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Legislative Department

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

(f). the payment of a subscription by members of the trade union as prescribed under this Act;

(g). the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on any member;

(h) the annual general body meeting of the members of the trade union, the business to be transacted at such meeting, including the election of office bearers of the trade union;

(i). the manner in which the members of the executive and the other office bearers of the trade union shall be elected once in a period of every two years and removed and filling of casual vacancies;

(j). the safe custody of the funds of the trade union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the office bearers and members of the trade union;

(k). the manner in which the rules shall be amended, varied or rescinded; and

(l). the manner in which the trade union may be dissolved.

18. **Registration of a Trade Union**

(1) If the information furnished by the trade union which has made the application is complete in all respects the Registrar shall make an order within 60 days from the date of receipt of the application for registration of the Trade Union for either granting or refusing to grant the registration and shall communicate his order to the applicant union.
Provided that where the Registrar refuses to grant the registration he shall state the reasons 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 5 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 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.
(a) on the application of the trade union to be verified in such manner as may be prescribed;

(b) if the union had obtained the registration by misrepresentation or fraud or mistake;

(c) if the union has failed to maintain the accounts or to submit the annual return in the prescribed manner or within the prescribed period or the annual return submitted by it is false or defective and the defect is not rectified within the prescribed period;

(d) if the trade union has wilfully after the notice from the Registrar contravened any provision of this Act or rules made thereunder or has contravened its constitution and rules;

(e) if the trade union has not held its elections as prescribed under this Act within the prescribed period;

(f) if the trade union has made or allowed to continue any provision in its constitution and rules which is inconsistent with this Act or rules made thereunder or has rescinded any of its rules providing for any matter, provision for which is required to be made by section 17.

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

(g) if the trade union no longer fulfills the requirements of registration as prescribed under section 13.

(2) A certificate of registration of a trade union shall be cancelled by the Registrar where a Labour Court or the Central or the State Labour Relations Commission or the National Labour Relations Commission has made an order for cancellation of registration of such union.
(3) While cancelling the certificate of registration of a trade union the Registrar shall record the reasons for doing so and communicate the same in writing to the trade union concerned.

21. Appeal against Non-Registration or Cancellation of Registration

(1) Any person aggrieved by the refusal of the Registrar to grant registration to a trade union under section 18 or by cancellation of a certificate of registration under section 20 or if the Registrar has not acted within 60 days on the application for registration may within such period as may be prescribed prefer an appeal to the Labour Court whose decision shall be final.

(2) The Labour Court may after giving the parties concerned an opportunity to be heard dismiss the appeal or pass an order directing the Registrar to register the trade union and to issue a certificate of registration or set aside the order of cancellation of certificate of registration as the case may be and forward a copy of the order to the Registrar.

22. Registered Office of the Trade Union

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

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

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

24. Incorporation of a Registered Trade Union

Every registered trade union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal
with power to acquire and hold both movable and immovable property and to
contract, and shall by the said name sue and be sued.

25 Certain Acts not to Apply to Registered Trade unions

The following Acts namely:

(a) the Societies Registration Act, 1960

(b) the Cooperative Societies Act of the Central Government & similar
enactments of the State Governments, and

(c) the Companies Act, 1956

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

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

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

(a) the payment of salaries, allowances and expenses to office bearers of the
trade union;

(b) the payment of expenses for the administration of the trade union
including audit of the accounts of the general funds of the trade union;

(c) the persecution or defence of any legal proceeding to which the trade
union or any member thereof is a party when such prosecution or
defence is undertaken for the purpose of securing or protecting any
rights of the trade union as such or any rights arising out of the relations
of any member with his employer or with a person whom the member
employs;

(d) the conduct of individual, industrial or trade union disputes on behalf of
the trade union or any member thereof;

(e) the compensation of members for loss arising out of any individual cr
industrial dispute;

(f). allowances to members or their dependants on account of death, old age, sickness, accidents, or unemployment of such members,

(g). the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment,

(h). the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or the dependants of members;

(i). the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workers as such;

(j). the payment, in furtherance of any of the objects on which the general funds of the trade union may be spent, of contributions to any cause intended to benefit workers in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one fourth of the combined total of the gross income which has up to that time accrued to the general funds of the trade union during that year and of the balance at the credit of those funds at the commencement of that year; and

(k). subject to any conditions contained in the notification, any other object notified by the appropriate Government in the (official gazette).

27. Constitution of a Separate fund for Political purposes

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

(2) The objects referred to in sub section (1) are—
(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) the maintenance of any person who is a member of any legislative body constituted under the constitution or of any local authority; or

(d) the registration of electors or the selection of a candidate for any legislative body constituted under the constitution or of any local authority; or

(e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub section (1) and a member who does not contribute to the said fund shall not be excluded from any benefits of the trade union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the trade union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the trade union.

29. Immunity from Civil Suit in Certain Cases

(1) No suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any office bearer or member thereof in respect of any act done in contemplation or furtherance of an individual dispute, industrial dispute or trade union dispute to which a member of the trade union is a party on the ground only that such act
induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he desires.

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

29. Criminal Conspiracy in Industrial Disputes

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

30. Enforceability of Agreements

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

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

31. Bar on Membership of Multiple Unions

No worker shall be a member of more than one trade union at a time.
32. **Right to Inspect Books of Trade Union**

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

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

Any person who has attained the age of fifteen years may be a member of a registered trade union subject to any rules of the trade union to the contrary, and may, subject to as aforesaid enjoy all the rights of a member and execute all instruments and given all 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.
(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 the 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 19, change its name.

39. **Amalgamation of Trade Unions**

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

(1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the trade union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every trade union which is a party thereto, shall be sent to the Registrar, and where the head office of the amalgamated trade union is situated in a different state to the Registrar of such state.

(2) if the proposed name is identical with that by which any other existing trade union has been registered or in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub section (2) the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in Section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the State in which the head office of the amalgamated trade union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the trade union formed thereby is entitled to registration under section 18, register the trade union and the amalgamation shall have effect from the date of such registration.

41. Effects of Change of Name And of Amalgamation

(1) The change in the name of a registered trade union shall not affect any rights or obligations of the trade union or render defective any legal proceeding by or against the trade union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.
(2) An amalgamation of two or more registered trade unions shall not prejudice any right of any such trade unions or any right of a creditor of any of them.

42. Dissolution

(1) When a registered trade union is dissolved, notice of the dissolution signed by seven members and by the secretary of the trade union shall, within fourteen days of the dissolution, be sent to the Registrar, and such union shall be deregistered by him if he is satisfied that the dissolution has been affected in accordance with the rules of the trade union, and the dissolution shall have effect from the date of such deregistration.

(2) Where the dissolution of a registered trade union has been registered and the rules of the trade union do not provide for the distribution of funds of the trade union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

43. Annual Returns

(1) Every registered trade union shall forward annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of such registered trade union during the year ending on the 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.
(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 allia sexual harassment of female workers, go slow, work rule, refusal to undergo training organised by employer at his cost without sufficient cause, etc.

(e) superannuation of workers;

(f) shift working of workers;

(g) method of filling vacancies, transfers, confirmation, secrecy to be
maintained by the workers, supply of copies of standing orders, 
(h). production norms and productivity, multi stuffing, job enrichment 
(i). medical aid in case of accident; and 
(j). any other matter as may be deemed appropriate by the Central Government.

(3) Appropriate Government may by making additional rules and additional 
Model Standing Orders provide for any matter as it may deem appropriate.

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

(1) The employer shall prepare draft the standing orders based on the rules 
and model standing orders and on any other matter considered necessary 
by him for incorporation in the standing orders for his establishment or 
undertaking considering the nature of activity in his establishment or 
undertaking provided such provision is not inconsistent with any of the 
provision of the Act and discuss and decide the same by agreement with 
the negotiating agent and forward a copy of the same for being certified 
by the certifying officer.

(2) Where no agreement is reached between the employer and the 
negotiating agent on the standing orders proposed by the employer in the 
draft or where there is no recognised negotiating agent in the 
establishment or undertaking the employer shall forward the draft of 
proposed standing orders to the certifying officer appointed by 
appropriate Government in respect of the establishment or in case of an 
undertaking the certifying officer appointed by the appropriate 
Government in respect of the Head office of the undertaking requesting 
the certifying officer to intervene in the matter.

(3) Where the employer has requested the certifying officer to intervene in 
the matter, as mentioned in sub section (2), the certifying officer shall
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.
46. **Interpretation, etc. of Standing Orders**

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

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

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

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

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

(1) Where any worker is suspended by the employer pending investigation or enquiry into complaints or charges of misconduct against him, such investigation or enquiry, or where there is an investigation followed by an enquiry both the investigation and enquiry shall be completed ordinarily within a period of ninety days from the date of suspension.

(2) The Standing Orders certified under sub-section (1) or sub-section (3) of section 46 or modified under sub-section (4) of that section shall provide
that where a worker is suspended as aforesaid the employer in relation to an industrial establishment or undertaking shall pay to such worker employed in such establishment or undertaking subsistence allowance at the rates specified in sub-section (3) of this section for the period during which such worker is placed under suspension pending investigation or enquiry into complaints or charges of misconduct against such worker.

(3) The amount of subsistence allowance payable under sub-section (2) shall be-

(a) fifty per cent of the wages which the worker concerned was in receipt immediately preceding the date of suspension, for the first 90 days of suspension;

(b) seventy five per cent of such wages for the next 90 days of suspension; and

(c) full wages for the remaining part of the period of suspension the total period of which shall not exceed one year and where the employer considers it necessary to keep the worker under suspension, he shall be liable to pay the worker his/her full wages for the period in excess of one year;

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

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

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

CHAPTER V

NEGOTIATING AGENT

52. Manner of collection of Subscription/Check Off System

(1) The provisions for certification of unions based on check off system shall apply to an establishment or undertakings wherein 300 or more workers are employed;

(2) Every member of a registered trade union of workmen shall authorise his employer, being an employer in relation to an establishment or branch unit or office of an undertaking in writing in such manner as may be prescribed, the deduction from his wages of monthly subscription payable by him, to the trade union of which he is a member and remittance thereof to such trade union in whose favour he has authorised the deductions of subscription from his wages and submit a copy of the same with the official of the establishment appointed by the employer for the purpose;

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

(3) The trade union shall prepare a list of authorisations received by it containing the names of the workers their token or ticket numbers, the shop, office or branch of an undertaking where the workers included in
the list are employed and forward the same to the employer and record of correspondence made in this regard by the trade union with the employer shall be maintained in its office;

(4) Every authorisation under sub-section (2) shall be valid for a period of four years and any document relating to such authorisation shall be maintained by the employer and the trade unions in such manner as may be prescribed.

(5) Every employer shall prepare and maintain a record of all authorisations received under sub-section (1) and the subscriptions deducted in such manner as may be prescribed and such record shall be available for perusal to every registered trade union.

53. Certification of Negotiating Agent Based on Check Off System

(1) Where a trade union has received authorisations for deduction of subscription from 66% or more of workers of an establishment or undertaking from their wages in its favour or where there is only one trade union, that union shall make an application to the appropriate Labour Relations Commission claiming certification of the union as single negotiating agent.

(2) Where no union has received authorisations in its favour from 66% or more of workers of the establishment or the undertaking, the unions having received authorisations from 25% or more of workers of the establishment or undertaking may by making an application to the appropriate Labour Relations Commission claim to be included as constituents of the negotiating college and such negotiating college shall be certified as negotiating agent in respect of the establishment or undertaking under this Act.

(3) The single negotiating agent or negotiating college to be certified as negotiating agent shall consist of such number of representatives to be nominated by the single negotiating agent or the constituents of negotiating college in proportion to their membership verified based on the check off system as may be prescribed.
54. Certification of Negotiating Agent by Secret Ballot in Certain Cases

(1) In any establishment or undertaking wherein there is more than one union and wherein less than 300 workers are employed, any party in relation to such establishment or the undertaking may approach the appropriate Labour Relations Commission for holding secret ballot for identification of negotiating agent instead of by the check off, and if the Labour Relations Commission orders the secret ballot to be held, the secret ballot shall be held in such establishment for determination of relative membership of the trade unions wherein all the workers shall be entitled to vote in favour of a union of their choice and in such establishments the certification of negotiating agent shall be in following manner.

(a) Where there is only one registered trade union of workers in an establishment, or undertaking that union shall be certified as single negotiating agent.

(b) Where a union has secured votes of 66% or more of workers of the establishment or undertaking in its favour at the secret ballot that union shall be entitled to be certified as single negotiating agent.

(c) Where no union has secured votes of 66% or more of workers in its favour at the secret ballot all the unions as have secured 25% or more votes at the secret ballot in their favour shall be included as constituents in the negotiating college, which shall be certified as negotiating agent in respect of that establishment or undertaking.

(2) The single negotiating agent or negotiating college to be certified as negotiating agent as per sub section (1) shall consist of such number of representatives to be nominated by the single negotiating agent or the constituents of the negotiating college in proportion to their verified membership based on the secret ballot as may be prescribed.

(3) Notwithstanding anything contained in sub section (1) where there is no union in an establishment a negotiating committee consisting of such
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 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
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
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
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 Workplace Act or any other body, whether or not established by or under this Act, in relation to the establishment or undertaking consisting of representatives of workers;

(l) to represent all or any of the workers of the establishment or undertaking before any authority under this Act,

Provided that where a union or unions are certified as negotiating agent being a single negotiating agent, or negotiating committee may represent all workers in any individual or industrial dispute and where a negotiating college is certified as negotiating agent such college may represent all workers in any industrial dispute and the individual constituents may represent their members in individual disputes.

(m) in the case of a registered trade union of workers certified as single negotiating agent or constituent of negotiating agent or college to collect sums payable by the members thereof to such registered trade union of workers by the check off system; and

(n) to exercise such other powers conferred on it by or under this Act.

Provided that a negotiating agent shall not disclose any information obtained by it under clause (h) or in pursuance of inspection of books of
account under clause (i) to any person for any purpose other than for the purpose of properly discharging its functions under this Act.

60. Rights of Other Unions in Certain Cases

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

(i) represent the workers who are its members in their individual disputes before any authority set up under this Act;

(ii) take up the matter of the workers who are its members with the management;

(iii) request the employer to deduct subscription payable by its members to the union from their wages and remit the same to the union;

(iv) have any other right as may be prescribed.

61. Protection of Conditions of Service

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

(a) alter to the prejudice of such worker the conditions of service applicable to him immediately before he became such office bearer, chairman or member; or

(b) discharge or punish (whether by dismissal or otherwise) any such worker for anything done by him as such office bearer or chairman or member, not being anything done in contravention of any provision of this Act or any other law except with the prior permission of the appropriate Labour Relations Commission.
62. **Penalty for Giving Authorisations in Favour of More than One Union**

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

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

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

**CHAPTER VI**

**STRIKES & LOCKOUTS**

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

1. No worker employed in any socially essential service shall go on strike unless

   (i) the strike has been called by the recognised negotiation agent, and

   (ii) the call for strike by the recognised negotiation agent has been preceded by a strike ballot, in which not less than 51% of the workers have supported the proposed strike.

2. The strike ballot would be conducted by the negotiation agent, under the overall supervision of officers appointed by the Registrar of Trade Unions of the local area and in case the strike is called in respect of establishment or undertaking having its branches or units in more than one state or union territory, the strike ballot would be coordinated by the Registrar in whose jurisdiction the Registered or the Head Office of the
undertaking is located but would be conducted by the Registrars of the respective areas.

(3) (i) If a recognised negotiating agent decides to conduct a strike-ballot, it shall inform the Registrar of Trade Unions of its intention to conduct a strike ballot together with details of issues/disputes involved, the total number of workers in the establishment or units, offices or branches of the undertaking, a list of such workers and such other details as may be prescribed. A copy of the notice shall be sent to the employer also. The Registrar of Trade Union shall appoint officers who shall conduct the secret ballot, with assistance of the workers of the establishment.

(ii) The Registrar may direct the employer of the establishment or undertaking to provide premises for the purposes of conducting of the strike ballot.

(iii) The cost of conducting the secret ballot would be borne by the recognised negotiation agent.

(iv) The appropriate government may prescribe rules for the conduct of strike ballot.

(4) The strike ballot shall be conducted as expeditiously as possible keeping in mind the number of workers involved, the number of branches/units of the establishment or the undertaking.

(5) (i) The negotiating agent shall send a copy of the notice of strike ballot to the Labour Commissioner of the State Government or Regional Labour Commissioner appointed by the Central Government and the Conciliation Officer in whose jurisdiction the establishment is situated.

(ii) The Conciliation Officer shall, on receipt of the notice or on getting information of the proposed strike ballot, initiate conciliation proceedings in the matter with a view to bring about a settlement of the industrial dispute.
(6) If not less than 51% of the workers in the establishment or the undertaking support the proposed strike, the strike would deemed to have taken place and the appropriate government shall forthwith refer the industrial dispute for arbitration by an Arbitrator or Arbitrators agreed upon by the employer and recognised bargaining agent or an Arbitrator or Arbitrators from the panel maintained for the purpose by the appropriate Labour Relations Commission.

(7) No employer of a socially essential service shall declare a lockout unless the decision to declare a lockout has been taken at the highest level of the management.

(8) (i) The decision to declare a lockout as indicated in sub-section (7), would be communicated to the negotiating agent and the Regional Labour Commissioner (C) or as the case may be the Labour Commissioner and the Conciliation Officer in whose jurisdiction the establishment or the head office is located.

(ii) The information in Clause (i) 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.
53. **General Prohibition of Strikes and Lockouts**

(1) Workers in an establishment or undertaking which is not socially essential service may go on strike if there is failure of negotiations and the employer has refused arbitration.

(2) No worker in any establishment or undertaking mentioned in sub-section (1) shall go on strike -

(a) unless a strike ballot is held in the manner prescribed in sub-section (3), (4) and (5) of Section 64 and not less than 51%, of the workers of the establishment or undertaking support the strike.

(b) a notice of strike is served by the negotiating agent in the prescribed manner on the matter in dispute on the employer of the establishment or the undertaking.

(c) within fourteen days of giving notice.

(d) before the expiry of the date of strike specified in the notice.

(e) during the pendency of conciliation proceedings and fourteen days after the conclusion of such proceedings.

(f) during the pendency of arbitration or adjudication proceedings on the matters in dispute.

(g) during any period in which a settlement or award is in operation in respect of the matters covered by the settlement or award except where the strike is commenced for seeking implementation of settlement or award.

(3) The notice of strike shall be served only by the recognised negotiation agent.

(4) An employer may declare a lockout if there is failure of negotiations on the matters in dispute and the negotiating agent has refused arbitration.
thereon provided the decision to that effect is taken at the highest level of the management except in case of grave threat to the establishment or management.

(5) No employer shall lockout any of his worker:

(a) without giving notice in the manner prescribed.

(b) before the expiry of the date of lockout specified in the notice.

(c) within fourteen days of giving such notice.

(e) during the pendency of conciliation arbitration or adjudicatory of proceedings.

(f) during any period in which a settlement or award is in operation in respect of the matters covered by the settlement or award except where the lock out is commenced for seeking implementation of settlement or award.

(6) An appropriate government may by a general or special order prohibit a strike or lockout and refer the dispute for adjudication.

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

(1) A strike or lockout shall be illegal if it is declared in contravention of sections 64 and 65.

(2) Three days' wages shall be deducted, by the employer, in respect of a worker who goes on an illegal strike for each day during which such illegal strike is continued.

(3) A union which leads an illegal strike would be derecognised and deregistered and office bearers of this union would be debarred from becoming office bearers of any union for a period of three years.
(4) An employer who resorts to an illegal lockout will be liable to pay wages equivalent to three days' wages to those workers who have been locked out for each day during which such illegal lockout 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:

(a) wages, including the period and mode of payment;
(b) contributions paid, or payable, by the employer to any provident fund or pension fund or for the benefit of the worker under any law for the time being in force;
(c) compensatory and other allowances;
(d) hours of work and rest intervals;
(e) leave with wages and holidays;
(f) starting, alteration or discontinuance of shift working otherwise than in accordance with standing orders;
(g) classification by grades;
(h) withdrawal of any customary concession or privilege or change in usage;
(i) introduction of new rules of discipline, or alteration of existing rules except insofar as they are provided in standing orders;
(j) rationalisation, standardisation or improvement of plant or technique which is likely to lead to retrenchment of workers;
(k) any reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or
department or shift (not occasioned by circumstances over which the employer has no control).

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

(ii) Within 21 days of giving of such notice

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

(2) The workers affected by such change or the negotiating agent in relation to such workers may object to the proposed change in the terms of employment or conditions of labour and, where the employer and the workers or the negotiating agent do not agree to the proposed change, the provisions of this Act shall apply in relation to such dispute as they apply in relation to any other industrial dispute.

(3) Notwithstanding anything contained in sub section (1) no notice shall be required under sub section (1) for effecting any change where the change is proposed to be effected in pursuance of any agreement, settlement or award of an Arbitrator or a Labour Court, Central or State Labour Relations Commission or the National Labour Relations Commission where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

(4) Where the employer and the negotiating agent fail to arrive at a settlement in regard to any change in respect of any matter relating to terms of employment or conditions of labour or the negotiations to arrive at a settlement continue for a period of more than sixty days, the
employer and the negotiating agent shall forward, jointly or separately in
the prescribed manner a report to the Conciliation Officer, having
jurisdiction in relation to the dispute, regarding the failure of the
negotiations or the continuance thereof as aforesaid and the facts of the
dispute and the provisions of this Act shall apply in relation to any
dispute in this regard as they apply in relation to any other industrial
dispute.

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

(1) Where an industrial dispute pertaining to an establishment or undertaking
is already pending before a Conciliation Officer or an Arbitrator or a
Labour Court or a Central or State Labour Relations Commission or the
National Labour Relations Commission, as the case may be with regard
to matters not covered by the notice of change issued by an employer
under section 67, no employer shall —

(a). in regard to any matter connected with the dispute alter to the
prejudice of the workers concerned in such dispute the terms of
employment or conditions of labour applicable to them immediately
before the commencement of such proceedings; or

(b). for any misconduct connected with the dispute, discharge or punish
whether by dismissal or otherwise any worker concerned with such
dispute,

    save with the express permission in writing of the authority before
    which the proceeding is pending.

(2) During the pendency of any proceeding referred to in sub section (1) the
employer may, subject to the other provisions of this Act —

(a). alter, in regard to any matter not connected with the dispute, the
terms of employment or conditions of labour applicable to that
worker immediately before the commencement of such
proceedings; or

(b). for any misconduct not connected with the dispute, discharge or
punish, whether by dismissal or otherwise, that worker:
Provided that no such worker shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the application is pending for the approval of the action taken by the employer.

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

CHAPTER VIII

RESOLUTION OF DISPUTES

69. Resolution of Individual Disputes

(1) In the case of an individual dispute, the worker or any registered trade union of which the worker is a member provided the union has at least 10% membership amongst the workers in that establishment, may refer the dispute to the Grievance Redressal Committee set-up by the employer in accordance with the rules made under this Act for a decision.

(2) Where the Grievance Redressal Committee is not able to settle the dispute within 30 days, or if no Grievance Redressal Committee is in existence, either partly 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).
(4) An individual dispute may be filed before a Labour Court by the aggrieved worker or the trade union to which he belongs provided such a trade union has at least 10% membership amongst the workers in that establishment, for adjudication of the dispute.

(5) (i) No application shall be made under sub-section (1) to the Grievance Redressal Committee after expiry of 3 months from the date of arising of the cause of action and no application shall be made under sub-section (4) to the Labour Court after the expiry of one year from the decision of the Grievance Redress Committee.

(ii) Provided that the Labour Court may entertain an application under sub-section (2) after the expiry of the aforesaid period if—

(a) the Labour Court is satisfied that the delay in making the application is for reasons beyond the control of the party making the application;

(b) the parties to the dispute making the application jointly agree that the application may be entertained notwithstanding the expiry of the aforesaid period of one year.

(6) Where an individual dispute relating to the discharge or dismissal of a worker has been filed before a Labour Court, Arbitrator, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission for adjudication and in the course of adjudication proceedings the Labour Court, Arbitrator, Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission is satisfied that the order of discharge or dismissal was not justified, it may by its award set aside the order of discharge or dismissal and direct reinstatement of the worker on such terms and conditions if any as it thinks fit and give such other relief to the worker including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.
Provided that where a worker has been discharged or dismissed from service after a proper and fair inquiry on the charges of violence, sabotage, theft, or assault and if the Labour Court, Arbitrator, the Central or State Labour Relations Commission or the National Labour Relations Commission, as the case may be comes to the conclusion that the grave charge or charges have been proved then the Labour Court or the Arbitrator or the Central or State Labour Relations Commission or as the case may be the National Labour Relations Commission shall not order reinstatement of the delinquent worker.

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

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

70. Collective Agreements

(1) Negotiations for an agreement on one or more issues may be initiated by either party, namely, the employer or the recognised negotiation agent by making request to the other party in the prescribed form provided there is no collective agreement already in force with respect to those issues.

(2) Every collective agreement shall be reduced to writing and signed by the authorised representatives of the parties and shall contain the following information, namely —

(a) the names of employers or employers' associations and the trade unions certified as negotiating agent or negotiating committee who negotiated the agreement;
(b) the period for which the agreement or settlement is concluded;

(c) the categories or classes of employees covered by the agreement;

(d) the agreed terms and conditions that are to govern individual employment relationships during its currency;

(e) method of settlement of disputes arising from the agreement between the contracting parties in connection with the application of the agreement including by an Arbitrator or a panel of Arbitrators;

(f) procedure for renewal or termination or alteration of the agreement.

(3) Every collective agreement shall be filed before the concerned Conciliation Officer appointed by the appropriate Government who shall maintain the collective agreement on his records till the validity of such agreement.

(4) Unless otherwise specified in the collective agreement, a collective agreement shall be binding on -

(a) all parties to the agreement;

(b) successors and assignees of the employer concerned;

(c) all persons who were employed in the establishment, or undertaking as the case may be, on the date of the agreement and all persons who subsequently become employed therein.

(5) A collective agreement shall come into operation on such date as is agreed upon by the parties and if no date is agreed upon the date on which the memorandum of agreement is signed by the parties concerned.

(6) A collective agreement shall be binding for such period as is agreed upon by the parties and if no such period is stipulated for a period of four
years from the date on which the memorandum of agreement is signed by the parties and shall continue to be binding on the parties after the expiry of the period aforesaid until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement, or until a new agreement is reached whichever is earlier.

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

71. Arbitration

(1) Where any industrial dispute exists or is apprehended and the employer and the negotiating agent is not able to mutually settle such dispute, they may agree to refer the dispute to arbitration by a written agreement, and the reference shall be to such person or persons as an Arbitrator or Arbitrators or a Lok Adalat as may be specified in the arbitration agreement.

(2) Where an arbitration agreement under sub-section (1) provides for reference of the dispute to an even number of Arbitrators, the agreement shall provide for the appointment of another person as umpire who shall enter upon the reference, and if the Arbitrators are equally divided in their opinion, the award of the umpire shall prevail and shall be deemed to be the arbitration award for the purpose of this Act.

(3) Where the parties agree to refer a dispute for arbitration but do not agree on the Arbitrator, the appropriate Labour Relations Commission shall nominate an Arbitrator or Arbitrators on the request of the parties or where there is difference or dispute about the cost of arbitration to be born between the parties the same shall be decided by the appropriate Labour Relations Commission keeping in mind the nature of dispute or the financial position of the parties.
(4) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.

(5) A copy of the arbitration agreement shall be forwarded to the Conciliation Officer and the appropriate Labour Relations Commission.

(6) The Arbitrator or Arbitrators shall investigate the dispute and announce the award. A copy of the award will be submitted to the appropriate government and the concerned Labour Court.

(7) Provisions of this Act in respect of arbitration shall prevail over any other law on the subject.

(8) Subject to the provisions of this Act, Arbitrator or Arbitrators shall follow such procedure as he or they may deem fit.

(9) An Arbitrator or Arbitrators may for the purpose of the inquiry into any dispute, after giving reasonable notice enter the premises of any establishment to which the dispute relates.

(10) The award of an Arbitrator or Arbitrators shall be in writing and signed by Arbitrator or Arbitrators.

(11) An arbitration award shall be final and shall not be called in question by any court in any manner whatsoever.

(12) An arbitration award shall come into operation with effect from such date as may be specified therein and where no date is specified, it shall come into operation from the date on which it is signed.

(13) An arbitration award shall be binding on -

(a) all parties to the dispute;

(b) all other parties summoned to appear in the proceedings as parties to the dispute unless the opinion is recorded by the Arbitrator or Arbitrators that they were summoned without proper cause.

(c) where a party referred to in clause (a) or (b) is an employer his successors or assignees in respect of the establishment to which the dispute relates;
(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
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 discussion 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.
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.

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.

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 members 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.

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.

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

(2) The Labour Relations Commission shall have the jurisdiction and exercise all the powers and authority exercisable in relation to an appeal against any order passed by the Labour Court.

(3) The National Labour Relations Commission shall have the jurisdiction and exercise all the powers and authority relating to (1) an appeal against an order or award by the Central Labour Relations Commission or a State Labour Relations Commission in cases where substantial question of law is involved (2) industrial dispute considered by the Central Government to be of national importance or where establishments situated in more than one state are likely to be interested in and central Government makes an application in this behalf to the National Labour Relations Commission.

(4) (a) Where the appeal against an order of a Labour Court in relation to the legality or otherwise of a strike or lockout the same shall be preferred within thirty days from the date of the order appealed against and the Labour Relations Commission shall decide such appeal within thirty days of the filing of such appeal.

(b) In other cases the period of limitation for filing an appeal under this section shall be sixty days; provided that the Labour Relations Commission may if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal within the said period of sixty days permit the appellant to prefer the appeal within a further period of sixty days.

(c) No proceedings before a Labour Relations Commission shall lapse merely on the ground that any period specified in relation to the determination of such appeal by the Commission had expired.

(5) The Labour Relations Commission shall have the same jurisdiction and exercise same powers and authority in respect of contempt of itself as a
High Court has and may exercise and for this purpose the provision of the Contempt of Courts Act, shall have effect subject to the modifications that—

(a) the reference therein to a High Court shall be construed as including a reference to the Labour Relations Commissions;

(b) the reference to the Advocate General in Section 15 of the said Act shall be construed, (i) in relation to the Central Labour Relation Commission as a reference to the Attorney General and the Solicitor General or the Additional Solicitor General and (ii) in relation to the State Labour Relations Commission as a reference to the Advocate General of the State and its equivalent in Union Territories.

(6) (a) Where benches of a Labour Relations Commission are constituted the appropriate Government may, from time to time by notification, make provisions as to the distribution of the business of the commission, amongst the Benches in consultation with the Labour Relations Commission and specify the matters which may be dealt with by each Bench.

(b) If any question arises as to whether any matter falls within the purview of business allocated to a Bench of the Labour Relations Commission the decision of the president of such commission shall be final.

(7) The order of a Labour Relations Commission shall be executed in the same manner as an order or a decree of a court is executed.

(8) On the application of any of the parties and after notice to the parties, and after hearing such of them as may desire to be heard, or on his own motion without such notice the president of the Labour Relations Commission may transfer any case pending before one Bench for disposal to another Bench.
(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 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: '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 ninety days in the case of a worker employed below ground in a mine; and

(ii) 240 days, in any other case;

b. for a period of six months, if the worker during a period of six calendar months preceding the date with reference to which calculation is to be made has actually worked under the employer for not less than:
(i) 95 days in the case of worker employed below ground in a mine; and

(ii) 120 days, in any other case

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

(i) he has been laid off under an agreement or as permitted by or under this Act or any other law applicable to the establishment;

(ii) he has been on leave on full wages earned in the previous years;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave, so however, that the total period of such maternity leave does not exceed twelve weeks.

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

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

Provided that workers engaged in any establishment which is of a seasonable character shall be entitled to compensation under this sub
section only in relation to any lay off during the season in which such establishment ordinarily carries on its activity.

(2) No compensation shall be payable by the employer under sub section (1) to a worker who has been laid off:

(a) if he refuses to accept any alternative employment in the same establishment from which he has been laid off, or in any other establishment belonging to the same employer situated in the same town or village or within a radius of 8 kilometres from the establishment, as the case may be, to which he belongs, and-

(i) such alternative employment does not, in the opinion of the employer, call for any special skill or previous experience and can be done by the worker;

(ii) the wages which would normally have been paid to the worker had he not been laid off are offered for the alternative employment also; and

(iii) the acceptance of the alternative employment does not involve undue hardship to the worker having regard to the facts and circumstances of his case; or

(b) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;

(c) if such laying off is due to a strike or slowing down of production on the part of workers in another part of the establishment.

(3) If during any period of 12 month a worker is so laid off for more than 45 days no lay off compensation shall be payable in respect of any period of lay off after expiry of first 45 days, if there is an agreement to that effect between the worker and the employer.
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.
(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:
(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 5 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.
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:

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

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

(7) Where no application for permission under sub section (2) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the worker shall be entitled to all the benefits under any law for the time being in force as if the establishment had not been closed.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub section (2) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where an establishment is permitted to be closed down under sub section (3) or where permission for closure is deemed to be granted under sub section (4), every worker who is employed in that establishment immediately before the date of application for permission under this section, shall be entitled to receive compensation as prescribed under section 84.

CHAPTER X
PROTECTION OF MANAGERIAL AND OTHER EMPLOYEES AGAINST UNFAIR DISMISSALS AND DENIAL OF REMUNERATION

86. Effect of Laws Inconsistent With the Act

The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or in any other law, contract of service, settlement or arbitration award.
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.
(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
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.
(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.
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 form 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.
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 be prescribed 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 set 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.
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 $12\frac{1}{2}$ (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.
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.
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;
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.
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.
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.
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.
(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
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.
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.
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 on 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.
111. No demand in regard to same matter to be raised so long as settlement or award is in force

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

CHAPTER XIII

PENALITIES

112. Penalties may be provided for:

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

113. Cognisance of Offences

114. Offences by a company
CHAPTER XIV

MISCELLANEOUS

115. Power of the Appropriate Government to Exempt

(1) Where the appropriate Government is satisfied that in an establishment or undertaking carried on by the department of that Government there are adequate provisions for resolution of individual as well as industrial disputes of workers through the machinery of joint consultation, administrative tribunals or otherwise, the appropriate Government may by notification exempt such establishment from any or all provisions of this Act.

(2) The appropriate Government may by notification exempt any establishment or undertaking from any or all provisions of this Act if it is of the opinion that the application of the provision or provisions is likely to cause extreme hardship to the establishment or undertaking or due to emergent situation arising in the establishment or undertaking it is necessary to exempt such establishment or undertaking from such provision or provisions.

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

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

(1) Subject to the other provisions of this Act where any difficulty or doubt or difference of opinion arises as to the interpretation of any provision of a settlement or award, a party to the settlement or in case of an award, a party to whom the award is binding may make an application to the Labour Court for interpretation of the provision of settlement or award.

(2) The Labour Court before whom such application is made shall after giving the parties opportunity of being heard decide such question and its decision in this regard shall be final.
117. Matters to be kept Confidential

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

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

118. Representation of Parties

(1) A worker who is a party to any proceedings under this Act in relation to an individual dispute shall be entitled to be represented in any such proceeding by:

(a) by himself or through an advocate duly appointed by him wherever permitted under this Act;

(b) an office bearer of a single negotiating agent or constituent of the negotiating college certified under this Act as negotiating agent if he is a member of such single negotiating agent or constituent of a negotiating college;
(c) by an office bearer of a registered trade union of which he is a member if such registered trade union has at least 10% membership amongst the workers of the establishment where such worker is employed.

(2) No person or a trade union other than the negotiating agent as certified under this Act shall represent the workers of the establishment in any proceedings in relations to any industrial dispute under this Act.

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

(3) An employer who is a party to any proceeding in relation to any individual or industrial dispute under this Act shall be entitled to be represented in such proceedings by —

(a) by himself or through an officer of an establishment duly authorised in this behalf or an advocate wherever permitted under the Act;

(b) an office bearer of a registered trade union of employers of which he is a member;

(4) No legal practitioner shall be permitted to represent any party in any proceedings in relation to any individual or industrial dispute before a Conciliation Officer or a Lok Adalat.

(5) Notwithstanding anything 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.
219. 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.
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
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
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 Panchayti Raj Institutions and NGOs by allotting code numbers to state and allotting district wise and WFC-wise codes. It shall advise the District Boards for allotting registration numbers to unorganised workers. In the event of registration number of a worker changing on his migration from one place or district or state to another place or, district or state, a new number shall be allotted upon surrender of the previous one and after ensuring carry forward and transfer of all accumulated benefits under the previous registration. It may be achieved by networking using Information Technology.
(c) It shall ensure collection of cess from the employers in employments covered under respective schemes framed for setting up of employment-based boards on the advice of State Boards.

(d) It shall endeavour that the schemes framed by different States and the States Boards for setting up employment-based Welfare Boards for similar employments are of similar nature.

(e) It shall allocate the funds to State Boards 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.
(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
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 co-ordinated, cutting down delays and red tapeism.

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.
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-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.

5. 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 entitled to social security protection, namely, old age, invalidity, group insurance, sickness, medical and employment injury benefits.

3. The woman worker shall be eligible for maternity benefits and childcare/daycare facility while on work.

4. The Central or the State Board through its machinery or schemes visualized for workers in all sectors will implement the social security services.

5. The State Board may frame schemes for grants to workers and loans for housing, drinking water, sanitation and other infrastructural facilities.

6. The local authorities will create and invest their resources to develop better living conditions for the workers by providing amenities like housing, safe drinking water, sanitation etc.
7. The State Board shall encourage alternate insurance for employment injury to cover employer’s liability under Workmen’s Compensation Act.

20. Health and safety

Work shall be permitted only in safe and healthy environment and working places. The State Government may frame appropriate rules in this regard.

21. Working Hours, Holidays etc

1. Workers shall have sufficient rest, leisure, holidays, leave and optimal working hours.
2. Maximum working hours per day shall be nine hours a day and 48 hours a week.
3. Intervals for rest of at least half an hour shall be provided after five hours of work.
4. The total number of hours of work including rest interval, shall not exceed ten and half-hours in any day.
5. Worker shall be given one holiday in each week.
6. Workers shall be paid overtime wages in respect of extra hours of work put in by them on and above the hours of work mentioned at 2 above.

22. General provisions

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

Part VI

23. Education, training and skill development

1. It will be workers’ duty and right to undergo skill development and on-the-job training, upgradation training, literacy and workers education sessions.
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-parte or multi-parte 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.
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 to
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 required:

(i) 'Appropriate Government' means, in relation to an establishment under the control of the Central Government or a Railway Administration or a Major Port or a Mine or Oilfield, the Central Government, and in all other cases, the State Government;
(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.
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 rehabilitation 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.
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.
(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 of 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 woman.

**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 thousand 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.
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 S lead Cigar Workers (conditions of service) Act 1966

9. **Procedure Relating to Offences:**

   (1) Any trade union, NGO, or inspector under the Act may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.

   (2) In the absence of any other documentary evidence, a certificate as to the age of child, which has been granted by prescribed medical authority, shall, for the purpose of this Act, be prima-facie evidence as to the age of the child to whom it relates.

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

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

10. **Dispute as to Age**

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

(1) The appropriate Government may appoint Inspectors for the purposes of securing compliance with the provisions of part II and part III of the Act.

(2) Every inspector appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

12. Power to make rules:

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

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

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

14. Certain other provisions of law not barred:

Subject to the provisions contained in Section 7 the provisions of this Act and the rules made thereunder 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 1886 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken under the Act so repealed shall in so far as it is not inconsistent with the provision of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.
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.
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.
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.
## Segmentation of Labour

<table>
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<th>Type of Trade</th>
<th>Services incl. of Infrastruct.</th>
<th>Economy</th>
<th>Mfg. sector</th>
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<td>• Suppliers on seeds, manure</td>
<td>• Agroprocessing</td>
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<td>• Self employed footloose</td>
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<tr>
<td></td>
<td>• Factory based small scale</td>
<td>• Engg. Light &amp; Heavy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>industries e.g. tools, woollens</td>
<td>• Industrial – Steel, cement, Refineries</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hosiery</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Unorganised Sector

### Organised Sector

**Degree of Organisation of Labour**

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Agriculture</th>
<th>Non-Agriculture</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(numbers)</td>
<td>(numbers)</td>
<td>(numbers)</td>
</tr>
<tr>
<td></td>
<td>(millions)</td>
<td>(millions)</td>
<td>(millions)</td>
</tr>
<tr>
<td>1972-73</td>
<td>175</td>
<td>42.5</td>
<td>236.3</td>
</tr>
<tr>
<td></td>
<td>74</td>
<td>8</td>
<td>100</td>
</tr>
<tr>
<td>1977-78</td>
<td>195</td>
<td>54.5</td>
<td>270.7</td>
</tr>
<tr>
<td></td>
<td>72</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>1982-83</td>
<td>206.2</td>
<td>72.5</td>
<td>302.8</td>
</tr>
<tr>
<td></td>
<td>68</td>
<td>24</td>
<td>100</td>
</tr>
<tr>
<td>1987-88</td>
<td>206.4</td>
<td>89.9</td>
<td>322</td>
</tr>
<tr>
<td></td>
<td>64</td>
<td>28</td>
<td>100</td>
</tr>
<tr>
<td>1990-91</td>
<td>218.4</td>
<td>96.8</td>
<td>341.9</td>
</tr>
<tr>
<td></td>
<td>64</td>
<td>28</td>
<td>100</td>
</tr>
<tr>
<td>1993-94</td>
<td>242.5</td>
<td>104.6</td>
<td>374.5</td>
</tr>
<tr>
<td></td>
<td>65</td>
<td>28</td>
<td>100</td>
</tr>
<tr>
<td>1996-97</td>
<td>243.8</td>
<td>110.1</td>
<td>382.1</td>
</tr>
<tr>
<td></td>
<td>64</td>
<td>29</td>
<td>100</td>
</tr>
<tr>
<td>1999-2000</td>
<td>237.6</td>
<td>131.3</td>
<td>397</td>
</tr>
<tr>
<td></td>
<td>60</td>
<td>33</td>
<td>100</td>
</tr>
</tbody>
</table>

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**

Labour Force  
(406 mn)

- Workers/Workforce  
(397 mn)
- Unemployed  
(9 mn)

- Organised Sector Workforce  
(32 mn)
  - Organised Workers  
(31 mn)
  - Non-Organised Workers  
(1 mn)

- Organised Sector Workforce  
(365 mn)
  - Unorganised Workers  
(1 mn)
  - Unorganised Workers  
(364 mn)

Source: Based on information collected from Manpower Profile India: Year Book 2000 and Annual Report of Ministry of Labour
10.8 The distribution of employment in different segments of the informal sector is given in Figure 10.4. Approximately 67% of the workers are employed in the establishments either as workers, or as entrepreneurs.

Figure 10.4

Distribution of Employment in Different Segments of The Informal Sector

10.9 It may be mentioned that as data on skill levels is not readily available, it is difficult to quantify the level of skills in the labour force. However, a snapshot of the education levels of the Indian labour force in 1999-2000 reveals a dismal picture (refer Table 10.2 on educational attainments of the labour force) with about 44.0% of all workers being illiterate. It may be observed from the table that 51.3% of the total rural
area workers is illiterate while only 21.5% of the urban area workers is illiterate. About 22.7% of the total workforce had schooling only up to the primary level. Considering that workers need to have schooling at least up to the middle level and higher level for performing in the market, then only 33.3% of the workforce can be termed to be adequately qualified.

Table 10.2
Composition of Workers of Age 15 Years and Above by Level of Education 1999-2000
(All figures in percentage)

<table>
<thead>
<tr>
<th></th>
<th>Rural Areas</th>
<th>Urban Areas</th>
<th>All Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not literate</td>
<td>Literate &amp; Schooling up to primary level</td>
<td>With schooling up to middle &amp; higher level</td>
</tr>
<tr>
<td>Male</td>
<td>39.6</td>
<td>27.3</td>
<td>23.1</td>
</tr>
<tr>
<td>Female</td>
<td>74</td>
<td>15.5</td>
<td>10.5</td>
</tr>
<tr>
<td>Person</td>
<td>51.3</td>
<td>23.3</td>
<td>25.4</td>
</tr>
<tr>
<td>Male</td>
<td>16</td>
<td>22</td>
<td>62</td>
</tr>
<tr>
<td>Female</td>
<td>43.9</td>
<td>17.6</td>
<td>38.5</td>
</tr>
<tr>
<td>Person</td>
<td>21.5</td>
<td>21.1</td>
<td>57.4</td>
</tr>
<tr>
<td>Male</td>
<td>32.9</td>
<td>25.8</td>
<td>41.3</td>
</tr>
<tr>
<td>Female</td>
<td>69.3</td>
<td>15.8</td>
<td>14.9</td>
</tr>
<tr>
<td>Person</td>
<td>44</td>
<td>22.7</td>
<td>33.3</td>
</tr>
</tbody>
</table>

Source: National Sample Survey on Employment & Unemployment, 55th Round
10.10 Further, the category "middle school and above" includes all those who have had some middle school education even though they may have dropped out of the school before completing middle school. The provisional drop out rate at middle school levels was quite high at 42% in the year 1998-99. As per a rough estimate from the 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 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 the present.

**Figure 10.5**

Enrolment in Different Stages of Education as Percentage of Population

<table>
<thead>
<tr>
<th>Education Stage</th>
<th>Age Group (in years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Classes</td>
<td>6 - 11</td>
</tr>
<tr>
<td>Middle Classes</td>
<td>11 - 14</td>
</tr>
<tr>
<td>High/ Higher Secondary</td>
<td>14 - 17</td>
</tr>
</tbody>
</table>

Source: Compiled from data from Manpower Profile of India, Year Book 2000 & Report of Task Force on Employment Opportunities
10.12 While general education is required for most jobs, possession of "marketable skills" (or specific skills) is a must for the labour force for obtaining employment. The NSSO Survey on Employment & Unemployment (1993-94) gives information on the possession of 30 specific marketable skills, by persons in the labour force and the results are summarised in the Table 10.3. In the rural areas, only 10.1% of the male workers, and 6.3% of the female workers possessed specific marketable skills and in the urban areas, 19.6% of males and 11.2% of females possessed marketable skills. As per the report of the Task force on Employment Opportunities set up by the Planning Commission, about 12.3 million persons are expected to enter the labour force per year, aggregating 86.2 million persons between the year 2000 and year 2007 (Table 10.4). After allowing for underutilisation of seats in training institutions and some overlaps, the percentage of those entering the labour force with some degree of formal training is about 12% gross of the new entrants (about 1.5 million per year) into the labour force. It is estimated that a significant number of new entrants will be absorbed in various types of unskilled labour in agricultural & non-agricultural occupations, while the rest will enter the market with some skills.

Table 10.3

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

(All figures in percentage)

<table>
<thead>
<tr>
<th>Possession</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>No Skill</td>
<td>89.9</td>
<td>93.7</td>
</tr>
<tr>
<td>Some Skill</td>
<td>10.1</td>
<td>6.3</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Sample Persons</td>
<td>(183464)</td>
<td>(172635)</td>
</tr>
</tbody>
</table>

Table 10.4

Entrants to Labour Force Between 2000-2012

<table>
<thead>
<tr>
<th>Entrants to Labour Force</th>
<th>2000 to 2007</th>
<th>2007 to 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7 years</td>
<td>5 years</td>
</tr>
<tr>
<td>Rural Areas¹</td>
<td>52.40</td>
<td>40.30</td>
</tr>
<tr>
<td>Urban Areas²</td>
<td>33.80</td>
<td>28.10</td>
</tr>
<tr>
<td>All India</td>
<td>86.20</td>
<td>68.40</td>
</tr>
</tbody>
</table>

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

Notes: a. Corresponds to 1.8% per annum labour force growth scenario
1. excluding migrants from rural areas
2. including migrants to urban areas

10.13 It may be mentioned that only 5% of the Indian labour force in the age category 20-24 years, has obtained vocational training. The corresponding figure in other industrialised nations is much higher, lying between 60% and 80%, except for Italy, which is 44%. The corresponding percentage for Korea is very high at 96%. Even if India is benchmarked against developing nations, the Indian figure of 5%, is far behind Mexico at 28%, Botswana at 22% and Peru at 17%.

PRESENT METHODS OF SKILL ACQUISITION

10.14 At present, persons entering the labour workforce acquire skills from a variety of methods as given below.
a) Hereditary Skills Acquired In The Family. In traditional family based crafts e.g. pottery, carpet weaving, etc. the younger members of the family learn the art of the craft from senior members in the family. This is also the most common method for acquiring contemporary skills viz. tailoring, repair work etc.

b) Induction Training: In most organisations, immediately after an employee joins the organisation, he or she is sent for an induction which involves rotation through various departments and familiarisation with the normal practices of the department and method of work.

c) On The Job Training: This is the most popular method in the informal sector, wherein workers join as unskilled or semi-skilled workers and learn specific skills in the course of their employment. Larger industrial units also impart on the job training in a more structured manner through in-house training facilities.

d) Vocational Training In Specialised Institutions: Vocational skills are also acquired through formal vocational training in specialised institutions. There are 4274 Industrial Training Institutes (ITIs) in India, which impart training in 43 engineering and 24 non-engineering trades. Of these 1654 are in the government sector and the remaining 2620 institutes are in the private sector. The total seating capacity in these ITIs is 6.28 lakhs. Further, there are 6 Advanced Training Institutes (ATI) which are managed by the Central Government that provide training for instructors in ITIs and ATIs for Electronics & Process Instrumentation offering long and short courses for training of skilled personnel at technician level in the fields of industrial, medical and consumer electronics and process instrumentation. There are also proprietary
institutes organised as businesses, which provide training of various types in areas such as computer applications, readymade garments and hardware maintenance.

**e) Formal Apprenticeship:** Historically, apprenticeship was the principal means of training semi-skilled workers. At its simplest, it is by far the predominant mode of acquisition of trades, crafts and occupations. The most famous is the German "dual system" where apprenticeship is combined with school-based education. The Indian Apprenticeship Act, 1961, requires employers in notified industries to engage apprentices in specified ratios in relation to the workforce. Apprentices get trained for periods ranging from 6 months to 4 years and at the end of the period they are tested by the National Council for Vocational Training. The Apprenticeship Act thus serves two purposes: A) to regulate the programme of training apprentices in industry so as to conform to the prescribed syllabi, period of training etc. and B) to fully utilise the facilities available in industry for imparting practical training with a view to meeting the requirement of skilled workers.

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

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

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

<table>
<thead>
<tr>
<th>Department of Education, Govt. of India</th>
<th>DGSE, Ministry of Labour,Govt. of India</th>
<th>DWCD, Ministry of HRD, Govt. of India</th>
<th>Ministry of Rural Area &amp; Employment</th>
<th>Ministry of Industry, Govt. of India</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Vocational Education Secondary School Lower school First degree level</td>
<td>* Apprenticeship</td>
<td>* Apprenticeship Training Scheme (trade apprentices)</td>
<td>* Condensed courses of education &amp; vocational training</td>
<td>* Training through DCSSI institutes</td>
</tr>
<tr>
<td>* Vocational Education</td>
<td>* Apprenticeship Training Scheme (trade apprentices)</td>
<td>* Condensed courses of education &amp; vocational training</td>
<td>* Training through DCSSI institutes</td>
<td></td>
</tr>
<tr>
<td>* Technical Education</td>
<td>* Advanced vocational training scheme</td>
<td>* STEP</td>
<td>* Training activities of KVIC</td>
<td></td>
</tr>
<tr>
<td>* Community Polytechnic project</td>
<td>* Vocational Training Programme for women</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Shramik Vidyapeeths</td>
<td>* CSTRI * CSMI * CITS * FTIS</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

STEP: Support to Training & Employment Programmes for women
## Annual Training Capacity of Various Training Providers

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

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

c) 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

9) Small establishments unable to engage apprentices
Present & Future Challenges of Labour

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

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

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

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

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

2. Based on the paper received by the study group.
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 - 1.

### Table 10.7

<table>
<thead>
<tr>
<th>System</th>
<th>Countries</th>
<th>Main Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Co-operative&quot;</td>
<td>Austria, Germany, Switzerland, many countries in Latin America</td>
<td>Pressures to undertake training resulting from strong co-operation amongst employers' organisations, the state and trade unions</td>
</tr>
<tr>
<td>&quot;Enterprise-based&quot;</td>
<td>Japan</td>
<td>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</td>
</tr>
<tr>
<td>- Low labour turnover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Voluntarist</td>
<td>United Kingdom, United States</td>
<td>Few institutional pressures on firms to provide training</td>
</tr>
</tbody>
</table>
"State-driven" - Demand-led

States: Hong Kong, Malaysia, Republic of Korea, Singapore, Taiwan, China

Main Features:
- State plays a leading role in coordinating the demand for and supply of skills.
- Operates in an open and competitive economic environment.

- Supply-led

States: Economies in transition; many developing countries, especially in Asia & Africa

Main Features:
- Government takes on a prime responsibility for formal sector training in training institutes. Little or no pressure on employers to train.


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

10.23 In the "state-driven system" of the demand-led type, which is prevalent in the East and South East Asian economies, the education and training systems of these economies have to respond to rapid changes in the demand for skills. In this, the governments have played a key role, especially in meeting the demand for higher-level skills. In Singapore, the Skills Development Fund has financed a vast expansion of continuous training for all types of workers and has been an effective instrument of skill upgradation. In the "state-driven system" of the supply-led type, which was operational in many of the centrally planned economies of Eastern Europe and the erstwhile USSR, the training system was sustained through government
financing. It puts little or no pressure on employers to train and instead the government takes on the prime responsibility of running training institutes.

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

NEW APPROACH TOWARDS VOCATIONAL TRAINING ENABLING MULTI-SKILLING

10.25 New approaches towards vocational training have become imperative because of the expectations of the industry from the 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.
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.
c) To impart inputs to develop the ownership concept and to create a safe and pleasant working environment, by adopting the ‘5S’ 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 KAIZEN – 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
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.

- 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.

MODULAR APPROACH

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

**Figure 10.6**

Proposed Training Approach (Manufacturing sector)

![Diagram](image)

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

Source: Study Group Discussions
Figure 10.7
Proposed Training Approach (Paramedical)

MULTICRAFT SKILLS

PL 3
WARD TECHNICIAN → X-RAY TECHNICIAN → PHYSIOTHERAPY TECHNICIAN

PL 2
WARD ASSISTANT → X-RAY ASSISTANT → PHYSIOTHERAPY ASSISTANT

PL 1
WARD BOY → X-RAY BOY → PHYSIOTHERAPY BOY

PL = PROFICIENCY LEVEL

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.
b) The first Module P1 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 the 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 upgradation 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 fulfill 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
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

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td></td>
<td></td>
<td>C</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>4</td>
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</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>INSPECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>* CHECKING &amp; MEASURING</td>
</tr>
<tr>
<td>* SPC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSPECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>* MACHINING</td>
</tr>
<tr>
<td>* FITTING/ASSEMBLY</td>
</tr>
<tr>
<td>* FABRICATION/ SHEET METAL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAINTENANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>* MECHANICAL</td>
</tr>
<tr>
<td>* ELECTRICAL</td>
</tr>
<tr>
<td>* HYDRAULICS &amp; PNEUMATICS</td>
</tr>
</tbody>
</table>

Source: Study Group Discussions
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.
### 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 Paramedical field are:
   1. Ward Technician
   2. Operation Theatre Technician
   3. X-ray Technician
   4. Ophthalmic Technician
   5. Medical Lab. Technician

---

**Figure 10.10**

Cost Effective Training Plan (Optimal use of Training facilities)

<table>
<thead>
<tr>
<th>WEEK NO.</th>
<th>TRADE</th>
<th>AREAS OF TRAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GROUP 1: MILLING, TURNING, GRINDING, WELDING, ELECTRICAL, SHEET METAL WORKING, TPM, INSPECTION</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GROUP 2: INSPECTION, MILLING, TURNING, GRINDING, WELDING, ELECTRICAL, SHEET METAL WORKING, TPM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GROUP 3: TPM, INSPECTION, MILLING, TURNING, GRINDING, WELDING, ELECTRICAL, SHEET METAL WORKING</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GROUP 4: SHEET METAL WORKING, TPM, INSPECTION, MILLING, TURNING, GRINDING, WELDING, ELECTRICAL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GROUP 5: ELECTRICAL, SHEET METAL WORKING, TPM, INSPECTION, MILLING, TURNING, GRINDING, WELDING</td>
<td></td>
</tr>
</tbody>
</table>

Source: Study Group Discussions
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):
### TRAINING MODULES FOR SELF EMPLOYMENT

10.32 While developing modules based on proficiency levels $P_L$, $P_{L_1}$, etc. (Fig 10.6), one sub-module, covering necessary inputs useful for the trainee to engage themselves in self-employment 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 (paramedic - ward boy) sub sectors, this system is applicable for horizontal, vertical and diagonal upgradation of skills.
This system results in creating a multi-skilled workforce as well as in increasing the employability of the workforce.

RECOMMENDATION : COMPETENCY BASED TRAINING SYSTEM

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

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

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

The key features of this approach are:

a) Competencies to be demonstrated are derived from the job function/roles of different categories of employees.

b) The methodology for assessing the performance is based upon achieving specified competencies and is made public in advance.

c) The rate of progress through
the training programme is determined by demonstration of competency rather than time required for completion.

d) The learning programme is individualised as far as possible, through the use of instructional modules for each competency, which offer different instructional alternatives.

e) Some of the competencies like leadership, team work will be developed in group situations during the contact sessions.

**MODEL FOR COMPETENCY BASED TRAINING**

10.40 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)**

![Diagram of Competency Based Training Model]

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

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

10.42 Identification of competencies is done by analysing the job functions, receiving feedback from 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.
Table 10.8

Plumber Attendant (Competencies)

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

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

PREPARATION OF MODULES FOR INSTRUCTION

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

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

b) Modules are individualised to allow the learner to work at his own place.

c) It would blend theory and practice, reading, reflecting and acting.

d) It would include an objective assessment procedure to the extent possible, whether self-monitoring or requiring partner/observer or both.

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

PROGRAMME IMPLEMENTATION

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

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


a) Evaluation of Learners: Competency assessment is carried out through post test(s),
for each competency. A learner who demonstrates performance of the competency up to a predetermined 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.
RECOMMENDATION: COMPETENCY BASED CERTIFICATION SYSTEM

10.48 Many developed and developing nations the world over, have evolved a standard of certification of competencies at different levels. Applicable normally to formal education and training programmes, it can be extended to courses or modules in informal training programmes, as and when required. Some of the certification systems as they exist in foreign countries have been mentioned as Table 10.9.

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 workplace, 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.
**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/ KVKs, Community Polytechnics, Extension Centres of Agriculture/ Horticulture, Universities, NGOs, Professional Bodies & Associations, Chambers of Commerce and Industries, Confederation of Industries at district, state, regional and national levels etc., conducting a large variety of formal and non-formal training programmes. These sectors include: Agriculture and allied activities, Mining & Quarrying, Manufacturing, Electricity, Gas & Water Supply, Construction, Trade, Hotels, Tourism, Transport and Communication, Financial, Real Estate and Business Services, Community & Social Services and Personal Services. The annual training capacity of the various formal training providers has been given before in Table 6.
10.50 In order to make the infrastructure more productive and efficient, a national level certification for different trades/skills is recommended. An independent professional body needs to implement competency standards in all vocational trades. Active user involvement in defining quality standards and ensuring that these are duly implemented can be done only by involvement of user associations or individual experts from user sectors.

INDEPENDENT REGULATORY AUTHORITY

10.51 We, therefore, recommend that an independent regulatory authority be constituted by the Government, whose functions shall, among other things, include setting standards for skills required for a particular competency, standards for programme implementation and standards for accreditation of institutions imparting training programmes for skill development and retraining. Such an authority needs to have statutory powers in the formulation of policies (including the mechanism of fees and funding), action plans and programmes for providing a continuing, coordinated and fully integrated skill development programme. A case in example is the National Council for Vocational Qualifications (NCVQ), which was created in 1986 in the United Kingdom (UK). The NCVQ, in turn, accredited over 150 industry associations to develop standards for their industries. Supplementation of the NCVQ in UK gained momentum, though slowly, and by 1998 about 2.2 million NCVQ certificates were awarded. The NCVQ is now known as Qualification and Curriculum Authority (QCA). It enters into contracts with the National Training Organisation (NTO) to develop standards and provide training.

10.52 The independent National Authority will have the following functions:

a) Formulation of policies, action plans and programmes for providing a continuing, coordinated and fully integrated skill development programme

b) To set sector-wise standards for skill acquisition, development and training programmes
c) To work out plans for more participation and involvement of industry in vocational education

d) To allocate resources amongst programmes and schemes

e) To monitor and review various vocational education programmes and make changes based on the feedback

f) Accreditation of training institutions/organisations

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

CERTIFICATION SYSTEM

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

10.55 The credits will be valid for a pre-defined period, thereby necessitating revalidation of the competency. In case a person already possesses competencies, gained hereditarily, formally or informally, through distance learning systems such as internet, self-learning modules, previous work in a workplace 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
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
10.63 The competencies will be identified by interactions with the industry associations, by utilising the services of various specific institutions, and through detailed regular surveys. The aim of these surveys will be to project the nature and characteristics of the unorganised sector — its activities and its workers. They will contribute information that is relevant for structuring the curricula of Competency Based Training programmes.

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

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

**TRAINING OF RURAL LABOUR**

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

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

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

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

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

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

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

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

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

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

10.72 We, therefore, recommend that ITIs need to:

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

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

10.74 It may be mentioned that in 1997, a study was made in eleven ITIs in North India with the participation of senior officers from Directorate General Employment & Training (DGE&T), State Directorates, Confederation of Indian Industry (CII) and local industry representatives. In January 1998, CII organised a workshop on 'Industry-Institute Interface for the years 2000 and beyond. One of the major recommendations of this workshop was to set up an Institute Managing Committee (IMC) with the participation of local industry for at least one ITI in each State. It was also proposed that a Steering Committee at the State level, be constituted, which would decide the powers to be devolved to the IMCs. The suggested composition of the IMC with roles and responsibilities is mentioned as Appendix - IV.

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

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

RESPONSIBILITIES OF INDUSTRY

10.77 a) The local industry will assist in recommending and monitoring the future needs of the local areas and suggest the courses which the institute should focus on.

b) Selection of candidates at the entry level

c) Development of training curriculum and up
Recognition of blue collar workers by way of special awards and publicity material.

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
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.
(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.

10.85 Further, for granting the amounts to be paid by the Fund as an incentive to the organisations, certain norms may be required to be set. The organisations fulfilling the norms make an application, giving details of the training efforts being put by them. After evaluation of the quality of training efforts and the quality of trainees turned out, a committee may prescribe the grants. Guidelines for committee formation and identifying norms can be explored further in consultation with experts.
10.87 The grants offered to organisations by the Skill Development Fund as an incentive for promoting skills would also help in developing a training culture among employers as well as employees and ultimately, we believe it would help to build a world-class workforce for the nation. The fund would also encourage industries to further strengthen their training infrastructure and commitment towards training. Efforts could be directed towards identifying high-end skills, critical for economic growth and encouraging employers to invest in such skills. This will help in increasing the reach of training, to promote skill deepening and in enhancing the employability of the workforce.

COORDINATION OF TRAINING EFFORTS

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

WORKERS' EDUCATION

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

THE IMPORTANCE OF EDUCATION AND TRAINING

10.90 The emerging economic scenario has brought great changes not only to the ways of working and transacting business but also to the management of households, upbringing of children, cultural activities, leisure and social relationships. The success of all technical training will depend not only on the acquisition of work skills but also on the values and attitudes imparted by general education. Education and training also have
other objectives in addition to vocational ones, because they open up access to culture, to knowledge and to political and social life and are essential factors in the development of the individual and the values that guide the life of the individual and social groups. If the training of workers is purely technical, they are unable to adjust to new values, new concepts of the nature of work, new ways of interacting with their peers, colleagues and with work itself. This brings out the fact that workers’ education has to continue, and needs to upgrade itself, to meet the expectations of the target groups in order to achieve their goals.

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

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

b) To improve the bargaining power of the workers, through understanding of their rights and environment, and through organising and collective bargaining

c) To assist the worker in identifying skills he/she needs to pick up in order to improve value in the job market, and to provide the avenues for acquiring the skills

d) To encourage the workers to look at alternatives in organisation of their work, like worker cooperatives, in order to improve their collective bargaining power and their quality of work. Specialised programmes may also be conducted for creating interest in self-employment, or in the acquisition of skill upgradation in the situation of job loss
THE SCOPE OF THE EDUCATION PROCESS

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

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

10.94 The education programme should also look at issues of alternative forms of organisation as ways of improving the involvement and control of workers over their work. These include forms of self-organisation, including producer and consumer cooperatives and the Gandhian value of Trusteeship. These alternatives are particularly significant in the context of current business strategies of dispersal and contractualisation of work.

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

ORGANISATION OF THE EDUCATION PROGRAMME

10.96 As is evident, such a programme cannot be confined to the classroom. There has to be a context of continuous education. The education process should allow continuous interaction and consultation between various
participants in the labour movement. It should encompass the process of tripartite negotiations and collective bargaining between management, government and labour.

**OWNERSHIP OF THE PROGRAMME**

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

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

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

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

10.100 Initially, the focus of the programme of the Board was on industrial workers i.e. on workers of the organised sector. As an outcome of the recommendations of the Estimates Committee of Parliament in 1971, the Workers Education Review Committee in 1975 and the Ratification of ILO convention No. 141 concerning organisation of rural workers and their role in economic and social development in the year 1977, CBWE launched programmes for workers of the unorganised and rural sectors during 1977-78. Presently, the Board organises 20 to 25 types of programmes for the workers in the organised, unorganised and rural sectors.
10.10.1 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 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
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.
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17. Research and related activities
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20. Power of the Central Government or the State Government to direct inquiry in certain cases
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23. Penalties
24. Cognisance of offences
25. Limitation of prosecutions
THE OCCUPATIONAL HEALTH AND SAFETY BILL, 2002 (DRAFT)

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

It is hereby enacted as follows: -

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

2. **Definitions**
   "State" includes Union Territory.
   "Standards" include Rules, Regulations or Codes notified under section 15 of this Act.

(* More definitions to be added *)

3. **General Purposes**

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

(a) By encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new programmes and perfect existing programmes for providing safe and healthful working conditions.

(b) By providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions.
(c) By building upon advances already made through employer and employee initiative for providing safe and healthy working conditions.

(d) By providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(e) By exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety.

(f) By providing medical criteria, which will assure in so far as practicable that no employee will suffer diminished health, or functional capacity, or diminished life expectancy as a result of his work experience.

(h) By providing for training programmes to increase the number and competence of personnel engaged in the field of occupational safety and health.

(i) By providing for the development and promulgation of occupational safety and health standards.

(j) By providing an effective enforcement programme which shall include a prohibition against giving advance notice of any inspection and sanctions to any individual violating this prohibition.

(k) By encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws, by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith.

(l) By providing for appropriate reporting procedures with respect to occupational safety and health, such procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem.
(m) By encouraging joint efforts of labour and management to reduce injuries and disease arising out of employment.

(n) By encouraging interaction between the management and community, in general and other industries located in the vicinity in particular, in order to take appropriate remedial actions in case of an accident.

(o) By reviewing the provisions of law relating to workmen's compensation to determine whether the provisions are adequate and prompt.

4. **Applicability of the Act**

The provisions of this Act shall apply to:

(a) Factories as defined in the Factories Act, 1948.

(b) Mines as defined in the Mines Act, 1952.

(c) Plantations as defined in the Plantation Labour Act, 1951.

(d) Dock Workers as defined in the Dock Workers (Safety, Health and Welfare) Act, 1986.

(e) Establishments as defined in the Delhi Shops and Establishment Act, 1954 but also including all hospitals and educational institutions.

(f) Building Constructions Workers as defined in the Building and Other Construction Workers (Regulation of Employment, Conditions of Services) Act, 1996.

(g) Beedi workers as defined in the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

(h) Employees engaged in transport of goods and passengers.

(i) Employees engaged in agriculture, fisheries, sericulture, forests (etc.)

(j) Worker as defined in the Industrial Disputes Act, 1947. It would also include persons employed in supervisory, managerial or administrative capacity.

(k) All employees except those engaged in domestic work (excluding those in home-based industrial activity).

5. **Supercession of the existing laws**

The existing Acts relating to occupational health and safety shall be superseded and be replaced by the Occupational Health and Safety Standards as and when notified by the Central Government.
6. General duties of employers to employees
Every employer shall ensure to his employees, employment that is free from recognized hazards that cause or is likely to cause injury or occupational disease, and shall comply with the OHS standards prescribed under this Act.

7. General duties of Employers to persons other than their employees but who are on the premises of the employer
Every employer shall ensure and be responsible for the safety of persons who are on the premises of the employer, with his consent.

8. General duties of employers and self-employed persons to persons other than their employees and who may not be on the premises of the employer
Every employer will conduct his undertaking in such a way as to ensure that persons in the vicinity of the industry are not exposed to any hazard to their safety or health due to acts of omission 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.
(b) The Occupational Health and Safety Committee shall comprise the following members:

- DG: FASLI
- DG: MS
- Director, National Institute of Occupational Health
- Controller of Explosives
- Chairman, Central Pollution Control Board
- Chief Labour Commissioner (Central)
- Labour Commissioners of 3 States
- DG: ESI
- DG: Health Services
- 3 representatives of employers
- 3 representatives of employees
- 3 eminent persons connected with the field of Occupational Health and Safety
- Chairman of the OH&S Commission
- Members of the OH & S Commission
- Secretary of the OH&S Commission

(c) The terms of the following members shall be three years or co-terminus with their office whichever is earlier:

- Labour Commissioner of a State
- Representatives of employers
- Representatives of employees

Provided that all the above persons shall be eligible for reappointment to the Committee, the membership of the Labour Commissioner of a State shall rotate amongst Labour Commissioners of various States.

(d) Chairman of the Occupational Health and Safety Commission shall be the Chairman of this Committee.

(e) The Committee shall meet at least twice a year, but may meet as often as considered necessary.

(f) The Committee may constitute a sub-committee which will visit various industries to gain first hand knowledge of the conditions relating to occupational health and safety prevailing in such industries.
(g) The members of the Committee will work on an honorary basis but will be entitled to daily allowance and travelling allowance at the prescribed rates.

16. Occupational Health and Safety Standards

(a) The Central Government shall as soon as practicable during the period beginning with the effective date of this Act and ending three years after such date, promulgate specific or general standards of occupational health and safety for industries, processes and occupations.

(b) Every rule made under the Act shall be published in the official gazette and unless otherwise specified, shall take effect immediately on publication.

(c) The standards so framed shall be laid before both Houses of the Parliament within 6 months.

(d) These standards will be reviewed and, if necessary, revised on the basis of the recommendations of the Occupational Health and Safety Commission.

(e) The State Government may add to or amend the standards prescribed, without diluting the standards by the Occupational Health Safety Commission.

(f) The Central Government, in promulgating standards dealing with toxic materials or harmful physical agents, shall set the standard which assures, to the extent feasible, on the basis of the best available evidence or functional capacity, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to hazard dealt with by such standard for the period of his working life. Development of standards under this section shall be based upon research, demonstrations, experiments and such other information as may be appropriate.

(g) Any standard promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that the employees and users are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment and proper conditions and precautions of safe
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.
A certification that he has informed his employees of the application by giving a copy thereof to their authorised representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition to the appropriate government for a hearing.

(j) The appropriate government may, by an order, exempt the employer from complying with the mandatory standards for a specified period, on conditions which it feels appropriate, if it is satisfied that (i) the employer is unable to comply with a standard by the effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standards or because necessary construction or alteration or facilities cannot be completed by the effective date, (ii) the employer is taking all necessary steps to safeguard his employees against the hazards covered by the standard and, (iii) the employer has an effective programme for compliance with the standard at an early date. Provided that no such exemption shall be for more than one year. Provided further that such exemption may be renewed for a further period of one year subject to the employer furnishing details to the appropriate government that he has taken adequate steps to achieve the target of complying with the standards. Application for renewals must be received at least 90 days prior to the expiration of the order or the exemption.

17. Research and related activities

(a) The National Institute of Occupational Diseases in consultation with the Occupational Health and Safety Review Commission shall conduct or shall cause to be conducted research, experiments and demonstrations relating to occupational health and safety.

(b) The Central Government, on the basis of such research, demonstrations and experiments and any other information available
to it, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment including, but not limited to, the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work.

18. Training and employee education
(a) The Occupational Health and Safety Commission shall in association with the DG: FASL, 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
causes of the accident, fix responsibilities and suggest a plan of action for the future to prevent such accidents.

(b-i) The appropriate Government may direct a Chief Inspector or any other official under the control of the Government concerned or appoint a committee to undertake a survey on the situation relating to safety or health at work at any workplace or class of workplaces or into the effect of work activity on the health of the employees and other persons within and in the vicinity of the workplace.

(ii) The officer or the committee of persons mentioned in subsection:
- May, at any time during the normal working hours of the workplace, or at any other time as found by him or the committee to be necessary, after giving notice in writing to the employer, undertake such survey and the employer shall make available all records and afford all facilities for such survey including facilities for the examination and testing of plant and collection of samples and other data relevant to the survey.
- For the purpose of facilitating a survey under this subsection, every employee shall, if so required by the person or the committee conducting the survey present himself for such medical examination and furnish such information in his possession and relevant to the survey as may be considered necessary by the person conducting the survey.

(c) The person appointed to hold an inquiry under this section, shall have the powers of a Civil Court under the code of Civil Procedure, 1908 (V of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects, and may also so far as may be necessary for the purposes of the inquiry, exercise such powers of an Inspector under this Act as may be necessary; and every person required to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1960).

(d) The person or persons, or persons holding an inquiry under this section shall make a report to the Government concerned.

(e) The Government concerned may, if it thinks fit, cause to be published any report made under this section or any extracts therefrom.
The Central Government may make rules for regulating the procedure at inquiries etc. under this section.

21. Restriction on disclosure of information

(a) No person shall disclose otherwise than in connection with enforcement or for the purposes of any of the relevant statutory provisions, any information relating to any manufacturing or commercial business or any working process which may come to his knowledge in the course of his official duties under any of the relevant statutory provisions or which has been disclosed to him in connection with, or for the purposes of any of the relevant statutory provisions.

(b) Nothing in subsection (1) shall apply to any disclosure of information made within the previous consent in writing of the owner of such business or process or for the purposes of any legal proceeding (including adjudication or arbitration), pursuant to any of the relevant statutory provisions or of any criminal proceeding or proceeding before a tribunal under this Act which may be taken, whether pursuant to any of the relevant statutory provisions or otherwise, or for the purposes of any report of such proceedings as aforesaid.

22. Protection to persons acting under the relevant statutory provisions

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith or intended to be done under any of the relevant statutory provisions.

23. Penalties

Any person who wilfully violates the provisions of section 6 to 13, shall be punishable with fines which may extend to one lakh rupees. Regulations made under this Act as provided in Section 16, may prescribe higher penalties as warranted by the gravity of the offence.

24. Cognisance of offences

(a) No Court shall take cognisance of any offence punishable under this Act, except on a complaint made by or with the previous sanction in writing of an officer specified by the appropriate Government in this regard.

(b) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act.
25. **Limitation of prosecutions**

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

**APPENDIX IV**

**MODEL SAFETY AND HEALTH POLICY**

The Management recognises people as its most important asset and is committed to provide a safe and healthy work environment for those working on and visiting our operations. Management at all levels will be responsible and will be held accountable for the occupational safety and health performance of the Company. At the same time, it is the duty of every employee to work in a safe manner so as not to endanger himself and his colleagues at the work place and during travel.

Accordingly, the aim of the Management is to prevent injuries and occupational ill health through the following actions:

(a) Develop and design processes and plants which, as far as is reasonably practicable, and encompassing all available knowledge and information, are safe and without risk to health.

(b) Operate and maintain plants within the designated safety criteria throughout their working life.

(c) Develop, introduce and maintain safety and health management systems across the Company to meet the Company standards as well as statutory requirements for safety and health and verify compliance with these standards through regular auditing.

(d) Set annual improvement objectives and targets and review these to ensure that these are being met at the individual unit and corporate levels.

(e) Involve all employees in the implementation of this policy and provide appropriate training.
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(f) Provide for appropriate dissemination of information of safety and health at work through suitable communication networks both within the company and with external bodies.

THE VISION

The Management's vision is to be an injury and disease free organization.

We will achieve this through an Integrated Safety Management approach, which focuses on People, Technology and Facilities, supported by Management Commitment as the prime driver for ensuring a safe and healthy work environment.

RESPONSIBILITIES

Corporate

The Board of Directors of the company is committed to occupational safety and health performance of the Company. The Management will:

(a) Set mandatory standards and establish occupational safety and health improvement objectives and targets for the Company as a whole and for individual units, and ensure these are included in the annual operating plans.

(b) Formally review occupational safety and health performance of the Company once every quarter.

(c) Review safety and health at work when visiting units and recognize exemplary performance.

(d) Nominate:

- A senior line manager for occupational safety and health at the individual sites.
- Corporate safety and health coordinator(s).

The Management, through the nominated safety and health manager will:

(a) Ensure implementation of the policy and compliance with the standards stipulated under national/local legislation.

(b) Establish strategies for safety and health at work and key implementation steps.

(c) Establish appropriate management systems for safety and health at work and ensure auditing to verify compliance.

(d) Arrange for all employees, appropriate training in implementation of safety and health management systems at work and during travel.
(e) Ensure that all employees are made aware of individual and collective responsibilities towards safety and health at work and during travel.

(f) Establish appropriate systems to impart adequate induction training to all personnel on the company sites particularly at initial employment and change of jobs.

(g) Encourage development of inherently safer and cleaner manufacturing processes to further raise the standards of occupational safety and health.

(h) Arrange for expert advice on all aspects of occupational safety and health.

(i) Prepare an annual performance report on occupational safety and health.

(j) Maintain close liaison with appropriate industry and Government bodies.

**INDIVIDUAL UNITS**

The overall responsibility for safety and health at each unit will rest with the Unit Head, who will ensure implementation of the Management policy on safety and health at unit level. Concerned line managers/heads of department shall be responsible for safety and health at department levels.

In order to fulfill 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
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 three factors as the basis of the weakening of the legal protection of labour: (a) rapid changes in technology, including automation and technological obsolescence, which impacted the nature and structure of industry, (b) changes in the nature and structure of the working class, and (c) the rapid growth of unorganised sector. These factors acted as a push for the reform of the existing laws.

1.3 The Resolution also suggests 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, product and health hazards, to pay special attention to the problems of women workers, minimum wages, and to improve the protection and welfare of labour.

1.4 Factors shaping the need for a review arise from the experiences that all social partners, governments, workers and the State and Central Governments have had of the way the existing laws have worked. All these partners have complained that the laws are inefficient, ill suited to the needs of the labour, or that they have not been implemented. The Commission has examined the key issues and the institutional structures in the field of social security, wages for workers, and the labour laws for many years.

1.5 We do not feel that the terms are too narrow for a comprehensive review of all the issues. We feel that the two specific instructions, are only to give priority and focus to the issues 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 clear that it is not possible or desirable to make specific recommendations without a comprehensive study.
CHAPTER II
INTRODUCTORY REVIEW

2.44 One of the major concerns of developmental planning in the country has been the uncontrolled population growth. The decline in population growth has been painfully slow over successive decades, and has not been uniform across the States.

2.45 Urban population growth is now estimated to be about 21%. An understanding of the processes that affect this growth has been the theme of many studies. The growth in the urban population has been affected significantly by factors such as migration, birth rates, and death rates. Birth rates have declined while death rates have increased, leading to a decline in the proportion of children below the age of 15, and an increase in the elderly over the age of 60. These trends have a bearing on the problem of food supply. The country is a net exporter of food, with the rest of the world being a net importer. This situation is even worse in the case of rice. In 1951, 10.7% of the urban population had less than 7 years of schooling, while in 1961, 10.6% had 7 to 11 years, and 10.3% 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 1951-52 and 1961-62, the estimated total labour force grew from 282 million to 332 million or at an average annual rate of about 0.9%. The growth rate in urban labour force was 2.1% per annum, while in the rural areas, it was only 0.4%.

2.48 Beginning with the First Five Year Plan (1955-70), the gross domestic product increased at an average annual rate of 5% or more per year. This rate is much higher than that of the First Five Plan (3 to 4% per annum). Since the economic reforms were ushered in, the growth rate has picked up further and has been above 5% 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, 3.5% 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 declined from 50% in 1950-51 to about 35% in 1980-81 and further down to 28% in 1999-2000. The share of manufacturing, construction, electricity, gas and water supply sectors has remained very low, about 15% in 2013-14. The share of manufacturing, construction, electricity, gas and water supply sectors has remained very low, about 15% in 2013-14. The share of mining and quarrying has remained more or less at the same level in the subsequent years. The share of agriculture and allied activities accounted for an increasingly large share of the GDP over the years.

2.51 The organised sector of the economy has been growing faster than the unorganised sector. In terms of share of value added, the share of the former in the value added rose from 29% in 1950-51 to 49% by 2005-06, while the share of the latter, declined from 78% to 50% over the same period.

2.52 Widespread inequalities in income persist. Over a quarter of the population lives below the poverty line in both rural and urban areas, but the poverty rates have been coming down.

2.53 Work participation rates have remained stable, and varied around 44% in rural areas and 48% 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 in both the rural and the urban areas, being more marked in the rural areas and sharper in the case of women.

2.54 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 stagnation in public sector employment and decline in some sectors like banking.

2.55 The surveys of the National Sample Survey Organization (NSSO) shows that in the rural areas, 15.8% of the workers were self-employed, 8.8% were in regular salaried employment and the remaining 37.8% were working as casual labourers in 1980-81. The corresponding percentages for the urban areas were 11.1%, 7.5% and 1.8% respectively. The conclusion that emerges from these data are:

a) A steady decline in the proportion of self-employed in the rural areas, both among men and women.

b) A corresponding increase in the proportion of casual labour in the rural areas, both among men and women.

c) 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.

d) A gradual decline in the share of men employed in the case of women in rural areas.

2.56 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).

2.57 In 1999-2000, the usual Principal Status unemployment rate of the unemployed persons among the labour force was 1.8% 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 1.3% in rural areas and 4.7% in the urban areas.

2.58 Between 1995-96 and 1999-2000, which roughly coincides with the post-reform period, unemployment rates increased in rural areas according to the criteria and for both the sexes, while the rates declined for women in the urban areas. In the case of urban males, only the UES unemployment rate declined.

2.59 The National Commission on Labour that was appointed in 1976 was asked to review 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 proceed with a quick and brief review of the situation in the Plantations and Forestry, Mines and Quarrying, Construction, Textiles, Miscellaneous.
The chemical industry sees many labour-intensive processes and operations. Workers in the industry require specific education, training, and skills. This industry has a high percentage of women and girls employed, with women comprising 50-60% of the workforce in the industry. The chemical industry is undergoing a significant transformation, driven by the increasing demand for chemicals, plastics, and pharmaceuticals. The sector is expected to witness significant growth in the coming years, providing more job opportunities for workers who can meet the industry's requirements.
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. These included the manufacture of cotton textiles, where small factories produced goods for local consumption. The annual average earnings per worker in the textile industry (Rs. 712) was slightly lower than that of workers in other industries (Rs. 1,363).

2.248 As a result of this growing segmentation, the textile industry, like other industries, was dominated by large scale wage laboring structures.

2.249 A second factor in the growth of independent Employees' unions and economic unions, mainly in the new capital intensive industries, was the negotiation in the rise of the textile unions. These strikes were characterized by long strikes, substantial, sometimes in excess of seven percent, complete bypassing of wage agreements and significant use of violence against recalcitrant workers or opposing trade union centres. The changing industrial relations scenario in Bombay in the 1920s and 1930s was accompanied by changes in the industrial structure of the city and the position of the textile industry within it.

2.250 Whatever we have said in the earlier paragraphs should not be taken as an appreciation for the textile unions' style and tactics. We refer to them only to point out the cause and consequences of the long strikes. It is estimated that between 70,000 to 100,000 workers were dismissed, arrested or simply never took back. The strike seemed to have immensely strengthened the hands of the mill owners.

2.251 Another grave threat to the authentic trade union movement seems to be emerging from the unions themselves. They are also responsible for promoting policies that have benefited the workers. Many factions arise. The primary question is what are the methods or abnormal methods that these new trade union movements use and how can the authentic trade unions, with the management and industry, be helped to promote the strikes and tactics of these unions separate from the unions. The use of terror in any form will only militate against their objectives as in some cases where the workers 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 management from such forces.

2.252 There are trade union leaders who ask for the abolition of contract labor but ultimately prefer it. If the contract labor is given to them as 'legal' agents. This makes a mockery of the trade union movement and brings down the trade union leaders in the esteem of the masses.

2.253 There is another practice that undermines respect is that of persisting in permanent workers to get their jobs done through some workers or letting others work in their place, and taking a cut from the wages or their salaries. Similar is the effect of so called unions that take up the grievances of workers and charge a commission on the monies given they may secure.

2.254 A fourth practice that undermines the trade union movement is the tendency to convert unions into closed shops.

2.255 The trade union movement in India has now come to be characterized by multiplicity of unions, fragmentation, militancy, and a resistance that demands to play away from politically motivated Central Unions and the movement for cooperation and joint action.

2.256 The number of registered unions increased in the years from 1923 to 1938. But this was a reduction in the average membership per union and the number of unions submitted returns.

2.257 There are other unions that have been formed today leading to certain industries or employment, but this has not prevented the trade union movement. This includes the All India Central Council of Workers, All India Fishermen Workers Federation, and the Indian Alliance of Street Vendors.

2.258 The section of this movement in the trade union scene which we must refer to the increasing tendency on the part of trade unions to get together in all large struggle movements, to begin to learn, to struggle, and to support a struggle that one of them has launched.

2.259 We have witnessed such joint action in the Indian National Congress (INC) struggle against colonialism, the one day all India strike by all Central Trade Unions against disinvestment, privatization and the economic policies of the Government on 25th July 2001, and the strike organized by the Federation of Central Trade Unions against the fuel tax to open the coal sector to private industry.

2.260 Another recent feature is the readiness of the Central trade unions to accept the objective of raising funds, government policy, i.e., disinvestment, privatization, etc. In practice such actions were undertaken as a part of INC policy, the Ralliwan strike, the Government strike of the Central unions and the strike by electricity workers in Orissa.

2.261 Throughout the period between the setting up of the First Chamber of Congress in Calcutta in 1833 and Indian independence in 1947, we find the vision of Indian leadership, or Chambers of Commerce, that the role of business was to Indian business.

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

2.263 Two factors contributed to the development and growth of Indian chambers. Early in the twentieth century the Indian Chamber of Commerce, the Bombay Chamber of Commerce, and the Calcutta Chamber of Commerce, was established in the country, and Indian companies had a stake in the struggle. Through their chambers they participated in the national movement against the use of inferior goods. As a result of this movement, the British government refused to admit the use of state lands for the setting up of Indian companies and Indian Public Sector Development. As a result of this attitude Indian Chambers of Commerce agreed with the Indian National Congress and Congress leaders, and participated actively in the national movement.
3.37 The IDR Act resulted in more or less complete control by the bureaucracy on the industrial development of the country.

3.38 A new industrial policy was announced in 1956.

3.39 This policy divided industries into three categories. 13 basic and strategic industries were to be set up in the public sector, called Category I industries. In Category II industries, private enterprise could participate with public enterprises and was called the joint sector. All remaining industries falling in Category III were left to be developed by the private sector.

3.40 The Industrial Policy of 1956, for the first time, emphasized the role of semi-raw industries in providing employment, equitable distribution of national income and the effective reallocation of resources.

3.41 In April 1964, the Government of India appointed a Monopolies Inquiry Commission. This Commission drafted a bill 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 1966.

3.42 In July 1995, an Industrial Licensing Policy Inquiry Committee was appointed to examine the over-regulation in the 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 1996.

3.43 The Foreign Exchange 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.

3.44 The Policy Statement of 1973 drew in a list of Appendix I industries to be started by large business houses or the comprehensive plan of small industries was not affected. A Sainik for Industrial Assistance (SIA) was set up in November 1973, and an Industrial Insurance, Export Impulse, terms of foreign collaboration were brought under the SIA.

3.45 The launch of the Industrial Policy Statement of December 1977 was an effective promotion of cottage and small industries widely dispersed in rural areas and semi-urban towns. The fiscal grants of development of small-scale industries were taken away near the big cities to districts. The concept of District Industries Centres was introduced.

3.46 Within the SIA sector, a new concept of 'growth point' was introduced. The 'growth point' sector was to be given special attention and extended help.

3.47 The policy statement considerably expanded the list of reserved items for exclusive manufacture in the small-scale sector. The concept recommended by the Karve Committee was introduced in 1977 with 47 products. The list of these reserved items was 304 in 1977. The new policy expanded the list up to 689.

3.48 In 1982 and 1984, two major changes were announced. The first was the abolition of the IDR Act. The second was the introduction 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 1996.

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3.50 This chapter focuses on the impact of globalisation on the Indian economy.

CHAPTER IV
IMPACT OF GLOBALISATION

3.51 We propose to concentrate our attention on the impact of globalisation on the Indian economy. The current world economy is undergoing the greatest change since the second World War. This globalisation has transformed the way businesses operate and has reshaped the economic landscape. It has also brought about changes in the Indian economy.

3.52 The Indian economy has been affected by globalisation in various ways. The Indian government has taken steps to make the country more competitive in the global market. The government has also taken steps to improve the business environment and facilitate foreign investment.

3.53 The impact of globalisation on the Indian economy is significant. The Indian economy has been able to attract foreign investment and exploit its comparative advantage in labour-intensive industries. However, the Indian economy has also faced several challenges as a result of globalisation.

3.54 The chapter will discuss the impact of globalisation on the Indian economy and the government's response to these challenges.
Section A: General Provisions

4.1 Under the laws and regulations in force, any enterprise that establishes itself in China must comply with the relevant laws and regulations governing labor relations. The effective period of labor contracts is limited to a maximum of five years.

4.2 The labor contract, when concluded, is a legal document and binds both parties.

4.3 Article 13, 14 and 15 of the Contract Act, which regulate the termination of labor contracts, shall be applicable to the termination of labor contracts in China.

4.4 The labor contract is automatically terminated in certain circumstances.

4.5 Whenever dismissed by the labor union, the employer shall pay severance compensation, in accordance with the employee's length of service in the enterprise.

4.6 Article 33 of the Code stipulates that the labor contract cannot be canceled.

4.7 Labor disputes between foreign-invested enterprises and their employees may be settled through consultation or arbitration. If the parties fail to agree, they may submit disputes to the competent local labor arbitration committee for resolution.

4.8 According to the National Labour Law, the Chairman of the Labor Arbitration Committee shall not be a representative of the labor union. The arbitrator is an independent officer of the Government.

4.9 In general, more than 10% of the disputes led to a proof of the need to resolve the labor disputes committee and arbitration, and thus to the People's Court.

4.10 Enforceability of any kind to fulfill certain stipulated conditions before filing or setting off of any claim.
4.220 The iron and steel industry is affected because of global tensions. There is a glut in the global steel market.

4.225 The power sector industry is perhaps the most affected industry. Prices of steel, coal, and electricity have come down drastically during recent years and production in the power sector is no longer economical. The power sector is not in a position to compete with them. Work done in the sector has simply come to an end. There are new mechanisms in the industry to reduce the costs.

4.230 In the chemicals industry, the imports of petrochemicals, plastics, intermediates, and specialty commodities are coming at a cheaper rate from Europe.

4.235 Indian mining industries are also affected because of globalization. But for many years, the cost of production of FMCG is very high. However, the cost of production of coal is very high in India because of redactions in coal and other factors. Importing coal at a much cheaper rate is also helping industry at a much lower rate.

4.239 The list of industries affected by globalization is much longer. Because of these free trade agreements, industries like clothing, electronic goods, and so on have enjoyed a much better life. The textile and leather industries are affected because of cheaper imports and imports of various raw materials from China. The leather and textile industry is affected because of imports from China. In fact, cheap Chinese imports have affected a whole range of industries like electrical goods, autos, and so on. The textile industry, which is present all over the information technology, telecommunications, and entertainment industry. The other potential multi-nationals in India are pharmaceuticals and biotechnology industries.

4.243 Small-scale industries are more vulnerable to the new trends of globalization. The new economy seems to be at stake.

4.248 One of the characteristics of the new economic policy of liberalization is that the policy has concentrated on the private sector and particularly in attracting foreign investment and public borrowing. The liberal process has primarily benefited the public sector enterprises.

4.253 The new policy of economic liberalization has opened up many areas to the public sector and has resulted in the sector being more efficient and effective.

4.263 This is somewhat surprising since one would expect that during the previous turbulent decade, the industries, the central public enterprises generated Rs. 1,90,000 crore through internal accruals alone. There is hardly any evidence to show that the Government thinks that a reform process can stabilize the economy.

4.267 The Indian stock market is one of the oldest and is operating since 1875. In 1993, the Bombay Stock Exchange of India (BSE) was set up and since then the market has shown tremendous growth. This was the high point of the world stock market. The BSE index stood at 100 in 1991, followed by the sliding market of 1992.

4.272 A large number of existing Indian companies have raised resources in the stock market at low interest rates. One must say that because of globalization a new avenue of raising funds is a new avenue for Indian companies.

4.277 Thus, in addition to the abolition of FIIs on daily basis to 20% of any assets, there was considerable influence on the market behavior of stock exchanges.

4.282 Apart from raising funds in the international markets, the entry and participation in Euro markets has introduced a qualitative change in the Indian stock exchange as well. The technology of stock exchange operations has changed as well as the market with the introduction of new operations. Some consequences of globalization can be seen in the use of new technologies in the operations and new statements.

4.291 The Government policy during the 1990s was aimed at attracting foreign investment in all sectors. In this process, the role of globalization and the influence from international bodies like the IMF, World Bank, WTO etc., it seems that some of the major sectors of the economy did receive adequate attention. Here, for instance, agriculture and infrastructure industries which provide regular employment and also contribute substantially to the growth of the GDP.

4.296 During the years after economic liberalization, most of the public enterprises in their budget have reduced their investments and attention to the private sector.

4.301 Since insufficient investment is made in the agriculture and rural areas, the growth of production has been entirely dependent. Agriculture is a major part of the Indian economy and without proper investment, it is difficult to have good income.

4.306 Agriculture and other schemes contributing about 28% of GDP and increase of about 3% in total output would make an incremental contribution of 1.5% to real growth or output.

4.311 Another area of concern is the declining level of capital formation in agriculture. The investment in new capital formation has slowed down the pace and pattern of technological change in agriculture with adverse effect on productivity.

4.316 At the end of the last quarter of 2000-01, the total foodgrains study meeting called in February were 2,38,500 tonnes. Procurement prices offered to farmers by the Government are higher than the market price which could be obtained in the open market.

4.321 It will be interesting to note that:

While foodgrains production is on the upturn, procurement operations are increasing.

While food procurement is rising, prices are falling.

Supply demand mismatch is leading to build up of huge food stocks.

At current levels of average POS prices, food stocks can be used well for the next four years.

It is not clear how much of the demand for grains under POS. But it is not clear how much of the demand for grains under POS. But it is not clear how much of the demand for grains under POS. But it is not clear how much of the demand for grains under POS. But it is not clear how much of the demand for grains under POS.
consider issues like increase in productivity, cost reduction, financial difficulties of the employers, competition, market fluctuations, etc.  

76. In recent years, the incidence of layoffs has been increasing in the public sector, where the emphasis is on cutting costs and maximizing profitability. This has led to a decrease in the number of jobs, particularly in the lower and middle strata of the workforce. The layoffs are occurring across various sectors, including mining, manufacturing, and services. 

4.285 Globalization is affecting collective bargaining. In the public sector, the emphasis is on cutting costs and increasing efficiency. This has led to a reduction in the number of jobs, particularly in the lower and middle strata of the workforce. The layoffs are occurring across various sectors, including mining, manufacturing, and services. 

4.286 Since 1990s, a number of reforms have been introduced in the financial sector and a good number of structural and institutional changes have taken place in the financial system. 

4.287 The incidence of industrial conflicts seems to be on the rise. Most strikes and lockouts in the private sector do not seem to have been resolved to the satisfaction of the workers. Even resolution to conflicts in the public sector is not coming. The government has not been able to resolve the issues. 

4.288 The strikes and lockouts in the private sector have been increasing in recent years. This has led to a decrease in the number of jobs, particularly in the lower and middle strata of the workforce. The layoffs are occurring across various sectors, including mining, manufacturing, and services. 

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4.292 On 1 January 1995, the WTO (World Trade Organization) came into existence, and it was a significant agreement in its own right. As a result, the role of the WTO has been increased. 

4.293 In some countries, like chemicals, pharmaceuticals, household goods, etc., prices have been increased. In many cases, the increasing trend is in line with the general price trends in these countries. 

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- **The labor flows from India to the industrialized countries: 

  - ** Such policies are made on various scales of public policies. 

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

  - ** The migrants have been to the United States, Canada, and the United Kingdom, and in recent times some countries in Europe. 

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APPROACH TO REVIEW OF LAWS

CHAPTER V

...
5.18 Over-managed organisations are also a cause of poor work culture. It makes normal forms of work efficiency and the work hours per employee.

5.20 The work environment also plays a key 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 for the Government holiday. All commercial and industrial activities are closely connected with various departments of the Government and if the Government offices are closed, many commercial 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 granted - viz Independence Day, Republic Day and Gandhi Jayanti Day (October 2), two more days may be added to be observed by each state according to its own culture and needs. These two days must be observed as paid holidays in all Government offices.

5.31 The attitude to hours of work should not be rigid. The total number of hours per day should not be more than 9 hours, and hours of work per week should not be more than 48 hours. Within these limits there may be flexibility, and compensation for overtime.

5.34 Some of those who demand the right to leisure and free also want to bring about a fundamental change in the nature of occupation and employment. They want, in fact, to be on the basis of contracts for stipulated periods. This introduces a basic need for fundamental change in the current system in various social systems of employment. While we understand that non-permanent jobs or temporary assignments can be on contract for specified periods, we are programmed to think upon employment against permanent jobs as permanent service. Attempts to change the basis of tenure in all jobs (long-term, as well as non-permanent) to contractual, and for regulated persons, involves a basic change in attitude and norms. 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 proportioned to: (a) the evolution of a socially acceptable consensus on the new perception of the; (b) the resolution of a system of constant upgrading of employability through training in a wide spectrum of multiple skills, (c) the setting up of a system of social security that includes unemployment insurance and provisions for medical facilities; and (d) the institution of a mandatory system of two contracts-one, an individual contract, and the 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.
REVIEW OF LAWS

CHAPTER 8

The review of laws is an important aspect of understanding the legal framework within which a particular area operates. It involves examining existing laws, identifying any gaps or inconsistencies, and proposing potential changes or additions to ensure that the legal system is comprehensive and effective. This process is essential for maintaining the rule of law and ensuring that all members of society are protected and treated fairly.

The review of laws typically involves several stages. First, the current legal framework is assessed to identify areas that may require reform. This can be based on public feedback, legal analyses, or recommendations from legal experts. Once potential areas for reform are identified, further research and consultation may be conducted to gather more information and stakeholder input.

After thorough analysis, proposals for changes to the laws are developed. These proposals are then reviewed by relevant stakeholders, such as legal professionals, government bodies, and civil society organizations. Once approval is secured, the proposals are presented to the legislative body for consideration. If passed, the new laws become part of the legal framework, ensuring that they are in line with the needs and expectations of society.

The process of reviewing laws is ongoing and should be conducted regularly to ensure that the legal system remains relevant and effective. By continuously reviewing and updating laws, societies can adapt to changing circumstances and protect the rights and interests of all members.

In conclusion, the review of laws is a critical component of the legal system. It helps to maintain the rule of law and ensures that the legal framework is comprehensive and effective. Through systematic review and analysis, potential areas for reform are identified, proposals for change are developed, and new laws are enacted to uphold the principles of justice and fairness.
(a) Such work is as productive as possible
(b) There is freedom of choice of the employment and the fullest possible opportunity for each worker to qualify for, and to test skill and the advancement in a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

(3) The said policy shall take due account of the pace and 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. 4. The Committee was satisfied by a time when unemployment levels are high. Care, therefore, has to be taken that the Government is now committed to ensure an active policy designed to promote full, productive and freely chosen employment.

6. 9. From the committee of the Government of India, it can be a conclusion that the following rights of workers have been recognised as valuable 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) Inhibition of child labour
d) Just and humane conditions of work

e) Right to social security
f) Protection of wages including right to guaranteed wages
g) Right to hours of work
h) Right to organizational and trade union and collective bargaining, and
i) Right to participation in management.

6. 10. One cannot overlook the fact that the rights are also related to duties.

6. 11. Before all these in view, it would appear that perhaps the safest approach is to frame the concept of coverage under labor laws so as to define the organized sector as consisting of establishments which have a minimum employment limit.

6. 15. Whatever be the employment limit, there are certain provisions like maternity benefits, 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 that establishment, or the nature of its activity.

6. 17. The Committee has given considerable thought to the number of employees that should be set at the threshold point for the organized sector. It does not want workers who are already engaging in protection of laws for their protection or benefits of insurance for safety and security. Nor does it want to add to the problems of small enterprises, financial institutions, and other enterprises that affect the viability of their enterprises or components to work under assumption conditions. Owing to these factors, the Committee feels that a limit of 10 workers should be accepted as the socially defensible limit.

6. 18. The Committee considered the question whether there should be any advisory 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. The Committee held the view that the employment below 10 persons is not a small enterprise as per the definition given in the Factory Act. The definition given in the Factories Act is that an establishment is a small establishment if it employs less than 30 persons and more than 9 persons. However, the Committee held that the employment below 10 persons is not a small enterprise as per the definition given in the Factories Act. The definition given in the Factories Act is that an establishment is a small establishment if it employs less than 30 persons and more than 9 persons.
other provisions of the Trade Unions Act 1974 including the provisions to set up a separate police force may be desired to continue and appropriately included in the programme integrated law. However, care must be taken to ensure that the general threat of trade unionism are not used for political purposes.

5.59 We strongly believe in the role that independent arbitration, dialogue and negotiations can play in promoting industrial relations in a society. It is in the recognition of the role that workers and management have in the viability and success of the undertaking, our trade union movement today is fragmented. Everyone talks of the role of unity, the incentive need for unity today, but in practice, nearly everyone needs to be willing to give up separate identities. One of the ways to strengthen the incentives for reconciliation can lie in the field of employment and recognition, where the criteria for eligibility can be updated or at least progressively updated.

5.60 Negotiating agents should be selected for recognition on the basis of the check off system, with 45% of the trade union being the single negotiating agent, and if no chariot rate 60% support, then unions have the support of more than 25% should be given proportionate representation on the college.

5.61 The question of the method that should be used to identify the bargaining agent is the subject of discussion and debate for many decades now.

5.62 The Commission carefully considered the advantages and disadvantages of the relevant options. In dealing with this issue, we are in a position to believe that collective bargaining always has a strong trade union movement, which, in turn, demands an increasing degree of decentralisation. Any formula which matches the increasing decentralisation should, therefore, be made available.

5.63 Secret ballot area on a restricted basis is transparently and financially a difficult process in industries like railways, banks, post offices, mines and other undertakings operating in a number of states.

5.64 Check off system has the advantage of attaining the relative strength of trade unions based on increasing loyalty reflected by the regular payment of union subscription. The argument advanced against the check off system is that it empowers the loyalty of the worker and this may make him vulnerable to pressure from the management or persecution by members of other unions.

5.65 Check off system is an establishment employing 500 or more workers must be made compulsory for members of all registered trade unions.

5.66 Though the check off system will be preferred in the case of establishments employing less than 500 persons to the mode of identifying the negotiating agent in those establishments may be determined by the IUC. Any union in fact minor enterprises may approach the IUCs for obtaining a secret ballot. We are recommending a slightly different system for units employing less than 300. As we feel that it is in such units that the possibility of manipulation must to be provided against.
6. The support of the FIDP is one of the key issues in the implementation of the Social Justice Agenda, and the need to ensure that the benefits of the implementation of the Social Justice Agenda are inclusive and equitable.

6.5 The support of the FIDP is one of the key issues in the implementation of the Social Justice Agenda, and the need to ensure that the benefits of the implementation of the Social Justice Agenda are inclusive and equitable.
5. 88. Prior permission is not necessary in respect of lay off and re-engagement in an establishment of an employee's size. Workers may, however, be subjected to two notices in respect of any lay off in lieu of notice in case of re-engagement. We also note that the rate of re-engagement compensation should be higher in a lay off or re-engagement than in an establishment which is being closed. Again, we note that the rate of compensation may vary for different industries and profit making units even in cases of re-engagement. It would therefore, recommend that in the case of establishments employing 300 or more workers where lay off extends a period of one month, such establishments should be required to obtain prior approval of the appropriate government. We recommend that the provisions of Chapter VA pertaining to permission for closure should be made applicable to all establishments in order to prevent unnecessary disputes which are not always present at present. The provisions in case of a substantial closure or general lay off will have to be made accordingly. Every employer will have to ensure before a worker is declared in the establishment in closed, irrespective of the employment size of the establishment. That is due to the workers, be it any terms of wages earned, compensation amount to be paid for re-engagement or closure as indicated in the next paragraph, or any other amount due to the worker, are fixed as a percentage of termination or closure. These provisions are not for industrial negotiations but should be based on a lay off or re-engagement or closure. Having regard to the national security in this case and the national interest indicated above, the commission would like to recommend the compensation paid by completed period of service at the rate of 30 days on account of wages earned in case of such industry which has been continuously run into losses for the last 2 financial years or has been suspended for not paying wages etc. We have not come to any conclusion on the matter of compensation in case of closure. We have not come to any conclusion on the question of compensation in case of closure. However, we have recommended higher re-engagement compensation in the case of a substantial lay off or re-engagement or closure at the rate of 30 days wages for every completed period of service for profit making units. For establishments employing less than 100 workers, the compensation should be paid as per the provisions in the appropriate government mentioned above in terms of number of days wages which may be prescribed. However, these establishments will also be required to give similar notices as prescribed for larger establishments before terminating the services of any worker.

5. 90. We are recommending the introduction of the original threshold limit for prior permission, increased rate of compensation, consultation with the representatives of the workers without giving any notice to the LRC in cases of dispute, and legal provisions or review by the appropriate authorities that make it obligatory for employers to purchase insurance cover for employees.

6. 9. Apart from the above, we recommend that where the lay off or re-engagement should be paid at 30 days wages or at 60% of the wages as at present. In the case of substantial lay off, Chapter VA of the law may be amended to provide for 60 days notice for both lay off and re-engagement or closure or lay off 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 substantial lay off or re-engagement, Chapter VA should be amended. However, the employer will make an application for permission in the appropriate government within 90 days before the intended closure and also serve a copy of the same on the management.
to remain competitive. Therefore, regulations that control hours and not the performance of care providers/services activities may hinder the ability of care providers/services activities. However, specific targeted measures, like the additional pay for care providers/services activities, are necessary to ensure that certain care services are not transferred to other agencies or establishments. (2) where such services are being performed by employees on the payroll of the establishment, no transfer to other agencies should be made without compensating the employees (e.g., through hiring them as independent contractors) and (3) where the demand for care services does not involve any employee who is currently in service of the establishment. The management will have to justify the absence to social agencies. The contract labor will, however, be eliminated at the rate of a regular worker engaged in the same organization doing work of a comparable nature or if such work does not exist in the organization, at the present salary of a worker in a comparable position, e.g., unskilled, semi-skilled, or skilled. The principal employer will also ensure that the personal social security and other benefits are extended to the contract worker. Any is a reason that causes us to make this recommendation.

At the same time, we were told during this study that there were cases of contract workers making deductions from the wages of contract workers to their contract workers towards social security, and then deducting without deducting what is remitted from the workers or their own contributions into the appropriate social security fund.

6.113 The Commission would recommend that no work should be kept continuously as a casual or temporary worker against a permanent job for more than 6 years.

6.114 Minimum wage payable to workers in employment, in whatever occupation, should be set so that it would satisfy the needs of the worker and his family (assuming all in consumption units arrived at on the basis of the 15th Indian Labour Conference) represented by the recommendation made in the judgement of the Supreme Court in the Eamanns v. S. C. 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 an overtime wage, as defined below an appropriate rate which be 1.5 times or 2.5 times or 3.0 times of the basic wage. Any demand for bonus in excess of the above a minimum of 25% of the wages will be subject to negotiation. The recommend that the present system of bonus ratings for reducing entitlement for vacation at half of the wages should be abolished and the new rates should be fairly enhanced to Rs.750/- and Rs.250/- for entertainment and calculation respectively.

6.114 There should be a national minimum wage but the Central Government may notify it. The minimum wage must be raised from time to time. It should, in addition, have a component of increases allowance to be declared 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 will be employed anywhere, in whatever occupation, can be paid. This wage should not be reduced. Any state or local government may announce a minimum wage when a state or local government may announce a minimum wage, less than the national minimum wage, when necessary, wherever it considers it to be necessary.

6.115 Where wages are paid partly or wholly on piece rate basis the employer should pay at least 75% of the notified fine rates 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 rates wages must be done so as to enable a skilled worker to earn after 8 hours work what would be the time related daily rate.

6.117 We have been asked whether those who are employed in the relief work organized directly by the Government - or by NGOs on behalf of the Government - are paid the minimum wage. There is a case to distinguish between regular wage employment or leave or remuneration a return for some service for which opportunities are created under relief works. Where the nature of the work cannot be described as low, it is a case to believe that the remuneration must be equivalent to the minimum wage. We recommend that this distinction may be borne in mind in determining whether the return on minimum wages should be deemed applicable in this situation. If there is a dispute about this aspect, 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.

6.119 It may be that in respect of safety the supervision may have to be different for different work situations, but surely this does not call for serious laws.

6.120 We would recommend establishment 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 situations, one alternative is may be enacted, providing for different rules and regulations on safety applicable to different situations. (We have appended a short indication on times of work and other working conditions after this chapter and an omit this 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 or employment workers on overtime needs to be reduced, and we recommend that the present ceilings be increased to ensure greater flexibility in meeting the challenges of the market. Sub-section (2) of Section 54 of the Payment of Wages Act contains a provision that the State Government can also make regulations in certain circumstances. We recommend that each wage can be less than the national minimum wage. The Commission also recommends the abolition of the present system of minimum wages and fixing of minimum rates of wages periodically for each schedule of employment, since it feels that all workers in all employments should have the benefit of a minimum wage.
(vii) We feel that the Government may not be in a position to legislate separately for inter-state migratory workers who migrate on their own or to provide the benefits of the present Act by extending coverage to them in view of the constitutional provisions enabling 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 schemes would have to be made in the general law that we are recommending to keep proper records and access to information, employees in the host state be required to inform the state government as well as the Government of the state in which the worker belongs wherever they engage any worker from another state for work in the unorganized category.

There is no reason why the simplification of returns to be sent and registers to be maintained cannot be extended to all sectors, including social security. In fact, we would suggest that any legislation 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 recognized that the returns are being asked, 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 copy form. There is no reason why this should not be prescribed and given effect to.

132 As far as evidence sought by the Commissioner with regard to the Half-Day Workers in modern factories and handwork in textile, clothes and garments, the system seems to have been useful in certain areas such as the closed shop system of working where new entrants are not allowed, and daily work is allowed. The closed shop system has created problems for the unorganized who will work but are not able to get the work done as per their requirements. Perhaps better results can come from the system if these steps are taken to prevent the closed shop system and work by proxy.

133 Social security benefits, including accident insurance, is a sine qua non and also the starting point of labour protection and is not a remission of things, monetary benefits have no place. The State may consider assigning new categories in other ways.

134 We would broadly exclude from the coverage of social benefits that we propose, all functions and functions, including defence, police and armed forces, public service, services, services connected with land and order, the police, fire fighting, social and welfare, security work, including administration, justice, and external affairs, where the functions are not so very diverse 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 adequately protected, including protection of their right to form associations and interest as entrenched in Article 19 of the Constitution of India.

135 We recommend that the NRC reviews its remuneration system to reach the level of the prospective or prescribed national minimum as soon as possible, within five years at the latest; that it adjusts its price rates for hours of work to reach the relation that is being prescribed with time rates; that the workers who give services or that are engaged in a security system that is equivalent to what is available to workers in small scale industries with 10 or less workers or that are present for workers in the unorganized sector.

136 Any violation of a law or rules thereof is to be treated as an offence, which must be made triable by a labour court which will have to be empowered for the purpose. Any offence that is not merely a violation of labour laws but also a violation of basic human rights should attract more stringent punishment.

137 Law may provide for compensation, such compensation may be permitted. We recommend that at least 75% of the proceeds of such compensation be credited to an appropriate welfare fund for being used for the benefit of workers. A substantial offence of the same type by an employer will not be allowed to be compounded, but, will incur the penalty in addition to imprisonment of five for each day of continuance of offence or infringement.

138 In an offence coming up for hearing if it is 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.

139 Further, a provision may be made in the laws that all cases must be disposed of in a span of three hearings, and where this is not possible, the labour court should in its exercise of powers for holding more hearings. The Labour Reorganizing Commission may also be empowered 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.

140 The right to file a complaint in the court of competent jurisdiction may be vested, in addition to an Inspector or an officer authorized for the purpose, in the person aggrieved or an officer of a trade union of which the aggrieved person is a member or in a recognized welfare institution or organization.

142 Rules and regulations must be published as draft rules or draft regulations, giving a period of sixty days for comments, and must be finalized only after the comments, if any, received within the aforesaid period, are examined.

143 We would urge that when a State goes in for special legislation, it observes all the recommendations that we have incorporated in our report.
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 various linkages such as raw materials, credit, finance, employment, market linkages and so on.

Despite existence of labour laws, workers in the 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.

In the organised sector, employers are getting casualized and contractualized as a consequence of new economic and industrial policies. Such workers (casual or contract) in the organised sector as well as those working in the unorganised sector can be considered to be included in the unorganised sector.

A worker who are not covered under the social security laws can be considered as one of the unorganised sector.

The unorganised sector studies definition. Its main features can be identified and the sector and processes where unorganised labour is used can be listed along with that of the organised sector. Apparatus, casual and contract workers, householders enterprises, a section of self-employed persons involved in jobs such as vending, the peddlers and the like, a group of workers who perform manual and non-manual jobs under the sector, as well as those who are not covered by any of the previous categories that are of poor quality.

The official definition of the informal sector enterprises consists of a category of establishments that employ between 6 and 9 persons and non-direct employees whose employment, 5 persons or less and own account enterprises.

The study group appointed by the Commission has brought out certain general categories of enterprises or employment in this sector, such as low wages and low benefits, with a high percentage of employment of women, employment of casual labour, child labour, and the like, casual and non-casual work, casual or intermittent employment, lack of organisation into trade unions, casual and multiple jobs, absence of debt bondage, absence of companionship of self-employed workers, dependence on others for supply of raw materials, loss access to capital, absence of health hazards, etc.

We may look at some of the specific groups of employment and problems confronted by them.

Home-based workers fall within a group of women workers and self-employed workers. These are self-employed workers as well as employed workers amongst the home-based workers.

Article 4 of the ILO Convention No. 187 of 1996 on home-based work calls for promotion of equity of treatment for home workers including right to organise, to protection against discrimination, to occupational safety and health, remuneration, social security, sick leave of absence, etc. The Commission feels that notification of this Convention will offer substantial safeguards to millions of workers.

In the National Constitution held on the 7th January, 2002 by the Ministry of Labour defined the home-based workers as those who are otherwise employed, working on their premises, who are paid wages for the jobs to earn which have economic value. The home-based worker is thus a self-employed person conducting his business for himself or an organization as there is no direct employer-employee relationship between a home-based worker and the person or organization for whom he works.

Among the home workers there are some for whom this is the main economic activity and for others it is a supplementary source of income.

In many cases, the head of the family or the member of the family does not work himself, with the help of other members of the family. It is a subsistence or unremunerated effort and there is neither an employer nor an employee.

The paper presented by the Ministry of Labour further mentions that the value of specific data on home-based workers in official statistics is a reflection of the fact that recognition of their legitimacy of workers and also of a refusal to accommodate their economic contribution. Their contribution to national income in commensurable terms is yet to be quantified.

The National Commission was of the view that its role is not to define and formulate policies in this area.

Recommendations from the National Commission suggests that the home-based workers should be entitled to wage matters regarding the workers employed outside the workers. They should be accorded under the minimum wages Act and the welfare schemes and programmes relating to them should be extended to them and the existing provisions relating to the workers employed in the organised sector should not be extended to home-based workers.

There is no reliable estimate of number of persons engaged as domestic workers. Though there are 50 million urban areas and 60 million rural areas, it is difficult to estimate the number of workers engaged in this sector and the existing provisions relating to the workers employed in the organised sector should not be extended to home-based workers.

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

There is no system of social security on which the domestic workers can fall back. They work for long hours and are not allowed to have holidays in between, even in the organized sector.

There is need to ensure satisfactory conditions of work, human treatment and acceptable level of social security, as also the issue of identity cards and payment of minimum wages to domestic workers.

In the interests of public health, all workers should be subject to periodic health check-ups, he should be registered and should be treated as self-employed for the purpose of protection or welfare.
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.

At present, the work in plantations is covered under the Plantation Labour Act which stipulates the wage limit of Rs. 350 per day. We were told that a large number of casual and contract workers are employed in plantations even on的工作的 and are not covered. All plantation workers should be provided with minimum wages and working conditions. The workers employed in handling chemicals and spraying of pesticides should be trained and provided with safety equipment.

Plantation workers should be paid wages as per entitlements or notified under the Minimum Wages Act and the evidences should not be altered. In addition, the pay of wages should be increased.

The existing facilities for plantation workers should be continued and made more satisfactory in plantations located in inaccessible areas. The facilities may be provided by a group of plantations on cost-sharing basis. It will involve efforts on the part of the State Governments to persuade employers to set up joint housing, schools, medical facilities, etc.

We are of the opinion that the plantation industry should be expected to cooperate by reducing the cost burden and the cost of production.

The working conditions of the workers working in underground mines are full of hazards and the workers are at the risk of losing limb or lives due to flooding, fire, collapse of roof, explosion of gases, falling of rock or collapse of mines. The workers are exposed to risk being injured by fans of sides, falling or being hit by objects, putting of mines, handling of equipment and other serious hazards. The rate of accident in India in mining activities is very high as compared to other countries.

The unorganized small mines and quarries which fall in the 3% category of mines, do not have the benefit of any welfare measures. The employees try to avoid implementing social security and other rules by documenting the work in various ways. There is high incidence of child labour and bonded labour in small mines and quarries.

Allocation of labour on the basis of caste is one of the most prevalent forms of caste system. As per Government estimates, 1,000,000 daily wage workers, are engaged in construction activities and toil under the worst conditions of oppression and indignities.

The National Commission for Safai Karamchari in its report in 1997 claimed that many scavengers are Tory to get work due to the absence of hierarchy and progress. The worst condition of oppression and indignities.

When the inordinate amount of remuneration and the need to engage several family members in the work assigned to one, it comes as a little surprise that many families of scavengers own money from their employers and employers in small amounts and are engaged in bonded labor.

The employment of manual scavengers and construction of dry waste (matter) under the 1995 Act. 1995 punishes the employment of scavengers or construction of dry wastes with imprisonment of one year and fine of Rs. 5000, the practice is continuing.

Government launched a national scheme that called for identification, training, and rehabilitation of 100,000 workers throughout the country.

According to National Commission for Safai Karamchari the scheme has not been able to reach out to a large number of workers and their dependents due to inadequate attention paid to it by the State Governments and concerned agencies.

Ship-breaking industry in Alang. Ship-breaking yard is the yard that breaks down the ship in which.

The industry commits 200 old ships per year and employs about 17,000 (1996-2000) workers which has now come down to about 7000 workers primarily due to competition from other Asian countries. We find it difficult to believe that this is the only cause.

Between the period 1990-94 and 1995-2000 the average number of workers in the industry has fallen from 28,000 to 10,000. About half of the 2,300 factories are located in the Indus Valley. The ship-breaking industry is still in existence in the country.

It is conspicuous that the safety standard is not what it should be. There has been no satisfactory effort to enforce what is necessary to ensure the safety of workers. In such an inherently dangerous activity, it is not surprising that the workforce is largely migrant from UN, East, and South Asia and some extent from Afghanistan and other states.

The ship-breaking industry needs expertise from the Government for making provision of safety systems. Water, air, fire, and fire protection, and safety to workers, management, setting up a safety institute, improved labor conditions, water supply, etc. There is need to enhance the productivity of the industry to increase competition from countries like China, Pakistan, and Bangladesh. If the Commission is of the view that the regulations that fail to provide safety to the workers who make not only for a single worker but also for the overall health of the industry itself.

Most of the workers in the construction industry are engaged in casual labour. Insufficient employment, earnings, and shifting of workplaces are the basic characteristics of work for construction workers. Though child labour is prohibited, children are engaged in unskilled jobs.

Women engaged in construction work are the most exploited. Frequent changes in their work and incapability to get them and their children of primary facilities like health, water, sanitation, and education. In most cases, safety norms are violated. They are utilized for menial work, such as cleaning, etc.

Temporary residential sheds put up for construction workers lack minimum facilities. General facilities are not available at work sites and social security benefits are very scanty, mainly because of various constraints such as lack of subsidies, rent, and employers' apathy and non-adherence or workers', non-adherence of rules, etc.

There is violation of laws on minimum wages, equal wages, child labour, contract labor, and wages payment. Construction workers remain invisible, voiceless, and unorganized.
A system of wage-rate ceilings and social security benefits should be set up to back the needs of social security and health security of workers in the fishing sector.

India has tremendous potential for development of fish processing. The Commission feels that while creating conditions for growth and health of the industry, the employer of the workers engaged in it should also receive equal attention.

According to rough estimates by the Fisheries University in Mysore, fishing and allied occupations can generate a large number of 100,000 which may well be second only to employment in the agricultural sector.

Employment can be generated in marine sector, fish, fish trade, fisheries, marine, inland (aquatic) fisheries sector, coastal aquaculture sector and port sector. The employment in fishing sector includes not only processing industry, marketing of fish products, boat building, fishing in seas, etc., but also work like reeling, work boats, etc.

The total working population in fisheries (marine and inland) is estimated to be around 5 million, the largest proportion (54%) being in the harvesting activity which is comprised of main men, though women are sometimes involved in inland fishing. Women constitute 15% of the workforce.

Harvesting of fish is conditioned by the weather and availability of fish in the aquatic domain. A fisherman gets about 100-150 days of work in a year.

Seasonality of employment in other sectors is also related to weather at sea. The range of days of employment in harvesting, processing and marketing sector is from 150-200 in a year.

Wages are paid by the government, daily rate or as a share of net income. The last form is most common in harvesting activity.

The earnings of workers in fisheries sector as a whole are rather low and marked by very wide day-to-day fluctuations.

The fisheries sector of Kerala is noted for migration of workers within the state as well as migration of skilled workers to the fisheries sector of other mainland states of India.

Risk of accidents is especially high among the workers in harvesting activities particularly on mechanised vessels and the coastal fisheries using non-mechanised crafts in the coastal waters.

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 introduced as part of the organized behaviour towards workers on the part of the employer and the state.

The Government of Kerala has measures to cover accident, risk to life and equipment, educational scholarship to children of fish workers, units and subsidies for housing, relief measures during the monsoon season and so on.

The social security and welfare measures provided by employers like owners of mechanised vessels, poaching vessels, processing firms, etc., leave much to be desired.
Vendor who are a paying bribes are often broken up and have their goods confiscated. Sometimes even those who have licences are not spared. In a public hearing held by the Delhi Commission for Wheat, it was contended that 5 lakh vendors of Delhi are paying bribes to the tune of 30 crores a month.

A study conducted in Ahmedabad indicated that while the legal fees paid by street vendors in 1995 was 25.6 crores, illegal fees paid was 16.5 crores.

Street vendors have to deal with many authorities, municipal authorities, police, district administration, regional development authority, etc. Policy makers need to consider the cost impact of street vendors on the social life of a city.

It is necessary to involve national and state policies on street vendors and these could be made in a way to determine clear and schemes.

The Delhi international declaration of street vendors adopted in November 1995 while highlighting the importance of street vendors, the hamstring power to them by authorities and the absence of public policies in this regard, urged upon Government to steer a national Policy on Street vendors and in this regard by issuing licenses, creating laws and proposing appropriate legal backing laws in urban areas and sought for setting up of participatory management mechanism and to withdraw itself from the various issues of street vendors to bring them into the system.

Rishikesh pustak, particularly in the north, are much affected from the states of Uttar Pradesh, Bihar, Madhya Pradesh, etc. Most of them are small producers and vendors who are forced to migrate to the cities due to lack of employment or other reasons and whose usual occupation is receiving goods.

Rishikesh pustak is one of the most prized souvenirs of employment in the cities for the unskilled and lower-class persons providing them a source of employment.

Besides unskilled conditions the rishikesh pustak is further hampered by the fact that a majority of those who pull rishikesh do not own the rishikesh themselves.

Though in practice, most cities only the rishikesh owner can be the rishikesh puller, in principle this happens only as an exception.

The nature of work of rishikesh puller has a number of hardship built into it such as bad working conditions, pulling heavy loads, night work, etc., which are very demanding.

Durable pullers have an inherent social security to take care of them during illness. Most municipalities and Governments have regulations that rishikesh pullers do not have this facility other than the individual rishikesh puller to obtain licences.

Apart from providing direct employment, rishikesh pullers provide indirect employment to several others such as manufacturers and to those engaged in rishikesh repair activities.

Recently, the Prime Minister intervened to help rishikesh pullers and wrote to the Lt. Governor of Delhi stating the need to recognise street vending and regulate rishikesh pullers.
self-employed workers among female labour is higher compared to that among the male workforce. The NSSO round of 1993-94 showed that while 58.8% of female workforce was self-employed, the figure for males was only 55.7% and amongst casual labour the percentage of females was 37 against 46.9% for males.

7.3.29 The Annual Report of the Ministry of Labour for 1999-2000 which is based on 1999 Census gives the following information about organised workers. Out of the total workforce of 340 million, 266 million are main workers and 78 million are marginal workers. Out of the 266 million main workers, 235 million are male and 31 million are female. The organised sector accounts for 58.6% of the workforce, out of which, 71 million are engaged in agriculture, forestry, fisheries and plantations, 110 million (59.2%) are in organised sector. Out of the 235 million workers in the manufacturing sector, 21.02% (31.7%) are in the organised section on building and construction. 78% are in the unorganised sector. In trade & commerce, 98% are in the unorganised sector and in transport, storage and communication, 61.3% are in the organised sector.

7.3.31 If we find that existing laws do not cover or inadequately 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.

7.3.32 The attractions are whether to extend the protection and security by enhancing the existing laws or by providing an umbrella law that provides a minimum protection, access to medical services, and compensation for accidents and diseases.

7.3.34 It is necessary for us to examine the laws which are on the statute book.

7.3.35 The Minimum Wages Act is applicable only to manufacturing units organised as societies and its provisions do not apply to other classes of workers in the unorganised sector.

7.3.37 The Minimum Wages Act is the most important law enacted for the benefit of unorganised labour. The Act is meant to ensure that the minimum wages and the minimum hours of work are not reduced. It also sets a minimum wage for workers covered by the Act.

7.3.39 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.

7.3.40 We have made recommendations on the Act in the Chapter on Review of Laws.

7.3.41 The Building & Civil 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 welfare, health and welfare.

7.3.42 Any worker between 18 and 88 years can get registered with a welfare board to become eligible for the benefits of the Act if he or she has not in 90 days of work in the previous year.

7.3.43 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 wages, medical aid, and assistance in education, marriage or construction. The Act is not beneficial to the workers, as they do not work with a construction establishment. It is not possible for small and informal 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 rules have not been promulgated and several thousand cases of non-payment of wages have been filed by the builders. They have demanded that the cases be increased from 1% to 3% and the Act should be applicable to all residential houses within the limits of the Act.

7.3.45 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.

7.3.46 The Employment Act has many exemptions and is not applicable to a contract worker on a project basis who is employed for a short period of time. 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.

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helping and education are also taken care of with the help of the welfare boards. Kerala's efforts in this regard are reflected in its various movements in the area of social welfare, which, in turn, add to the welfare boards in the state. In case of any difficulty, the Welfare Board can appoint a welfare officer to deal with the problem.

An unnecessary multiplicity of funds has led to administrative problems. In Kerala, public administration of central welfare funds is carried out by the Welfare Board in the case of the Local Bodies and Central Labour Welfare Fund. The average of administrative cost of central welfare funds was Rs. 3.500 in 1980. In some cases, it was even lower as a percentage of the total income of the system, and in various cases as a percentage of the total number of transactions of the welfare system. It is advisable to combine these boards as well as contribute systems of funding in the same way in the Local Bodies, the Centre, etc. This will help in providing better services in the unorganised sector and therefore health care must form a component of social security. Central Social Security Funds have been in operation in the unorganised sector since the welfare boards. This led to an increase of Rs. 1,500, and since 1987 it has reduced to Rs. 5,000 in 1981. Income levels vary among the workers in the unorganised sector, and in some cases the welfare boards have gone against the welfare of workers. In spite of the many problems associated with the welfare boards, they provide one of the important ways of reaching workers in the unorganised sector. We believe that the new structure we are suggesting will overcome these problems. Welfare boards in the State and Central sectors have addressed situations where employer-employee relationship exist. Since most of the unorganised workers are self-employed or home-based, there will be no profit. If we replicate the structure and method of funding of these welfare boards, the concept of a mother being taken care of in the world of our excellence with the Central and State Boards.

Fifty years after Independence and the promulgation of the Constitution, in the 20th century the idea of “universal” rights is seen as the one to which we have not paid enough attention. The idea of a family built on the basis of the need for growth and development of movements is one of the most important. The idea of reversing the board's role in this sphere and promoting the Constitution instead of the poor and unprivileged in the unorganised sector is an idea that is in the minds of the urban areas.

We should not overlook the importance of political parties. Employment opportunities are not adequate. The idea of employment often do not get the minimum wages that have been advertised in the newspapers. The idea of reversing the board's role in this sphere and promoting the Constitution instead of the poor and unprivileged in the unorganised sector is an idea that is in the minds of the urban areas.

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.

Section 21(1) of the Protection of Human Rights Act, 1953 (Act 10 of 1953) defines human rights as the right to freedom from all forms of discrimination and the right to protection against exploitation. The Act further states that the right to freedom from exploitation should be enjoyed by all workers who are not yet covered by existing legislation.
7.4.14 For domestic workers the Commission recommended the introduction of a system of registration.

7.4.15 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.

7.4.16 The Commission observed that the rates of minimum wages were very low and would have to be increased keeping in view the requirements of the woman worker. Piece-rates must be abolished to enable women workers to earn for 8 hours of work a wage equal to the time-rate minimum wage. Despite the Equal Remuneration Act 1976, wage discrimination was still prevalent.

7.4.17 The Commission further recommended that the right to work, already a Directive Principle, should be made a Fundamental Right.

7.4.18 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.

7.4.19 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 ensure implementation of legislation and also contribute to making women workers visible and empower them.

7.4.20 It recommended setting up of a Central Fund from which welfare and social security measures for women workers should be financed.

7.4.21 Another recommendation of the Commission was that a separate wing should be set up in the Labour Departments for unorganized workers with adequate number of women employees.

7.4.22 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 could be effectively tackled through maternity benefits and childcare. Responsibility for this burden must be borne by all employers, irrespective of whether or not they employed women workers, 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.

7.4.23 The Commission underlined the need for an integrated perspective on health as most of the health problems women face, related to their general life situation, which aggravated the problems they faced as workers such as inadequate nutrition, non-accessibility to health care, safe housing, sanitation, maternity benefits and childcare among others.

7.4.24 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 was suggested that an in-depth study need to be made for irrigation, drainage, road, rural and rural electricity supply. It was essential to ensure 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 employer's contribution in the form of a cess which would finance provisions for (a) maternity leave for women agricultural labour, (b) a fixed pension at a minimum of Rs. 100 per month.

7.4.25 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 organized and unorganized sector in a phased manner.

7.4.26 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 went a long way in meeting the basic minimum welfare needs of the unorganized workers.

7.4.27 We have to address the question, what is the minimum that the umbrella legislation for workers in the Unorganized Sector should ensure. There should be a policy framework that ensures the generation and protection of jobs, and access to basic protection against the exploitation of their poverty and lack of organisation: protection against arbitrary or utilitarian dismissals; denial of minimum wages and leave in paper or wages, etc. The system of Welfare should include access to compensation for injuries sustained while engaged in work; prevent fund medical care; pensions and medical and educational benefits for workers and children.

7.4.28 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 which is not too distant from the place of work, with expedition.

7.4.29 The system for Social Security must be such that the worker can make a continuous contribution to the fund, consistent with as many of his needs as possible, and deliver the services near his place. The machinery should not be cumbersome, costly, centralised, and burdened with many administrative layers and costs.

7.4.30 The labour policy set out in the Five-year plan since Independence was based on the belief that the basic needs of workers for food, clothing and shelter must be satisfied.

7.4.31 An important aspect of labour policy contained in the Second Plan relates to the introduction of an appropriate wage policy, and provisions for the working and living conditions of unorganized labour not only in the rural sector but also in urban areas. The Eighth Plan (Chapter III) said that improvements in the quality of labour productivity, skills and working conditions and provision of welfare and social security measures, especially of those working in the unorganized sector was crucial for enhancement of the status of labour. The Plan laid emphasis on the enforcement of labour laws and exemplary action relating to unorganized labour and women and child labour.

7.4.32 In looking at the need for social security in the unorganized sector and the demands on a system of social security in the unorganized sector, we have to keep certain characteristics of the sector in mind.

7.4.33 A major obstacle in introducing contributory social insurance schemes for the unorganized sector is the difficulty in identifying the employer. Unless the organized sector where social security is more or less a given fact, unorganized sector workers need employment security, income security and social security on a substantially different basis. The needs...
SOCIAL SECURITY

CHAPTER XIII

Protection and provisions for the care of the aged and the disabled;
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Since the ESI Scheme is a contributory scheme, the rates of contributions should be fixed on an actuarial basis, and be free from collective bargaining.

8.112 The Study Group has suggested a review of the Act to impose a ceiling on contributions, 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 voluntary 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 future existence. It is suggested that it should be supplemented by the term emergency expenses to at least cover the cost of the sick and the elderly members.

8.115 A law to provide all the provident funds under a common regime seems to be called for.

8.116 The P.P. Act be made applicable to all classes of establishments, subject to such exceptions as may be considered necessary for specified reasons.

8.117 Regarding applicability of the P.P. Act, the Select Committee on Social Security has recommended that the employment threshold should be brought down to 16 immediate, to 5 during the next 35 years, and to one within a short time-frame thereafter. The Commission agrees with these suggestions.

8.118 Our Study Group has suggested that the special dispensation granted to co-operative societies to be not warranted, and should be removed. We endorse this view.

8.119 The Study Group constituted by us, commissioned a quick study to see whether the number of public and private employers who have a social security scheme for their employees, and whether these schemes are adequate. The study revealed that the provision to cover persons employed on casual or contract work, with the introduction of the Act, is to be applied to non-employers.

8.120 Although the ESI Scheme requires that every employee should be provided with a book of the same kind, the Government has failed to supply the booklets. The study revealed that the provisions to cover persons employed on casual or contract work, with the introduction of the Act, is to be applied to non-employers.

8.121 We suggest that appropriate provisions to be made in the Act to enable the Organization to frame different schemes with different compensatory and benefits packages for different classes of establishments, the bulk of which, however, may be made applicable to self-employed people.

8.122 The Commission suggests that the ESI Scheme be reviewed in the light of the working of all existing funds by an independent agency and review the entire scheme of granting exemptions from the provisions of the Act.

8.123 Considering the likely expansion of the coverage of the schemes under the ESI Act, there seems to be a greater need for decentralising the administration of the schemes. One
The information you have provided is not clear. It appears to be a page from a document with text in various languages. If you could provide a clearer version or a specific question, I would be happy to help you with the information you need.
8.251 Under old age pension, a pension based on a means-tested 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 considered at a state-level project.

8.254 The means-tested scheme appears to be suitable for application in the context of the unorganised sector.

8.255 Self Help Groups have emerged as a promising partner of formal agencies. The members of the SHGs, often in distress and in need of funds for education, start-up, health care, and emergency needs, are welcome feature which banks can utilise in meeting the small needs of the poor.

8.256 SHGs may be mobilised to form Self Help Groups. Such workers economic organisations; branch level cooperatives and unionised workers' unions or given in terms of these leagues.

8.257 These organisations could be readily involved in provision of credit, micro insurance by linking with savings and deposit-taking groups of organisations and social security services through the SHG-based approach.

8.258 National Social Assistance Programme (NSAP) has served the long felt need for universal minimum standards for providing social assistance to weaker sections of the society. More benefits may be added to this programme in due course of time.

8.259 Apart from NSAP, there are several schemes under which social assistance is being provided.

8.260 All such schemes should be integrated in a manner average, avoid overlap and evolve a basis minimum to all.

8.261 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.

8.262 The quantum of maternity benefits may be raised to a maximum of Rs. 5000.

8.263 The Committee recommends that the current benefits paid to workers under the scheme for the women should be increased from the shoulders of their children.

8.264 The food security policy calls for a review and rationalisation.

8.265 The Central Government should ensure that schemes similar to the targeted PDS for foodgrains, to supply cloth free to destitute, and at subsidised prices to the people below the poverty line.

8.266 Effort to implement a national Employment Assurance Scheme is of considerable importance. Such a scheme should not be under any other Act.

8.267 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 Employment Assistance to the unemployed persons subject to a means test.

8.268 Employment is critical for all people. Institutions and policy actions are needed to give better access and secure rights to all the critical aspects that are currently distributed.

8.269 While basic health security is to be provided by the primary health care infrastructure, it may be supplemented by various schemes for ensuring health care. The PDS has an important role to play in implementing the public medical service. It is, therefore, necessary to take all possible measures to improve its working and its expansion.

8.270 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.

8.271 A national scheme may be designed for the payment of children's allowance on a universal basis, subject to a means test, in persons below the poverty line.

8.272 We reiterate the need for a national policy for older persons. It is an alternative to the Central and State Government taking the initiative to set up their own homes in different locations.

8.273 Adequate schemes would need to be designed for the health care as well as the long term care of the elderly.

8.274 Ceiling on the amount to be paid for non-institutional dependents, under the P. S. A., may be relaxed and it may be left to the courts to decide the amount depending on the needs of the case.

8.275 To ensure that the elderly lead healthy, it is necessary that they remain physically active. Their service can be utilised in various activities of the community for which they are required to provide remuneration.

8.276 A comprehensive plan of action for social protection of elderly is necessary. It should include removal of the disabilities; recruitment of jobs; the feasibility of extending this employment in private sector may be considered; adequate 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.

8.277 A National Scheme for Persons with Physically Handicapped be introduced.

8.278 The Government in introducing a new Social Security Scheme for agricultural workers called the Nishtha Mahaband Baana 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 revised and implemented.

8.279 A national scheme is drawn up for payment of pension to pensioner affected persons in the same line as the pension for the physically handicapped persons with the rate of pension being raised to Rs. 1000 per month.
WOMEN & CHILD LABOUR

CHAPTER IX

1.472 No woman shall be employed or worked in any factory and no child shall be employed or worked in any factory, mine or quarry.

1.473 The Commission shall not allow any child or woman to be employed or worked in any factory, mine or quarry.

1.474 A child or woman employed or worked in any factory, mine or quarry shall be relieved from such employment or work immediately.

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1.502 No child or woman shall be employed or worked in any factory, mine or quarry.
The Commission is strongly of the opinion that our laws and systems of social security should prevent and eliminate discriminatory attitudes and practices.

The detailed recommendations that the Commission proposes to make are outlined in the Chapter on 'Review of laws.'

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,' together with our recommendations for a comprehensive social security system for the entire workforce.

The Commission has shown that the encouragement of women as a category of workers is grossly underestimated. This underestimation 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 ecosystem.

The Census of India and the National Sample Survey Organisation (NSSO) are two main sources of data on women's employment, but they have not followed uniform definitions of work.

None of the definitions has fully captured the extent and degree of women's participation in the workforce.

The law should address women's work and provide a fundamental remedy. Women's work was not fully accounted for, and the law should be clear about women's status in development. To do that requires much better gender-specific data on work. There is a need to redesign national surveys, particularly agricultural surveys. We endorse these views. (CM Human Development Report 1993)

Though the definition of work has been widened 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 faced by women in assigning an economic value to the work they do. Women, especially when it is not counted in the market.

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.

The data on women's work and its participation in the workforce, labour market, industry and industrial security, have been made in the Chapter on Globalisation.

Variation in new opportunities is more visible in the case of female workers. Women with technical and scientific qualifications are less likely to be employed in technical and scientific jobs. Today, women have begun to work in a large number of non-traditional areas, from household work to information technology. Women from rural areas and poor families have fewer opportunities. Even when opportunities exist, they are less appealing.

If there are major policy changes in the 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.

The main policy implication in the forestry sector is the need to recognise the potential for women's contribution, in social forestry and reforestation, and to ensure their ownership of both the resources and the benefits. Women are usually the major users of forest products, and their knowledge of forest management can be very valuable.

In some of the cases where women are more involved in the agricultural sector, they seldom own their own resources. Women who are mainly involved in field work are usually the most vulnerable to low productivity. This is especially true in rural areas, where women's work is often not counted in the market. Women who are involved in market-oriented cultivation are more likely to face problems of low productivity.

Beside work, women are also employed in various kinds of work, particularly at home-based craft work. For women artisans, there is a need to promote skill development and marketing along with a more women-oriented approach to production.

Industrial subcontracting has increased work opportunities for women, but it is important that the work they do is not below minimum wages. The Commission recommends that the Government formulate a National Policy on Home-based Work, in conformity with the provisions of the ILO Convention.

Food processing is one area where updating skills and changing in the modern technologies of food processing, preservation and packing can create many employment opportunities, particularly for women.

The textile and garment industry is a major employer of women. The cotton textile, handloom and some other power loom industries are growing, but the industry is declining. Linking of handloom weavers to market requirements and skill upgrading of the weavers, will improve their employment prospects.

In garment sector, women earn more than as home-based workers, but require protection of the labour laws for social security. They also require continuous upgrading of skills for increased productivity and earnings.

The challenges in construction sector is to improve the working conditions and the social security support to women construction workers, and to incorporate rapid skill upgradation and policy measures, to increase employment opportunities for women workers in the scenario of changing technologies.

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
9.116 The NGO sector in India is a good source of innovative, effective and low-cost approaches. Creative responses have also been developed by researchers that lie outside the ambit of governmental or institutional services. While small in scale, they nevertheless offer a wealth of approaches that could be successfully introduced into the practice of the mainstream Government sector.

9.117 The Asia’s Market Women’s Association in China 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 in validating and strengthening them on the basis of evaluation. The most innovative and promising community interventions have been those that respond to the reality of the great need that exists at the stakeholder level: including parents, children and communities and have strong internal networks.

9.121 ITDS schemes need to be redesigned to include the child under them. Current weaknesses in implementation and administration 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 childcare, childcare and breastfeeding in the first few months of the child’s life. The funds to support such schemes should be raised from a basket of sources.

9.125 The main international convention covering maternity benefits is the ILO’s Maternity Protection Convention, 2000.

9.128 It is universally acknowledged that there are inadequacies in both the CSE 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. How many women are either forced to leave their jobs when they are pregnant, or are not hired at all because they wish to provide maternity benefits during and after pregnancy?

9.133 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 entitlements issue.

9.134 The study group has proposed a statutory scheme for the implementation of maternity entitlements. The scheme is to cover all women, the rich through wages, and the poor 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, city and local level (or pensioners) having employees and community contributions of taxes and contribution to the Social Security funds in Thailand and China, where the community sponsor the workers for every 100 births to secure proper delivery of benefits.

9.127 The scheme may also provide for the setting up of a Monitoring and Evaluation Committee with representatives from workers, employers and legal advisors.

9.138 Organising is the key to the empowerment of women. It helps them to unite, address issues of their rights and opportunities, overcome obstacles, and improve their lives through economic gains which can lead to financial and credit services, and bring their influence to bear on issues affecting them.

9.134 Women workers constitute the most vulnerable group in the economy.

9.133 Women are also physically vulnerable.

9.134 Any organization for women should be given an empowerment of their own strength, or will they be an imposition? Organizations, therefore, become the instrument for securing equal protection and facilities, and in transforming them from the status quo to the status of the individual.

9.134 Women have also been active in the growth of the labour movement.

9.132 A new phase of the women’s movement started in the 1970s. In 1974, the Report of the Commission on the Status of Women in India was released. This report gives a lot of prominence to the position of ‘organized women’ as well as to the status of poor women, with regard to education, political and the law. This report, followed by the creation of the International Women’s Year in 1975, saw a sudden growth and a new turn in the women’s movement in India.

9.135 One of the significant aspects of the earlier experiences of organizing women workers has been that an intervention to provide women workers with access to credit can have a multiplicative effect and can itself be a strategy for organizing women.

9.136 The 1995 report on the effectiveness of an organization’s recognition and representation of organized workers is long and detailed, and full of advice.

9.136 Organizing women workers in the informal economy has been in practice in several parts of the country with varying degrees of success.
CHAPTER X

SKILL DEVELOPMENT

10.1 There is an increasing demand for 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 skill development, training and education of their workforce.

10.18 The location in the present trade situation in training and adequate coverage of skill requirements; research 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 or return; lack of incentives to encourage industries to maintain 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; labour competitiveness vis-a-vis China and other nations; technology, of surplus manpower from agriculture and manufacturing to services and basis of recognition labour as human capital rather than as a series of continuous employment and turnover of industries including education and training; and of expectation of new technology by labour using educative and training.
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. Similarly, we believe it would also help in a wider training workforce for the nation.

The services of the Government of India are providing vocational education and training systems in India (see Table 10.25). The Government should find 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.

A comprehensive programme of training of various types to be established with the key objectives to instil a sense of belonging among the workers who with their work and organizations, increase their understanding of their work and the need to improve the bargaining power of the workers to assist the worker in identifying skills and needs to pick up in and to encourage the workers to take an active interest in organization of their work.

The education programme should not be a mechanical approach of skill development towards a changing job market.

The education process should specifically focus on understanding the industry, the economy, and the business organization of which the worker is a part.

The education programme should also focus on issues of alternative forms of organization, ways or improving the involvement of workers of their work.

The programmes should also discuss organization of workers, and the history of collective bargaining.

Such a programme cannot be confined to the classroom. There has to be a constant need for continuous education. The education process should allow continuous intervention and consultation between various participants in the labour movement.

Trade unions at the national, regional, industry, and plant level should have a say in the running of the programme.

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

The CBWE can play an important role in creating awareness on specific skill training required for the development of the industry and availability of such training facilities. A suitable mechanism would be needed to design training programmes for the various target groups through the training offered by the CBWE. These programmes, through their wide network, could contain a series of specialized training courses for different workers in different regions, to help them in proper investment in their skills. The CBWE should become more focused and should organize specialized, need-based programmes for the various target groups in the unorganized and rural sectors. The basic aim of such training programmes would be to equip workers in the co-operative sector. The functions of the Board should be reviewed to the training programmes for the target group by the Board.
LABOUR ADMINISTRATION

CHAPTER XI

11.12. The functions of the Labour Administration include the enforcement of labour laws, the registration of workers and employers, the settlement of disputes, and the promotion of industrial peace.

11.13. The Labour Commissioner is the head of the Labour Administration and is responsible for the enforcement of labour laws. The Labour Commissioner is assisted by Labour Inspectors who are responsible for the inspection of factories and the enforcement of labour laws.

11.14. The Labour Court is the highest authority in Labour Administration and is responsible for the settlement of disputes arising out of labour laws. The Labour Court is composed of a President and several members. The President is appointed by the Governor General in Council and the members are appointed by the President.

11.15. The Labour Commissioner and the Labour Inspectors are required to be fair and impartial and to act in accordance with the provisions of the labour laws. The Labour Commissioner is also required to report to the Governor General in Council on the working of the Labour Administration.

11.16. The Labour Administration is required to keep records of all workers and employers and to publish statistical reports on the working of the labour laws. The Labour Administration is also required to assist workers in obtaining information and advice on their rights and duties under the labour laws.

11.17. The Labour Administration is also required to provide facilities for the settlement of disputes arising out of labour laws and to provide assistance to workers in enforcing their rights under the labour laws.

11.18. The Labour Administration is required to ensure that the labour laws are properly enforced and that industrial peace is maintained. The Labour Administration is also required to cooperate with other government departments and bodies in the promotion of industrial peace and the settlement of disputes.
11.69 The Ministry of Labour should not deprive its officers to employers' establishments. Different employing Ministries, where Assistant Labour Welfare Commissioners and Deputy Labour Welfare Commissioners are posted, should be assured to obtain them in the interest of the officers of the respective organisations. Officers who are not willing to go abroad or who cannot be absorbed by different Ministries, should be withdrawn in phases and posted in the other two domains of the CIL, i.e., Central Industrial Relations Machinery and the Welfare Commission's Organisation. They may also be considered for deployment in the Corporation of UP, ESI and UCB so that officers of the CIL can be treasured to take on more responsibilities in at least 25 to 30 years in the Ministry of Labour, particularly the TI & Implementation Division, in the Office of the DGIL. This will also increase professional expertise and efficiency in the system.

11.76 It is also necessary to improve the knowledge, skills, and competence of the officers of the CIL to enable them to win the confidence of the employers and workers. Induction, training, and periodic refresher courses are necessary to improve the efficiency and effectiveness of officers of the CIL. To improve the status of these officers, there is a need for two T1-grade services in the Indian Labour Judicial Service. These officers should also be given proper staff, institutional backup, and support facilities. They should be provided with information on all matters concerning industrial relations. A database should be made up of all aspects relating to industrial relations and the officers of the CIL should have access to such database through computer connectivity.

11.71 The question of dealing with the existing posts of Assistant Labour Commissioners at the Central level and its equivalents at State level and other Central Government bodies, as part of the proposed All India Labour Administrative Services, is being looked into earnestly. In countries where there is a scarcity of Indian workers' population, our Embassies must have Labour Attachés, drawn from officers of the Labour Departments and the CIL and later from the All India Labour Administrative Service.

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 lines of inspection and the infrastructure of the Labour Departments.

11.76 The enforcement and conciliation machinery at the Central and State Governments need to be equipped with suitable offices, accommodation, facilities for transport and communication, legal machinery, technical officers with STO facilities and computers in the office of the Central and State Labour Departments. All officers of the CILs 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 utilised through short-term and long-term training and refresher courses.

11.78 Labour Inspectors should draw up a programme of selective inspections based on returns submitted by the employing units. Returns with self-certification can be treated as self-certified.

11.79 To make conciliators 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.

11.80 For effective labour administration, there should be legislative backing for the simplification of laws and procedures through uniform definitions of 'appropriate government', 'worker', 'employee', etc., enabling provisions to cover all employees in the unorganised sector under the Minimum Wages Act. The recovery of the funds due to workers, empowerment of the appropriate government to exempt from the provisions of the laws of the labour laws, and ensuring that the employment of contract labour is restricted to areas beyond the scope of a particular contract and ensuring that the non-inclusion of casual labour may not be in conflict with the ILO conventions, is required for a better and efficient administration of labour laws.
11.148 The investigation of the causes and underlying causes of work-related injuries, etc. should
identified injuries and analyse potential safety management system, and these should be
documented.
11.149 Results of these investigations should be communicated to the safety and health
committee.
11.150 The results of investigations, recommendations of the safety and health committee should
be communicated to appropriate persons or corrective actions
11.151 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 audits, after conducting
examinations.
11.157 Management reviews should evaluate the overall strategy of the OSH management system
to determine whether it meets performance objectives.
11.160 The working group on OSH set up by the Training Commission is recommended.
11.162 The need for safety awareness is increasing, especially in identifying potential hazards
and ensuring that safety procedures are followed and practices are being
11.163 The number of inspecting officers in the office of OSH is about 72 per 100,000 people. The
majority has been trained in the past, and there are little or no training opportunities for
new officers.
11.164 The OSH is an organization that provides emergency services. The OSH officers are
expected to respond to emergency situations, and they do have access to telephones.
11.165 The inadequacy of staff in the OSH is being handled by increasing the number of
inspectors in the future.
11.166 Illegal mining is illegal in the Salesse or West Africa, and it is also present in
Nigeria and Malawi.
11.209 Illegal mining industry is growing, but the policy to stop it was formulated
only in 1978/1979 by the Committee on Illegal Mining.
11.209 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.
11.209 The OSH should be informed of any new companies or new mineral operations. OSH
should be made aware of new companies or new mineral operations.
11.210 The government should be advised about new companies or new mineral operations.
11.211 The government should be advised about new companies or new mineral operations.
11.212 The national OSH laws should be reviewed to ensure compliance with international
standards.
11.213 The Central Labour Institute and the National Labour Institute should be strengthened
and given greater functions and authority. They should be consulted more frequently and
independently to address the issues.
WORKERS PARTICIPATION IN MANAGEMENT

CHAPTER XI

11.1 The management and participation of the CME, Section 2: The role of the CME

11.2 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

11.3 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

11.4 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

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11.10 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

11.11 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

11.12 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

11.13 The role of the CME in the management and participation of the CME, Section 2: The role of the CME

11.14 The role of the CME in the management and participation of the CME, Section 2: The role of the CME
self,

Discussions in these contexts were conducted by an honorary retired employee of the government and is a regular observer.

12.15 The council also has three level, e.g., office level, council, departmental level and national level council.

12.17 In regard to recruitment, promotion and discipline the consultations are limited to departmental level council.

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 the concerned person in the departmental level council 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 fall 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 decisions taken by the government on the recommendations of the pay commission, cannot be discussed in JCCP for five years.

12.21 There is a provision for conciliatory arbitration on certain limited matters such as pay and allowances, hours of work, and leave if a disagreement is received at the national level JCCP or any of the other matters.

12.22 1997, Tamil Nadu and Steel Commission Company Limited has set up Joint Council.

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 entire works and coordinates the activities of the Departmental Council. There is also a Joint Work and Social Council for dealing with matters relating to the welfare, medical, social, and educational matters. The Joint Consultative Council of Management is at the top. It is envisaged in the Act that the management on all matters concerning the working of the industry in relation to production and welfare. The functioning of the joint council in TEQCC reviewed in consultation with the Trade unions from time to time.

12.24 Nationalised banks (management and miscellaneous) Scheme 1970 was notified for the appointment of a Chairman, a Director, and a Secretary representing the employers' cadre to be nominated by the union/association identified as the representative union/association after consultation with the Board of the management of each public sector bank.

12.25 Article 194 was inserted in the Constitution with the objective of providing social security, promoting industrial peace and creating a sense of security among workers making it incumbent on the State to ensure effective participation of workers in the management of enterprises.

12.16 Scheme for workers participation in industry passed 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 employees' 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 covered.

12.27 Decisions were to be based on consensus and a decision area was to be implemented within one month.

12.28 Factors included in the discussion were productivity, incentive, efficiency, eliminating waste, ensuring safety, and welfare measures and it was expected to ensure a way of communication between the management and the workers.

12.29 In the scheme notified in 1977, workers for participation in industry in which was enabled for the facilitation of workers and security holders. A review of the scheme was carried out by an inspection team which reviewed the scheme and its implementation and made recommendations.

12.31 Scheme was to cover organisations employing 50 or more persons in these activities. Under this scheme, not council and joint councils were to be set up. The objective was to promote communication between the workers and the management, which was believed would in turn promote the active involvement of the workers and more secure, greater satisfaction and better customer service. The scheme also envisaged an inspection team to check the efficiency and effectiveness of the scheme.

12.32 While the scheme (1977) initially envisaged considerable enthusiasm with a large number of organisations setting up such forums, there was difficulty in the numbers of workers participating. This led to the evaluation of the scheme and its implementation and the recommendation for amendments and modifications, leading to the introduction of the scheme in a simplified form earlier which was also insufficient in terms of effectiveness of the scheme.

12.33 Another scheme updated in December 2002 was more applicable to the public sector undertakings was announced. All undertakings of the central government, which are departmentally run, were excluded from the scheme because of its availability of 20%. The scheme of council to be set up under 1981 scheme included participation in production facilities, storage facilities, material economy, occupational health and safety, accident prevention, planning, implementation, and enforcement of safety and accident prevention measures, pollution control, noise and vibration control, medical facilities, social security schemes, social security schemes, and medical facilities. The scheme envisaged a team to check the effectiveness of the scheme.

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
not be eligible for participation. There were differences as regards the participation of the lower levels. While the workers' representatives felt that in the board level the workers' representation should be 50%, the employers' representatives wanted it to be confined only to one representative. State labour inspectors, who composed the board, felt that at board level the representation of workers should be limited to 25%. In the 22nd session of the ECC it was reiterated that the workers' representatives by and large favored a legal framework for workers' participation in management, but that the employers' representatives expressed their opposition to the same.

12. 49 We have seen that the workers' participation in management introduced similarly through the institutions of Works Committees has been successful so far because of the method of consultation of workers' committees and the functions assigned to these committees. Their voluntary schemes introduced also did not yield much success. Central Trade Union Organizations have been demanding introduction of workers' participation in management by statute and the employers' organizations have been against introducing schemes of workers' participation in management by law.

12. 50 While looking a new look at the institution 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 enterprise and the economy as a whole have shown tremendous growth. Workers and the management have to join together to cut out their 24x7 problems, but build up confidence in each other, improve work culture, encourage introduction of new technology, improve production process, achieve production targets, smoother relations and welcome introduction of new technologies, to make the enterprises capable of standing up to global competition.

12. 51 Our efforts made in the past during more than 50 years have underlined the extreme importance of a cooperative approach. Almost all the economically advanced nations have worked out their own version of industrial co-operation and co-coordination. 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. 52 It has also improved human relations which has led to improved industrial relations.

12. 53 Content of work has undergone a big 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 installed worker. Collective excellence, it has been found, depends very much on co-operation, voluntary willingness and coordination.

12. 54 This cannot be an exception to the rule of affairs in the age of new technology. Globalization will accelerate and accelerate this process. It will, therefore, make it necessary for us to reach higher levels of participatory activity.

12. 55 With globalization 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. 56 The economy is expanding, but it is hardly creating any new jobs. Most of the existing industrial units are shedding employment, especially in rural and small industries and in order to be competitive are reserting to sophisticated machinery and automation. The NSS data also show that the growth of employment has come down from 2.6% per year in the period 1981-1993-94 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 loss 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 1981-93-94, but now only 392 persons are part of the workforce. There is a better rate in the urban population ratio indicating a high 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 number of growth rate of workforce.

12. 59 The growth of employment has declined sharply from 1.67% in 1997-98 to mere 0.66% in 1998-99 but the growth of Labour Force Participation Rate (LPR) has declined from 7.28% to 1.03% during the same period. The growth rate of LPR has come up to 5.52% to 6.4% during this period.

12. 60 The number of persons employed in agriculture has declined from 84.5% in 1981 to 64.8% in 1993-94, and further to 58.8% in 1999-2000. Employment in sectoralised construction, trade, financial services, and transport, storage and communication has grown faster than average with growth of 9.1%.

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 up to the secondary level and above has come down from 27.7% to 16.5%. 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 of June 2008, there were 959 Employment Exchanges in the country and the net users registered with these exchanges were 40,696. Between January-June 2008, 25,616 were registered for new jobs, while Employment Exchanges were able to provide jobs to only 30,060 persons.
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13.91 In manufacturing sector large and medium scale units together have contributed to 14% of employment, while 85% of employment is in the small-scale industries. Due to persistent pursuit of market driven development and increasing emphasis on efficiency of production activities, the large and medium scale industry have adopted capital intensive technology which has resulted in the displacement of labour.

13.92 A GDP growth of about 4.8% was achieved in 1983 to 1984-85 but the employment growth during the period approached was 1.8%. From 1994-95 to 1995-2000, the GDP growth was 3.1% in 6.6%. During this period, employment has grown by a mere 0.9%.

13.95 Employment has been continuously growing in the small scale sector and this has gone up from 11.5 million in 1980-81 to 10.5 million having cumulative annual growth of employment of 4.1%.

13.96 There were 55,400 small units in 2000-2001 (as against 12,490 in 1990-91) with total production of 35.6,39.04 crore employing about 11.8 million persons and exceeding goods worth Rs 19,978 crore.

13.97 A number of Committees have been appointed to study the difficulties and problems faced by small scale industries in India. The latest being the S.P. Gupta Committee. The Committee made recommendations regarding enhancing availability of credit, improvement in marketing and the marketing of goods. The small entrepreneurs have been progressively of importance to their business and the stability of labour laws. While the large corporate sector employed a total of 60.4 lakh persons, the single digit sector employed 17.6 lakh persons, which has gone up to 17.8 lakh in 2000.

13.98 Except a few industries like cement or leather goods which are labour intensive, most of the manufacturing industries are highly mechanised employing very few workers. In comparison, the service sector is much more labour intensive.

13.100 In manufacturing companies, labour intensity, the highest being in food, with labour costs at 15.7% of total costs. Compared to manufacturing companies, hotels have more than 50% of labour costs as wages whereas service companies have more 25% of costs as wages. Hotel workers have lower grades, higher wages, higher hours, lower absences, etc.

13.101 The effect of the cost, will have to be in relation of a corporatised atmosphere on the service sector too.

13.102 Urban informal sector comprise very small units producing and distributing goods and services, and mainly consists of urban indigenous self-employed persons. The sector is also heterogeneous, and comprises of small scale modern manufacturing and service enterprises and consists of street vendors, money lenders, hawkers, rag pickers, small commercial enterprises, service shops, hand tendon, plain shop, foodstuffs, street food vendors, water goods, manufacturing, etc.

13.104 Though unorganised sector has provided much additional employment in recent years, this sector has not been neglected by the policy makers. No special efforts have been made to promote its growth. Most of the workers and entrepreneurs in this sector operate at low economic levels and are not wanted by urban society. The unorganised industries, 13.105 in a productive way, the number of occupational activities has to be increased. Activities like IT industry, which can not provide a career to others, may be allowed in residential areas. Without such flexible procedure, rural entrepreneur will find it hard to start such businesses.

13.107 The scheme based on the study by M.S. Swaminathan which spells out strategy for creation of 100 million jobs and incorporated in 8th Plan needs to be revived. It is aimed at providing employment to youth to eradicate poverty and unemployment in India.

13.108 Some of the Government agencies in NMMS have made successful experiments in afforestation through water resources and the distribution among the rural communities. The Green Revolution which took off, conservatively in a small area of the country seems to have become a revolution. 10% of the workers in agriculture are employed in agriculture, including farming, and about 15% in other agricultural activities, e.g., agricultural machinery, etc.

13.109 Agriculture productivity can be improved by use of fertilisers, and health, care, reclamation of crops, intensive management including drainage, integrated agriculture, mechanisation, modern crop production, production of crops and of plants, animal husbandry programmes, integrated programme of intensive agriculture, silviculture, wastelands, development, soil conservation, water conservation and land rehabilitation, energy conservation, water and agricultural engineering, extension services, etc.

13.110 These improvments in agriculture will create direct jobs in large scale.

13.112 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 being harnessed. In addition to generating employment is will improve soil conservation, environment protection, raw material supply for industries, ground water replenishment.

13.113 The overall situation is that the future of the sector for various programmes are not commensurate with the size and magnitude of the problem or management and maintenance of forest wealth. The forest provide nutrition, food security in various regions, species of species income and usage of household items for various uses, for wood in construction materials, medicines plants and so on.
REVIEW OF WAGES & WORK POLICY

The purpose of the ‘Review of Wages & Work Policy’ is to ensure that the company’s wages and work policies are fair, competitive, and aligned with the market trends. This process helps in maintaining the morale of the employees, increasing their productivity, and attracting new talent.

The review process involves several steps:
1. Assessment of current wages and work policies
2. Comparison with market trends and competitor practices
3. Analysis of employee feedback and performance metrics
4. Identification of areas for improvement
5. Development of new policies or amendments to existing ones
6. Implementation of the revised policies

This systematic approach ensures that the company remains competitive and responsive to the changing market demands.

The review process is an ongoing activity and is scheduled annually to accommodate any changes in the market or internal organizational needs. It is crucial for the company to keep its policies relevant and attractive to both current and potential employees.
12.150 The Committee on Fair Wages has emphasized the principles of wage fixation, the form of wage fixation machinery and other matters for a long time.

12.151 In the first and second five year plans gave importance to (a) laying down principles of wage fixing in consonance with the aspirations of the existing wage rates 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, employers' groups, and workers to look into all aspects of the inter-related questions and 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 Number under the Chairmanship of Dr. K. Mathur.

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 publication so that new index series can be undertaken as per stipulated time schedule. The Committee endorses the suggestion.

12.157 A national wage policy must be within, its purview problems of workers in the unorganized sectors who are not included and, therefore, who have no bargaining strength. The wage emphasis of Government wage policy should be on fixing maximum wages and implementing them for the workers in the organized sector.

12.158 Objectives of a national wage policy are:

(a) Do we need a national minimum wage in order to ensure minimum necessities of life?
(b) Do we need a wage policy which, we have to ensure as much employment as possible?
(c) Do we need a wage policy as part of other non-wage programmes?
(d) Do we want to remove the differentials of wages?
(e) Is it possible to allowable wages in the same type of industry?
(f) Should we give more emphasis on prescribing rates for organized sector and leave the wages in unorganized sector to be decided by collective bargaining?
(g) What best we can do to ensure a minimum income to the workers in unorganized sector?
(h) Can the wage rise be linked to increase in productivity?
(i) Can we have wage, income and price policy?

12.159 Various Committees and Commissions have discussed the necessity of introducing the concept of a national minimum wage below which no employee should be allowed to engage any worker in the country.

12.160 In the face of a national minimum wage policy is accepted; the floor level wage may be based on the current national minimum wage.

12.161 Our Commission feels that the Government of India should appoint an expert Committee to study the costs and benefits of the national minimum wage and make suitable recommendations for construction of a current national minimum wage.

12.162 In determining such a national minimum wage, the recommendations of different Committees, the 15th Session of the LOE, and the judgments of the Supreme Court should be used as guidelines.

12.163 It is difficult to lay down a clear-cut criterion for fixing an appropriate ratio between earnings of the top management and wages paid for the worker at the lowest rung of the ladder.

12.164 The country needs to reward people who have put in more efforts to acquire specialized skills.

12.165 The differentials in wages are bound to persist and there is no way to eliminate them. Their differential ratios remain to be brought down by judicious wage policies to be pursued at the policy level. The Commission feels that Government cannot do much in this process to reduce these difficulties.

12.166 As long as we pursue a laissez-faire policy in respect of wages and work employers and employees are free to fix their wages, the Government has very few say in the matter.

12.167 In the changed circumstances with a variety of wage rates in different industries and in enterprises of the same industry, standardization of wages has become very difficult.

12.168 Collective bargaining is not common in the unorganized sector. In several cases bipartite collective bargaining existing in the organized sector have provided for wages lower than the applicable minimum wages.

12.169 The unorganized sector which accounts for more than 50% of the total labour force of India enjoys privileges and perquisites which are considerably more than that in the rest of the country.

12.170 The principles of wage determination have been greatly influenced by Court decisions and time to time.

12.171 Differential between different sectors of the economy are bound to exist in a dynamic society. They are indicative of differences in skill formation, capital requirement, risk taking ability, forecasting ability.

12.172 Our Study Group on Unorganized Labour has recommended that the minimum wage prescribed by the Fifth Pay Commission for the lowest category of Government employees (Rs. 7400 + Rs. 3100 D4 + Rs. 4500 D3) should be the minimum wage for a worker in the unorganized sector.
The data in this region is not legible or interpretable.
Among the major shortcomings of the Labour Bureau during the past 25 years has been the lack of balance in the rules of the Indian Labour Ordinance for the Commission finds that the existing Labour Ordinance data needs to be collected efficiently and regularly on a mandatory basis in accordance with the Indian Labour Ordinance.

There are two main problems: (1) the data gathering need to be done every year instead of in 4 years and (2) the data needs to be collected by the Central Electricity Authority. However, data on labour turnover; absenteeism; machinery; output; wages; working hours may not be available with the Central Electricity Authority.

The main problems in the CMS are: (1) a long time to complete the end of the survey; which is a very long process; the data has caused delay in over 4 years. The survey conducted on a 3-year cycle by the Central Electricity Authority.

The main problem in the CMS is the lack of data on labour turnover; absenteeism; machinery; output; wages; working hours. This data needs to be collected by the Central Electricity Authority.

The data gathered by the Directorate General of Employment and Training provides essential information on the movement of the labour force in different sectors, industries, and occupations in the economy and help in the formulation and planning of manpower in various industries. However, the data collected does not give complete picture of employment and unemployment scenario.

Many private placement agencies in urban and metropolitan cities are rendering services both for overseas and for domestic employment. However, there is need to establish the private agencies in the national employment service.

The shortcomings of the data generated by the DGMES include: 1.海洋日 weekly collection of data on private employment agencies, 2. periodic updating of the employment situation and job seekers' data is incomplete, 3. data is not accurate or current, 4. data is not confidential, and 5. data is not available in a timely manner.

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

The Directorate General of Mines Safety (DGMS) is an enforcing agency under the Mines Act 1952. It maintains a register of all mines in the country. The DGMS conducts periodic inspections and ensures compliance with safety norms.

In order to avoid the delay in publication of data by Labour Bureau and to have the latest information for use, the Director General of Mines Safety will be providing monthly data on labour turnover, absenteeism, machinery, output, wages, working hours, etc. This data will be available with the Central Electricity Authority.

However, the present system suffers from a problem. It is not obligatory on the part of Chief Inspector of Mines to submit returns and data are not processed manually which decreases makes the available data fast and accurate. What is required is to make it obligatory to submit the returns and to computerize the system. The DGMS is in a position to establish this computerized system.

The data on emoluments, which are the social security benefits, should be comprehended so as to be used for better management of the Employees' State Insurance, the Employees' Provident Fund and other social security activities.

The census data have the limitations of seasonal and intermittent nature of work characteristics of India, the heavy demand of workers, understatement of the female participation rate and considerable delay in release of data to the public.

The National Sample Survey Organization (NSSO) collects data on various parameters of employment and unemployment through its periodic surveys since 1953-54.

The limitations of data are: (a) the data does not capture informal sector workers, (b) before sending questions setting the interviews on a periodic basis, NSSO is required to collect data on part-time and intermittent work, (c) the data is collected on a periodic basis by number of days at work and total number of hours of work during the reference week, (d) the data on emoluments is not available separately by sector, and (e) the data on emoluments is not available separately by economic sector.
12.418 The status usually takes a lot of time to submit the consolidated annual returns of various labour data to the Bureau. The time lag varies from 1 to 2 years. Some states do not submit the data at all. Apart from the time lag, there is a very poor response for providing these returns. States claim the data collection is difficult. Since 1984, the percentage of return of returns from trade unions has never been above 17%. In 1996, the response percentage was just 9%. Such a poor response may not be consistent for any employment in public sector relating to industrial relations. The measures of Union Commission has recommended for trade unions to avoid the present situation.

12.419 The Labour Bureau conducts occupational wage surveys. It takes about 2 to 3 years to complete one round of such a survey. Due to this, it has not been possible to revise the base year of wage data index [WDI] numbers since then. Moreover, the occupational wage surveys does not include all categories of workers and therefore it is of little more relevance.

12.420 The Director General of Employment & Training published 5 publications, but most of these publications are brought out with considerable time lag.

12.421 The Employment and Entrepreneurship Programme (EAP) does not cover employment in every sector and therefore the data published by the EAP is of not much significance.

12.422 Out of the major variables that are collected, the requirement of the data is the most important. It includes various sectors and sub-sector of employment. It requires huge resources on the part of the state. There is a need to simplify this data and generate various ratios into a few forms. The complexity of forms leads to poor response and poor quality of data being collected.

12.423 The provision of some forms will reduce the scope of providing the most uniform and evaluating the returns. It also leads to confusion among the data users.

12.424 Our Commission has suggested uniform definition of terms under different laws. We hope the Government will accept these recommendations and pave the way for improvement of our existing system. The present labour statistics suffers from periodic deficiencies such as inadequacy of data, absence of periodicity of getting the information, long delays in response of the various socio-economic needs, poor quality of interpretation, and lack of reflecting the current economic scenario and innovativeness of those involved in development information.

12.425 The recommendations made by the recently appointed Committee under the chairmanship of Prof. L.R. Desai (1999) and the National Statistical Commission (2002) should be carefully treated by the Ministry of Labour and Action should be taken on them as early as possible.

12.426 We do not think that without the cooperation of the State Governments, it would be possible for the Labour Bureau to collect statistics.

12.427 The nature of outflow data on form does not exist. The utilization of the data already available with employment departments and recruitment agencies. Establishment of computerized systems of the registration of migrants at all international borders in India will go a long way in strengthening databases on migration.

12.428 The data relating to return migration can be strengthened by proper use of the disbursement cards in the major airports.

12.429 Data on migration are as much essential as the state level as they are the national level. The data collected at the national level need to be classified state wise. It would be desirable if the National Sample Survey Organization (NSSO) conducts detailed surveys or international movement periodically, as the movement changes.

12.430 Our country is facing acute underemployment. We have to develop a system through which availability of skill and wage movement at household level is studied in detail or periodic basis.

12.431 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 is necessary to involve the Social Welfare, Labour, Minerals, Industries and Workshops Departments of State Governments for the development of occupational specific wage movements and skill development.

12.432 This was the recommendation made by the Economic Research Department. The Commission endorses this recommendation and requests the Ministry of Labour to act upon the same.

12.433 The NSS has laid down certain standards concerning content and coverage of censuses relating to different subjects through various censuses. The Labour Bureau in consultation with the Ministry of Labour should formulate a plan to meet the requirements of different censuses with priority to the Census Number 150 for raising the wage sectors.

12.434 The ILO has laid down certain standards concerning content and coverage of censuses relating to different subjects through various censuses. The Labour Bureau in consultation with the Ministry of Labour should formulate a plan to meet the requirements of different censuses with priority to the Census Number 150 for raising the wage sectors.

12.435 After the 73rd Constitutional amendment, localization of decision making has been strengthened by political decentralization and gradual decision making powers are given to the local bodies and state bodies. 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 attained labour force by sector, occupation, education and skill level, facilities of skill development training at local level institutional frameworks that exist at the local level to provide support services to self-employed persons, programmes of development of infrastructure such as roads, irrigation, water supplies, development, etc.

12.436 We regret to say that the LabourStatistics as it stands today is not dependable. The industries do not have any obligation to submit the returns prescribed under the law. The collection of data does not have any obligation to submit the data on time. As a result of this poor quality and unrelentless 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 expenditure incurred to keep these surveys going.
NATIONAL COMMISSION ON LABOUR
ANNEXES TO THE REPORT OF THE

Contents
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/SHRAM SARKAR
MINISTRY OF LABOUR/SHRAM KIRAN
SHRAM SARKAR/SHRAM KIRAN, BAPU NARG
New Delhi, dated the 12th Oct., 1999

RESOLUTION

No. Z-20014/899-Coord. - The Government of India have decided to set up a National Commission on Labour consisting of the following:

CHIEF PERSON
Shri Ravindra Verma

FULL TIME MEMBER
1. Dr. B.R. sabado

PART TIME MEMBERS
1. Shri Subhash Sharda
2. Shri Sushil Kumar Shaw
3. Shri Surya Prakash Reddy
4. Shri Thiruvin Narayanan
5. Smt. E.A. R. Bhat
6. Shri S. Ramachandra
7. Shri Harshchandra Dave

MEMBER SECRETARY
1. Shri R. 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) the minimum level of labour protection and welfare measures and basic institutional framework for ensuring the same, in the manner which is conducive to a flexible labour market and adjustments necessary for furthering technological change and economic growth; and

(ii) the effectiveness of measures 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 resolution 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 Ministry/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
ORDER

New Delhi, dated the 15th January, 2001

SECRETARY TO THE GOVERNMENT OF INDIA

MINISTRY OF LABOUR

ORDER


eet of the Government of India, dated the 15th January, 2001, in Resolution No. 2-2001/8-7/CO-3,

Annexure - II

Respectfully submitted for your consideration and report the following:

1. A copy of the resolution be published in the Gazettes of India Parts I and II.

ORDER

New Delhi, dated the 15th January, 1999

SECRETARY TO THE GOVERNMENT OF INDIA

MINISTRY OF LABOUR

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Annexure - III

Secretariat of the National Commission on Labour

Chairman
Shri Ravindra Verma

Chairman's Secretariat

Private Secretary
Shri P.N. Shakhar

Personal Assistants
Shri P. Sivan, Ms R. Gulingampthy,

Data Entry Operator
Shri Lissy Sunny

Full Time Member
Dr. B.A. Gadade

Member Secretary
Shri N. Sarvai

Director
Shri T.C. Girsho

Joint Directors
Dr. Rashmi Agrawal, Shri Piyush Sharma

Deputy Directors
Dr. R.S. Tiwari, Shri D.P. Singh, Shri Prat

Administrative Officer
Shri G. Roy

Principal Private Secretary/Private Secretary
Shri B.K. Lamba, Shri Chandar Kumar

Investigators
Shri Arun Kumar Sarkar, Shri Arul
Shri Sunil Kumar, Shri Dipeti Bose
Shri D. Patro, Shri Shantini Sahni

Personal Assistants
Shri Bhaarat Bhatnagar, Shri Vineet Grover
Shri Jaswinder Singh, Shri Gurvinder Singh
Shri Rajeev Kumar, Shri Navjot Kumar
Shri AVR Subramaniam

Assistant/Accountant
Shri Lata Ram, Shri P. Manan

Lower Division Clerks
Shri Anind Kumar, Shri Vikram Singh

Staff Car Drivers
Shri R. Sundar, Shri S.R. Pande

Peons
Shri D.D. Dashoraj, Shri Gomthir
Shri K. Ramach, Smt. Gudi Devi
Shri Sanjib Sasrai, Shri Suresh

Farashi
Shri Chunnati Lali
MINISTRY OF LABOUR

NATIONAL COMMISSION ON LABOUR

ORGANISED SECTOR

PART I

QUESTIONNAIRE

NATIONAL COMMISSION ON LABOUR

SECOND

Annexure - IV
What measures would you suggest to improve the scope of employment for physically handicapped in (a) wage employment and (b) self-employment?

In establishments within your knowledge, is there any discrimination in the matter of recruitment on the grounds of caste, community, religion, language, etc.? Is such discrimination justified and unjustified?

Do you think trade unions be represented in the bodies providing labour recruitment?

What sort of employment formalities, appointment order, confirmation order, probation order, etc. do you propose? Do you want it to be obligatory?

What is your opinion about the present workers education scheme of the Government of India and the various types of training programmes that are organized under the banner of Workers' Education Training scheme? Is it 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?

The aim of the workers education scheme is to turn out good and responsible citizens, does the scheme serve this purpose?

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 the purpose?

Induction

Are the existing programmes for 'on the job' training for workers adequate? What are the limitations which impede the success, particularly in the context of new emerging technological changes?

What steps should be taken to encourage an employee to avail of the facilities outside the place of work for improving his skills? Is there any system of granting study leave to the employees in your establishment? If yes, please give the details.

(a) What should be the outline of a national production policy? What places would you assign in this policy to society, merit and trade tests?

(b) Should recruitment to positions at higher levels be made from among the existing employees only? In what cases?

Industrial exchanges require casual and temporary workers on large scales. Do you suggest any change in the present law provisions? About the recruitment of casual and temporary workers. In what cases can one allow casual and temporary labor employment? How long should casual and temporary workers be continued? Should we provide a battery to such casual workers while filling up permanent posts?

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 as their recruitment, their duration, conditions regarding specific training and so on?

For promoting a worker to higher posts, what considerations should be taken into account? Should his suitability to higher post be based on criteria such as personal behaviour, past performance, attendance, etc.? How far are these important in evaluating an employee's past performance?

Do you think that present technical training institutes need any change and if so, what measures would you propose?

Do you think that present technical training institutes need any change and if so, what measures would you propose?

Do you think that present technical training institutes need any change and if so, what measures would you propose?

Are you satisfied with present mode of employment for women workers?

Are they discriminated?

Are there any special facilities?

What measures do you propose to do justice to working and employment of women?

What minimum wage do you propose to help employment of disabled workers?

Conditions of Work

Working Conditions

(a) Conditions of work in factories, mines and plantation, etc., are presently governed by the Factories Act, 1948, the Mines Act, 1952 and the plantation Act, 1955, etc. The main provisions of such Acts, mention, rate and time, safe and welfare, hours of work, rest interval, weekly off, etc. (c) employment of women and minors. (d) annual leave with wages, (e) occupational injuries and (f) overtime payment. What changes are necessary in these provisions? How should the implementation of these Acts be improved?

(b) What other steps are required to ensure proper working conditions?

(c) In the matter of national and festival holidays, what is the extent of difference in the time limits of holidays from year to year? Is there a difference in the number of holidays in different regions?

(d) Do you suggest relaxation, and uniform policy of leave all over the country irrespective of caste and colour of industrial establishments?
19. What are your suggestions regarding the need for a National Health and Safety Act? What are the responsibilities of employers and employees under such a law? What are the implications of such an Act for industries in India?

20. What are the major challenges in creating a safe and healthy workplace in India? How can these challenges be overcome?

21. What are the benefits and drawbacks of using alternative technologies in the workplace to improve safety and health conditions?

22. What role should government play in promoting safe and healthy workplaces? How can they ensure compliance with safety and health standards?

23. What are the major factors contributing to workplace accidents and illnesses? How can these factors be addressed to reduce their impact?

24. What are the responsibilities of employees in maintaining a safe and healthy workplace? How can they ensure their own and their colleagues' safety and health?

25. What are the long-term implications of not addressing workplace safety and health issues? How can these issues be prevented?

TRADE UNIONS & EMPLOYERS' ORGANISATIONS

Reductions of Employers' and Workers' Organisations

1. Which are the factors which have contributed, a) positively and b) negatively, to the development of trade unions and employers' organisations in India over the past ten years?

2. What do you consider as the main function of a trade union?

3. A union or group for securing fair and just working conditions and the benefits of its members in general, improving their living conditions, such as by improving wages, hours of work, working conditions, and social security.

4. In your opinion, what are the main issues that face trade unions and employers' organisations today?

5. Do you consider trade unions and employers' organisations as complementary or competing institutions? Why?

6. What are the main challenges faced by trade unions and employers' organisations in India?

7. What role should government play in regulating and supervising trade unions and employers' organisations?

8. What measures should be taken to promote better industrial relations and reduce conflicts between trade unions and employers' organisations?

9. What are the major challenges that workers and employers face in maintaining a safe and healthy workplace?

10. What role should trade unions and employers' organisations play in shaping industrial policies and regulations?

11. What role do trade unions and employers' organisations play in the social and economic development of India?

12. What are the rights and responsibilities of workers under trade union and employers' organisations?

13. What are the implications of the National Industrial Relations Act, 1947, for trade unions and employers' organisations?

14. What are the major challenges faced by trade unions and employers' organisations in India, and how can they be addressed?

15. What role should government play in promoting industrial relations and ensuring a safe and healthy workplace?
1. What are the advantages of industry-wide unions? What are the difficulties in their recognition and how should the subjects to be dealt with be covered at the plant level and by the industry, where it be determined?

2. What are the advantages and disadvantages of having a union as the sole bargaining agent in an industrial unit?

3. Do you propose to have a collective bargaining agent located through secret ballot? Or do you propose to have a joint collective bargaining agent? How should such unions be formed?

4. For detecting the representative character of a trade union for purposes of grant of recognition, which method would be the most appropriate one? How is it to be implemented practically?

5. What are your views regarding the 1985 Supreme Court Judgement in the Food Corporation of India case where violation of secret ballot was remedied?

6. 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?

7. What facilities should an employer provide to the workers for the activities of the union?

8. What has been the attitude of the Government in encouraging or restricting trade unions?

9. What should be the role of trade unions during working hours in the performance of their duties?

10. What procedure should be evolved to ensure that production/activities on the shop floor during working hours is not hampered, while ensuring CoP of workers to participate?

11. Do you consider that a trade union is basically an arm of the state that society and therefore, has a social obligation towards the development of the society?

INDUSTRIAL RELATIONS

Introduction

1. What should be the criteria for determining the efficiency of the management of Governmental Industrial relations policy? In view of these criteria, how is your assessment of the results of the policy?

2. Are the patterns of industrial conflict changing in the last 20 years, in particular, how have the social, economic, and political factors affected the intensity of industrial conflict?

3. Is it possible to rule out some significant factors in units within your knowledge which in recent years have led to improvements in industrial relations in the plant area? What are the factors that 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 in the settlement of disputes?
...
Do you consider that efforts in conciliation should be proactive and anticipatory in nature rather than set in motion in post-dispute situations? If so, what are the specific suggestions for preventive conciliation mechanisms?

What measures do you suggest to minimize the future rate of conciliation?

Do you suggest that the mechanism of the Board of Conciliation should be strengthened?

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?

It is argued that definitions of "industry," "worker," and "appropriate parties," etc., as settled by certain courts 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?

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.

What importance be given to conciliation? If one wants to go to the Court on some legal issue, should conciliation be attempted?

If you consider that special training can or should be organized for conciliation?

Adjudication

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 in the country?

Are the existing arrangements for reference of disputes to adjudication satisfactory? If not, how can the arrangements be improved?

Should the authority for appointment of industrial tribunals be vested in Labour Department or any other authority?

There is a section of opinion that the existing act and procedures involving different stages like conciliation, adjudication, etc., in settlement of disputes take an unacceptably long time. What measures would you advocate for expeditious settlement of disputes?

How should the cost of adjudication to the parties be reduced? Should the same be used to discharge certain functions of the adjudication machinery, to conciliation officers? If so, please specify.

What measures should be taken to ensure full and speedy implementation of tripartite awards and agreements?

Do you recommend legislative provisions for direct access to adjudication jurisdiction of labour courts and tribunals in respect of all kinds of individual disputes?

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

What is the role of voluntary arbitration in the achievement of good industrial relations? Is it in your opinion the employers and workers promote voluntary arbitration? Should a provision for voluntary arbitration be incorporated in all collective agreements?

Please indicate the areas of industrial disputes where voluntary arbitration can be preferred to adjudication.

What measures do you suggest to simplify the procedure for voluntary arbitration?

What have been the weaknesses of the Voluntary Arbitration Promotion Board? What measures do you suggest for their strengthening?

What professional group provides the best arbitration? Civil Servants, Lawyers, Academics, Businessmen, Trade Unions, Technicians? Other: (please specify). Do you suggest any rank, qualification and experience for arbitrators?

What should be the arrangement for meeting the expenses of arbitration?

Strikes and Lockouts

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 thereof.

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?

In how many cases have you knowledge that workmen have been noted 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?

What are the issues on which a strike is called? How is the decision for going on strike taken by the union?

Are there instances of workmen going on strike without sanction of the union?

What are the instances of management applying the principle of "no work, no pay"?

a) In what way can purpose in trade unions and management keep in touch with each other during a strike in order to resolve 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

What are the remedial measures to deal with a strike situation?

Are charter of demands placed prior to a strike notice? If so, how, and are they dealt with by the management?

Do you consider that public utility services need to be strictly defined? If so, how?

How do you view the judicial pronouncement by the apex court on mandating being declared illegal?
25. In the case of a demand 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 a collective bargaining wage has an impact on productivity, especially in relation to industry-level collective bargaining at the public sector?
(b) Do you see justification for opposition to productivity gains in agreement?

Mode of Wage Payment

27. (a) Do you agree with a time scale wage system or not? If not, which other system do you propose?
(b) If this type of wage system is adopted, what should be the method of fixing annual increments?
(c) To what extent is the method of paying unskilled workers on time scale of pay comment that 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 the formal sector where the minimum wages are not adhered to; if so, what are the reasons and how could they be addressed?

30. Can a uniform period for the duration of entitlement arrangements on wages be laid down, thereafter?

31. Is the scheme for payment of bonus and bonus linked to 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? Is it justified, and 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 the 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 found to be unsatisfactory, how can the increase in productivity be achieved? Do you suggest any other method?
4. How can productivity be raised through social partnership among labor, management, and Government?
5. How should gains of labor productivity be shared?
6. Has any experimentation 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 labor's leisure and absenteeism? How do they affect improvement in productivity?

9. What is the role of the government in enforcing the standard of living in the successful working of incentive schemes?

10. What is the potential of new technology in employment generation? Are the technologies that are being introduced may be assimilated as (a) labor intensive and (b) capital intensive?

11. What cultural support would you suggest to foster a culture of productivity?

Social Security

1. (a) What specific assistance of social security measures contributes to stability of employment and income generation?
(b) Has some of the benefits, based on their time-honored principle, but to large labor turnover? If so, what should be the national measures?

2. The concept of Minimum Standards of Social Security envisaged by the International Labor Organization refers to the following branches of social policy, namely, medical care, social benefits, old age benefits, unemployment benefits, disability benefits, family benefits, maternity benefits, invalidity benefits and survivor benefits.
(a) In what extent is each one of the above benefits available in present?
(b) What is the cost of existing social security schemes at present? How much is it likely to cost?
(c) Are the same and coverage of each one of the benefits mentioned above adequate?
(d) Should the priority be for enlarging the scope and coverage of the various existing benefits?

3. In your experience, how a worker continues to get compensation for loss of wages which could not be earned due to illness or unemployment? Who should fund such compensation? Should it be Government or employer or worker himself?

4. Do you think that the dependence of the worker should be reduced in such schemes?

5. How should the programme for provision of the benefits currently available be planned?

6. What do you propose to do to build a stronger relationship between labor and management to enable such counterpart to rise the social security expenses?

The benefits referred to in the preceding questions are generally available only to persons who are wage and employment. These may not cover a large number of persons like traders, artisans, and small shopkeepers, who are self-employed. How will these be covered by the scheme? A more comprehensive social security scheme should be taken to take care of these groups. What additional steps should be taken to bring these groups within the benefits of social security schemes?

7. What are the shortcomings of the Employees State Insurance Scheme and Employees Provident Fund Scheme? What are your suggestions for overcoming these issues?

8. Suggest practical systems to be evolved to avoid multiple burden of different schemes in respect of the benefits of social security systems.
The document contains text that is not legible due to the quality of the image. It appears to be a page from a book or a report, but the content is not discernible from the image provided.
6. The correct answer is C. Exchange rates are fundamentally determined by the forces of supply and demand in the foreign exchange market, and are influenced by various economic factors such as interest rates, inflation, and geopolitical events. Therefore, C is the correct answer.

7. The correct answer is B. Interest rates are generally set by central banks and are influenced by a variety of factors including economic conditions, inflation, and the overall health of the economy. Therefore, B is the correct answer.

8. The correct answer is A. Interest rates affect the cost of borrowing for businesses and consumers, influencing investment and consumption decisions. Therefore, A is the correct answer.

9. The correct answer is C. Government spending can stimulate economic growth by increasing demand for goods and services, which in turn creates jobs and increases income. Therefore, C is the correct answer.

10. The correct answer is C. A trade surplus occurs when a country exports more goods and services than it imports, leading to an accumulation of foreign exchange reserves. Therefore, C is the correct answer.
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 Madras Pradesh Housing Board Act, 1955
   c) The Mysore Housing Board Act, 1955
   d) The Hyderabad Labour Housing Act, 1953
   e) The Uttar Pradesh Industrial Housing Act, 1955
   f) The Punjab Industrial Housing Act, 1955

7. Safety and Welfare:
   a) The Indian Dock Labour Act, 1941
   d) The Civil Employees' Provident Fund and Welfare Fund Act, 1950
   e) The Coal Mines (Conservation and Safety) Act, 1952
   f) The Bombay Labour Welfare Act, 1938
   g) The Iron and Steel Labour Welfare Act, 1958
   h) The Assam Tea Plantations Employees' Welfare Fund Act, 1959
   i) The Assam Tea Plantations Provident Fund Scheme Act, 1956

8. Wages:
   a) The Payment of Wages Act, 1936
   b) The Minimum Wages Act, 1948

9. Social Security:
   a) The Workers' 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 Minimum 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 Madras Industrial Relations Act, 1960

11. Miscellaneous:
     a) The Children (Pleading of Labour) Act, 1933
     b) The Employment of Children Act, 1938
     c) The Apprentices Act, 1961
     d) The Women and Children Act, 1958
     e) The Factory Act, 1948
     f) The Motor Vehicles Act, 1939
     g) The Motor Vehicles ( laid-Off and Retrenchment) Act, 1948
     h) The Arbitration and Conciliation Act, 1950
     i) The Factories Act, 1948
     j) The Industrial Disputes Act, 1947
     k) The Factories Act, 1948
     l) The Factories Act, 1952
     m) The Factories Act, 1954
     n) The Factories Act, 1955
     o) The Factories Act, 1956
     p) The Factories Act, 1957
Conditions of work:

13. Are the provisions of the Minimum Wages Act (1966) enforced in the unorganized sector?
14. What are the implications of the implementation of the Minimum Wages Act in the unorganized sector?

Wages:

22. What is your perception of the nature and extent of wage disorganization in the unorganized sector?
23. How do you perceive the impact of the Minimum Wages Act on wages in the unorganized sector?

Organization of Unorganized Sector Labour:

24. What steps are being taken to organize the unorganized sector?
25. What are the challenges faced in organizing the unorganized sector?
26. Are there any legal provisions to protect the rights of workers in the unorganized sector?

30. Are there any common thread running through the objectives of organizations for different sectors of unorganized labour as should such objectives be different for different sectors? How did you organize separate organizations?
31. In the Trade Union Act, 1926 relevant to the issue of organization of unorganized sector labour? What are your suggestions regarding the changes required or separate legislation?
Social Security

67. What is the importance of social security in strengthening the financial position of the unorganized sector labour?

68. Should social security be understood as a package of measures? If so, what should be the major components? Have outlines such a scheme in the context of unorganized sector labour?

69. It is held that social security measures for unorganized sector labour are complicated by features such as:

a) lack of awareness or stake among the employer and employees which prevents schemes from being implemented
b) inadequate wage structure and lack of round the year employment which prevents schemes from being implemented
c) purely casual nature of employment which precludes benefits like sick leave, maternity leave etc.

To what extent can these complicating factors be eliminated to make the benefits of social security available to unorganized sector labour?

70. Comment on the functioning of old age pension scheme in your State/Territory. Should it be replaced in its entirety? What are your suggested modifications for making our existing social security system more robust, e.g., coverage, adequacy of monthly pension?

71. Should the rates of old age pension be revised at regular par Vadodara and such revision be linked to level of living index?

72. Is there any scheme in your State/Territory to ensure residual risk in different occupations under the organized sector? If so, give a brief description of such scheme together with proposal to be implemented, whether individual or 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, unorganized nature of labour and 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 interventions more effective? What new measures may be required?

76. What is the position in your State/Territory regarding wage determination based on gender and minimum wages/compensation to check?

77. How active are the NGOs and independent institutions in organizing women to secure their upliftment and present exploitation?

78. How are the NGOs and independent institutions in organizing workers to secure their upliftment & present exploitation?

79. What is the extent of involvement of children in unorganized labour sector under different employment conditions? What steps have been taken in your State/Territory?

Legislative Provisions

80. What should be the main focus of legislative intervention to provide basic benefits of protection to unorganized sector labour keeping in view the size of the target group, the past experience vis-a-vis the actual incidence of the existing laws to the unorganized sector and administrative, financial and judicial dimension of implementing such laws? What is the scope of the new legislation you may like to suggest?

What are your views regarding a central arbitration legislation for ensuring a minimum level of protection to the unorganized sector labour? What should be the essential components of such legislation?

81. Should such legislation be common to the entire unorganized sector or be separate for rural and urban sectors or wage labour and self-employed sector? Should there be a separate legislation for agricultural workers who form a very sizeable chunk of unorganized sector labour? Please also refer to questions 15, 16, 17, 18, 19, 20 and 21.

Data Collection

82. Do you think that existing data on various aspects of unorganized sector labour being collected regularly is adequate for analysis and policy formulation for reorganization of unorganized sector?

83. Please state the additional data (together with sources and periodicity) on which data relating to unorganized sector labour should be collected.

84. Is the data collected in a non-repetitive and well-organized? 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? What could be the role of information technology?

87. Apart from these data, certain issues and problems concerning unorganized sector labour may require in-depth studies on regular basis. What is your perception of such subjects which would require periodic studies?

88. Please furnish your suggestions regarding strengthening of institutional setting for undertaking studies on unorganized sector labour.

89. How should research in unorganized sector labour be promoted in universities and other research centres?

90. How could research work be disseminated quickly & widely to the other research bodies and Government and non-Government agencies?
NOTIFICATION

The Second National Commission on Labour hereby constitutes a Study Group on "Skill Development, Training & Workers' Education" for an in-depth study. The subject Chairman and the members of the Study Group are as follows:

1. Shri Sushil Kant Munjal  
   Chairman
2. Shri S. Kishan
3. Shri S. V. Bhalerao
4. Shri Gunjan Sethi
5. Shri D. Shankaran
6. Shri S. K. Upadhyay
7. Dr. C. S. K. Singh
8. Shri R. N. Mittal

The list of members of Study Group may be further expanded subject to the maximum of nine including Chairman after his consultation.

The Study Group will be free to choose known procedure and would report expeditiously in consonance with the terms of reference of the Commission as per Government Resolution No. 2/2004/NLC-09-09 Dated 13-10-1993.

By order of the Chairman

(N. SANYAL)
MEMBER SECRETARY

Copy to:
1. DG to Secretary, Ministry of Labour, Shri Ram, Shankar Bhawan, Rail Bhavan, New Delhi - 110001.
2. Dr. C. Kishan, Labour & Employment Advisor, Ministry of Labour, Shram Bhawan, Rail Bhavan, New Delhi - 110001.

(Signed)

(N. SANYAL)
GLOBALIZATION AND ITS IMPACT

Study Group on

UNEMPLOYMENT FOR THE WORKERS IN THE

Study Group on
Study Group on
"SOCIAL SECURITY"

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8. Ms. Shamita Saha
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Managing Trustee, M.K. Foundation,
28, Nareja Patti Well,
Secunderabad - 500 025
## Mumbai (Maharashtra) 4.7.2000 to 7.7.2000

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**BANGALORE (KARNATAKA) 27.11.2000 - 29.11.2000**

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<td>Shri. A. Dayal, President, Shri. K. D. Singhal</td>
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<td>Labour Dept.</td>
<td>Shri. B. Prasad, Member, Shri. V. K. Singh</td>
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<td>Dept of Labour &amp; Employment, Nagaland</td>
<td>Shri. S. P. Singh, Chairman, Shri. G. K. Singh</td>
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<td>4</td>
<td>All Assam SIU Association, Dibrugarh</td>
<td>Shri. C. Chatterjee, President, Shri. R. K. Sinha</td>
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**NAGALAND**

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<td>2</td>
<td>Dimapur Cyclo Rickshaw Puller Union, Dimapur</td>
<td>Shri. B. B. Singh, Member, Shri. K. D. Goyal</td>
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<td>3</td>
<td>North Eastern Women Welfare Society, Dimapur</td>
<td>Shri. D. L. Singh, Member, Shri. G. K. Singh</td>
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<td>4</td>
<td>Nagaland Public &amp; Private Transport Union, Tura</td>
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<td>5</td>
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<td>Dimapur Water &amp; Waste Water Union, Dimapur</td>
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<td>Eastern Funeral Association, Tura</td>
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<td>Dimapur Cyclo Workers Union</td>
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<td>Patna University, Dept Labour &amp; Special Welfare</td>
<td>Dr N K Banerjee, Professor</td>
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<td>IRF, Ranchi</td>
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<td>12</td>
<td>ICICI, Ranchi</td>
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<td>ICICI, Ranchi</td>
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<tr>
<td>1</td>
<td>Petro Chemical &amp; Pharmaceuticals Limited, Dabrii</td>
<td>Shri. Harishdas</td>
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<tr>
<td>2</td>
<td>National Petro Chemicals Limited, Dabrii</td>
<td>Shri. Rameshwar Prasad</td>
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<tr>
<td>3</td>
<td>Federation of Small Industries Association</td>
<td>Shri. V.K. Goyal</td>
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<td>4</td>
<td>Uttar Pradesh Muktak Samaj</td>
<td>Shri. P.K. Varma, President</td>
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<tr>
<td>5</td>
<td>Uttar Pradesh Oil and Drug Merchants Association</td>
<td>Shri. V.P. Prasad</td>
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<tr>
<td>6</td>
<td>O.G. Financial Services Ltd., Lucknow</td>
<td>Shri. S.S. Singh, President</td>
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<td>7</td>
<td>Uttar Pradesh State Bank of India, Lucknow</td>
<td>Shri. A.K. Singh, General Manager</td>
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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<td>Delhi Federation, Owner's Association, New Delhi</td>
<td>Shri A.K. Shrik, President</td>
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<tr>
<td>2</td>
<td>All Higher Wages Committee, New Delhi</td>
<td>Shri K. M. R. K. C. Anand, President</td>
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<td>3</td>
<td>All India Congress, New Delhi</td>
<td>Shri N. V. A. N. S. Mani, Secretary</td>
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<td>4</td>
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<td>Shri A. N. S. C. Anand, Secretary</td>
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<td>Shri A. K. Shrik, President</td>
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<td>2</td>
<td>Jammu &amp; Srinagar (Jammu &amp; Kashmir)</td>
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List of Liaison Officers appointed by the States/Union Territories to coordinate the visits of National Commission on Labour

<table>
<thead>
<tr>
<th>State</th>
<th>Name</th>
<th>Contact Details</th>
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<tbody>
<tr>
<td>Maharashtra</td>
<td>Smt. M.R. Ambekar</td>
<td>Dy. Labour Commissioner</td>
</tr>
<tr>
<td>Gujrat</td>
<td>Shri A.K. Bhayana</td>
<td>Dy. Labour Commissioner</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>Shri P.A. Kembhavi</td>
<td>Labour Commissioner</td>
</tr>
<tr>
<td>Kerala</td>
<td>Shri R. P. Patil</td>
<td>Labour Commissioner</td>
</tr>
<tr>
<td>Karnataka</td>
<td>Smt. M. Shafiq</td>
<td>Labour Commissioner</td>
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<tr>
<td>Andhra Pradesh</td>
<td>Smt. M. Meru</td>
<td>Labour Commissioner</td>
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<tr>
<td>Uttrakhand</td>
<td>Smt. B.C. Day</td>
<td>Labour Commissioner</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>Shri N. Singh</td>
<td>Labour Commissioner</td>
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<tr>
<td>Assam</td>
<td>Shri Aloj Patna</td>
<td>Labour Commissioner</td>
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<tr>
<td>Tripura</td>
<td>Dr. B. Phadke</td>
<td>Labour Commissioner</td>
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<tr>
<td>Mizoram</td>
<td>Shri A.K. Das</td>
<td>Labour Officer</td>
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<tr>
<td>Meghalaya</td>
<td>Smt. A.K. Roy</td>
<td>Labour Commissioner</td>
</tr>
<tr>
<td>Andaman &amp; Nicobar</td>
<td>Smt. Aradhya Verma</td>
<td>Labour Commissioner</td>
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<tr>
<td>Sikkim</td>
<td>Smt. A.K. Singh</td>
<td>Labour Commissioner</td>
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<tr>
<td>Cooch Behar</td>
<td>Shri K.B. Gompa</td>
<td>Labour Commissioner</td>
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<tr>
<td>Uttar Pradesh</td>
<td>Shri R. Ganesh</td>
<td>Labour Commissioner</td>
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<tr>
<td>Uttrakhand</td>
<td>Shri S.V. Hapak</td>
<td>Endorser's Nominee</td>
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<tr>
<td>Bihar (Patna)</td>
<td>Smt. Anu Dua</td>
<td>Labour Commissioner</td>
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<tr>
<td>Jharkhand</td>
<td>Shri V.K. Chaudhary</td>
<td>Labour Commissioner</td>
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<tr>
<td>Bengal (Chandigarh)</td>
<td>Shri L.N. Sharma</td>
<td>Labour Commissioner</td>
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<tr>
<td>Himachal Pradesh</td>
<td>Shri T.K. Singh</td>
<td>Labour Commissioner</td>
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<tr>
<td>Maharashtra</td>
<td>Smt. S.S. Chimbandya</td>
<td>Labour Commissioner</td>
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<tr>
<td>Jammu &amp; Kashmir</td>
<td>Shri A.K. Vyas</td>
<td>Labour Commissioner</td>
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<tr>
<td>Himachal Pradesh</td>
<td>Smt. S.C. Arora</td>
<td>Labour Commissioner</td>
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</tbody>
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**Commissions Visits Abroad**

- **Malaysia**: 11-01-2002 to 12-02-2002
- **China**: 14-01-2002 to 13-01-2002
DIRECTOR GENERAL OF FACTORY SERVICE AND LABOUR INSTITUTE, MUMBAI

1. Shri V.P. Bakshi, Director General
2. Shri M.G. Desai, Deputy Director General
3. Shri N. Sathe, Director (Safety)
4. Shri V.K. Anand, Director (Staff)
5. Shri V.K. Raut, Director (Training)
6. Shri S.C. Shrivastava, Assistant Director

CENTRAL BOARD OF WORKERS EDUCATION, MUMBAI

1. Shri V. Rameshwar, Director (Addl. Charge)
2. Shri V.K. Jha, Regional Director
3. Shri V.P. Chaudhry, Dy. Director (Addl.)

EMPLOYEES PROVIDENT FUND ORGANISATION, NEW DELHI

1. Shri S.C. Raj, PAECG
2. Shri S. Venkateshan, PFC
3. Shri V.K. Agarwal, Addl. CPO
4. Shri S. Burcham, PF

EMPLOYEES STATE INSURANCE CORPORATION, NEW DELHI

1. Shri V.L. Nagre, Addl. Commissioner
2. Dr. B.M. Singh, Addl. Commissioner
3. Shri D. Chandra, Commissioner

LABOUR COUNCIL, CHENNAI

1. Shri A. Nagesh, Director
2. Shri R. Kumar, Director
3. Shri P. Ramesh, Director
4. Shri V. Sundar, Director

03.06.2002

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

04.06.2002

INTERACTED WITH THE FOLLOWING RURAL SECTOR NGOs, PUNE

1. Shri K.V. Sastry, President, Rural Development Organisation
2. Shri K.J. Prasad, General Secretary
3. Shri M.K. Joshi, Assistant General Secretary
4. Shri S.G. Hiremath, President

05.06.2002

Visited the office of Dr. R. Vyas, Mumbai, and discussed with him PASU and other senior officials and went to the laboratory, the medical facilities for detection of occupational diseases and also visited the office of the Medical Officer, Pimpri-Chinchwad.

21.07.2001

RAILWAYS

MINISTRY OF RAILWAYS

1. Shri S. R. Deshmukh, IEO (L)
2. Shri S. R. Nagdev, IEO (R)

NATIONAL FEDERATION OF INDIAN RAILWAY

1. Shri S. R. Deshmukh, General Secretary
2. Shri S. R. Nagdev, General Secretary
3. Shri R. F. Bisnauth, Treasurer
4. Shri S. R. Deshmukh, Joint General Secretary

NIREG HEADQUARTERS, NEW DELHI

1. Shri S. R. Deshmukh, Secretary
2. Shri S. R. Nagdev, Secretary
3. Shri S. R. Nagdev, Joint Secretary
4. Shri S. R. Deshmukh, Joint Secretary

ARMY HEADQUARTERS, MINISTRY OF DEFENCE

1. Shri A.K. Singh, Director, MDS
2. Shri S. S. Mathur, General Manager
3. Shri S. R. Deshmukh, Secretary
programmes to provide services and information, including health suggestions, designing proper equipment, suggesting a proper diet, etc.

20. (a) What are your suggestions regarding training in health and safety in establishments not covered by existing Act(s) or any other laws? And what are your views about working conditions in these establishments? How should health and safety aspects be addressed in them?

21. What are the regulatory provisions relating to establishments other than factories to ensure safety and health? Do you think it is necessary to include such provisions like software building construction, storage facilities, storage energy, etc. to be provided with necessary provisions?

22. Do you think that the current wage policy has adequately been addressed by new and existing wage determination schemes? At what levels should the minimum wages be provided from now on? Are these levels adequate?

23. The Shopian rioting in 1984 brought to the fore a new aspect of industrial relations. That is, that these are not only affected by the workers but the people living in the area also. The rioting in 1984 took it to a new level as several people were killed and many were injured. Do you think that this demands a thorough review of the existing industrial policies and practices?

TRADITIONAL EMPLOYERS’ ORGANISATIONS

Federal of Workers’ and Employees’ Organisations

1. What are the factors which have contributed, a) positively and b) negatively, to the development and organizational pattern of trade unions in the past thirty years?

2. What do you consider to be the main function of a trade union?

3. Do you consider employers’ organisations as possessing certain qualities of leadership in furthering the cause of creation of rational welfare and healthy social relations? If so, please specify your views on this.

4. What should be the role of employers’ organisations in promoting social harmony?

5. How can the involvement of other government departments be ensured in improving the working conditions of employees?

6. Are there any existing arrangements for communication between the central organisations of employers and workers? How could these arrangements be improved?

7. To what extent are the existing arrangements or structures at state and national levels facilitating or hindering effective communication and negotiation with employers or workers? How can these be improved?

8. What are the existing conditions in which central organisations of employers and workers provide a beneficial platform for their members?

9. Do you think that the existing conditions for negotiation and communication between employers and workers are conducive to effective and peaceful resolutions of disputes?

10. In view of the existing conditions, what suggestions do you have for improving the current system of negotiations and communication between employers and workers?

11. How can the existing system of negotiation and communication be made more effective and efficient?

12. What should be the role of employers’ organisations in guiding the development of labour policies?

13. What should be the role of employers’ organisations in shaping public opinion and attitudes towards workers and their rights?

14. In what ways can employers’ organisations be involved in promoting social harmony and development?

15. How can employers’ organisations contribute to the improvement of working conditions and the well-being of workers?

16. What suggestions do you have for increasing the participation of employers’ organisations in the resolution of labour disputes?

17. How can employers’ organisations contribute to the development of social welfare programs and initiatives?

18. What mechanisms can be developed to ensure the effective implementation of agreements reached between employers and workers?

19. How can employers’ organisations contribute to the development of a just and equitable system of compensation for workers?

20. What suggestions do you have for improving the current system of negotiations and communication between employers and workers?
31. What are the advantages of collective agreement? What are the disadvantages of these agreements? How should the parties negotiate them fairly, without one party dominating? Should industrial relations be mandatory?

32. What are the advantages and disadvantages of forming a union as the negotiating agent in the workplace?

33. Do you propose to have a collective bargaining agent elected through a secret ballot? If so, do you propose to have a collective bargaining agent?

34. Should collective bargaining be mandatory?

35. Are your views regarding the 1935 Supreme Court Judgement in the Federal Corporation of India case where the Government of India was upheld against a challenge by private interests?

36. If a union is elected as the bargaining agent in an establishment, what should be the rights and responsibilities of other parties in the establishment?

37. What are the rights and responsibilities of employers and employees in the establishment?

38. What is the attitude of the Government in respect of strikes by workers?

39. What happens to the wages and salaries of workers during a strike? Should the strike be stopped by the strike being declared illegal during the strike? Should the strike be stopped by the strike being declared illegal?

40. What measures should be taken to ensure that the strike is not prolonged, while ensuring that the strike is not illegal?

41. Can you consider a strike as a violation of the rights of the workers?

42. What are the industrial relations as they exist in the context of economic relations?

43. What have been the causes of these industrial relations?

44. What have been the changes in industrial relations?

45. What measures are necessary in the present arrangements for the prevention of industrial disputes? What should be the role of the state in resolving industrial disputes?

7. What is the role of fact-finding inquiries in improving industrial relations?

8. How is the establishment of industrial relations a unit affected by the existence of trade unions?

9. What is the role of the state in the establishment of industrial relations where there are trade unions? What is the role of the state in the establishment of industrial relations where there are no trade unions?

10. How has the contribution of factories like the recognition of unions, the arrangements for dealing with industrial relations, and the strengthening of collective bargaining arrangements, promoted industrial harmony?

11. What is the role of the central organizations of employers and employees, including the Government, in maintaining and promoting harmonious employer-employee relationships? What are your suggestions for improvement?

12. What role have personnel officers/issuance administrators played in preventing disputes and maintaining harmonious employer-employee relationships, and particularly in the context of grievance handling procedure?

13. Assess the professional suitability in terms of educational background, experience, and reputation of authorities directly dealing with employees in relation to labor cases in which you are familiar with.

14. To what extent are the standing orders formulated with due consideration to the needs of the employees?

15. What changes, if any, are required in the Employment Standing Orders Act, 1946, and the Model Standing Orders formulated under the Act?

16. What are the significant factors that have contributed to industrial disputes? How do the procedures prescribed under the Model Standing Orders address these disputes?

17. What are your comments regarding the Supreme Court Judgement on the question of reinstatement in Ghar Industries case?

18. How is the Model Standing Orders Act, 1946, and the Model Standing Orders formulated?

19. In what way can the courts improve in respect of strikes and lock-outs?

20. What is the role of the courts in respect of strikes and lock-outs?

21. To what extent are the courts competent to deal with industrial disputes?
Do you consider that efforts in conciliation should be proactive and anticipatory in nature rather than be set in motion in post-contractual situations? If so, what are the specific suggestions for preventive conciliation mechanism?

What measures do you suggest to minimize the failure rate of conciliation?

Do you suggest that the machinery of the Board of Conciliation should be strengthened?

Do you think that it should be provided through legislative amendments to empower conciliation authorities to make recommendations to appropriate government as to whether a dispute is fit for adjudication?

It is argued that definitions of "industry," "workers," "appropriate Court," etc., are set forth by different acts and interpretations of different sections of the Industrial Disputes Act, 1947 by the Apex Court and High Courts have weakened the position of conciliation machinery. Do you agree with it? If so, what remedies, by way of legislative changes do you suggest?

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 suggestions.

What measures be given to conciliation? If the parties wish to go to the Court on some legal issue, should conciliation be attempted?

Do you consider that special training can or should be organized for conciliators?

Adjudication

What are the criteria for assessing the capability 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?

Are the existing arrangements for reference of disputes to adjudication satisfactory? If not, how can the arrangements be improved?

Should the authority of the appointment of industrial tribunals be vested in the Labour Department? If not, whom should it lie?

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 extremely long time. What measures would you advocate for expeditious settlement of disputes?

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.

What measures should be taken to ensure fair and speedy implementation of final awards and agreements?

Do you recommend legislative provisions for direct access to adjudicatory jurisdiction of labour courts and tribunals in respect of all kinds of industrial disputes?

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

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 the collective agreements?

Please indicate the areas of industrial disputes where voluntary arbitration can be preferred to adjudication.

What measures do you suggest to simplify the procedure for voluntary arbitration?

What have been the weaknesses of Industrial Arbitration Commissions? What measures do you suggest for its strengthening?


What should be the arrangements for meeting the expenses of arbitration?

Strikes and Lockouts

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.

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?

In how many cases utilizing your knowledge have workers been able to secure wages for the strike period when the strike is declared illegal? Are there cases where the strike period pay is given when the strike is illegal?

What are the issues on which a strike is called / lockout is declared? What is the decision for going on strike taken by the union?

Are there instances of workers going on strike without sanction of the union?

What are the instances of management adhering to the principle of my work no pay?

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?

What are the instances of government interference and in what ways in cases where a strike is (i) legal, (ii) illegal, (iii) justified and (iv) unjustified?

General

What are the preventive measures to ward off a strike situation?

Are charter of demands placed prior to a strike notice? If so, how are they dealt with by the management?

Do you consider that public utility services need to be entirely defined? If so, how?

How do you view the recent pronouncement by the Apex Court on strikes being neutral illegal?
WAGES

Introductory

1. What are the remedies for the abuse of the wage scale?
2. How can the wage scale be made more effective?
3. What has been the relationship between wages in agriculture and other organized sectors?
4. In what extent is the existing level of wages a result of the traditional mode of wage settlement, collective bargaining, awards, etc.?

Minimum Wage

1. Does the concept of minimum wage need to be revised? If so, what should be its criteria?
2. Do wages rise as the economy grows?

Dearness Allowance

6. Considering the need for protecting real wages, how should one proceed for revision of dearness allowance rates?
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 is adjusted in cases of living expenses or changes in cost of living is followed:
   a) What should the frequency of revision be?
   b) What should be the frequency of revision?
9. The cost of living allowance in cases of living expenses or changes in cost of living should be determined by:
   a) The cost of living index
   b) The average cost of living
   c) The standard cost of living

Wage Policy

21. It is said that in the absence of wage increases, the wage structure is used to increase profits. Why is this so?
22. In the context of planned development, the question of taking an increased role of policy in shape of wages, incomes, and salary is often emphasized. What should be the objective and source of such policy in the context of globalization of the Indian economy and should such policies be implemented?
23. Is there a need for greater balance in wage structure between the public and private sector? If so, how should it be achieved?

26. (a) Do you subscribe to the view that the collective bargaining wage is the only step in productivity, especially in relation to industry-wide collective bargaining in the public sector?
(b) Do you see privatization as an avenue to productivity change in the public sector?

Mode of Wage Payment

27. (a) Do you agree with a base scale wage system or not? If not, what other system do you propose?
(b) If base scale wage system is applied, what should be the method of fixing annual increases?
(c) To what extent is the method of paying workers on time scale of pay commensurate? Would you favour an alternative?

28. What should be the component factors which should determine the wage? How should these component factors be made operational?

General

25. Do you think that there are certain areas in manual work where the minimum wages are not enforced? If so, what are the reasons and how could they be increased?

26. Can a uniform period for the duration of settlement agreements on wages be fixed?

27. Is the scheme for payment of annual bonus embodied in the Payment of Bonus Act, 1965, satisfactory/irregular? If not, what are your suggestions?

28. What is your opinion about the treatment of bonuses as a normal wage? If it is justifiable, how do you think the entitlement of bonuses being linked to pay structure?

29. 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 be done to introduce an incentive system or incentive scheme? What would be the guiding principles?

3. There is a general feeling that the incentive scheme has not worked in many organisations 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. Are any undertakings within your knowledge experiences in recent years, with productivity techniques, successful? How did the employees react to these experiments? Did the result increase in productivity? If so, how was this obtained?

7. What place would you assign to suggestion schemes and institution of awards for outstanding work in improving productivity?

8. What are the factors contributing to labour turnover and absenteeism? How do they affect environment of productivity?

9. What is the role of the director of works for increasing the standard of living as the success in productivity?

10. What is the potential of new technology in employment generation? Are the technologies that are being introduced now the same that may be assimilated 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 existing social security measures contribute to stability of employment and industrial relations?
(b) Have some of the benefits, based on they are on a quarterly basis for variety of reasons, not been linked with the financial resources?

2. The convention on Minimum Standards of Social Security adopted by the International Labour Organization refers to the following branches of social security: family, sickness, disability, unemployment, old age, invalidity, survivorship benefits. Any benefits?

3. Are some of the benefits included under the various social security benefits?

4. What steps can be taken for ensuring the scope and coverage of the various social security benefits?

5. In your experience, does a worker continue to get compensation/pension for his respective livelihood after his retirement or disablement? How would such expenses be provided by the government in the future?

6. Do you think that the dependent of the worker should be included in such benefits?

7. How should the programme for introduction of the benefits not currently available be planned?

8. Do you propose a suitable method to build a corpus within the existing for Labour Management to ensure such money to meet the need of security expenses?

9. The benefits referred to in the previous question are generally available only to persons who are in wage-earner employment. There will also be large number of persons such women, children and small proprietors who are self-employed and who will remain uninsured by the Scheme. What advance steps should be taken to bring these groups within a modified social security scheme?

10. (a) What are the strengths of the Employees' Provident Fund Scheme and Employees Provident Fund Scheme? What are the disadvantages in maintaining these?
(b) Suggest control systems to be evolved to avoid misappropriation/misuse/abuse of the benefits of EPF/Social Security Scheme.
15. Any changes necessary in labor legislation to curb "casual" and "short time"  
employment are also needed if the above suggestions are to be implemented.

16. At the same time, the suggestion of a periodic inspection of factories  
and workshops is also needed to ensure that the labor laws are being  
properly enforced.

17. The labor laws should be made more stringent to protect the rights of  
laborers and to ensure fair wages and working conditions.

18. The government should also consider providing more training and  
education programs for workers to help them develop skills and  
increase their productivity.

19. The role of trade unions is also crucial in ensuring better labor  
relations and protecting the rights of workers.

20. The government should also consider providing more training and  
education programs for workers to help them develop skills and  
increase their productivity.

LABOR RESEARCH AND INFORMATION

21. Most of the labor issues are interrelated and need a coordinated  
approach to find solutions.

22. The government should also consider providing more training and  
education programs for workers to help them develop skills and  
increase their productivity.

23. The role of trade unions is also crucial in ensuring better labor  
relations and protecting the rights of workers.

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ANNEXURE - I

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   c) The Factories Provident Fund and Bonus Scheme Act, 1948
   d) The Employees' Provident Fund Act, 1952
   e) The Maternity Benefit Acts (Centre/State)

16. What are your specific suggestions regarding the changes that are required in the above laws in the context of unorganized sector labour?

17. What are your views on the enactment of legislation on the lines of the Korean Agricultural workers Act, 1971 in your State?

18. Apart from new legislation or changes in existing ones, what other steps are required for ensuring better working conditions of unorganized sector labour?

19. What are your views regarding a central umbrella legislation for ensuring a minimum level of protection to the unorganized sector labour? What should be the essential components of such legislation?

20. What are the conditions of women and children in unorganized sector labour? What special steps need to be taken to improve their facilities, water supply and sanitation, education and shelter for such categories?

21. What is your opinion about the efficacy of the Contract Labour Act and Inter-State Migrant Workers Act? What improvements would you recommend?

22. What factors inhibit the development of trade unions or other organizations among various kinds of unorganized sector labour?

23. What is the impact of social security benefits and other considerations relating to the structural changes in society on the status of organization of unorganized sector labour?

24. Are there any grass-roots level administration, particularly in rural areas, between a state to promote and encourage organization of unorganized sector labour to secure their rights, freedom 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 organization of unorganized sector labour?

26. What role have the trade unions played in the area of unorganized sector labour?

27. What role have NGOs, voluntary societies, etc. played so far in organizing this sector?

28. What has been the nature of efforts in organizing unorganized sector labour and to what extent? What are the successful efforts and factors which helped such successes?

29. Is organization of unorganized sector labour an essential prerequisite for improving their working conditions?

30. Can there be a common framework regulating through the objectives of organizations for different sectors of unorganized labour or should each objective be defined for different sectors necessitating regulation of organizations?

31. Is the Trade Unions Act, 1926 relevant to the issue of organization of unorganized sector labour? What are your suggestions regarding the changes required or separate legislation?
67. What is the importance of social security in strengthening the financial position of the underprivileged sector labour?

68. What is your opinion on social security measures for underprivileged sector labour?

69. Is it held that social security measures for unorganised sector workers are contravened by factors such as:

(i) lack of participation or stable workers between employer and employee which precludes schemes based on employer's contribution,

(ii) lack of understanding of the need for such schemes which precludes schemes based on employee's contribution.

(iii) purely casual nature of employment which precludes benefits like sick leave, maternity leave etc.

To what extent can these continuing issues be eliminated to render the benefits of social security to unorganised sector labour?

70. Comment on the functioning of old age pension scheme in your State/Region. Should it be expanded or upgraded? What are your views on schemes or modification regarding benefits such as disability, age, pensionary circumstance etc?

71. Should the rates of old age pension be revised at specific periodicities and such revision linked to cost of living index?

72. Is there any scheme in your area aimed at ameliorating risk in different occupations under the unorganized sector? If so, give a brief description of each scheme, whether already in operation or proposed to be implemented whether individually or in groups, and the administrative and financial problems experienced.

73. What have been the procedural and other difficulties experienced in setting the terms of benefit coverage by various insurance schemes? Is it due to the lack of awareness about the benefits, inadequate number of covers or excessive costs of employment (in rural areas)? What steps have been taken in your State/Region to simplify the procedures to ensure remittance of claims?

74. Is it possible to introduce in your State/Region a Health Insurance Scheme? If so, what should be its coverage and financial framework? If it is considered to be feasible, please give the main reasons.

Problems of Women & Children

75. What measures have been taken in your State/Region to check exploitation of women & children? What are your views for making such interventions more effective to raise new measures that may be required?

76. What is the position in your State/Region regarding wage discrimination based on gender and measures interalized to check it?

77. How active have the NGOs and independent institutions been in organizing women to secure their rightful claim and prevent exploitation?

78. Women and technical knowledge applies skill and labor, in growing cases. What have been taken in the area with a view to combine the training strength of women workers?

79. What is the extent of involvement of children in unorganized labour sector under different occupations? What steps have been taken to curb it and to what extent?

Legislative Provisions

80. What should be the main issues of legislative intervention to protect the interests of unorganized sector labour keeping in view the one of the target group, the past experience of various actual applications of the existing laws to the unorganized sector and administrative, financial and dimensional of implementing such laws? Give a brief outline regarding any new legislation you may suggest.

81. What are your views regarding a central welfare legislation for ensuring a minimum level of protection to unorganized sector labor? What should be the essential components of such legislation?

82. Should such legislation be coupled to the entire unorganized sector to be applicable for rural and urban sectors of male labor and self-employed persons? Should there be a separate legislation for agriculture workers who form a very large chunk of unorganized sector labor? Please also refer to questions 18, 24, 25, 26 and 69.

Data Collection

83. Do you think that statistical data on the various aspects of unorganized sector labor being collected regularly is adequate for analysis and policy formulation for development of unorganized sector labor?

84. Please note the additional costs (together with sources and periodicity) on which data relating to unorganized sector labor should be collected.

85. Is the data relevant, 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 demarcate collected statistical data in a manner that will not be the ruin of information technology?

88. Apart from statistical costs, certain issues and problems concerning unorganized sector labor may require in-depth studies on regular basis. What is your perception of research which would require periodic studies?

89. Please give your suggestions regarding strengthening of institutions taking new initiatives for undertaking studies on unorganized sector labor.

90. How should research in unorganized sector labor be conducted in universities (other research bodies)?

91. How could research work be disseminated widely in the other academic bodies and Government and non-Government agencies?
NOTIFICATION

The Second National Commission on Labour has constituted a Study Group on "SMIT Development, Training & Reemployment" for an in-depth study of the subject. The Chairman and the members of the Study Group are as follows:

1. Shri Suresh K. Manjul
2. Shri S. Krishnan
3. Shri S. V. Goudhane
4. Shri Guram Sivar
5. Shri B. Radhakrishnan
6. Shri S. R. Bijb
7. Dr. C. R. K. Singh
8. Shri N. R. Mital

The members of the 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 report expediently in consonance with the terms of reference of the Commission as per Government Resolution No. 7-200/89/39-Circumstances 15-16-95.

By order of the Chairman

(N. Sanjay)
MEMBER SECRETARY

Copy to:
1. PS in Secretary, Ministry of Labour, Shri B. S. Bhawan, Rail Mantri, New Delhi - 110001.
2. Dr. G.S. Ram, Labour & Employment Advisor, Ministry of Labour, Shri B. S. Bhawan, Rail Mantri, New Delhi - 110001.
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8. Ms. Shanta Sinha
   Secretary Trustee,
   Gpo Sh. M. Ansari
   Managing Trustee, M.V. Foundation,
   26, Mary Mylavanam
   Secunderabad - 500 010.
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<td>Bharatiya Vidya Bhavan</td>
<td>Shri A.R. Kanungo, President</td>
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<td>2</td>
<td>Bombay Chamber of Commerce</td>
<td>Shri R. J. Shah, President</td>
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<td>Bombay Municipal Council</td>
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**Total:** 14

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**Mumbai (Maharashtra) 4.7.2000 to 7.7.2000**

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<td>Anandabai Mahalani (Designation)</td>
<td>Smt. N. K. Singh, Secretary</td>
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<td>2</td>
<td>Gujarat Chamber of Commerce and Industry</td>
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<td>5</td>
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<td>7</td>
<td>South India Engineering Mills Association</td>
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<td>Smt. B. R. Ramakrishnan, Secretary</td>
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**CHENNAI (TAMIL NADU) 17.06.2000-19.06.2000**

<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of the Organization</th>
<th>Name of the Participant with Designation</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>All India Gar &amp; Hide Tanners</td>
<td>Shri V. N. Viswanath, Secretary</td>
</tr>
<tr>
<td>2</td>
<td>Tamil Nadu Bank Association</td>
<td>Shri R. Sivasubramanian, Secretary</td>
</tr>
<tr>
<td>3</td>
<td>Tamil Nadu Bank Association</td>
<td>Shri R. Sivasubramanian, Secretary</td>
</tr>
<tr>
<td>4</td>
<td>Tamil Nadu Bank Association</td>
<td>Shri R. Sivasubramanian, Secretary</td>
</tr>
<tr>
<td>5</td>
<td>Tamil Nadu Bank Association</td>
<td>Shri R. Sivasubramanian, Secretary</td>
</tr>
<tr>
<td>S.No</td>
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<td>Name of the Participants with Designation</td>
</tr>
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<tr>
<td>1</td>
<td>Indian Chamber of Commerce</td>
<td>Shri M. K. Chatterjee, Chairman</td>
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<tr>
<td></td>
<td></td>
<td>Shri J. N. Batra, Secretary-General</td>
</tr>
<tr>
<td></td>
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<td>Shri A. K. Ghosh, Secretary-General</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shri P. K. Roy, Vice-Chairman</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shri R. N. Sengupta, Joint Secretary</td>
</tr>
<tr>
<td>2</td>
<td>Bharat Chamber of Commerce</td>
<td>Shri Harish Chandra Roy, Secretary-General</td>
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<tr>
<td></td>
<td></td>
<td>Smt. M. L. Vidyasagar, Secretary-General</td>
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<tr>
<td></td>
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<td>Shri K. S. Bhattacharya, Secretary-General</td>
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<tr>
<td></td>
<td></td>
<td>Shri M. K. Ganguly, Director</td>
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<td></td>
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<td>Shri K. K. Pal, Director</td>
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<td>3</td>
<td>Rashtriya Sargam Sanstha</td>
<td>Shri S. K. Chatterjee, General Secretary</td>
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<td></td>
<td></td>
<td>Dr. M. S. Das, Secretary-General</td>
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<tr>
<td></td>
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<td>Shri P. K. Roy, Secretary-General</td>
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<tr>
<td>4</td>
<td>Rashtriya Mazdoor Sangh</td>
<td>Shri R. N. Sengupta, General Secretary</td>
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<td></td>
<td></td>
<td>Shri A. K. Ghosh, Secretary-General</td>
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<td>Shri R. K. Ghosh, President</td>
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<td>Smt. M. L. Vidyasagar, Secretary-General</td>
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<td>5</td>
<td>Hindi Mazdoor Sabha</td>
<td>Shri K. N. Chatterjee, Secretary-General</td>
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<td></td>
<td></td>
<td>Smt. M. L. Vidyasagar, Secretary-General</td>
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<td>6</td>
<td>Indian Jute Mills Association</td>
<td>Shri B. K. Chatterjee, Secretary-General</td>
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<td></td>
<td></td>
<td>Shri P. K. Roy, Secretary-General</td>
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<tr>
<td>7</td>
<td>All West Bengal Solo Representatives Association</td>
<td>Shri R. N. Sengupta, General Secretary</td>
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<td></td>
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<td>Shri A. K. Ghosh, Secretary-General</td>
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<td>Shri T. K. Chatterjee, Secretary-General</td>
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<td>Smt. M. L. Vidyasagar, Secretary-General</td>
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<td>8</td>
<td>Reserve Labour Committee (Kolkata)</td>
<td>Smt. R. N. Sengupta, General Secretary</td>
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<td>9</td>
<td>Federation of Dist. Leaues and Tobacco Merchants</td>
<td>Smt. R. N. Sengupta, Secretary-General</td>
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<td></td>
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<td>Shri A. K. Ghosh, Secretary-General</td>
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<td>10</td>
<td>Bengal Brick Field Owners Association</td>
<td>Smt. R. N. Sengupta, Secretary-General</td>
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<td>11</td>
<td>National Front of Indian Trade Unions</td>
<td>Smt. R. N. Sengupta, Secretary-General</td>
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<td></td>
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<td>Shri A. K. Ghosh, Secretary-General</td>
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<td>Shri T. K. Chatterjee, Secretary-General</td>
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<td>S.No.</td>
<td>Name of the Organisations/Unions</td>
<td>Name of the Participants with Designation</td>
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<td>12</td>
<td>KSMA</td>
<td>Smt. E. M. Mohan</td>
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<td>13</td>
<td>Hoteliers and Restaurant Association of India</td>
<td>Shri. S. Ananth Kumar</td>
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<td>14</td>
<td>All India Manufacturing Organization</td>
<td>Shri. K. Subramanyey</td>
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<td>16</td>
<td>Builders Association of India</td>
<td>Shri. A. K. Singh</td>
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<td>17</td>
<td>All India Bank Employees Association</td>
<td>Shri. A. K. Singh</td>
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<td>18</td>
<td>Bharath Electronics Limited, Bangalore CPSU</td>
<td>Shri. B. Babu</td>
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<td>19</td>
<td>Hindustan Aeronautics Ltd</td>
<td>Shri. R. N. Singh</td>
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<td>23</td>
<td>Campaign Against Child Labour, NWAY</td>
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<td>24</td>
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<td>25</td>
<td>Central Bank Bank Employees and Officers Union</td>
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<td>27</td>
<td>National Union of Teachers Engineers Union</td>
<td>Shri. S. Babu</td>
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<td>28</td>
<td>United Trade Union Centre</td>
<td>Shri. S. Babu</td>
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<td>Randonnia Workers Development Society, Randonnia</td>
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**BANGALORE (KARNATAKA)** 27.11.2000 - 29.11.2000

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<td>1</td>
<td>Assam Pradesh Public Service Commission</td>
<td>Shri. S.P. Bora, President</td>
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<td>Shri N. Bora, Secretary</td>
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<td>2</td>
<td>Labour Cell</td>
<td>Shri. Kamalesh Pandey, President</td>
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<td></td>
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<td>Shri. M. Bora, Secretary</td>
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<tr>
<td>3</td>
<td>Dept. of Labour &amp; Employment, Nalanda</td>
<td>Shri. S. P. Bhagava, A.L.D.</td>
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<td>Shri. P. Phukan, Secretary</td>
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<td>4</td>
<td>All Assam SI Association, Guwahati</td>
<td>Shri. L. Agarwala</td>
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**MEGHALAYA**

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<td>1</td>
<td>Labour &amp; Employment, Dept.</td>
<td>Shri. G. Dinda, Secretary</td>
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<td>Shri. K. Nongrieng, Secretary</td>
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<td>2</td>
<td>Srimanta Singha Rajba Prinshopal Halder, Guwahati</td>
<td>Shri. N. G. Bose, President</td>
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<td>Shri. J. N. Bhattacharya</td>
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<td>3</td>
<td>Branch Women Welfare Society, Guwahati</td>
<td>Shri. M. N. Chakraborty, President</td>
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<td>Shri. S. K. Hazarika</td>
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<td>4</td>
<td>Meghalaya PWD Workers Union, Guwahati</td>
<td>Shri. D. D. Gogoi, President</td>
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<td>Shri. D. B. Das, Secretary</td>
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<td>5</td>
<td>Meghalaya State Workers Trade Union, Guwahati</td>
<td>Shri. L. Khongrinos</td>
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<td>Shri. M. B. Goswami</td>
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<td>Basumur Hola Workers Union, Guwahati</td>
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<td>Shri. S. Das, Secretary</td>
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<td>7</td>
<td>Assam Firing Association, Guwahati</td>
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**SHILLONG**

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<td>Shri. M. B. Goswami, Secretary</td>
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<td>AITUC</td>
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<td>Meghalaya PWD Master RolrWorkers Union</td>
<td>Shri. M. N. Chakraborty, President</td>
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<td>Shri. D. B. Das, Secretary</td>
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<td>4</td>
<td>State Government Officers (Labour Department)</td>
<td>Shri. B. K. Boro, President</td>
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<td>Shri. S. S. Goswami, Secretary</td>
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<td>5</td>
<td>Khasi States Labour Union</td>
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<td>Shri. R. K. Boro, Secretary</td>
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<td>Shillong Club Workers Union</td>
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<td>Economic Development Corporation of India</td>
<td>Shri A.K. Palnit, Chair</td>
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<td>GMAA &amp; Pharmaceutical &amp; Allied Industries</td>
<td>Shri S.V. Balakrishnan, Dy. GM</td>
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<td>3</td>
<td>K.Guida Transport Corp. Ltd., Prayag</td>
<td>Shri V. Pathak, Vice Chairman</td>
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<td>GMDA Chanderi District &amp; Industry</td>
<td>Shri R. Pradhan, General Manager</td>
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<td>GMDA Chanderi District &amp; Industry</td>
<td>Shri N.K. Pathak, Executive Director</td>
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<td>Girnar Steel &amp; Industry Association, Prayag</td>
<td>Shri M. K. Pratap, Secretary</td>
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<td>State Government</td>
<td>Shri S. Mohapatra, Lab Commissioner</td>
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<td>Central Government</td>
<td>Shri S. P. Pradhan, Director</td>
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**LUCKNOW (UTTAR PRADESH)** 12.03.2001-13.03.2001

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<td>Indian Federation of Working Journalists</td>
<td>Shri A.K. Shukla, General Secretary</td>
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<td>Glass &amp; Ceramic Workers' Union</td>
<td>Shri K. S. Varshney, Treasurer</td>
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<td>11</td>
<td>AIDC Chamber of Commerce &amp; Industry</td>
<td>Shri M. N. Sharma, Executive Secretary</td>
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<td>Indian Industries Association</td>
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<td>Associated Chambers of Commerce and Industry</td>
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<td>Glass Industry Bhandar</td>
<td>Shri K. K. Sharma, Secretary</td>
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<td>TATA Engineering and Locomotive Company Limited</td>
<td>Shri K. K. Sharma, Secretary</td>
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<td>16</td>
<td>Indo-Carpet Corporation Limited (Part)</td>
<td>Shri K. K. Sharma, Secretary</td>
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<td>MEAALCO</td>
<td>Shri K. K. Sharma, Secretary</td>
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<td>18</td>
<td>Gokul India Limited</td>
<td>Shri K. K. Sharma, Secretary</td>
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<td>19</td>
<td>BFSI</td>
<td>Shri K. K. Sharma, Secretary</td>
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<td>UNI</td>
<td>Shri K. K. Sharma, Secretary</td>
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**Note:** The table provides a detailed description of each part, including their respective explanations.
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<thead>
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<tbody>
<tr>
<td>CMA, Patna</td>
<td>Smt. A. Singh</td>
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<tr>
<td>Labour Council, Patna</td>
<td>Smt. Neeta Kaur</td>
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<tr>
<td>State Child Welfare Institute</td>
<td>Smt. A. Basu, Secy</td>
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<tr>
<td>Patna University, Dept of Labour &amp; Social Welfare</td>
<td>Dr. A. K. Sengupta, Vice-Chancellor</td>
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<td>Hindustan Fertilizer Corporation, Patna</td>
<td>Smt. A. D. Prasad, GM</td>
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<tr>
<td>Indian Oil Corporation, Begusarai</td>
<td>Smt. M.P. Chandrakar, GM/Manager</td>
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<td>HIRDC, Patna</td>
<td>Smt. H. Kaur, GM</td>
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<tr>
<td>BEL, Ranchi</td>
<td>Smt. R. Kaur, AGM</td>
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<td>Bihar Industrial Association</td>
<td>Smt. D. K. Chaudhary, MD</td>
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**RANCHI (JHARKHAND) 15.02.2001-15.03.2001**

<table>
<thead>
<tr>
<th>Name of the Organisation</th>
<th>Name of the Participants with Designation</th>
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<tbody>
<tr>
<td>NMTC, Ranchi</td>
<td>Smt. V. K. Gupta, MD</td>
</tr>
<tr>
<td>GTU, Ranchi</td>
<td>Smt. R. P. Gadkari, IAS</td>
</tr>
<tr>
<td>NITI, Ranchi</td>
<td>Dr. V. K. Gupta, Managing Director</td>
</tr>
<tr>
<td>Central Government Officials</td>
<td>Smt. R. P. Gadkari, IAS</td>
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<tr>
<td>State Government Officials</td>
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**RANCHI (JHARKHAND) 26.03.2002-27.03.2002**

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<td>21</td>
<td>Federation of Small Industries Association</td>
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<td>22</td>
<td>Punjab Rice Millers Association</td>
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<tr>
<td>23</td>
<td>Gobind Appliances Limited, Mohali</td>
</tr>
<tr>
<td>24</td>
<td>Textile Manufacturers Association</td>
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<tr>
<td>25</td>
<td>PHO Chamber of Commerce</td>
</tr>
<tr>
<td>26</td>
<td>Handloom Spinners Association &amp;</td>
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<td>Textile Industry Federation Association, Jalandhar</td>
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<td>Name of the Organization</td>
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<tr>
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<tr>
<td>2</td>
<td>WDA, Indore</td>
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<tr>
<td>3</td>
<td>Federation of Chamber of Commerce &amp; Industry</td>
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<td>4</td>
<td>Shri G. K. Patel, President</td>
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<tr>
<td>5</td>
<td>Shri S. M. Shaikh, Director</td>
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<tr>
<td>6</td>
<td>Shri A. K. Patil, President</td>
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<tr>
<td>7</td>
<td>Shri P. S. Shinde, President</td>
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<td>8</td>
<td>Shri S. C. Chavan, President</td>
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**CHAPRA (Bihar)**

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<td>BHEL, Bhopal</td>
<td>Shri V. K. Nigam, Managing Director</td>
</tr>
<tr>
<td>2</td>
<td>Labour Welfare Board</td>
<td>Shri K. N. Sahni, Director</td>
</tr>
<tr>
<td>3</td>
<td>Shri A. K. Saxena, Civil Administrator</td>
<td></td>
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<tr>
<td>4</td>
<td>EDC, Bhopal</td>
<td>Shri V. C. Sinha, Managing Director</td>
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<tr>
<td>5</td>
<td>Shri S. K. Shah, Secretary</td>
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<td>6</td>
<td>Shri S. K. Chaudhary, Director</td>
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<td>7</td>
<td>Commerce &amp; Industry Dept</td>
<td>Shri S. C. Gangav, President</td>
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**RAJPUROHIT (Chattisgarh)**

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<td>INIUC, Rajpur</td>
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<td>2</td>
<td>CITI, Bhopal</td>
<td>Shri V. K. Tripathi, Director</td>
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<td>HMS, Bhopal</td>
<td>Shri K. N. Sahni, Director</td>
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<td>4</td>
<td>EMB Bhopal</td>
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<td>Shri R. K. Tripathi, Director</td>
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**Bhopal (Madhya Pradesh)**

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<td>Shri S. C. Gangav, President</td>
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<td>11</td>
<td>Delhi Fletcher Owners Association, New Delhi</td>
<td>Shri A.K. Seth, President</td>
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<td>12</td>
<td>A. J. Yatra Women's Centre, New Delhi</td>
<td>Shri. P. Ram, Secretary</td>
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<td>13</td>
<td>All India Federation of Trade Unions, New Delhi</td>
<td>Shri. A. K. Seth, General Secretary</td>
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<td>14</td>
<td>Constituents of Oonagh Bazaar, New Delhi</td>
<td>Shri. R. P. Shukla, President</td>
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<td>15</td>
<td>Jai Shri Mahal, Delhi</td>
<td>Shri. S. J. Seth, President</td>
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<td>16</td>
<td>Vasant Vihar, Udyog Bhawan, New Delhi</td>
<td>Shri. S. J. Seth, President</td>
</tr>
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<td>17</td>
<td>A. J. Yatra Women's Centre, New Delhi</td>
<td>Shri. R. P. Shukla, President</td>
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<tr>
<td>18</td>
<td>All India Bank Employees' Federation, New Delhi</td>
<td>Shri. C. S. Verma, Secretary</td>
</tr>
<tr>
<td>19</td>
<td>Janata Restaurant, C.B. C. employees' Association</td>
<td>Shri. S. J. Seth, President</td>
</tr>
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<td>20</td>
<td>Garments Exporters Association</td>
<td>Shri. B. S. Verma, President</td>
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<tr>
<td>21</td>
<td>J. K. All India Industrial Association</td>
<td>Shri. B. S. Verma, President</td>
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<td>22</td>
<td>Labour Law Association</td>
<td>Shri. B. S. Verma, President</td>
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<td>Labour Union</td>
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<td>25</td>
<td>Labour Department</td>
<td>Shri. B. S. Verma, President</td>
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<td>4</td>
<td>State Central Labour Union, J &amp; K</td>
<td>Shri. A. S. Verma, President</td>
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<td>5</td>
<td>State Central Labour Union, J &amp; K</td>
<td>Shri. A. S. Verma, President</td>
</tr>
<tr>
<td>6</td>
<td>J &amp; K Public Sector Employees &amp; Workers Federation</td>
<td>Shri. A. S. Verma, President</td>
</tr>
<tr>
<td>7</td>
<td>All India J. &amp; K State Employees' Association, Srinagar</td>
<td>Shri. A. S. Verma, President</td>
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<tr>
<td>8</td>
<td>State of J. &amp; K Employees' Association, Jammu</td>
<td>Shri. A. S. Verma, President</td>
</tr>
<tr>
<td>9</td>
<td>J. K. Industries Development Corporation, Srinagar</td>
<td>Shri. A. S. Verma, President</td>
</tr>
<tr>
<td>10</td>
<td>Kashmir Hotel &amp; Restaurant Owners Federation, Srinagar</td>
<td>Shri. A. S. Verma, President</td>
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<tr>
<td>11</td>
<td>Kashmir Chamber of Commerce &amp; Industry, Srinagar</td>
<td>Shri. A. S. Verma, President</td>
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<td>12</td>
<td>J. K. Project Construction Corporation, Srinagar</td>
<td>Shri. A. S. Verma, President</td>
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<tr>
<td>13</td>
<td>Federation Chamber of the Industries, Kashmir</td>
<td>Shri. A. S. Verma, President</td>
</tr>
<tr>
<td>14</td>
<td>District Labour Law Promotion, J &amp; K</td>
<td>Shri. A. S. Verma, President</td>
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<td>J&amp;J Employees Union, Srinagar, J &amp; K</td>
<td>Shri. A. S. Verma, President</td>
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<tr>
<td>2</td>
<td>HUM Employees Union, J &amp; K</td>
<td>Shri. A. S. Verma, President</td>
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<tr>
<td>3</td>
<td>J&amp;J Employees Union, J &amp; K</td>
<td>Shri. A. S. Verma, President</td>
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</tbody>
</table>

\[215\]
05-05-2002
- Interacted with the office bearers and 100 delegates at a social meeting at Dadar, and also inaugurated the 1st phase of the Bandra Kurla Complex (BKC) and dedicated the Kurla Station to the public.
- Addressed the audience on the importance of city transport and the need for proper management of public transport in Mumbai. 

23.7.2002

RAILWAYS
- MINISTRY OF RAILWAYS
  1. Shri S. Venkataraman, ED (SR)
  2. Shri S. Madhavan, ECG (FJR)

MARTWA RAILWAY MAZDOOR SANGH
- Shri B.C. Shrivastava, MRSU
- Shri S. Madhavan, ECG (FJR)
- Shri M.D. Kulkarni, MRSU

NATIONAL PEBB RAILWAY (NPR)
- Shri H. Raghaviah, Chairperson
- Shri G. Mahendra, Working President
- Shri R.K. Umamaheshwar
- Shri B. Suresh, General Secretary
- Shri K. Gnanasambandam, Technical Secretary

ALL INDIA RAILWAY PEBB
- Shri H. Raghaviah, Chairperson
- Shri J. Chandrakumar, General Secretary
- Shri V. V. Ramachandran, Assistant General Secretary
- Shri B. Suresh, General Secretary
- Shri S.K. Khedkar

NATIONAL HEADQUARTER, NEW DELHI
- Shri V. L. T. Pillai, BSOS, NZCP
- Shri S.K. Pillai, NZCP

ARMY HEADQUARTER, MINISTRY OF DEFENCE
- Shri A.K. Dinesh, Director, NES
- Shri S.K.S. Mandir, SPO
- Shri S.D. Ponika, NZCP
Annexure - IX

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

15.07.2000
TUTICORIN - FISH PROCESSING UNITS
Shri Ravindra Verma, Chairman

24-08.2000
COCHIN - FISH PROCESSING UNITS AND PEELING SHED UNITS AT ALLEPPEY
Shri Ravindra Verma, Chairman and Shri S. Ramakrishnan, Member Secretary

28.11.2000
TIRURUMANGAL (SIRUGASE) - MATCH A FIRE WORKS UNITS, & SCHOOLS UNDER NCLP, MINISTRY OF LABOUR
Dr. B. R. Sabade, Shri. E. R. Bhattacharya and Shri K. Sanyal, Members

COHMAGALUR, KARNATAKA - COFFEE PLANTATIONS
Shri Ravindra Verma, Chairman accompanying with Members and Officials of NCL

20.02.2001
HAYIRULI, ASSAM - TEA PLANTATIONS
Shri Ravindra Verma, Chairman accompanying with Members and Officials of NCL

04.06.2001
PARA - RURAL SECTOR NO. 7299 SHIVYU - S. ALUMOOR, PRESIDENT, PARAKHERIYAT GOUPHARIYAT, KALPAUCHAR, GHANPURA, MANABADAND AND OFFICER BEARERS OF LAGHIN UDUCCHANDRAWATI
Shri Ravindra Verma, Chairman, Members and Officials of NCL

10.09.2001
ALANG SNIP BREAKING TEND, & VERANVAL FISH PROCESSING UNITS, GUJARAT
Shri Ravindra Verma, Chairman and Shri S. Ramakrishnan, Member Secretary

21.2.2002
COCHIN PORT TRUST
Shri Ravindra Verma, Chairman

27.2.2002
MUMBAI - CENTRAL INSTITUTE OF FISHERMEN'S EDUCATION
OFFICE BEARERS OF VERSOVA MACHNIMAN SAMHITI, VERSOVA
Shri Ravindra Verma, Chairman

04.11.2001
RAJNAGAR - MINES ACCIDENT SITE AT LALANG Chungaria NEAR KONABBAR COLLIERY OF M/S EASTERN COALFIELDS LTD.
Shri Ravindra Verma, Chairman, accompanied by Director General, Mines Safety and other State/central Government Officials.
Service on "MILITARY FUND SCHEMES IN KERALA" in collaboration with the Keral Institute of Labour and Employment.

1. Dr. K. Ramabhar, Chief Executive Officer, KSM (Kerala State Millowners Welfare Fund Board).
2. Mr. K. N. Dhawan, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
3. Mr. M. Ramakrishnan, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
4. Mr. R. R. Pillai, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
5. Mr. K. V. Krishnan, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
6. Mr. K. T. Joseph, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
7. Mr. M. Ramakrishnan, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
8. Mr. R. R. Pillai, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
9. Mr. K. V. Krishnan, Secretary, KSM (Kerala State Millowners Welfare Fund Board).
10. Mr. K. T. Joseph, Secretary, KSM (Kerala State Millowners Welfare Fund Board).

Service on "MILITARY FUND SCHEMES IN KERALA" in collaboration with the Keral Institute of Labour and Employment.

21.9.2001 (Mumbai)

67. Shri M. Pradhan, President, National Centre for Labour Laws (NCLL), Mumbai.
68. Shri M. Pradhan, President, National Centre for Labour Laws (NCLL), Mumbai.
69. Shri M. Pradhan, President, National Centre for Labour Laws (NCLL), Mumbai.
70. Shri M. Pradhan, President, National Centre for Labour Laws (NCLL), Mumbai.
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85. Shri M. Pradhan, President, National Centre for Labour Laws (NCLL), Mumbai.
86. Shri M. Pradhan, President, National Centre for Labour Laws (NCLL), Mumbai.
### Workshop on Women Workers: An Agenda for the Future
Conducted by the Study Group on Women and Child Labour

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<tr>
<td>1</td>
<td>Shri A. Tewari</td>
<td>Maharashtra</td>
</tr>
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<td>2</td>
<td>Shri G. Garg</td>
<td>Chhattisgarh</td>
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<td>3</td>
<td>Shri Babu Verma</td>
<td>Himachal Pradesh</td>
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<td>4</td>
<td>Shri Surendra Agarwal</td>
<td>Rajasthan</td>
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<td>5</td>
<td>Shri R. Prakash</td>
<td>Madhya Pradesh</td>
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<td>Shri Kishan Sinha</td>
<td>Rajasthan</td>
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<td>7</td>
<td>Shri S. V. Reddy</td>
<td>Tamil Nadu</td>
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<td>Shri P. N. Prakash</td>
<td>Uttar Pradesh</td>
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<td>9</td>
<td>Shri Kirti Verma</td>
<td>Kerala</td>
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<td>10</td>
<td>Shri B.K. Gupta</td>
<td>West Bengal</td>
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<tr>
<td>11</td>
<td>Shri B. K. Verma</td>
<td>Gujarat</td>
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### Workshop on Child Labour conducted by the Study Group on Women & Child Labour

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<td>22</td>
<td>Shri M. B. Singh</td>
<td>Uttar Pradesh</td>
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<tr>
<td>23</td>
<td>Dr. P. Chaudhry</td>
<td>Andhra Pradesh</td>
</tr>
<tr>
<td>24</td>
<td>Dr. R. D. S. Singh</td>
<td>Maharashtra</td>
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<tr>
<td>25</td>
<td>Shri A. K. Verma</td>
<td>Madhya Pradesh</td>
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<td>26</td>
<td>Shri M. Bharti</td>
<td>Rajasthan</td>
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<td>Shri R. Prakash</td>
<td>West Bengal</td>
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<tr>
<td>28</td>
<td>Shri P. K. Verma</td>
<td>Gujarat</td>
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### National Consultation on Future of Social Security in India, conducted by the Study Group on Social Security

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<td>Shri G. R. Reddy</td>
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<td>Shri N. Singh</td>
<td>President, AIC, New Delhi</td>
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<td>Shri B. C. Chaudhry</td>
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<td>11</td>
<td>Shri A. K. Verma</td>
<td>President, AIC, New Delhi</td>
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<td>12</td>
<td>Shri M. Bharti</td>
<td>President, AIC, New Delhi</td>
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<td>Shri R. D. S. Singh</td>
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<td>16</td>
<td>Shri R. D. S. Singh</td>
<td>President, AIC, New Delhi</td>
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31-3-2001 & 1-4-2001 (New Delhi)
Annexure - XIV

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

DATE

TOPICS TAKEN UP FOR DISCUSSION

4.11.1969

The first meeting of the National Commission on Labour was held under the Chairmanship of Shri Ramakrishna Varma, Chairman, National Commission on Labour.

The Secretary, Ministry of Labour, with the permission of the Chairman of the Commission, explained the background of the constitution of the Commission. The Chairman in his introductory remarks welcomed the members of the Commission and conveyed them on being appointed to the Commission. He invited the latter to make a note of minutes of the Commission and said that a questionnaire would be drawn up for seeking the views of all interested sections upon matters falling within the purview of the Commission. The Commission would simultaneously hold sessions in other sub-committees (oral and written) from interested bodies. He disclosed that the Study Groups would be set up to work in the areas of Wages, Labour Legislation for Workers in Unorganized Sector, Women and Children, Safety, Health and Housing, and Workmen Education. The Chairman invited suggestions from members for names of persons for inclusion in the Study Groups. He concluded by saying that the Commission was busy at work since the previous notices that the Government had given it.

15.3.1970

The second meeting of the Commission was held under the Chairmanship of Shri Ramakrishna Varma, Chairman, National Commission on Labour at its new office at Jabalpur. 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.

The Chairman proposed the name of the Chairman of the Study Groups, which was added to the constitution. It was also decided that the Chairman would take an appropriate decision regarding the constitution of the five Study Groups, as it was decided.

The Commission held discussions with the central trade unions and the employees' organizations with a view to finalize their own matters. Among the central trade unions, the CITU, INTUC, AITUC (Labour), and AITUC (Labour) participated in these discussions. The employers' organizations, namely AICEE, EPI, SCOE, FICCI, and CII, were also present.

The Chairman clarified that the Commission would not give a directive to the Government in its final report. He would like to clarify any apprehension or misunderstanding that any of the recommendations made in the final report.
Dear Hon'ble Prime Minister Shri Atal Behari Vajpayee,
Hon'ble Prime Minister of India,
South Block, New Delhi - 110001

We are, 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. If it felt that urgent amendments were necessary, it should have invited 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 speculations and criticisms 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, in the case of the Commission was really over and if the question that we were entrusted to us has already been settled in the Government's mind, there was any need for them to continue.

4. My own understanding, on the basis of which I am persuadeing them to continue and conduct their efforts quickly, is that the Commission is here to formulate or report its views on laws that are in the Statute book on the day the Commission commenced 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'ble 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 so that I will be able to assure all concerned that the Government still wants us to continue and complete our work that is entrusted to us.

Yours sincerely,

Ravindra Varma

No. Chairman/2/ND/Camp-Oca/2001

3. We are, 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. If it felt that urgent amendments were necessary, it should have invited 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 speculations and criticisms 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, in the case of the Commission was really over and if the question that we were entrusted to us has already been settled in the Government's mind, there was any need for them to continue.

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Yours sincerely,

Ravindra Varma

No. Chairman/2/ND/Camp-Oca/2001
it is very difficult to organise a situation in which we can envision a conscious and committed approach to the problem. The problem of immigration has been a significant issue for a long time, and we need to address it in a comprehensive manner. The problem can only be solved by a concerted and sustained effort. The government has taken some steps to address the problem, and the results have been encouraging. However, there is still much work to be done.

I am writing to express my concerns about the recent developments in the immigration issue. The government's approach to the problem has been我看不清...
September 25, 2001

Dear and Honble Prime Minister Shri Atal Bihari Vajpayee,

In the midst of the heavy pressure on your time, I have to crave your indulgence to make an earnest appeal on behalf of the National Commission on Labour.

The appointment of the Commission was announced on the 13th of October, 1999, and we were given 24 months to complete our work. The task entrusted to us was much heavier than that of the First Commission which was given three years. Unfortunately, as I wrote in earlier representations to you, our Commission, though it was provided with an office for five months, did not have another three months for even a partial complement of technical staff and officers to be made available. Thus, we lost three and a half months at the start, for no fault of the Commission.

In these months we have made very good progress in collecting opinion, and conducting dialogues and discussions with affected parties, and functioning through special Study Teams that have almost completed detailed enquiries.

We had requested for an extension of 5 1/2 more months to complete our work to make up for the six months that we lost for no fault of ours.

We are quite conscious of the urgency and expectations, but 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 even one more day than 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,

(Signed)

[Name]

Office of the Chairman
National Commission on Labour
Panjab University
Chandigarh 160515
Phone: 273222 (Off) 223677 (D)
Fax: 273222
Email: Gravindra.varma99@gmail.com

[Address]
RAVINTRA VARMA
Chairman
National Commission on Labour

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.
From 16.02.2001 to 15.02.2002, G & K took part in the R & D of the Stereo Imaging System in cooperation with the Institute of Technical Sciences of the Technical University of Munich. This collaboration ended in February 2002. 

I am therefore referring to your letter No.2/2001/NC 10.

Subject: Extension of the terms of our contact agreement

Dear [Recipient],

We are pleased to inform you that our contact agreement, No. 2/2001/NC 10, has been extended for an additional year as per your request. The agreement now covers the period from 16.02.2001 to 15.02.2002.

Please find attached the extended terms of the agreement for your review and signature.

Best regards,

[Your Name]

G & K

[Date]
Report of the Working Group on

Labour Laws
And
Other Labour Regulations

Government of India
Planning Commission
New Delhi

PREFACE
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 stakeholders 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:

<table>
<thead>
<tr>
<th>Working Group</th>
<th>Chairman</th>
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<tbody>
<tr>
<td>i) Labour Force and Employment Projection</td>
<td>Member (LEM) Planning Commission</td>
</tr>
<tr>
<td>ii) Skill Development and Vocational Training</td>
<td>Secretary, Labour &amp; Employment</td>
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<tr>
<td>iii) Labour Laws and Other Labour Regulations</td>
<td>Secretary, Labour &amp; Employment</td>
</tr>
<tr>
<td>iv) Social Security</td>
<td>Secretary, Labour &amp; Employment</td>
</tr>
<tr>
<td>v) Child Labour</td>
<td>Secretary, Labour &amp; Employment</td>
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<td>vi) Occupational Health and Safety</td>
<td>Secretary, Labour &amp; Employment</td>
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1.2. The Working Group on “Labour Laws and other Labour Regulations” was constituted by Planning Commission, vide its Order No U-20017/01/2005-LEM/LP dated 3.3.2006. The composition and the terms of reference of the Working Group is enclosed as Annexure-I.

1.3. As per Para 4 of the Order constituting the Working Group on Labour Laws and other Labour Regulations, the Chairman of the Working Group may co-opt any other expert as Member of the Group. The representatives of Hind Mazdoor Sabha, National Commission for Enterprises in the Unorganized Sector and Labour Commissioner, Government of Uttar Pradesh were co-opted in the Group.
1.4. The meeting of the Working Group on "Labour Laws and Labour Regulations" was held under the Chairmanship of Secretary (L&E) on 8th August, 2006. The Group discussed in detail the Terms of Reference and issues related to amendments of labour laws, simplifications and other labour regulations. The Principal Adviser, Planning Commission offered certain suggestions regarding to the Minimum Wages Act, 1948, the Industrial Disputes Act, 1947, the Employees' State Insurance Act, 1948 and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 for being considered by the Working Group Meeting. His letter enclosed as Annexure-II was made part of the Agenda Note for the Meeting of the Working Group. This report is based on the discussions held by the Working Group. A copy of the Minutes of the meeting is enclosed as Annexure-III.
2. **Historical Background of Labour Policy & Labour Laws**

2.1 India's Labour Policy is mainly based on Labour Laws. The labour laws of independent India derive their origin, inspiration and strength partly from the views expressed by important nationalist leaders during the days of national freedom struggle, partly from the debates of the Constituent Assembly and partly from the provisions of the Constitution and the International Conventions and Recommendations. The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human beings has been enshrined in Chapter III (Articles 16, 19, 23 & 24) and Chapter IV (Articles 39, 41, 42, 43, 43A & 54) of the Constitution of India keeping in line with Fundamental Rights and Directive Principles of State Policy. The Labour Laws were also influenced by important human rights and the conventions and standards that have emerged from the United Nations. These include right to work of one's choice, right against discrimination, prohibition of child labour, just and humane conditions of work, social security, protection of wages, redress of grievances, right to organize and form trade unions, collective bargaining and participation in management. Our labour laws have also been significantly influenced by the deliberations of the various Sessions of the Indian Labour Conference and the International Labour Conference. Labour legislations have also been shaped and influenced by the recommendations of the various National Committees and Commissions such as First National Commission on Labour (1969) under the Chairmanship of Justice Gajendragadkar, National Commission on Rural Labour (1991), Second National Commission on Labour (2002) under the Chairmanship of Shri Ravindra Varma etc. and judicial pronouncements on labour related matters specifically pertaining to minimum wages, bonded labour, child labour, contract labour etc.
3. Constitutional Framework

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:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Act</th>
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<tr>
<td>(a)</td>
<td>Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement</td>
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<tr>
<td>1.</td>
<td>The Employees' State Insurance Act, 1948</td>
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<td>2.</td>
<td>The Employees' Provident Fund and Miscellaneous Provisions Act, 1952</td>
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<td>3.</td>
<td>The Dock Workers (Safety, Health and Welfare) Act, 1986</td>
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<td>4.</td>
<td>The Mines Act, 1952</td>
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<td>8.</td>
<td>The Beedi Workers Welfare Cess Act, 1976</td>
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### (b) Labour laws enacted by Central Government and enforced both by Central and State Governments

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<td>14.</td>
<td>The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996.</td>
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<td>17.</td>
<td>The Industrial Disputes Act, 1947.</td>
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<td>19.</td>
<td>The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.</td>
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<td>20.</td>
<td>The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988</td>
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<td>21.</td>
<td>The Maternity Benefit Act, 1961</td>
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<td>22.</td>
<td>The Minimum Wages Act, 1948</td>
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<td>23.</td>
<td>The Payment of Bonus Act, 1965</td>
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<td>24.</td>
<td>The Payment of Gratuity Act, 1972</td>
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<td>25.</td>
<td>The Payment of Wages Act, 1936</td>
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<tr>
<td>27.</td>
<td>The Building and Other Construction Workers Cess Act, 1996</td>
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<td>28.</td>
<td>The Apprentices Act, 1961</td>
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### (c) Labour laws enacted by Central Government and enforced by the State Governments

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<tr>
<td>29.</td>
<td>The Employers' Liability Act, 1938</td>
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<td>30.</td>
<td>The Factories Act, 1948</td>
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<td>31.</td>
<td>The Motor Transport Workers Act, 1961</td>
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<td>32.</td>
<td>The Personal Injuries (Compensation Insurance) Act, 1963</td>
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<td>34. The Plantation Labour Act, 1951</td>
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<td>35. The Sales Promotion Employees (Conditions of Service) Act, 1976</td>
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<td>36. The Trade Unions Act, 1926</td>
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<td>37. The Weekly Holidays Act, 1942</td>
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<tr>
<td>38. The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955</td>
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<td>39. The Workmen's Compensation Act, 1923</td>
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<td>40. The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959</td>
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<td>41. The Children (Pledging of Labour) Act, 1938</td>
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<tr>
<td>42. The Bonded Labour System (Abolition) Act, 1976</td>
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<tr>
<td>43. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966</td>
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(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 and update 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.
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 29.08.2002. 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 The Second National Commission on Labour interalia, 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
Unorganized Sector Workers held on 7-8 November 2002, Tripartite Committee meeting held on 13-19 February 2003, and Consultative Committee Meetings of Ministry of Labour held on 07.02.2003 and 30.04.2003. 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, clearing, 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
information technology;
support services in respect of an establishment relating to hospital, educational and training institution, guest house, club and transport;
export oriented units established in Special Economic Zones and Units exporting more than seventy five percent or more of their production; and
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.5000/- (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.
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.
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.

6.1. 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. SC 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 Molly 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 stakeholders 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 workforce;

(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 stakeholders for eliciting their views. The suggestions, inter-alia, included:

(i) Amendment in the Contract Labour (Regulation and Abolition) Act, 1970 by placing certain activities in a separate schedule so that provisions of Section 10 may not apply to them, and by replacing the term "emergency" with the term "public interest" in Section 31 of the Act, and

(ii) Amendment in the Industrial Disputes Act, 1947 by raising the number filter from 100 to 300 for applicability of chapter VB and raising the compensation ceiling
payable to workers on retrenchment and on closure of the establishment, from
15 days' average pay to 45 days' average pay for every completed year of
continuous service or any part thereof in excess of six months subject to the
condition that such retrenchment compensation shall not be less than 90 days
of average wages and by extending the powers of exemptions in the industrial
Disputes Act, 1947 under Section 36 B to include any Government Undertaking.

7.4. The Ministry of Labour and Employment had made a presentation on the
aforesaid Discussion Paper before the Hon'ble Prime Minister on 18.11.2005. The
PMO had suggested that the National Commission on Enterprises in Unorganized
Sector (NCEUS), under Prof. Arjun Sengupta should be requested to prepare the
paper by undertaking the review of the Indian labour laws, consistent with labour
rights, in order to improve productivity, ensure greater competitiveness and generate
greater employment in various sectors, like textiles, IT and SEZs, which would
subsequently be considered by the CoS and GoM. Accordingly the NCEUS was
requested to take immediate action in this regard. The paper from the Commission is
awaited.
8. **Initiatives Proposed by State Governments to Rationalize Labour Laws**

8.1. The State Governments of Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh and Maharashtra have proposed to seek relaxation in some provisions of the Central Laws through State Governments so as to facilitate setting up of Special Economic Zones and Special Enclaves in their respective States. These proposals broadly relate to regulating the working hours, empowering the Development Commissioner to fix for minimum wages, making provisions for allowing the women workers to work in night shift etc.

8.2. The views of the Central Government on these bills are generally based on the following principles:

(a) the provisions framed for ensuring safety and health aspects of the workers need not be relaxed;

(b) the provisions of the Central Acts, which are mostly implemented by the Central machinery, need not be relaxed by the State Governments;

(c) the provisions in the State Bill should not be in contravention of the provisions in the Central Bill, presently under consideration, on the same subject, such as provisions for employment of women in night shift under the Factories Act, 1948;

(d) the principles enshrined in the National Common Minimum Programme with regard to hire and fire and the amendment of labour laws through consensus should be scrupulously observed; and

(e) the powers and functions of the State Government, where there is no provision to further delegate such powers and functions, should not be allowed to be delegated further.

9. **Approach Paper to the Eleventh Five Year Plan:**

9.1. The Approach Paper has suggested that amendments to the Chapter V B of the Industrial Disputes Act, 1947 and the Contract Labour (Regulation and Abolition) Act, 1970 be carried out by arriving at a consensus, the position relating to which has been indicated above.
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 of 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 5.

(c) Setting up of Grievance Redressal Committee will in no way affect the right of the workmen to raise disputes under the ID Act.

(d) The Grievance Redressal Committee shall finalize its proceedings within 45 days.

10.6. The State Government also feels that in order to strike a balance between protecting the interest of labour and the need for providing operational flexibility to enterprises, it may be necessary to amend certain labour laws (like licence of a factory of non-hazardous nature may be renewed for five calendar years at a time, whereas the factories of hazardous nature may be renewed every calendar year under the Factories Act, 1948), exemption under the existing provisions of labour laws (like allowing women to work during night time), simplification of procedure (like amendments proposed to the Labour Laws (Exemption from
Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988), and providing special measures for Special Economic Zones, Export houses etc. which foster creation of large employment opportunities (like self-certification, declaring them as public utility services, giving equivalent power of the Labour Commissioner to Development Commissioner of SEZ while providing latter with support services for effective administration and enforcement of labour laws). The State Government, however, does not support third party inspection for the compliance of health and safety provisions in SEZs. Besides, there is need for providing effective social security cover to workers engaged in smaller establishments and to contract workers.

10.7. The Teamlease Services has advocated that the provident fund needs to be paid on basic pay plus D.A., centralized compliance for Employees State Insurance Corporation and issuance of identity cards to members by employers may be allowed, there should be State and nation-wide registration of contractors, default compliance with Employees' Provident Fund Organisation should be simplified and minimum wages should 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 stakeholders including Central Trade Unions and refer them for the consideration of Ministry of Labour & Employment only after a consensus is reached.

(iv) The unorganized 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
Committees and bipartite bodies like Ramanujam Committee should be taken into account while formulating amendment proposals of various labour laws.

(vii) Proposals pending consideration for a long time like the Workers Participation in Management Bill, 1990 amendment to the Payment of Bonus Act, 1965 and the Minimum Wages Act, 1948 etc. should be expedited.

(viii) The possibility of expanding the scope of the Employees' State Insurance Act, 1948 and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 to cover even certain segments of unorganised sector workers may be considered.

(ix) Judiciary is overburdened and valuable time of inspectors is wasted in visiting courts. The possibility of giving power of Executive Magistrate to Officers of the Labour Department to dispose of cases relating to minor offences may be explored.

(x) More emphasis is to be placed on building up of an effective labour eco-system. While labour laws should be respected, what cannot be enforced should not be legislated. It makes effective implementation of labour laws feasible while making the environment conducive to job creation and friendly to small scale and unorganised sector enterprises.

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