SAFETY

1. Shri A.K. Sarda, DGMS, Chandigarh
2. Shri M. Saravarny, Deputy Director General, Chandigarh

DIRECTOR GENERAL OF FACTORY ADVISE SERVICE AND LABOUR INSTITUTE, MUMBAI

1. Shri S.K. Saxena, Director General.
2. Shri S.C. Gupta, Dy. Director General
3. Shri V.B. Sahu, Dy. Director General, (Safety)
4. Shri V.L. Kulkarna, Director, Safety
5. Shri K.K. Rastogi, 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 V.K. Jain, Regional Director
3. Shri J.N. Goada, Dy. Director (Admin.)

EMPLOYEES' PROVIDENT FUND ORGANISATION, NEW DELHI

1. Shri S.K. Ray, PABCO
2. Shri S. Viswanathan, RPPC
3. Shri Viswanathan, AICI (CPC)
4. Shri S. Raghuram, RPE

EMPLOYEES' STATE INSURANCE CORPORATION, NEW DELHI

1. Shri V.L. Nagar, Addl. Commissioner
2. Dr. (Smt.) S. Singh, Addl. Commissioner
3. Shri Chandrasekhara, Insurance Commissioner
4. Shri. O. Sudhi Hameed, Addl. Commissioner

LABOUR BUREAU, CHANNOIGARH

1. Shri A. S. Anandappa, Director
2. Shri Rajar Kumar, Director
3. Shri Daljeet Singh, Asst. Director
4. Shri Chhakar Misra, Assistant Director

03-06-2001 PUNE

Interacted with the Members of Labour Law Practitioners Association, Pune.

04-06-2001

INTERACTED WITH THE FOLLOWING RURAL SECTOR NGOS, PUNE

1. Shri V.B. Sainik, President, Pari Panchayat Gram Parishad
2. Kailash Vriksha
3. Gyan Prabodhani
4. Manar Lok
5. Lajhu Udyog Bharti, Pune

05-06-2002

1. Interacted with the office bearers and visited workshop of Harnal Panchayat (Employees Unions) organized under the leadership of Dr. Baba Adhav such as Ashokra Datar (Workers' Co-ops), Construction of Houses, etc. Visited the office of the Harnal Worker Welfare Deptt.
2. Held discussions with office bearers of different unions organized and operating under the leadership of Dr. Baba Adhav such as Harnal Panchayat, Rameshwar Pullar's Union, Rag Pickers Union, etc.

06-06-02

1. Visited the office of DG, FASU, Mumbai. Had discussions with DG, FASU and other senior officials and saw the laboratory, the medical facilities for detection of occupational diseases and other facilities established by DG, FASU

23-7-2001

RAILWAYS

MINISTRY OF RAILWAYS

1. Shri Suresh Kumar Seth, EDE (IR)
2. Shri B. Mazumdar, JDF (IR)

INITIATIVE RAILWAY MAZDODOR SANGH

1. Shri P.C. Sharma, SWLI
2. Shri L.P. Jayswal, CH
3. Shri Kail Kulkar
4. Shri L.R. Vaze

NATIONAL FEDERATION OF INDIAN RAILWAY

1. Shri M. Raghavaiah, General Secretary
2. Shri Guman Singh, Working President
3. Shri L.P. Dharmagar, Treasurer
4. Shri M. Sthurman, J. General Secretary

ALL INDIA RAILWAY FEDERATION

1. Shri U. Prudhvi, President
2. Shri J.P. Chibber, General Secretary
3. Shri Rakhai Das Gupta, Assistant General Secretary
4. Shri X. Sridharan
5. Shri S.G. Mishra

NAVAL HEADQUARTER, NEW DELHI

1. Shri V. J. T. Mathews, SCSSO, DCP
2. Shri S.S. Pandit, LWC

ARMY HEADQUARTER, MINISTRY OF DEFENCE

1. Shri A.K. Dwivedi, Director, IES
2. Shri S.M.S. Muralidhar, SESOIC/SCC
3. Shri Shiv Omprakash, SESOIC/SCC

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ORDNANCE FACTORY BOARD/CELL

1. Shri Anil Kumar, Director (R)
2. Shri H.D. Kaushik, Staff Officer

24.7.01

MANAGEMENT/TRADE UNIONS OF DEPARTMENT OF POST, POSTAL SERVICE BOARD

1. Shri S.L. Gupta, Member (Pers)
2. Shri A. Mohan, Member (Financial Services)
3. Shri Siddhant Chandra, Director (SR)

BHARTIYA POSTAL EMPLOYEES FEDERATION

1. Shri V.S. Yadav, Secy, General
2. Shri H.K. Khanbhoj, Genl. Secretary
3. Shri U.R. Bajpai, General Secretary
4. Shri Sarvesh Kumar Singh, General Secretary
5. Shri Sohan Ram Yadav, Deputy
6. Shri Krunal Singh Rawat, General Secretary

FEDERATION OF NATIONAL POSTAL ORGANISATION

1. Shri G.K. Poudhanya, Secretary General
2. Shri R. S. Hans, General Secretary

BIHARIYA TELECOM EMPLOYEES FEDERATION

1. Shri Prakash, Secretary General
2. Shri Suresh Kumar, President

25.7.2001

MANAGEMENT/TRADE UNIONS OF PORT TRUSTS SHIPPING AND MANAGEMENT OF INDIAN PORTS ASSOCIATION

1. Shri Rajiv Sinha, Chairman, Maharashtra Port Trusts
2. Shri M.K. Jais, Director, Ministry of Shipping
3. Shri C. Venkateshram, Dy. Chairman, M.P.T.
4. Shri S.G. Sanilvam, Secretary, Mumbai Port Trusts

INDIAN PORTS ASSOCIATION

1. Shri P. Thacker, Chief Executive

MURT TRUST KANGAR SADAN

1. Shri S.K. Swelva, General Secretary

VISAKHAPATNAM PORT EMPLOYEES UNION

1. Shri D.K. Surra, Adm. General Secretary

BOARD ROADS ORGANISATION

1. Shri G.S. Shahjari, DCS(Pers)
2. Shri R.K. Sawaney, Director (Admin)
3. Shri A.K. Mohapatra, Jr. Director (TR&C)

CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI

1. Shri A. Mahalingam Reddy, Director (Admin)

CENTRAL PUBLIC WORKS DEPARTMENT EMPLOYEES UNION

1. Shri Vinod Kumar, Dy. General Secretary
2. Shri Jitendra Singh, Jr. Secretary
3. Shri Rajiv Singh, Jr. Secretary
4. Shri Deep Singh, Organising Secretary
5. Shri Hari Suroodip, Treasurer

CIVIL JUNIOR ENGINEERS ASSOCIATION

1. Shri D.K. Sharma, General Secretary
2. Shri Anwar Singh, Joint Secretary

26.7.2001

EXPORT PROMOTION ORGANISATIONS GEM & JEWELLERY EXPORT PROMOTION COUNCIL, NEW DELHI

1. Shri George Pundaz, Regional Officer

EXPORT PROMOTION COUNCIL, NEW DELHI

1. Shri Ravi K. Puri, Chairman
2. Shri R. C. Verma, Dy. Director
3. Shri Navratan Sarbati, Former Chairman

FEDERATION OF INDIAN EXPORT ORGANISATION, NEW DELHI

1. Shri K.S. Jain, President
2. Shri V. Parwad, M.O.
3. Mrs. Priya Sarayu, Joint Director
4. Shri Anand P. 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/EXPERT

1. Shri J. C. Khurda, U.S. Standing Committee Member
2. Dr. Yashwantrao Sinha, Gen. Secy. Parityour Lok Dal

28.8.01

1. Dr. Abhrajit Singh, U.S. Congress
2. Shri. Madhava Rao Srinivasa, U.S. Congress

29.8.2001

1. Sri K. Ramesh Babu, Gen. Secy, CIEAIA
2. Sri S. Venkatesh Chaitanya, R.S. DSK
3. Sri Suresh Chaitanya, M.A. Insurance Congress
4. Sri K. Ramesh Babu, Gen. Secy, INTUC
5. Sri Suresh Babu, Secy, INTUC
6. Sri Suresh Babu, Secy, INTUC
7. Sri P.P. Peethambar, Gen. Secy, MCP
8. Sri G. Venkatesh, Secy, IBS
9. Sri P. R. Rao, Dy. Finance Secy, IBS
10. Sri F.J. Sundarajan, Org. Secy, IBS
11. Sri Suresh Kumar, President, STEJA, RMS

30.8.01

1. Sri A. Mohanraj Nayak, LS, J&K, VC
2. Sri Suresh Babu, LS, Consultative Committee Member
3. Sri Ram Venkatesh, Gen. Secy, BMS
4. Sri A. Brahmachari, LS, Standing Committee Member
5. Dr. P. P. P. Rao, Economist

ASSOCIATION OF PHARMACEUTICAL MANUFACTURERS

1. Dr. Ajit V. Dangi, Director General, Indian Drugs Manufacturers Association

19.11.2001**MANAGEMENT OF GENERAL INSURANCE CORPORATION**

1. Sri B.P. Deshmukh, Mgr, Mumbai
2. Sri K.V. Patil, Dy. Manager, Mumbai
3. Sri V.V. Chaitanya, Manager G.P.S., Mumbai

TRADE UNIONS OF GENERAL INSURANCE CORPORATION

1. Sri S.V. Khandekar, Gen. Secy, BVKS, New India Unit
2. Sri S.S. Vaidya, Working President, BVKS
3. Sri S.S. Narvekar, Gen. Secy, BVKS, GIC Unit
4. Sri Y.S. Gaur, President, BVKS, NIA Unit
5. Sri S. G. Shinde, Treasurer, BVKS
6. Sri J.S. Chaitanya, Gen. Secy, BVKS
7. Sri C.P. Rajwade, Gen. Secy, NIA Unit
8. Sri D.D. Rathor, Organizing Secretary, NIA Unit
9. Sri Devalkar Kamal, Organizing Secretary, NIA Unit
10. Sri S.K. Gupta, Organizing Secretary, BVKS
11. Sri R.K. Sharma, Organizing Secretary, GIFF
12. Sri Sanjeev Jain, NIA Unit
13. Sri Jeyaraj Sankar, J. Secretary, AIGIC
14. Sri Tevar Singh, Working President, GIEC
15. Sri Lalit K. Manjari, Organizing Secretary, GCEU
16. Sri D.P. Gupta, Regional Secy, GCEU
17. Sri V.K. Tandon, J. Secretary, National Federation

19. Sri M.P. Upadhyay, Gen. Secy, CIEAIA
20. Sri Umesh Singh, Vice President, CIEAIA
21. Sri M.S. Upadhyay, Gen. Secy, CIEAIA
22. Sri G.P. Pansare, CIEAIA
23. Sri K.P. Sharma, Working President, Oriental Insurance
24. Sri J.C. Bagha, Organizing Secy, Oriental Insurance

MANAGEMENT OF LIFE INSURANCE CORPORATION OF INDIA

1. Sri R. Chatterjee, Ex- Director (Pers.), Mumbai
2. Sri S. C. Karkar, R.M (P&IR), New Delhi
3. Sri P.V. Bhaskaran, Regional Manager, New Delhi

20.1.2001**TRADE UNIONS OF LIFE INSURANCE CORPORATION**

1. Sri J. Prakash, J. Secretary
2. Sri O.P. Chingra, Vice President
3. Sri R.K. Pandey, President
4. Sri S.S. Jais, Gen. Secretary
5. Sri S.C. Kanwar, Gen. Secretary
6. Sri P.K. Raj, J. Secretary
7. Sri M.K. Sharma, General Secretary

TRADE UNIONS OF BANKS

1. Sri T. Chakravarti, Gen. Secy, AIBSA, Kolkata
2. Sri S.D. Chatterjee, President, AIBSA, Mumbai
3. Sri C. H. Venkatesh, Secretary, AIBSA, Chennai
4. Sri V. Narayana, Gen. Secy., NCFI, Hyderabad
5. Sri L. Rameshraman, President, NCFI, Chennai
6. Sri P. K. Patil, Vice President, NCFI, Bhubaneswar
7. Sri V.K. Gupta, J. Secretary, NCFI, New Delhi
8. Sri N.S. Verma, Secretary, AISDA, New Delhi
9. Sri O.P. Sharma, Treasurer, NIBLF, New Delhi
10. Sri D.K. Garg, Secretary, INBOC, New Delhi
11. Sri S.K. Ramesh, Dy. General Secy., NORBA, Jaipur
12. Sri Ashwini Kumar, Zonal Secy., NORBA, N. Delhi
13. Sri Ravi Kumar, Gen. Secy., NORBA, Mumbai
14. Sri V.B. Indulkar, Gen. Secy., NORBA, Nagpur
15. Sri A.K. Khare, President, AIBDA, Indore
16. Sri S.D. Dhuleshwar, Bank of Maharashtra
17. Sri S.R. Sengupta, AIBO Confederation
18. Sri Shanta Raju, AIBO Confederation

SCOPE - MANAGEMENT

1. Sri V.C. Aggarwal, General Manager, HR, IOC, N. Delhi
2. Sri J. Kulkarni, Labour Law Consultant,
3. Sri Jaganmouli, Director, IIR, ONGC
4. Sri S.A. Khan, Sr. Manager

5. Sri A.K. Savena, Director (Pers), Bangalore
6. Sri G. Ujagayasa, Exe. Director (Pers. & Adm.), SAIL
7. Sri P. V. Joshi, Sr. Manager (Law), BILT
8. Sri K. Ramakrishnan, PWA, Director, NITC

V.V. GIRDHARJI LABOUR INSTITUTE

1. Sri Suresh Chandra, Sr. Fellow
2. Sri C.S.K. Singh, Sr. Fellow
3. Sri Babu P. Ramesh, Associate Fellow

TRADE UNIONS OF MAHARAGAR TELEPHONE NIGAM LIMITED

1. Sri V.S. Yadav, Sr. TGA (G)
2. Sri Anant Sawant, M.C. Econ. Ser. Pers.

MANAGEMENT OF VIBESH SANCHAA NIGAM LIMITED

1. Sri Rajnesh Gupta, Director (MVA)
2. Sri K.K. Khudiyani, EGM
3. Sri Shant Bhalani, Sr. Officer

DIRECTORATE GENERAL OF EMPLOYMENT AND TRAINING

1. Sri D.D. Singh, Dy. Director
2. Sri H.K. Sarangi, Director, Apprenticeship Training

MANAGEMENT OF STEEL AUTHORITY OF INDIA LIMITED

1. Sri C. Upadhyay, Exe. Director (PWA), New Delhi
2. Sri Ram Mahajan, Sr. Director (Pers.)
3. Sri D. Pandey, Sr. Manager (Pers.)

TRADE UNIONS OF STEEL AUTHORITY OF INDIA LIMITED

1. Sri P.D. Patil, Organising Secretary, Rourkela
2. Sri Gopendra Singh, Gen. Secy. Bha.

MANAGEMENT OF COAL INDIA LIMITED

1. Sri Anup Kumar, Director (Pers.)
2. Sri Ch. Khanna, Director (Pers.)

TRADE UNIONS OF COAL INDIA LIMITED

1. Sri R.A. Mittal, Secretary, HNS

NATIONAL UNION OF JOURNALISTS

1. Sri Vikas Swadhi, New Delhi
2. Sri M.D. Gangwan, New Delhi
3. Sri Rajinder Prasad, Ghazipur
4. Dr. Haro Kishore, New Delhi
5. Sri Shyam Kaula, New Delhi

- MANAGEMENT OF WARDI VILLAGE INDUSTRY COMMISSION**
1. Sri C. Basu, Chief Executive Officer, Mumbai
 2. Sri S. D. Gopalrao, Secretary, New Delhi
 3. Sri G. G. Singh, Dy. CEO, Mumbai
 4. Sri S.S. Mehta, Dy. CEO, Mumbai

23.11.2001

INDUSTRIAL DIVISION, MINISTRY OF LABOUR

1. Sri. Suresh Babu, Secretary, Jt. Secy.

22.12.2001

REPRESENTATIVES OF LABOUR BUREAU, CHANDIGARH

1. Sri. Anita Sanghi, Director
2. Sri. Raju - Kuntal, Director
3. Sri. A.S. Anwar, Director
4. Sri. Rajaram, Dy. Director
5. Sri. Ramkrishna, Jr. Director

REPRESENTATIVES OF INDIAN BANK ASSOCIATION

1. Sri. Daljeet Singh, CMD, Central Bank
2. Sri. S.S. Kohli, CMD, NIB
3. Sri. B.B. Nandan, PWA
4. Sri. K.C. Chaudhary, Secretary, WTC, Mumbai
5. Sri. P.C. Rawat, Chief, ECI House, New Delhi

21.2.02

COCHIN

COCHIN PORT TRUST

1. Dr. Jacob Thomas, Chairman
2. Sri. A. Jambavan Rao, Dy. Chairman

22.2.02

THIRUVANANTHAPURAM

Officials of Labour Department, Govt. of Kerala,

1. Sri. V. Krishna Murli, Chief Secretary
2. Sri. S. Ayasari Kar, Labour Commissioner

24.2.2002

MUMBAI

CENTRAL INSTITUTE OF FISHERIES EDUCATION

1. Dr. S. Ayazuddin, Director
2. Dr. S.C. Muthuswamy, Jr. Officer

VESAVE MAJUCHITHIRAI SAHAKARI SAMITHI, VERAVALI

1. Ennio Office Bearers

657-

AIR INDIA LIMITED

1. Shri M.S. Rajan, Director
2. Shri M.V. R. Purandari, G.P. (HRD)

VISITED VERSOVA MACHINIMAR SAMITHI, VERSOVA AND MET ENTIRE OFFICE BEARERS OF THE SOCIETY

5.3.2002

MUMBAI PORT TRUST

1. Shri R.K. Nag, Chairman
2. Shri Rajesh Sinha, Dy. Chairman
3. Ms. S.G. Tehrani, Secretary
4. Shri V.S. Khadkikar, Chief Pers. & Industrial Manager
5. Shri C.S. Murbhy, Traffic Manager
6. Shri M.G. Kanchi Samskar, Chief Mechanical Engineer
7. Shri B.R. Kachari, Chief Engineer
8. Capt. J.M. Joshi, Dy. Conservator
9. Shri V.S. Khadkikar, Chief Personnel & Industrial Manager
10. Shri P.P. Shah, Chief Welfare Officer (C)
11. Shri K.K. Vaidyanathan, Financial Adviser & Chief Accounts Officer
12. Smt. P. Simha, Personnel Officer

JAWAHAR LAL NEHRU PORT TRUST

1. Ms. Nizera Sayy, Dy. Chairman

TRANSPORT AND DOCK WORKERS' UNION

1. Shri Manohar Katwal
2. Shri S.R. Kulkarni, President
3. Shri B. Mohan Rao

MUMBAI PORT TRUST DOCK & GENL. EMPLOYEES' UNION

1. Shri S.C. Shebe, General Secretary
2. Shri Ajay

MUMBAI PORT TRUST GENL. WORKERS' UNION

1. Shri P.P. Lakadavella, President

MUMBAI PORT TRUST WORKERS UNION

1. Shri Ramresh G. Ahir, President

MUMBAI PORT TRUST FLOTTILLA WORKERS' UNION

1. Shri Ayub Kazi, President

Special visits of the Chairman/Members of the National Commission on Labour

19.07.2000	TUTTCORIN - FISH PROCESSING UNITS Shri Ravindra Varma, Chairman
24.08.2000	COCHIN - FISH PROCESSING UNITS AND PEELING SHED UNITS AT ALLEPPEY Shri Ravindra Varma, Chairman and Shri N. Sanyal, Member Secretary
08.11.2000 & 09.11.2000	VIRUBHUNGAR (SIYAKASI) - MATCH A FIRE-WORKS UNITS, SCHOOLS UNDER NCLP, MINISTRY OF LABOUR. Dr. B. R. Sabade, Smt. E.R. Bhatt and Shri M. Sanyal, Members
01.12.2000	CHIKMAGLUR, KARNATAKA - COFFEE PLANTATIONS Shri Ravindra Varma, Chairman accompanying with Members and Officials of NCL
20.02.2001	HATEKULI, ASSAM - TEA PLANTATIONS Shri Ravindra Varma, Chairman accompanying with Members and Officials of NCL
04.06.2001	PUNE- RURAL SECTOR NGUS VIZ. SHRI V. B. SALUNKE, PRESIDENT, PANI PANCHAYAT GERM PARIVARTEN, KALPA VRIKSHA, GYAN PRABODHMAN, MANAR LDK AND OFFICER BEARERS OF LAGHU UDTDC BHARTI Shri Ravindra Varma, Chairman, Members and Officials of NC.
10.09.2001	ALANG SHIP BREAKING YARD, & VERVAL FISH PROCESSING UNITS GUJARAT. Shri Ravindra Varma, Chairman and Shri N. Sanyal, Member Secretary
21.2.2002 22.2.2002	COCHIN PORT TRUST Shri Ravindra Varma, Chairman
24.2.2002	MUMBAI - CENTRAL INSTITUTE OF FISHERIES EDUCATION AIR INDIA LIMITED OFFICE BEARERS OF VERSOVA MACHINIMAR SAHKARI SAMITI, VERSOVA Shri Ravindra Varma, Chairman
04.11.2001	RSANSOL - MINES ACCIDENT SITE AT LABANDM AREA NEAR KNOIRABAD COLLIERY OF M/S EASTERN COALFIELDS LTD. Shri Ravindra Varma, Chairman, accompanied by Director General, Mines Safety and other State/Central Government Officials.

Annexure - X

List of Persons/Organisations who responded to the Questionnaire

UNIONS	PLACE
Karnataka Kamantiya Samithi	Kalyanpur (Guntur)
Karnagar Kalyan	Mumbai
Indian National Trade Union Congress	Ahmedabad
EMU (Maharashtra Pradesh)	Pune
Uttara Karnagar Sena	Pune
Andhra Khand Mahadour Panchayat	Pune (Dhar)
Rasidura Ganga Khand Mahadour Samiti	24 Palanpur (West Bengal)
LDLAL Workers Union	Dakshin
Workers Pansan Joint Action Committee	Chimbatore
Z's Seefi Mahadour Sangh	Karol (Rajasthan)
AITUC	Jodhpur
AATI Bhaktiya Sili Mahadour Congress	Jodhpur
Andhra Rasthaya Seefi Mahadour Sangh	Jodhpur
Association of Chemical Workers	Hydrabad
Co-Operation Committee of T.U. of Plantation	Hydrabad
DMK (Gujarat Pradesh)	Hydrabad
DMK (MP)	Wishakhapatnam
AICTUC	Deori
HMS	Jaipur (Maharashtra)
Rasthaya Seefi Mahadour: Hill Karnagar Sangh	Mumbai
National Fed. Of Sales Reps. Unions	Chennai
Tamil Mahanila Kalyan Thozhilaladar Sangham	Kolkata
UTUC	Kolkata
Eastern Railway Construction & Construction Workers Union	Batna (M.P.)
Yokanda Kisan & Mahadour Kalyan Samithi	Hydrabad
AICTU	Hydrabad
Telugu Nadu Trade Union Council	Ranchi
Jharkhand SAIL Mahadour Heralda	Hydrabad
ASSTC National Mahadour Union	Dumaijore
Centre for Un-organised Workers TU	Sangli
HMS (Karnataka)	Agri
UP Ganga Khand Mahadour Sangathan	Jaipur
DMK (Karnataka Pradesh)	Gowahat
ITUC	Hydrabad
AP Adangochik Karnak Yana Sangh	Deori
Bhadrava Mahadour Sangh	

Private/Public Sector Companies

Alerox Limited	Wardara
V. M. Sainagar & Brothers Ltd	Vasco De Duna (Guj)
Canada Bank	Bangalore
Synthetic Bank	Mumbai
Alcoxon Metals Ltd	Jodhpur
Armas Infrastructure Ltd.	Kanpur
Knittech Factors	Mogpur
Co-Operation Bank	Mangalore
Atlas Cycle Industries Ltd.	New Delhi
Allahabad Bank	Calcutta
Karol State Electricity Board	Trivandrum
SAIL	New Delhi
HALCO	Bhubaneswar
Rourkela Steel Plant	Rourkela
TISCO	Chennai
MTC, Coimbatore	Tami Nadu
MTC, Kanpur	Uttar Pradesh
MTC, New Delhi	New Delhi
MTC, Bangalore	Karnataka
MTC, Mumbai (M)	Maharashtra
MTC, Ahmedabad	Gujarat
MTC, Jodhpur	Madhya Pradesh
MTC, Kolkata	West Bengal
MTC, Mumbai (S)	Maharashtra
AIL India	New Delhi
Indian Airlines	New Delhi
(India Govt. Hind)	
Central Ordnance Factory	Mi pore (West Bengal)
Govt. of Andhra Pradesh	Hydrabad
Labour Department, Govt. of M.P.	Bhopal
Dy. Labour Welfare Commissioner	Jabalpur
Ordnance Factory	Indrak
State Govt. of Mizoram	Agri
U.T. of Lakshadweep	Kavarati
Min. of Road Transport & Highways	New Delhi
Dept. of Telecommunications	New Delhi
Govt. of Annamalai Pradesh	Tamil Nadu
Chief Inspector of Factories & Boilers,	
Government of West Bengal	Kolkata
MCS(S) (Ministry of Labour)	Kolkata

MINISTRIES/DEPARTMENTS

41 pore (West Bengal)

Hydrabad

Bhopal

Jabalpur

Indrak

Agri

Kavarati

New Delhi

New Delhi

Kolkata

Kolkata

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MINISTRIES/DEPARTMENTS

Army Base Workshop	Kakinara, W.Bengal
Govt of Rajasthan	Jodhpur
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	Shimla
Govt. of Haryana	Chandigarh
Department of Food	New Delhi
DSET, M/O Labour	New Delhi
CSG, ESIC	New Delhi
Labour Bureau	Chandigarh
Asst. Labour Welfare Commissioner	Tarsa, M.P.

POLITICAL PARTIES/PARLIAMENTARY COMMITTEES/NGOS

Society for Protection of Consumers Rights	Katp, Delhi
Consumers Association of India	New Delhi
C.P.I.	New Delhi

UNIVERSITIES/RESEARCH INSTITUTES AND INDIVIDUALS

Institute of Rural Management	Gujarat
Peoples Training & Research Centre	Gujarat
IIT-Asia & Pacific, South Asia Edu. Office	Gujarat
Shri Uyakal Ali	Lucknow
Indian Institute of Management	Ahmedabad
Indian Institute of Social Welfare & Business Management	Calcutta
United Trade Union Centre	Calcutta
Central Institute of Vocational Education	Madhya Pradesh
Sri V.R. Sharma	Jabalpur
Shri B.R. Chhapanya	Gwalior
Shri Krishan Lal	New Delhi
SDWA, Ahmedabad	Gujarat
Centre for Education & Communication	New Delhi

EMPLOYERS ORGANISATIONS/ASSOCIATIONS

Federation of Karnataka Chamber of Commerce & Industry	Bangalore
Federation of Andhra Pradesh Chamber of Commerce & Industry	Hydrabad
Employers Association of India	New Delhi
Madhya Pradesh Employers' Organisation	Indore
Jagriti Mahila Chambers of Commerce & Industry	Bombay
Federation of N.P. Chamber of Commerce & Industry	New Delhi
South India Manufacturers Association	Ahmedabad
All-India Textiles Mills Association	New Delhi
Federation of Indian Exporters	Ahmedabad
Maharashtra Chamber of Commerce & Industry	Mumbai
All India Hospital & Nursing Homes Association	New Delhi
Mahad Manufacturers Association	Maharashtra
All India Manufacturers Organisation	Mumbai
Cement Manufacturers Association	New Delhi
(i) Kesbham Cements	Uttar Pradesh
(ii) Sula Corporation Ltd.	New Delhi
(iii) Vikram Cements	Jodhpur
Sonayya Organics (India) Limited	New Delhi
Federation of Indian Minerals Industries	New Delhi
Ravasthan Chamber of Commerce & Industry	Chennai
Son-Ray Goods Transport Association	New Delhi
Builders' Association of India	Chennai
The Employers' Federation of Southern India	New Delhi
Cement Manufacturers Association	Calcutta
Indian Chamber of Commerce	Calcutta
Greater Mysore Chamber of Industry	Kanataka
Hotel & Restaurant Employees Association	Chandigarh
PHD Chamber of Commerce & Industry	New Delhi
Indian Chamber of Commerce, Kolkata	West Bengal
Wardha Employers Organisation	Gujarat
Federation of Indian Exporters	New Delhi
Cashew Manufacturers & Exporters Association	Kerala

Note : The Questionnaire was sent to 1385 Organisations/Persons and evoked response as per the above list.

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Annexure - XI
Workshops/Seminars conducted by the National Commission on Labour

Workshop on "LABOUR LAWS FOR SMALL, TINY & VILLAGE INDUSTRIES" in collaboration with PHD Chamber of Commerce & Industries, PHD House, New Delhi.

17.04.2001

1. Shri Ravindra Verma
Chairman, National Commission on Labour
2. Shri Vinod Varsh
Secretary (Labour), Government of India
3. Dr. K.R. Sarda
Member, National Commission on Labour
4. Shri V. Subramaniam
Secretary, Ministry of Small Scale Industries & Agro Pro Rural Industries, Government of India
5. Dr. R.C. Gupta
Principal Secretary (Labour), Government of Punjab
6. Shri J.N. Puri
President, FISSI
7. Shri G.L. Mahanta
General Secretary, Lajpuro Jyotog Bhawan
8. Shri Surendra Dhar
Joint Director, National Commission on Labour
9. Dr. Rashmi Agrawal
Member, Managing Committee, PHDCCI
10. Shri J.P. Anand
Member, Managing & Project Leader of ISI Law Project
11. Shri M.K. Jain
ASCU, Hyderabad & Project Leader of ISI Law Project
12. Dr. U. V. Raju
Advocates, Pune
13. Shri O.J. Bhavjee
Director, National Commission on Labour
14. Shri T.C. Gokhe
Director, National Commission on Labour
15. Shri Subramanyam Das Tandon
Member, Parliament of Labour & Employment, Government of Punjab
16. Ms. Mary Johnson
Director, ILO Area Office, Delhi
17. Shri N. Saraju
Member Secretary, National Commission on Labour
18. Shri Sanjivanan
Member of the National Commission on Labour
19. Shri Suresh Anand
President, PHDCCI
20. Shri Sudeep Kumar Saran,
Member of Chairman, Small and Medium Enterprises Committee, PHDCCI
21. Shri Anoop Kapoor
Chairman, J.R. & I.R. Corporation, PHDCCI
22. Shri Girish Bhargava
OCA, Oshin
23. Shri Arvind Kumar Das
Dr. C.K. Ambedkar Endowment, Delhi
24. Shri S.K. Gupta
Punjab Kalyan Bank
25. Shri M.K. Singh
Lajpuro (Udyog) Bhawan
26. Shri J.P. Yadav
27. Dr. A.K. Kalia Saran
28. Shri A.K. Arora
29. Shri Surendran Singh
Rajwara Soap & Chemicals Ltd.
30. Shri Vinod Kumar
Deep Enterprises
31. Shri Harish Yashwantrao
SVS Industries
32. Shri Subhash Kothhar
General Secretary, Hari Nagar Industrial Association
33. Shri M.P. Jaggan

Workshops/Seminars conducted by the National Commission on Labour

34. Shri Lal Chand Sharma
Hari Nagar Industrial Association
35. Shri Yogesh Singh
President, Hari Nagar
36. Shri Yogesh Sharma
37. Shri K.C. Sharma
38. Shri O.H. Joshi
Punjab Pettenes
39. Shri Vinod Kumar
General Secretary, Gurgaon Haridwar Association
40. Shri Mahesh Chandra
Associate, Labour Activist
41. Shri S.K. Gupta
U.I.A., Pehlwala
42. Shri Gokesh Dhole
U.I.A., Pehlwala
43. Shri T.K. Khondale
Central Fibretexes Ltd., Solapur/Jay
44. Shri Purnesh Sharma
I.I.A., Pehlwala
45. Shri Sujay Ghosh
I.I.A., Pehlwala
46. Shri R.C. Reddy
I.I.A., Pehlwala
47. Shri Debbarh
I.I.A., Pehlwala
48. Shri R.K. Saran
I.I.A., Pehlwala
49. Shri Suresh Kumar
I.I.A., Pehlwala
50. Shri D.P. Yadav
I.I.A., Pehlwala
51. Shri Jasleen
I.I.A., Pehlwala
52. Shri V.P. Bhargava
I.I.A., Pehlwala
53. Shri R.M. Mathur
I.I.A., Pehlwala
54. Shri V.K. Singh
I.I.A., Pehlwala
55. Shri V.L. Verma
I.I.A., Pehlwala
56. Shri M.K. Jaiswal
I.I.A., Pehlwala
57. Shri Suresh
I.I.A., Pehlwala
58. Ms. Geetha Sharma
I.I.A., Pehlwala
59. Col. I.M. Bhat
I.I.A., Pehlwala
60. Shri I.M. Puri
I.I.A., Pehlwala
61. Shri A. V. K. Prasad
I.I.A., Pehlwala
62. Shri H.P. Saneen
I.I.A., Pehlwala
63. Shri R.A. Grewar
I.I.A., Pehlwala
64. Shri B.V. Talwar
I.I.A., Pehlwala
65. Shri Yogesh Sharma
I.I.A., Pehlwala
66. Shri S.K. Tripathi
I.I.A., Pehlwala
67. Shri S.N. Sharma
I.I.A., Pehlwala
68. Shri S.C. Puri
I.I.A., Pehlwala
69. Shri Suresh Singh
I.I.A., Pehlwala
70. Shri S.L. Kalia
I.I.A., Pehlwala
71. Shri G.A. Saraf
I.I.A., Pehlwala
72. Shri J.P. Agrawal
I.I.A., Pehlwala

Seminar on "LABOUR LAWS FOR SMALL, TINY & VILLAGE INDUSTRIES" in collaboration with PHD Chambers of Commerce & Industries, PHD House, New Delhi.

73. Shri A. Roy
PHD
74. Shri R.K. Chandra
PHD
75. Shri V.V. David
PHD
76. Lt. Col. U.R. Mahotra
PHD
77. Shri M.P. Singh
PHD
78. Shri G. Banerjee
PHD
79. Shri S.S. Singhania
PHD
80. Shri G.P. Dalmia
PHD
81. Shri S.C. Datta
PHD
82. Shri Jyoti Kati
PHD
83. Dr. C.S. Rai
PHD
84. Col. A.H. Sethi
PHD
85. Shri R. C. Bhattacharya
PHD
86. Shri G. L. Bansal
PHD
87. Shri Surendra Bhandari
PHD
88. Shri B.M. Lal
PHD
89. Shri V.N. Oza
PHD
90. Shri Anil Verma
PHD
91. Shri G.K. Chawla
PHD
92. Shri G.D. Rai
PHD
93. Shri Vighva Mirza Bahi
PHD
94. Shri Pramod G. Trambire
PHD
95. Shri K.C. Jain
PHD
96. Shri R.C. Malhotra
PHD
97. Shri J.P. Suri
PHD
98. Shri V.V. Jambur
PHD
99. Shri Lakshmi Das
PHD
100. Dr. S. Machhal
PHD
101. Shri Tansar Bhadani
PHD
102. Shri A. L. Bhardwaj
PHD
103. Shri Sanjay Mishra
PHD
104. Shri Anil Bhatnagar
PHD
105. Shri Sanjay Sharma
PHD
106. Shri Shantilal Mishra
PHD
107. Shri S.K. Gupta
PHD
108. Shri Ajay Saxena
PHD
109. Shri Rakesh Sarda
PHD
110. Shri Rajat Goel
PHD
111. Shri Satya Pal
PHD

PHD

- 112. Shri B.K. Jain
PHD
- 113. Shri Dyan Anand
PHD
- 114. Shri Sushil Datta
PHD
- 115. Shri J.S. Sodhi
PHD
- 116. Shri Sanjeev Narain
PHD
- 117. Shri L. Rama Achar
PHD
- 118. Shri S.P. Bhamwani
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- 119. Shri Rajat Gupta
PHD
- 120. Shri K.C. Malhotra
PHD
- 121. Shri V.P. Rajhans
PHD
- 122. Shri V.K. Sarin
PHD
- 123. Shri Amit Gautam
PHD
- 124. Dr. P.L. Dhatia
PHD
- 125. Dr. B. Yerrani Raju
PHD
- 126. Dr. Affer
PHD
- 127. Shri Gurcharan Singh
PHD
- 128. Shri Surender Anand
PHD
- 129. Shri Vinod Singh
PHD
- 130. Shri M.R. Gupta
PHD
- 131. Shri N.G. Kamali
PHD
- 132. Shri Jalinder Joshi
PHD
- 133. Dr. A.K. Mahapatra
PHD
- 134. Shri O.P. Gupta
PHD
- 135. Shri S.N. Mazumdar
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- 136. Shri Anand Gupta
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- 137. Shri Surender K. Gupta
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- 138. Shri Ajay Kalia
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- 139. Shri Madan Lal
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- 140. Shri S.L. Sawhney
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- 141. Shri S.P. Virmani
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- 142. Shri Vinod Virmani
PHD
- 143. Shri Jaswant Rai
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- 144. Shri S.S. Bhatia
PHD
- 145. Shri Asad Wasi
PHD
- 146. Shri P.K. Sharma
PHD
- 147. Shri R.K. Joshi
PHD

PHD

- 112. Shri B.K. Jain
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- 113. Shri Dyan Anand
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- 114. Shri Sushil Datta
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- 141. Shri S.P. Virmani
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- 142. Shri Vinod Virmani
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- 143. Shri Jaswant Rai
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- 144. Shri S.S. Bhatia
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- 145. Shri Asad Wasi
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- 146. Shri P.K. Sharma
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- 147. Shri R.K. Joshi
PHD

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Seminar on "LABOUR LAWS FOR SMALL, TINY & VILLAGE INDUSTRIES" in collaboration with PHD Chambers of Commerce & Industries, PHD House, New Delhi.

- 112. Shri B.K. Jain
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- 113. Shri Dyan Anand
PHD
- 114. Shri Sushil Datta
PHD
- 115. Shri J.S. Sodhi
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- 116. Shri Sanjeev Narain
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- 117. Shri L. Rama Achar
PHD
- 118. Shri S.P. Bhamwani
PHD
- 119. Shri Rajat Gupta
PHD
- 120. Shri K.C. Malhotra
PHD
- 121. Shri V.P. Rajhans
PHD
- 122. Shri V.K. Sarin
PHD
- 123. Shri Amit Gautam
PHD
- 124. Dr. P.L. Dhatia
PHD
- 125. Dr. B. Yerrani Raju
PHD
- 126. Dr. Affer
PHD
- 127. Shri Gurcharan Singh
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- 128. Shri Surender Anand
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- 129. Shri Vinod Singh
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- 130. Shri M.R. Gupta
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- 134. Shri O.P. Gupta
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- 137. Shri Surender K. Gupta
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- 138. Shri Ajay Kalia
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- 139. Shri Madan Lal
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- 140. Shri S.L. Sawhney
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- 141. Shri S.P. Virmani
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- 142. Shri Vinod Virmani
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- 143. Shri Jaswant Rai
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- 144. Shri S.S. Bhatia
PHD
- 145. Shri Asad Wasi
PHD
- 146. Shri P.K. Sharma
PHD
- 147. Shri R.K. Joshi
PHD

Seminar on "Contract Labour in India—Perils, Pitfalls and Prospects" in collaboration with Sri Ram Centre for Industrial Relations and Human Resources, New Delhi

30-7-2001-31-7-2001 (New Delhi)

- | | | |
|----|---------------------------|---|
| 1 | Shri Savindra Varma | Chairman, National Commission on Labour |
| 2 | Shri T.S. Sankaran | Chairperson, Study Group on Review of Laws |
| 3 | Dr. B.R. Sahasrabudhe | Member, National Commission on Labour |
| 4 | Shri A. Sanyal | Member Secretary, National Commission on Labour |
| 5 | Shri T.C. Gupte | Director, National Commission on Labour |
| 6 | Shri Pyush Sharma | Joint Director, National Commission on Labour |
| 7 | Dr. R.S. Tiwari | Deputy Director, National Commission on Labour |
| 8 | Shri Raj S. Nigri | Deputy Director, National Commission on Labour |
| 9 | Shri M.A. Hakeem | Zaker Bagh, New Delhi |
| 10 | Ms. R. Govindan | Addl. Secy, Muzumil Mukadam Panichayat Sarangam |
| 11 | Shri Vasudh Gunte | Director, Marwari Kala Institute, Mumbai |
| 12 | Shri R.A. Mittal | Secretary, IAMS, New Delhi |
| 13 | Shri D.R. Sharma | President, NITRIJ, New Delhi |
| 14 | Shri H.K. Gupta | SMS, New Delhi |
| 15 | Shri Satyanarayan Triakur | Secretary, AIRUC, New Delhi |
| 16 | Dr. S.S. Agarwal | Leghu Udyog Bharati, New Delhi |
| 17 | Shri S. Almond | Secy, Apparat Export Promotion Council, N. Delhi |
| 18 | Shri N.K. Garg | Member, The Associated Chambers of Commerce and Industry, New Delhi |
| 19 | Shri S.C. Guinda | Secretary to Govt. of Punjab (Dept. of Labour and Employment), Chandigarh |
| 20 | Ms. Kavya Jorjasa | Director, ILO, New Delhi |
| 21 | Dr. Alaka Sharma | Director, IHD, New Delhi |
| 22 | Dr. Rajan K.E. Varughese | Mexico |
| 23 | Prof. S.C. Sinhasankar | Indian Law Institute, New Delhi |
| 24 | Dr. A.M. Joshi | International Institute for Labour Studies, Geneva |
| 25 | Prof. G.S. Dhillon | Guarison |
| 26 | Prof. Sushil Paria | Ind. New Delhi |
| 27 | Prof. D. Narasimha Reddy | Dept. of Economics, University of Hyderabad, Hyderabad |
| 28 | Prof. L.K. Deshpande | Mumbai |
| 29 | Prof. Susha Deshpande | Mumbai |
| 30 | Mr. S.L. Shanbhri | General Manager, BHEL, New Delhi |
| 31 | Dr. S.S. Rain, IFA | Ministry of Labour, New Delhi |
| 32 | Shri H.L. Kaurer | Advocate, New Delhi |
| 33 | Prof. Rueddar Datt | New Delhi |
| 34 | Shri Indrajit Singh | New Delhi |

Seminar on "WELFARE LABOUR IN INDIA—AGENTS, PITFALLS AND PROSPECTS" in collaboration with Sri Ram Centre for Industrial Relations and Human Resources, New Delhi

23-08-2001-24-08-2001 (Kochi)

Seminar on "WELFARE FUND SCHEMES IN KERALA" in collaboration with the Kerala Institute of Labour and Employment.

- | | | |
|----|-------------------------|--|
| 35 | Dr. Parveen Siddiqui | Labour Advisor, New Delhi |
| 36 | Shri Q. Reshan | JG, UCM Dny, Training Commission, New Delhi |
| 37 | Prof. J.S. Sodhi | Sri Ram Centre, New Delhi |
| 38 | Prof. Usha Dayal | Sri Ram Centre, New Delhi |
| 39 | Dr. S.R. Paruley | Sri Ram Centre, New Delhi |
| 40 | Prof. Rama J. Joshi | Sri Ram Centre, New Delhi |
| 41 | Prof. M.S. Ramakrishnan | Sri Ram Centre, New Delhi |
| 42 | Dr. R.P. Gupta | Sri Ram Centre, New Delhi |
| 43 | Dr. Manju Bhagat | Sri Ram Centre, New Delhi |
| 44 | Shri S. Sharma | Ministry, I.F.M., Planning Commission, New Delhi |
| 45 | Prof. Asifak Mulkay | JNU, New Delhi |
| 46 | Shri R.K. Sharma | Agro Economics Research Centre, University of Delhi, New Delhi |
| 46 | Shri Vidya Shivadas | Sri Ram Centre, New Delhi |
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|----|--------------------------|---|
| 1 | Shri Babu Govindaran | Member, Minister Labour and Rehabilitation, Kerala |
| 2 | Shri V. Krishnamoorthy | IAS Chief Secretary, Kerala |
| 3 | Shri Das George | IAS Secretary, Labour and Rehabilitation, Kerala |
| 4 | Shri S. Dhanam | IAS Secretary, Labour and Rehabilitation, Kerala |
| 5 | Shri S. Ayyappan Nair | IAS Labour Commissioner, Thiruvananthapuram |
| 6 | Shri R.K. Sathyanarayana | Chairman, Study Group on Social Security, National Commission on Labour |
| 7 | Shri A.V. Agarwal | IAS Labour Commissioner, West Bengal |
| 8 | Shri V. Surya Prasad | Welfare Commissioner, Hyderabad |
| 9 | Shri George M. Kojayen | Welfare and Dept. Home Science, Bangalore |
| 10 | Shri S. Manjunath Sasthy | Welfare Commissioner, Karnataka, Labour Welfare Board |
| 11 | Shri S. V. Rajasekh | Chairman & Executive Director, Kerala Institute of Labour and Employment |
| 12 | Shri Jeeppa Gommen | Addl. Private Secretary to Minister of Labour & Rehabilitation, Kerala |
| 13 | Shri K.C. Parameswaran | Welfare Commissioner and Chief Executive Officer, Agriculture Welfare Board |
| 14 | Shri A.V. Sankar | Deputy Commissioner of Labour, Mumbai |
| 15 | Shri G. Suresh Mathy | Chief Executive Officer, T.H. Manal, Workers, Welfare Board |
| 16 | Shri K.V. Rajagandas | Chief Executive, Kerala Head Lead Workers Welfare Board, Ernakulam |
| 17 | Shri C. Wilson | Chief Executive, Kerala (Kerala) Workers Welfare Board, Kollam |
| 18 | Shri K.S. Vaidyan Pillai | Chief Executive, Kerala Pongal Transport Workers Welfare Fund Board, Kollam |

Seminar on "WELFARE FUND SCHEMES IN KERALA" in collaboration with the Kerala Institute of Labour and Employment.

19. Sri K. Ramkrishnan, Addl. Labour Commissioner, Labour Department, Govt. of Kerala.
20. Sri C.D. Pandy, Welfare Fund Commissioner, Thiruvananthapuram.
21. Sri E.V. Ganapatharan, Chief Executive Officer, Kerala Handloom Workers Welfare Fund Board.
22. Sri N. Mohanan, Regional Joint Labour Commissioner, Ennakulam.
23. Sri K.W. Rathnayagan Rajan, Chief Executive Officer, Kerala Damsel Board, Angamaly.
24. Dr. A.K. Srinivari, Fellow, Kerala Institute of Labour and Employment.
25. Sri Prakash Sankar, General Manager, Tata Tea Ltd.
26. Sri Sreekumar N., Head, Apollo Tyres Ltd.
27. Sri K.P. Jayaprakasam, Workers' Compensation Commissioner and Dy. Labour Commissioner.
28. Sri P.A. Salim, Dy. Labour Commissioner (IR), Kerala.
29. Sri K.M. Amalath, National Safety Council, Kalamassery.
30. Sri C.M. Ajithkumar Heji, Secretary, ATTUC, Sugathan Smarakam, Thiruvananthapuram.
31. Sri M. Sivadas, Addl. Labour Commissioner (Rtd.).
32. Prof. Dr. K. Ramachandran Var Member, Executive Council, Kerala Institute of Labour and Employment.
33. Sri S.S. Aji, Member, Executive Council, Kerala Institute of Labour and Employment.
34. Sri V. Chackochan, Chief Executive Officer, Kerala Transport Workers Welfare Fund Board.
35. Sri P.T. Josephy, Joint Secretary, National Safety Council, Kerala Chapter.
36. Maryil Kuffman Heir, State Vice President, Kerala Uyanan Vyavastha, Ekopana Sanitha.
37. Sri Kanham Rajendran, Secretary, ATTUC, Sugathan Smarakam, Thiruvananthapuram.
38. Sri A.K. Abdulaj, General Secretary, K.S. R.O.F., Kozhikode.
39. Sri P.V. Kunhiraman Manjular, President, Government Contractors Association.
40. Sri K. Mohandas, Chairman, Builders Association of India, Cochin Centre.
41. Sri S. Krishna Murthy, Member CITU, State Committee.
42. Sri A. Abdul Kadirim, Addl. Labour Commissioner (Rtd.), Former Executive Director, Kerala Institute of Labour and Employment, Thiruvananthapuram.
43. Sri K.N. Marzook, Ennakulam, Chamber of Commerce.
44. Sri S. Dominic, Association of Builders of Kerala.
45. Sri M.V. Antony, Secretary Builders Association.
46. Sri Saji Sebastian, Programme Associate, Socio Economic Unit, Thiruvananthapuram.
47. Sri Brahmavatharan C.K., Prayaga Trust, Calicut.
48. Sri M.S. Sreekumar, General Manager (Perforinel), Bharat Zinc Ltd., Alwaya.
49. Sri Alex M. Chacko, President, Kerala Vyapar Vyavastha Ekopana Samithi, W.L.P.M.
50. Sri Y. Krishna Kumar, B.M.S.
51. Sri Vijiyakumar K.K., U.N.C. (B).
52. Sri K.C. Vismadevan, Secretary, Kerala Building & Other Construction Workers Welfare Board.
53. Sri S. Puraisudhan Nar, Member, Andhra Pradesh Labour Welfare Board.
54. Sri K. Uthayeswari, President, INTUC.
55. Sri K. Suresh Babu,

Seminar on "WELFARE FUND SCHEMES IN KERALA" in collaboration with the Kerala Institute of Labour and Employment.

56. Sri Vijaya V., Socio Economic Unit, Foundation, Thiruvananthapuram.
57. Sri K.K. Jacob, Kerala Agricultural Workers Welfare Fund Board, Thiruvananthapuram.
58. Sri A.M. Sureshwaran, Unit Zonal Incharge, B.M.S., Kochi.
59. Anandapathi Venkatarani, Member, Karnataka Welfare Board.
60. Sri P.A. Dhanraj, Kerala Head Load Workers Welfare Board.
61. Sri P.K. Ramachandran, Governing Committee Chairman (Kerala), Kielders Association of India.
62. Chairman, National Commission on Labour.
63. Member, National Commission on Labour.
64. Member Secretary, National Commission on Labour.
65. Chief, National Commission on Labour.
66. Deputy Director, National Commission on Labour.

Workshop on 'PROVISIONS OF FACTORIES ACT, 1948 UNDER THE CHANGING SCENARIO' in collaboration with OGFASU, Mumbai.

- 21.9.2001 (Mumbai)
67. Sri H.S. Joshi, Hindustan Petroleum Corpn. Ltd., Mumbai.
68. Sri N.R. Nana, Heald, MOKIL, Thane.
69. Sri K.K. Kanchar, SIEMENS Ltd., Thane.
70. Sri C.T. Desamukh, SIEMENS Ltd., Thane.
71. Sri U.D. Pansya, MICO, MIDC, Nagik.
72. Sri V.V. Ghoshul, CO, Mumbai.
73. Sri V.J. Nalk, Indian Chemical Manufacturers Association, Mumbai.
74. Sri R.R. Cokhale, Small Scale Industries, Thane.
75. Sri M.R. Kambhale, Employers Federation of India, Mumbai.
76. Sri B.S. Hegde, Development Commissioner, SEEPZ, Mumbai.
77. Sri U. Aurahany, Legal Experts
78. Sri Ajit Thakkar, Concursant.
79. Sri P. Puray, Federation of Labour Law Practitioners, Mumbai.
80. Sri P.H. Acharar, Federation of Labour Law Practitioners, Mumbai.
81. Sri S.D. Zame, A-2CL, Diamond Apartments, Thane.
82. Sri A. Das, NGOs & Autonomous Bodies
83. Sri Debajit, Loss Prevention Association of India, Mumbai.
84. Sri P.M. Rao, National Safety Council, Mumbai.
85. Sri R.S. Bhargava, Council of Industrial Safety, Mumbai.
86. Sri O.K. Sivastava, IACS Institute of Social Sciences, Mumbai.
87. Sri V.K. Radhe, Maharashtra Institute of Labour Studies, Mumbai.

Employees' Representatives

88. Smt. Raja Kulkarni, JMRIC, Mumbai.
89. Smt. Pooja Mehta, Secretary, United Trade Union Congress, Mumbai.
90. Smt. Sushant Dendre, Ercitya Mandor Sangh, Mumbai.

Chief Inspector of Factories

91. Smt. B.N. Mehta, Gujarat.
92. Smt. U.U. Madame, Maharashtra.
93. Smt. Godappa, Maharashtra.
99. Smt. Prerita Desai, Goa.
100. Smt. R. Tamwergadam, Tamil Nadu.
101. Smt. Prabhakar Shet, Rajasthan.

Invites

102. Smt. G. Vaicayanathan, F-401, Planer Nagar, Mumbai.
103. Smt. H.R. Mirashi, 406, A-21 Rohin Building, Mumbai.
104. Smt. Ajay Swastika, Employees' State Insurance Corporation, Mumbai.
105. Smt. P.C. Bhargava, Dy. Labour Commissioner (Central), West Zone.

Officers/Officials representing from M.C.I. and Ministry of Labour

106. Dr. B.R. Sabade, Member.
107. Smt. T.C. Ghorra, Director.
108. Smt. Piyush Sharma, Joint Director.
109. Smt. M.S. Azad, Under Secretary.
110. Smt. Chandor Kumar, PS to Member Secretary.
111. Smt. A.S. Bora, Investigator.

Officers/Officials representing from DEFA/SIL

112. Smt. S.K. Saxena, Director General.
113. Smt. M.A. Melkote, Dy. Director General.
114. Smt. D.9. Deb, Dy. Director General.
44. Smt. S.C. Gupta, Dy. Director General.
45. Smt. M.M. Ahir Khari, Director J/c, H. Divn.
46. Dr. S. Nalin, Director J/c, I/I Divn.
47. Smt. S.K. Ousta, Director, I/c Safety Divn.
48. Dr. T.U. Ramoga Aao, Director (I/M).
49. Smt. V.D. Sane, Dy. Director (S).
50. Smt. D.R. Koshina, Dy. Director (S).
51. Smt. M. Khatwani, Dy. Director (S).
52. Smt. A.U. Dasaey, Dy. Director (H).
53. Smt. S.P. Bandopadhyay, Dy. Director (S).
54. Smt. J. Roy Chaudhury, Asst. Director (S).

Annexure - III

Workshops/Seminars conducted by the Study Groups on behalf of the National Commission on Labour

Workshops on "WOMEN WORKERS: AN AGENDA FOR THE FUTURE"
Conducted by the Study Group on Women and Child Labour

- | | |
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| 1. Smt. Ramkanta Verma, Chairman, | National Commission on Labour |
| 2. Smt. Vinod Wari, Secretary, Ministry of Labour, Chennai | Chairperson, Study Group on Women & Child Labour |
| 3. Smt. Renuka Jhalwala, Dr. Vivekaxoni, | Member, Study Group on Women & Child Labour |
| 4. Dr. Vivekaxoni, | Member, Study Group on Women & Child Labour |
| 5. Smt. Tushar Karjile, | Member, Study Group on Women & Child Labour |
| 6. Smt. Kumud Sharma, | Member, Study Group on Women & Child Labour |
| 7. Smt. Ratna Sudarshan, | Member, Study Group on Women & Child Labour |
| 8. Smt. Smita Sinha, | Member, Study Group on Women & Child Labour |
| 9. Smt. Janaki Ansharia, | Member, Study Group on Women & Child Labour |
| 10. Smt. Margalabha Rao, | Member, Study Group on Women & Child Labour |
| 11. Smt. Sharnashad Khan, | Member, Study Group on Women & Child Labour |
| 12. Smt. Nehru Nayak, | Member, Study Group on Unravelling Legislation. |
| 13. Smt. RKA Subramanya, | Chairperson, Study Group on Social Security. |
| 14. Smt. Kashiwaha Teakkar, | Chairperson, Study Group on Globalisation. |
| 15. Ms. Mary Johnson, | Director, ILO, New Delhi. |
| 16. Dr. B.R. Sabade, | Member, National Commission on Labour |
| 17. Smt. N. Sarwal, Member Secretary | National Commission on Labour |
| 18. Smt. T.C. Ghorra, Director | National Commission on Labour |
| 19. Smt. P.H. Shankar, | PS to Chairman, National Commission on Labour |
| 20. Dr. Rashmi Agarwal, | J.D. National Commission on Labour |
| 21. Dr. P.S. Trivari, | O.D. National Commission on Labour |
| 22. Ms. Pithi, | ED, National Commission on Labour |
| 23. Ms. Dipali Bose, | Investigator, National Commission on Labour |
| 24. Smt. Jasvinder Singh, | PA, National Commission on Labour |
| 25. Ms. Shalini Sinha, | Consultant, Study Group on Women & Child. |
| 26. Prof. Himata Banerjee, | Dept. of Economics, Kolkata University. |
| 27. Smt. Sanjay Kumar, | Patna. |
| 28. Smt. S. Drownick, | Mumbai |
| 29. Smt. X. Margvel, | Chennai. |
| 30. Ms. Parvati Swaminathan, | Chennai. |
| 31. Ms. Sujata Patel, | Pune. |
| 32. Ms. D. Geetha, | Chennai |
| 33. Smt. Jeerol Unni, | Ahmedabad. |

**Workshop on
"WOMEN WORKERS: AN AGENDA FOR THE FUTURE"
Conducted by the Study Group on Women and Child Labour**

34. Shri A. Talwar, Kolkata
35. Shri G. Sawant, Chennai
36. Ms. Ruth Varadarani, Bangalore
37. Ms. Saroj Ahuja, Bangalore
38. Shri. Rama Swamy, Hyderabad
39. Sri Arvind Singh, Patna
40. Ms. Shikha Joshi, Indore
41. P.P. Parica Jais, Lucknow
42. Ms. Susma, Chennai
43. Ms. Smita, SEWA, Ahmedabad
44. Ms. Arisha, SEWA, Ahmedabad
45. Ms. Piyush Anthony, JMD, New Delhi
46. Ms. Heman Sekhar, GDRCL, Noida

Workshop on Child Labour conducted by the Study Group on Women & Child Labour

- 29-3-2001 (New Delhi)
1. Shri. Archan Jaiswal, Chairperson, Study Group on Women & Child Labour
2. Dr. Vijayawati, Member, Study Group on Women & Child Labour
3. Smt. Kumud Sharma, Member, Study Group on Women & Child Labour
4. Smt. Ruma Sutarshan, Member, Study Group on Women & Child Labour
5. Smt. Shanta Shinde, Member, Study Group on Women & Child Labour
6. Smt. Janaki Andhari, Member, Study Group on Women & Child Labour
7. Shri. Manojkumar Rao, Member, Study Group on Women & Child Labour
8. Shri. Shantababu, Hyderabad
9. Shri. Suresh Rao, Bangalore
10. Shri. Kiran Kamal, Bangalore
11. Shri. Sukinder Patel, Ahmedabad
12. Ms. Mousumi Barua, Mumbai
13. Ms. Janaki Andhari, Mumbai
14. Mr. Mangalantia Rao, Bangalore
15. Ms. Vinaykavati, Chennai
16. Ms. Shanta Sirra, Secunderabad
17. Ms. Piyush Anthony, JMD, New Delhi
18. Ms. Sarmita, CO
19. Ms. Macheri Soma, Bangalore
20. Ms. Rama Deviwal, Chhatrapur, MP.

Workshop on Child Labour conducted by the Study Group on Women & Child Labour

21. Ms. Neelam Gupta, New Delhi
22. Ms. Manorama Joshi, Indore
23. Ms. Devika Singh, FORCES, New Delhi
24. Dr. Rashmi Agarwal, JMD, National Commission on Labour
25. Mr. P. N. D. D., National Commission on Labour Consultant.
26. Ms. Sri Ini Sima, Investigator, National Commission on Labour
27. Ms. G. Palli Bose, P.A., National Commission on Labour
28. Sri Jaswinder Singh, Accountant
29. Shri D.K. Kapoor.

National Consultation on Future of Social Security in India, conducted by the Study Group on Social Security

31-5-2001 & 1-6-2001 (New Delhi)

1. Shri G. Ramchand, At: India Manufacturers Organisation, New Delhi.
2. Shri N. Sati, President, IITLU, Kolkata.
3. Shri R.C. Gait, IISS, Mumbai.
4. Ms. Prudhuma Datta, Mepege India, New Delhi.
5. Dr. Srinaba Soneja, Helpage India, New Delhi.
6. Dr. Mridula Sharma, IAWR.
7. Shri Kanti Mehta, President, Indian National Mine Workers Association, Pune
8. Dr. S. Vijayakumar, CSD, Hyderabad.
9. Dr. A. Prakash Rai, CSC, Bangalore
10. Shri C.S. Rusthy, Hyderabad
11. Mr. Nagesh, Ex. Director, Karala Institute of Labour & Employment, Tiruvandjura.
12. Shri R.K. Rastogi, New Delhi.
13. Shri B. C. Pawar, Karnataka Employers Association, Bangalore.
14. M.P.S. Sechi, Dept. of Woman & Child Development, De hi.
15. Shri V.P. Ramiah, RPF, EPFO Head Quarter, New Delhi.
16. Shri Michael Dias, Member of Social Security Group and Secretary Employers Association, Dehi.
17. Shri S.M. Chopra, Employers Association, Dehi.
18. Shri Parthasar Singh, President, Social Security Association of India, New Delhi.
19. Shri A.C. Pawar, CSIC, New Delhi.
20. Dr. G. Subbaramma, IGMCU, New Delhi.
21. Ms. Amra Dhandu, IACSAR, University of Hyderabad.
22. Shri Vasant Gupta, Mumbai, Kora Institute, Mumbai.
23. Shri M. Kamal, Secretary, Chennai.
24. Ms. Archana Prasad, FORCES, New Delhi.
25. B.P. Guha, SAC, New Delhi
26. Shri Satish Mehta, Saroda.

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National Consultation on Future of Social Security in India, conducted by the Study Group on Social Security

- | | |
|------------------------------|---|
| 27. Shri K.V. Mohanides, | Jt. Labour Commissioner, Kerala Licensed Workers Welfare Board, Kerala. |
| 28. Shri Achintha Sanku, | UTUC (LS), New Delhi. |
| 29. Shri A. Yurubhetra, | EPFO, New Delhi. |
| 30. Shri T.C. Girija, | National Commission on Labour |
| 31. Ms. Mitai Chakraborty, | Member, Social Security Group and Sewa SEWA. |
| 32. Ms. Sayyada Chaudhary, | SEWA. |
| 33. Shri Nishwan Iqbalwala, | SEWA |
| 34. Shri A. Vilarathyan, | EPFO, New Delhi. |
| 35. Shri S.N. Tiwari, | Advisor, Supreme Court, |
| 36. Shri P. Sharma, | National Commission on Labour, Bangalore. |
| 37. Shri P. Madhavan Rao, | NATRSS, New Delhi. |
| 38. Dr. R. Agrawal, | National Commission on Labour |
| 39. Shri Mittal Sush, | SEWA. |
| 40. Shri K.G. Sivani, | Member of Social Security Group. |
| 41. Shri H. Singh, | SSAI. |
| 42. Shri Jagan Wicoball, | ILO. |
| 43. Shri Vajjala Bussi, | ILO. |
| 44. Ms. A.L. Ganapati, | Bangalore. |
| 45. Shri Srinivandra Sharma, | Advisor (LSM), Planning Commission, |
| 46. Smt. Rajendra Varma, | Chairman of ILO. |
| 47. Smt. Sumra Swaroop, | 96, ESIC. |
| 48. Shri M.B. Kathur, | Advisor, CIT. |
| 49. Shri A.N. Raj, | Advisor, EPFO |
| 50. Shri S.D. Sharma, | EPFO |
| 51. Shri R.C. Sharda, | ESIC |
| 52. Ms. R. Jhaivala, | Chairperson of Study Group on Women & Child Labour ILO. |
| 53. Shri R.N. Upadhyaya, | TAMR, New Delhi. |
| 54. Shri Stryam Sundar, | Planning Commission. |
| 55. Shri V. Varsh, | Secretary, Ministry of Labour |
| 56. Shri A.B. Jagtap, | Member of Study Group on Social Security & Member HPS, Chandigarh. |
| 57. Shri Chander Uday Singh, | Indian Merchants Chamber Association. |
| 58. Shri Rav Duggal, | CEHAT, Mumbai. |
| 59. Shri Chandrasekharan, | ESIC. |
| 60. Shri K. Geetha, | IMPSP, Chennai. |
| 61. Ms. Femlata, | FORCES, New Delhi. |
| 62. Smt V. Purtil, | HPS, New Delhi. |

National Consultation on Future of Social Security in India, conducted by the Study Group on Social Security

- | | |
|----------------------------|--------------------------------|
| 63. Shri S.A. Zaidar, | Laghu Udyog Bharat, New Delhi. |
| 64. Ms. Priu, | National Commission on Labour |
| 65. Shri K.V. Rajendran, | CI, New Delhi. |
| 66. Shri V. Krishnamurthy, | Chief Secretary, Kerala. |
| 67. Smt S.N. Sam, | Secretary, Dik. |

Seminars on National Consultation on "Globalisation and its Impact" conducted by the Study Group on Globalization.

- | | |
|---------------------------------|--|
| 19-10-2881 (Bangalore) | |
| 1. Shri V.K. Cullu, | Interface |
| 2. Shri M. Sathyanarayana Swamy | President, FICCI |
| 3. Shri M. Aruna Curai, | UPASTI, Coecor |
| 4. Shri S. Krishna Kumar, | General Secretary, KASSIA |
| 5. Shri V.S. Varma, | President, Central for Unorganized Workers Union |
| 6. Shri S.A.S. Kuravi, | GNCCI |
| 7. Shri S.R. Eelikkishra, | KHBC Ltd |
| 8. Shri S. Srinivasa Murthy, | HKS |
| 9. Shri Asmita Sankar, | ATPO |
| 10. Shri Giridoss Bhak, | DLC, Bangalore |
| 11. Ms. Ullu Aswatha, | BY Secretary, FICCI |
| 12. Ms. Mangalamba Rao, | Secretary, BMS |
| 13. Shri A. Seshadri, | General Secretary, BMS |
| 14. Dr B.R. Paril, | I & S Sub-committee of FICCI |
| 15. Shri B. Vijayalakshmi, | KVIB, Bangalore |
| 16. Shri Subhash Sharma, | JIPM, Bangalore |
| 17. Shri K.A. Krishnan, | KASSIA |
| 18. Smt. Shrimatya L.H., | KSTC, Bangalore |
| 19. Shri C.S. Adaraya, | President, Contract Employees Association |
| 20. Shri B.S. Deshpande, | State Office Secretary, BMS |
| 21. Prof. R.S. Rathgale, | ADR Unit, Institute of Social & Economic Change, Bangalore |
| 22. Shri P.M. Chandrasekhar, | Deputy Manager (P), KSTC Ltd |
| 23. Shri M.S.L. Vashankar, | CPB, KVIB |
| 24. Smt. Madanar Pami, | The Economic Times |
| 25. Shri R. Sathyanarayan, | A 1 Agribatti Manufactures Asso. |
| 26. Shri E. Venkatesh, | Labour Commissioner, Karnataka |
| 27. Shri V.R. Aecdy, | KSHRC Ltd |
| 28. Shri Alampalli Venkataram, | State President, BMS |

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Seminars on National Consultation on "Globalisation and its impact" conducted by the Study Group on Globalization.

- 22 - 10 - 2001 (Mumbai)**
29. Shri J Ramacev Kamad, Chairy
 30. Dr B A Sabade, Member, NCL
 31. Shri M Saurai, Member Secretary, NCL
 32. Shri T C Cimitra, Director, NCL
 33. Shri Piyush Sharma, Joint Director, NCL
- 22 - 11 - 2001 (New Delhi)**
1. Dr S T Sawant, Director, Ministry of Labour Statistics, Mumbai
 2. Shri D M Uckar, Advisor, Sugar Federation of Maharashtra
 3. Shri Rajiv Arastay, FOCUS in the Green, South-Indo Prog.
 4. Shri Pankaj Naikwar, Sugar Federation
 5. Shri Sanjeev Marjan, Swadesh Jagran Manch
 6. Shri A C Datta, TISS, Mumbai
 7. Shri D K Srivastava, TISS, Mumbai
 8. Shri P P Roy, Heredia Chemical, Nir India Building
 9. Shri S C Kohle, Maharashtra Rayya Set Karyo Sangathan
 10. Shri R D Joshi, Secretary General, Organization of Pharmaceutical Products of India
 11. Shri Vijay Barwala, Chairman, Asian Business Centre, Maharashtra Chamber, Pune
 12. Shri R M O Tatal, SEEPZ, Gem & Jewellery Association
 13. Shri Swaminath Paki, Indian Sugar Ewin
 14. Shri A C Kuvilla, WTC, Mumbai
 15. Shri M P M Swakman, RLC (S), Mumbai
 16. Shri Ramesh Sen, Swadesh Jagran Manch
 17. Dr V Shenohar, Policy Development and Mgmt. New Delhi
 18. Shri J P Ghole, WTC, Mumbai
 19. Shri C S Deshpande, MLDC
 20. Shri Vajranya Anand, Nirmaa Niketan, College of Social Work
 21. Shri Surendra Deora, AFHO
 22. Suresh Goyal, Sugar Workers Federation
 23. Shri M A Patra, Sugar Workers Federation
 24. Shri B Pilla, Safford Exporters Association of India
 25. Shri R Darcwalia, Safford Exporters Association of India
 26. Shri Shashi Pate, Employees Federation of India, Mumbai
 27. Shri Arune Chakravorty, Indian Express
 28. Shri Samar Khadai, Lok Satta
 29. Shri V Dula, Times of India
 30. Shri Surendra Chohan, Secretary, Laghu Udyog Board
 31. Dr J A Sabade, Member, NCL
 32. Shri Piyush Sharma, Joint Director, NCL

Seminars on National Consultation on "Globalisation and its impact" conducted by the Study Group on Globalization.

- 22 - 23 - 11 - 2001 (New Delhi)**
1. Shri Sant Lal Inra, SRO, IAFIR, New Delhi
 2. Shri A C Datta, TISS, Mumbai
 3. Shri Ashok Kapoor, PHDCCI, New Delhi
 4. Shri Raddar Datt, Institute of Human Development, New Delhi
 5. Shri D K Koshiya, National Working Group on Patent Laws, New Delhi
 6. Shri S A Khan, SCOPE, New Delhi
 7. Shri K J Thakkar, BMS, New Delhi
 8. Shri S S Malhotra, GLL, Ahmedabad
 9. Shri C S Venkat Rammam, IGC, New Delhi
 10. Shri S K Shashi Kumar, VVGNLI, Noida
 11. Shri T C Girotra, Director, NCL, New Delhi
 12. Shri Piyush Sharma, NCL, New Delhi
 13. Shri R C Khurana, INTUC, Orubaneshiwar
 14. Shri Ashutosh, BSSM, New Delhi
 15. Shri Vidyasand Acharya, BSSM, New Delhi
 16. Shri D P Singh, NCL, New Delhi
 17. Shri Vandana Shiva, NAVDANYA, New Delhi
 18. Shri U K Dikshit, Director, SCOPE
 19. Shri Praveen Sutha, FES, New Delhi
 20. Shri D P Fani, CIE & PICCI
 21. Shri Rajan Malhotra, ILO-SAIT, New Delhi
 22. Dr B A Atter, IAAI, New Delhi
 23. Shri T S Sankaran, Chairman, Study Group - Review on Laws
 24. Shri Baha Lakwale, BMS, New Delhi
 25. Shri Narinder Kumar, Labour Commission, Delhi
 26. Shri R P Singhal, BKS, New Delhi
 27. Shri O P Sharma, INTUC
 28. Shri K L Reddy, BMS
 29. Shri S Shy Ramakrishnan, ILO
 30. Shri San Aniya, SCOPE
 31. Shri J U Khan, SCOPE
 32. Shri V R Raman, Finance Ministry, Govt. of Delhi
 33. Shri N Sanwal, Member Secretary, NCL
 34. Shri Sumit Jana, SB, Hyderabad
 35. Shri R K Srivastava, Advisor (Corp & HRD), ACCI
 36. Shri G M Saini, Habitat World
 37. Shri Kumar, INA
 38. Shri Bira Lal Sharma, INTUC

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Seminars on National Consultation on "Globalisation and its impact" conducted by the Study Group on Globalisation.

- | | |
|-----------------------------|---|
| 39. Shri S. Venkateshram, | Labour Advisory Council for Leather Export |
| 40. Shri O. P. Purdy, | Export Promotion (Leather) Council for Leather Export |
| 41. Shri Sanjay Mishra, | Chairman (HR), Council for Leather Export |
| 42. Shri J. P. Anand, | Governing Body Member, ILO |
| 43. Shri J. S. Sodhi, | SRC, New Delhi |
| 44. Dr. O. K. Bhattacharya, | Alpha, New Delhi |
| 45. Shri K. J. Pillai, | BNS, New Delhi |

Seminars conducted by the Study Group on "Skill Development, Training & Workers Education"

(Bhubaneswar)

- | | |
|----------------------------|--|
| 1. Prof. R.M. Nayak, | Centre for Development Studies, Bhubaneswar |
| 2. Dr. C. Kishore, | Centre for Development Studies, Bhubaneswar |
| 3. Shri M.S. Ramaswami, | Sirganj Centre, New Delhi |
| 4. Shri Subrata Sinha Roy, | Rajendra Gram Vikas Study Assn. |
| 5. Shri R. Jyoti, | Regional Centre for Development Education, Bhubaneswar |

6. Shri J. Das,

Institute for Socio-economic Development, Bhubaneswar

- | | |
|--------------------------------------|--|
| 7. Shri S. Swamy, | Sasabang, West Midnapur, Bhubaneswar |
| 8. Shri A.K. Mahapatra, | Vasundhara, Bhubaneswar |
| 9. Smt. Rakhi Ranigrahi Vastunulata, | Bhubaneswar |
| 10. Shri A.K. Bala, West Midnapur, | Orissa Voluntary Health Association |
| 11. Shri H.S. Dutta, | Centre for Youth & Social Development |
| 12. Shri P.K. Sarin, | Technology Transfer Network, Bhubaneswar |
| 13. Shri D. Swain, | Green Development Bhubaneswar |
| 14. Shri P.C. Behera, | ONG, Bhubaneswar |
| 15. Shri R.K. Saha Roy, | SHS, Bhubaneswar |
| 16. Shri S. Mahapatra, | Co-acted Member, Study Group |
| 17. Shri Anupam Ghosh, | Hero Corporate New Delhi |
| 18. Shri Raju P. Gurta, | Joint Director, NCI |
| 19. Shri P. Sharma, | |

1.12.2001 (Bhopal)

- | | |
|---------------------------|--------------------|
| 1. Dr. K. Shree Harshik, | ACTION AID, Bhopal |
| 2. Shri Narendra Sharma, | ACTION AID, Bhopal |
| 3. Smt. R. Bhargava, | SEWA, Bhopal |
| 4. Shri Ajay Shrivastava, | SEWA, Bhopal |

1.12.2001 (Bhopal)

- | | |
|--------------------------|---|
| 5. Prof. S.K. Sonu, | Technical Teachers Training Institute, Bhopal |
| 6. Prof. R.C. Gaudhey, | Technical Teachers Training Institute, Bhopal |
| 7. Shri K.V. Singh, | Technical Teachers Training Institute, Bhopal |
| 8. Shri C.K. Chandra, | Shri Ram Centre, New Delhi |
| 9. Shri M.S. Ramaswami, | Health, Help & Research Society, Bhopal |
| 10. Shri Akhlesh Jain, | ISS Centre Institute of Vocational Education, Bhopal |
| 11. Dr. A.K. Sathu, | ISS General Institute of Vocational Education, Bhopal |
| 12. Shri S. Sanyal, | Saigang Bhopal |
| 13. Shri D. M. Khan, | Udhyata Agro Industries (Punjab) Co. Bhopal |
| 14. Shri S. Rao, | Bhatiya Agro Industries (Madhya Pradesh) Bhopal |
| 15. Shri K.K. Pan, | Madhya Pradesh Vidyut Sahitya |
| 16. Dr. A.K. Khare, | INTUC Bhopal |
| 17. Smt. R. D. Tripathi, | Member, Study Group |
| 18. Shri S.V. Gedhe, | Co-acted Member, Study Group |
| 19. Shri Anupam Ghosh, | Hero Corporate, New Delhi |
| 20. Shri Ravi Gupta, | |

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 Unhealthy Legislation for the Workers in the Unorganised Sector |
| 4. 15.11.2001 | Study Group on Review 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

Annexure- XIV

Subject discussed at the Internal Meetings conducted by the National Commission on Labour

DATE	TOPICS TAKEN UP FOR DISCUSSION
4.11.1999	<p>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, Shri M. Shakti Bhawan, New Delhi.</p> <p>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 inquiry of the Commission. The Commission would simultaneously hold sessions to gather evidences (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 for inclusion in the Study Group. He concluded that he would try to see that the Commission completes its work within the stipulated period that the Government had set for it.</p>
15.3.2444	<p>The second meeting of the Commission was held under the Chairmanship of Shri Ravindra Varma, Chairman, National Commission on Labour at its meet office at Janakpuri. The Commission decided to incorporate the suggestions of the members of the Commission in the draft questionnaire, which was circulated to them in advance for eliciting their response.</p> <p>The Chairman proposed the names of the Chairpersons of the Study Groups which was agreed to unanimously. It was also decided that the Chairman would take an appropriate decision regarding the composition of the six Study Groups as was decided earlier.</p> <p>The Commission held discussions with the central trade unions and the employers' organisations with a view to familiarize itself with their views. Amongst the central trade unions, the DVS, INTUC, IMS, UTUC (Lehm Sarahi) and NIFTU responded and attended the discussion. Three central trade unions viz CITU, UTUC and AITUC did not attend the session.</p> <p>Five Employers' Organisations, namely AICE, EFL, SCOPE, FICCI and CIE (Umbrella body of AICE, EFL and SCOPE) wanted to make a joint presentation which was agreed to by the Commission. Interested viz Lajju Udyog Bhurari, CIL and ASSOCHAM made separate presentations.</p> <p>The Chairman clarified that the Commission would strive to discharge the task set before it by the Government with an open mind and complete devotion and would try to allay any apprehension or misunderstanding that any of the organisations might be harboursing in that score.</p>

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 Commission would again address key interest groups like the Government, State Governments, employers' organisations and trade unions to expedite their replies to the questionnaire, as the response was not very encouraging.

The Chairman stated that almost 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.

The Chairman mentioned that all the members in the Commission have been approached in their individual capacities, and should be objective in their views and analyses of issues. He also sought full cooperation from the members for complete confidentiality regarding the deliberations of the Commission. He concluded by laying out an outline plan of the Commission's report which would contain nine main chapters.

Chapter I

General Survey since independence/1959 (Report of the First Commission)

Chapter II

General Survey of the post-1991 period, after the liberalisation of the economy was set in motion by the Government.

Chapter III

Review of existing legislation - adequacy - inadequacy - amendments and new legislation that is needed. The principles behind the recommendations that the Commission was making.

Chapter IV

General Survey of the Unorganised Sector and principles behind the Commission's recommendations regarding umbrella legislation.

Chapter V

Survey of women and child labour

Chapter VI

Social Security

Chapter VII

Unfair practices/job security.

Chapter VIII

Skill development, training, etc.

Chapter IX

Miscellaneous matters.

12.5.2001

The Commission held its internal meeting to discuss the tentative plan of action of the Commission and the broad areas of its report such as simplification and consolidation of laws, the duties of employers, rights and duties of employees, employment generation etc.

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16-18.10.2001

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. Revathi Jhabala explained the highlights of the Report to the members of the Commission. On 17th and 18th the Commission deliberated on the issues involved in employment of women direct as equal wages, staff development, safety at the workplace, child care facilities, overall employment levels of women and working of women during night hours.

31.10.2001 & 01.11.2001

In this meeting the final report submitted by the Study Group on Social Security was discussed. Dr. S. J. A. Subramanya, 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. The present status of Social Security system and the system proposed by the Study Group.

26-29.11.2001

The Commission held its internal meeting to discuss the final reports submitted by the Study Groups on Review of Laws and Unorganized Sector for the Workers in the Unorganized Sector. Shri. T. S. Sankaran appraised the Commission on 26.11.2001 about the recommendations of the Study Group on various issues. During the next day internal deliberation of Commission was held on the provisions as they exist in the existing laws and the recommendations of the Study Group. On the 28th, the Chairperson of the Study Group on Unorganized Legislation for the Workers in the Unorganized Sector, Shri D. Bhanuprakash appraised the members of the Commission about the Report of his Study Group. On the following day the members deliberated on the Report.

27-28.12.2001

The Meeting of the Commission was held further to discuss 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.

0-9.1.2002

The Commission held its internal meeting to continue 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.

28.1.2002

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 Relations Commission, provisions of Industrial Employment (Standing Orders) Act and Sec 9 A, Sec 11-A, and Sec 22 of Industrial Disputes Act and Contract Labour and linkages of wages with productivity were discussed.

19.2.2002

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 Unfair Labour Legislation for Workers in the Unorganized Sector were also discussed.

28.2.2002 & 1.3.2002

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.

18-21.3.2002

The Commission held its internal meeting to discuss the revised draft indicative legislation on Child Labour and Unorganized Sector workers incorporating the suggestions made by members for amendments in previous meeting pertaining to these laws. The Commission also discussed the draft chapter on Review of Laws and some important issues like contract labour. The Commission also discussed the draft Chapter on Globalisation.

26-27.3.2002

The Commission held its internal meeting to discuss the draft chapter on Labour Administration, indicative laws on Child Labour, Employment and other pending matters such as Labour Statistics and Composite law on occupational health and safety.

2-3.4.2002

The internal meeting of the Commission was held to discuss on the finalization of National Commission on Labour's Report. The Chairperson apprised the members of revised scheme of various chapters and invited their suggestions. The matters pertaining to wages, national floor and minimum wage and draft law on wages were discussed.

22-25.4.2002

The Commission held its internal meeting to discuss the chapters on Review of Laws, Labour Administration and other pending matters. The individual chapters, matters pertaining to legal, research and other, requirements of 50 by Workers and matters relating to right to strike or similar essential services were discussed.

14-15.5.2002

The Commission held its internal meeting to discuss the chapters on Labour Administration, draft law on Hours of Work, Leave and other Working Conditions in the workplace.

31.5-3002 & 1.6.2002

The Commission held its internal meeting to discuss the scope of the draft indicative legislation on Labour Management Relations. Suggestions made by some of the members for making changes in the draft indicative law were incorporated wherever such changes did not call for any deviation from the decisions formulated in the Chapter on Review of Laws.

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Letters of the Chairman to Prime Minister regarding
Finance Minister's Budget Speech

RAVINDRA VARMA
Chairman



Government of India
Ministry of Labour
National Commission on Labour
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4/2/01

No. Chairman/1/NC/Camp-Cor/2001

Dated 7th March 2001

Dear and Hon'ble Prime 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 Hon. 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 edge 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, or, if 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 skeptics 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 overcome the attacks on our credibility. Some distinguished members of our study teams have also expressed their deep concern, and asked whether, if the role of the Commission was really over and if the questions that were entrusted to us had 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 report 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 the 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

(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,
Hon'ble Prime Minister of India,
South Block, New Delhi - 110001

RAVINDRA VARMA
Chairman



Group Secretariat
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National Commission on Labour
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3335513, 3225872 (10)
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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 on the 18th, and to listen to your address. Subsequently, when I was conducted to the tea-room, you were about to rise, 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 7th of March soon after the Hon. Finance Minister referred to specific proposals for reform 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 7th 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 reach unanimity on all matters, we feel optimistic about finding common ground on many issues. We feel convinced that a consensus approach, not an approach of confrontation, will make it easy to formulate, pilot and implement the laws that are needed. The high degree of economic efficiency and competitiveness that we need to succeed in the post-globalisation era may elude us if we allow confrontational 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 sultriness 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 confrontational 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 ensures 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 realize 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 owed it to you to place our perceptions and estimates before you, in time.

With warmest regards,

Yours sincerely,


(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,
Hon'ble Prime Minister of India,
South Block,
New Delhi - 110001.

**Letters of the Chairman to Prime Minister
seeking extension of term**

RAVINDRA VARMA
Chairman



Government of India
Ministry of Labour

NATIONAL COMMISSION ON LABOUR

MAITRES H. 346, 2nd Floor,

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Fax 6612873 (C);

E-mail: ravn@vsnl.com; ncl@vsnl.com; ncl@nic.gov.in

September 25, 2001

Dear and Hon'ble Prime Minister (Shri Atalji),

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 of Labour.

The appointment of the Commission was announced on the 15th 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 even 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 Social 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, and we want to do justice to the task that has been entrusted to us by you, particularly because of the

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 that is absolutely essential to formulate a satisfactory report on the delicate and comprehensive 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.

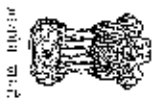
With high personal regards,

Yours sincerely,

Ravindra Varma
(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,
Hon'ble Prime Minister of India,
South Block,
New Delhi - 110001.

RAVINDRA VARMA
Chairman



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5610578 102

January 10, 2002

Dear and Hon'ble Prime Minister Shri Atalji,

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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 3 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 15th of February.

To this period we have been working conscientiously, and with full consciousness of the need to complete our work by the 15th of February. But in spite 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 that we hope to propose in our chapters on the existing legislation, and legislation for the unorganized sector. This will take a few weeks.

In the meanwhile, the Commission has been perurbed 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 are facing after globalisation and the coming of the new WTO regime. I though we had initiated efforts on this study four quite some time ago, it is only on the 8th of this month that we received the necessary permission. This study visit will also mean about a fortnight.

We must also draw your kind attention to the fact that the Central Trade Unions that are cooperating 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 squabbles 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 ensure that to move out of old rules of confrontational attitudes. We feel that we must make every effort in this direction.

Taking all these factors into consideration, we have therefore, to review the request that we made on the 17th 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,

Ravindra Varma
(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,
Hon'ble Prime Minister of India,
South Block,
New Delhi - 110001.

RAVINDRA VARMA
Chennai



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No. NCL/CH/118/2002

March 25, 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 15th of April.

We have been working conscientiously and diligently to complete our work by the 15th 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.

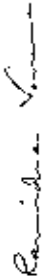
What has weighed most with us in the realization that if we present our Report without sewing the suggestions together, some other group will have to be entrusted with the task, and this will take even more time than we need to sew things together, and this may also lead to the dissipation of the focus 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.

We therefore, request you to be gracious 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 15th of June, 2002.

With warmest personal regards,

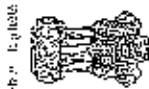
Yours sincerely,


(Ravindra Varma)

Hon'ble Shri Atal Behari Vajpayee,
Hon'ble Prime Minister of India,
South Block,
New Delhi - 110001.

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RAVINORA VARMA
Chairman



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Ministry of Labour
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E-mail: chair@nclabour.com

June 10, 2002

Dear and Honble Prime Minister Shri Atal Bihari Vajpayee:

On the 1st 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 13th and 15th.

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 green, 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,
Ravinora Varma
(RAVINORA VARMA)

Hon'ble Shri Atal Bihari Vajpayee
Hon'ble Prime Minister
Government of India
South Block
New Delhi-110001.

Letters of the Government granting extension

No. Z-2001-4/3/2001 (Cover)
Government of India Bharat Sarani
Ministry of Labour/Shriam Mandralaya

Shriam Shekhi Bhawan, Rafi Marg
New Delhi, dated 1st March, 2002

The Member Secretary,
National Commission on Labour
NATLASS Premises,
30-31, Institutional Area,
Opposite 7th Block, Banakpur,
New Delhi-110038

Subject: Extension of the term of Second National Commission on Labour upto 15.04.2002

I am directed to refer to your letter No.23/200C/NCL P/SC dated 22.01.2002 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 15.02.2002 to 15.04.2002.

Yours faithfully,
(B.S. NEEG)
Under Secretary to the Govt. of India

-677-

No. 2-2601 4/3/2002-Coord
Government of India Bharat Sarkar
Ministry of Labour/Shram, Mantralaya

Shram Shakti Bhawan, Rafi Marg
New Delhi, dated 10th May, 2002

To,

The Member Secretary,
National Commission on Labour
NATRALSS Premises,
30-31, Institutional Area,
Opposite "D" 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)

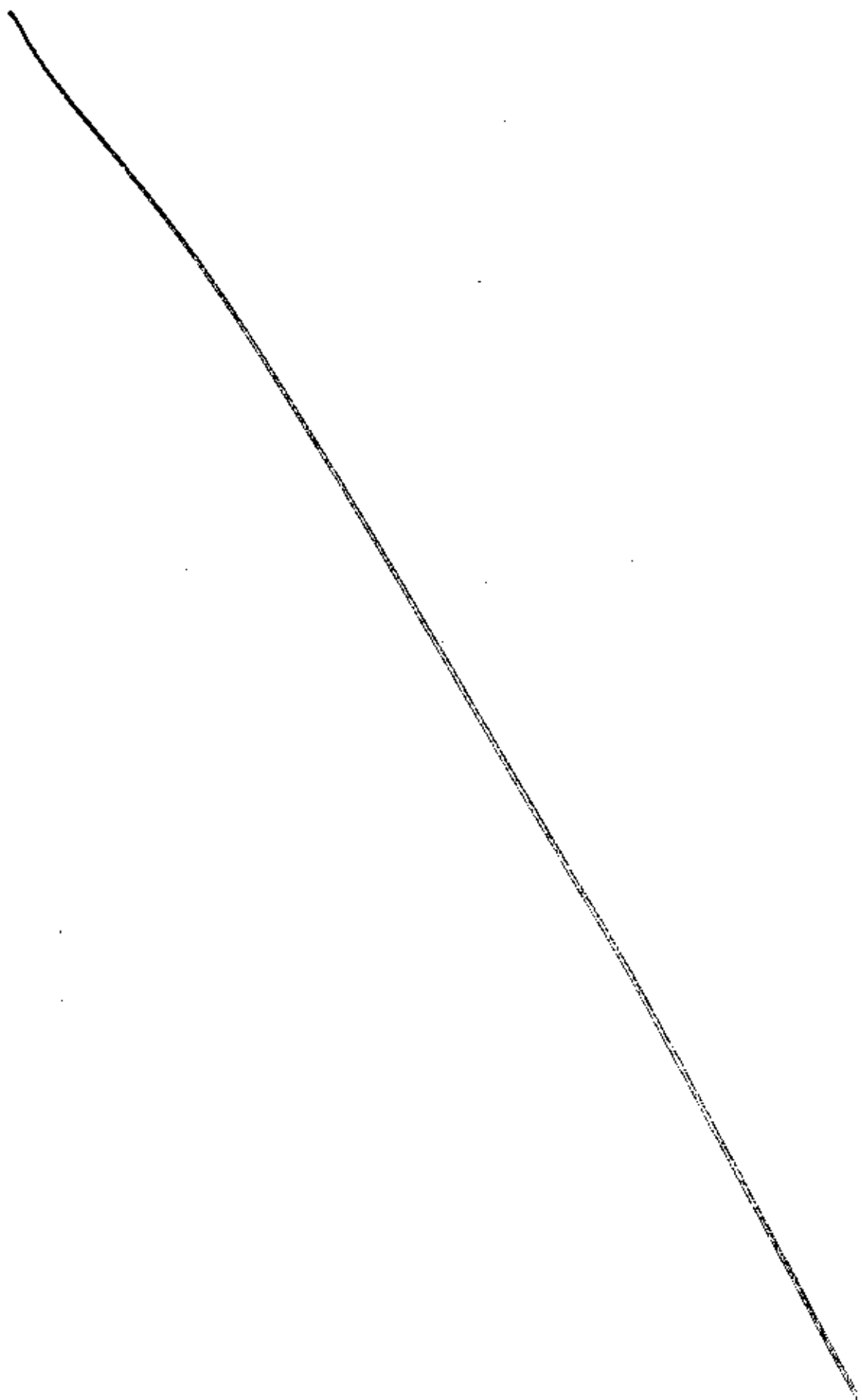
Under Secretary to the Govt. of India

Copy to :

1. Controller of Accounts, Ministry of Labour
2. PAC (MS), Ministry of Labour
3. B&A Section


(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

-679-

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. Mungekar 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.

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1.4. The meeting of the Working Group on "Labour Laws and Labour Regulations" was held under the Chairmanship of Secretary (L&E) on 8th 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-I 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-II.

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

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
(a) Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement	
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 Construction 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

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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 38th Session of Indian Labour Conference held on 28-29 September 2002, a National Seminar on

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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 39th 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 18th November 2005 and Members / Experts of NAC / National Commission for Enterprises in the Unorganized Sector on 22nd November 2005 .

5.5. As a follow up of the Minutes of the Meeting presided over by Hon'ble Prime Minister on 18th November 2005, a meeting was held with LIC under the Chairmanship of Member, LEM, Planning Commission on 20th 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 16th May, 2006. The Consultative Committee attached to Ministry of Labour and Employment also discussed the proposal on 17th 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.

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(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 4th 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 22nd 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

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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 16th 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 5th September, 2005. The **Payments of Wages (Amendment) Act, 2005 (41 of 2005)** has been notified by the Ministry of Law and Justice on 6th September, 2005. Subsequently, the Ministry of Labour and Employment has issued notification No. SO 1577(E) dated the 8th November 2005 to enforce the amended provisions w.e.f 9th 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 23rd January, 2006 and 22nd 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 19th 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 3rd 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

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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

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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 taking to 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 stake holders 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.
