भारत संप्रकार श्रम पंत्रालय श्रम शक्ति भवन, रफी मार्ग, नई दिल्ली-118881



GOVERNMENT OF INDIA HINISTRY OF LABOUR SHRAM SHAKTI BHAVAN RAFI MARG, MEW DELHI-119801

Ho. U-12016/3/95-L.C.

Dated 25.1.1996

To

- The Labour Secretaries of all States and Union Territories, Employers' and Workers' Organisations (As per list attached).
- The Central Ministries / Deptts. (As per list attached)

Subject: 32nd Session of the Indian Labour Conference held at New Delhi on 23-24 November, 1995 -Summary Record of the Discussions.

Sir,

In continuation of this Ministry's letter of even number dated 12th December, 1995 on the above subject, I am directed to enclose a copy of the Summary Record of the discussions in the 32nd Session of the Indian Labour Conference held on 23-24 November, 1995 in New Delhi for necessary action.

Kindly acknowledge receipt.

Yours faithfully,

(Shingara Singh) Under Secretary Tele.No.3711907

Copy to:

- The Delegates and Advisers from Workers's and Employers's Organisations, Central Ministries/Deptts. and State Govts./U.T. Administrations who attended the Conference (As per list attached).
- JS(AG)/ JS(RKS)/ JS(SS)-DG(LW)/ DGE&T/ CLC(C)/ LEA/ Dir(PMS)/ Dir(UB)/ Dir(AB)/ DS(RKR)/ DS(RK)/ DS(AR)/ DS(SKS)
- 3. PS to LM/ PPS to Secretary/ PS to Addl. Secretary
- 4. Shri C.L.Kalsi, Sr.Information Officer, P.I.B, Shastri Bhavan, New Delhi.

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 - 12. Labour Secretary,
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 - 14. Labour Secretary,
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 - 15. Labour Secretary,
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 - 16. Labour Secretary,
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- 119.Shri Debi Prasad Bagchi,
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- 120.Shri A. Gandhiraj, Labour Minister, Govt. of Pondicherry, Chief Sectt., Pondicherry-605001
- 121. Shri K.S. Janjua,
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- 133. Shri Gurudev Singh, Labour Secretary Govt. of Rajasthan, Deptt. of Labour, Jaipur-302001
- 134.Shri L. Palamalai, Labour Commissioner, Govt. of Tamil Nadu. Fort St. George, Madras-600009
- 135.Shri B.K. Sharma,
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- 136.Shri Naginder Singh,
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- 137. Shri A.S. Jatav.
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- 138. Shri Subir Dutta,
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- 130.Shri Charnjit Bhatia.
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 - 145.Shri M. Kutralingam.
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 - 146.Shri T.K. Bose,
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- 156.Shri Des Raj,
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- 157.Shri A.K. Thakur, Director, Ministry of Steel, Udyog Bhavan, New Delhi
- 158.Shri T.S. Randhawa,
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- 160.Shri G.Sanjeeva Reddy, President. INTUC, 6/B LIGH, Barkatpura, Hyderabad-500027

- 151.Shri V.K. Taneja.

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 Sena Bhavan,

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- 152.Shri Sohan Lal.
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- 153.Shri Tej Singh,
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 - 165.Shri Niraj Kumar,
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 - 167.Shri S.K. Agarawal,
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 - 168.Shri R.S. Misra,
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- 169.Shri G.L. Dhar, Secretary, AITUC, A-4/38, Sector-18, Rohini, Delhi-85

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- 163. Shri D. Sircar,
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- 170.Smt. Rukmini Haldia, Joint Secretary, Ministry of Textiles, New Delhi
- 171.Ms. Vinita Aggarwal.
 Dy. Secretary (VE)
 Deptt. of Education,
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- 172. Shri M.N. Buch,
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32ND SESSION OF THE INDIAN LABOUR CONFERENCE (ILC) HELD AT VIGYAN BHAWAN, NEW DELHI ON 23RD AND 24TH NOVEMBER, 1995 - SUMMARY RECORD OF THE DISCUSSIONS

The list of participants in the Conference is attached as Annexure-I.

The following were the items of the Agenda of the Conference.

- 1. Confirmation of the Minutes of the 31st Session of Indian Labour Conference
- Action taken on the Conclusions of the 31st Session of Indian Labour Conference
- Proposal to exempt certain categories of services/ employment from the purview of the I.D. Act - amendment of Section 2(j) of I.D. Act, 1947
- 4. Social Security for Unorganised Labour
- 5. Restructuring of Vocational Training
- 6. Restructuring of Employment Exchanges
- 7. Discussion on the Participation of Workers' in Management Bill. 1990

Shri S. Gopalan, Secretary welcomed the hon'ble Labour Minister, Shri G. Venkat Swamy, hon'ble Minister of Rural Areas and Employment Dr. Jagannath Mishra, representatives of the employers' organisations, the workers' organisations, State Governments and Union Territories and Central Ministries and Departments. He also introduced Mr. William Brett, Vice Chairman of the ILO's Governing Body and the Chairman of the Workers' Group as a distinguished guest to attend the Conference. Shri Gopalan also stated that the Ministry could not arrange a meeting of the Standing Labour Committee (SLC) prior to the ILC as several dates suggested for the SLC were not convenient to some constituents. He stated that this would not be taken as a precedent and every effort would be made to convene a meeting of the SLC before every Session of the ILC.

Secretary (Labour) explained the background for suggesting the agenda items for discussion in the ILC. A Bill to give legislative back up to the Workers' Participation in Management Scheme was introduced in Parliament in 1990. Several Members of Parliament and others suggested amendments of the various Sections in the Bill. Many of the amendments covered the scope and coverage of the Scheme as well as the procedure for participative arrangements. Since these amendments were very extensive and the Ministry wanted to conside it in detail, the Bill was referred to the Department related Standing Parliamentary Committee on Labour and Welfare or examination and report. The Committee has asked for concrete suggestions from

the Government and, as such, the Ministry of Labour proposed this item for discussion in the ILC with a view to having a detailed examination and obtaining a consensus. Similarly, Section 2(j) of the Industrial Disputes Act, 1947 was amended in 1982 defining 'industry' for the purpose of the ID Act and the revised defintion excluded certain categories of establishments from the purview of the Act. The Ministry of Labour wanted to provide Alternative Grievance Redressal Mechanism for those excluded categories. However, attempts to provide Alternative Grievance Redressal Mechanism could not be achieved due to various reasons and the revised definition was, therefore, not notified. Now the Ministry has been approached by NDDB, Khadi & Village Industries, Employers Organisations, etc. to notify the revised defintion of 'industry' excluding certain categories of establishments. Hence the subject has been included for discussion in the ILC. security for the unorganised labour was receiving the attention of the Ministry. Similarly, the need to restructure vocational training and the employment exchanges has also been felt. Therefore, these three items have also been included for discussion in the ILC.

Shri G. Venkat Swamy, Hon'ble Minister for Labour in his inaugural address mentioned all the important developments that took place in the labour sector after the last Session of the The Fifth Conference of the Labour Ministers of Non-Aligned and Other Developing countries was held in Delhi from 19-23rd January, 1995 and the Conference adopted the Delhi Declaration and Programme of Action. In the Delhi Declaration it was resolved to undertake programmes for horizontal co-operation in the various socio-economic spheres having implications for labour and employment, to seek guidance from ILO labour standards for taking action at the national level by each country as considered appropriate to its socio-economic conditions without any form of coercion, to eliminate child labour in a time-bound manner. giving immediate priority for the total and de facto elimination of child labour in hazardous employments. The responsibility of co-ordination of the follow up action on these matters has been entrusted to India by the non-aligned and other developing countries. He also stated that India's effective leadership in arguing against the mechanism and pitfalls associated with the "Social Clause" played a key role in cautioning other member countries of the ILO who gradually veered to agree with India's stand. He informed the ILC that the Government have recently taken two major decisions to benefit the working class -- one to provide for pension for provident fund subscribers and the other to give labour protection and welfare for construction workers. In furtherance of the Government's objective to extend coverage and improve the benefits of social security it has been decided, inter alia, to enhance the minimum amount of compensation payable under the Workmen's Compensation Act, 1923. He stressed the importance attached to enhancing the level of competence of skilled workers and technicians and also the need to evolve appropriate training systems. He also felt that employment services should provide useful data feedback which could help in planning training needs. The employment services, in addition to its placement functions, should also try to help to guide the job seekers with a component of vocational guidance programme. The

hon'ble Minister also explained the circumstances for suggesting a discussion in the ILC on the subject of Section 2(j) of ID Act. He stated that under the recently launched major programme to eliminate an estimated number of 2 million child labour engaged in the hazardous occupations, an estimated number 1.5 lakhs children has so far been enrolled in special schools where all amenities were made available to them apart from paying monthly stipends. He sought the co-operation of employers, workers and State and Union Territory Administrations to make this programme a great success. Referring to the recent mine accident in Dhanbad area, he informed the Conference that a Court of Indquiry had been set up to determine the causes and circumstances leading to the accidents with a view to prevent recurrence of such incidents in future. He then invited the participants to actively take part in the discussions and give their suggestions and observations on various agenda items.

Later the Conference observed one mirute's silence in memory of the workers killed in the recent mine accidents.

Dr. Jagannath Mishra, Hon'ble Minister for Rural Areas Employment stated that vocational training was an essential element in the process of non-formal education. In the larger context of national development, vocational training should receive its importance for employment generation, productivity and overall growth of the economy. He pointed out that in the area of rural development and anti-poverty programmes vocational training formed an integral part of self-employment programmes. He highlighted the necessity for training before a self-employment project could be taken up. Though facilities for vocational training have been made available by and large in most parts of the country, the quality of the training requires to be In fact, the standard of training institutions itself is required to be upgraded by properly equipping them, staffing them and by up-dating the syllabi to make it relevant to visiting technologies. Even the Ministry of Rural Araas and Employment was supporting the State Governments for strengthening the training infrastructure and for opening mini-ITIs at block level. It would be desirable to go into the question of upgrading the quality of these institutions. He also felt that the faculties of most of the training institutions were unable to keep up with the technological changes because of lack of exposure. Therefore, training of trainers should also receive adequate attention. He also suggested that the private sector should be involved in this effort and the State Governmets should take the lead since training institutions come directly under their purview. He also stressed the importance of the application of science and technology for rural areas and the consequent need to restructure vocational training. He obseved that despite India's large scientific and technical and manpower pool, the application of science and technology in rura areas could not be In this context, he referred to the commendable work achieved. done by voluntary organisations for dissemination of improved technologies with financial support from CAPART. He suggested that this effort should be expanded considerally and a strong network of training institutions should be developed all over the country.

S/Shri G. Sanjeeva Reddy, President INTUC, (Workers Group), K.K. Kanoria, President AIOE (Employers Group) and C. Gurunath, Labour Minister, Karnataka (States) were elected as Vice Chairmen of the Conference.

Shri Sanjeeva Reddy congratulated the Labour Minister for declaring government's intention not to have an'Exit Policy'. He also thanked the Labour Minister and the Ministry for fulfilling the commitments made on issues such as bonus, slab DA and He thanked the Minister for agreeing to modify the pension scheme. He also felt that the Government had not given importance to creation of more jobs. Sickness in industry has been growing and unemployment has also been increasing. He stated that the functioning of the BIFR was far from satisfactory and there should be a Labour Member in BIFR. The decisions of BIFR have also not received adequate attention implementation. He felt that no useful service except data collection was being done by the employment exchanges. He suggested that trade unions should be actively involved in implementing child labour abolition schems and programmes. proposal to modify Section 2(j) of the ID Act and to notify it without an Alternative Grievance Redressal Mechanism would not be in the interest of the workers and as such the proposal should be withdrawn. Manufacturing activity in many major units have now been shifted to small units and, therefore, social security for the unorganised sector should receive urgent attention. The working class welcomed the decision of the Government on pension scheme and it should remain as a second benefit. He also suggested that vocational training should be modernised by introducing new course and by providing better equipment. Though there was a need for some modification in the Workers' Participation in Management Bill, the scheme should be made applicable to public as well as private sector units. He also pleaded for measures to avoid strikes in banks and coal mines.

Shri A.B. Bardhan, AITUC draw the attention of the Conference to the threat of strikes in banks, jute industry, coal mines, etc. He asked the Labour Ministry to take adequate measures to avert strike in those sectors. He said that the enabling Bill providing for pension scheme should be allowed to be passed but the pension scheme should be revised after consulting trade unions. He also felt that the Construction Workers Bill in its present form would not be adequate to meet the aspirations of the workers and a revision of this legislation should be carried out after studying the laws adopted by the State Governments of Karnataka and Tamil Nadu. Tripartism should be given its importance in dealing with the problems relating to labour. The decision of the ILC should be implemented sincerely. Many issues such as environmental matters and macro-economic polices have a direct bearing on labour and, therefore, the workers should be consulted on those issues. He suggested that the Finance Minister and other concerned Ministers should be invited to attend the ILC Sessions. He also asked the Conference to consider the various points made in the written submission of AITUC.

Shri I.P. Anand, Employers' representative, complimented the Government of India in its constructive stand on child labour and for the massive programme launched for the elimination of child labour. The objective of labour participation should be increasing production and productivity and participation should come first at the shop-floor level. Increased productivity and competitiveness would generate employment and enhance wages. He suggested that ordinances should not be resorted to as a matter of routine and tripartism should be given its due importance.

Shri A.S. Kasliwal stated that Employers had all along been demanding notification of Section 2(j) of ID Act as amended in 1982. Employers would not welcome any further amendment to Section 2(j). He referred to the decisions to raise the bonus ceiling to Rs.3500/- and stated that it should not have been done with retrospective effect. He also felt that workers' participation should be restricted to shop-floor level and the participants should be the employees of the units. Consultation should have been a better option. Referring to the functioning of the BIFR, he suggested that a via media should be found between closure and payment of idle wages.

Shri Krishnamoorthy Hooda, Labour Minister Haryana stated that the recently introduced pension scheme was a good step and the State Government would welcome it. He felt that workers' participation in management should be decided on the basis of secret ballot. He also supported social security for unorganised agricultural labour. He suggested that the Central Government should consider giving financial support to State Governments for programmes meant for abolition of child labour.

Shri U. Purchit, HMS stated that labour policy of the Government of India had been influenced by multinational companies and foreign countries. HMS was totally opposed to the notification of Section 2(j) of the ID Act. He felt that the goal of full employment by the year 2000 AD was not realistic. Progress could be made towards this direction provided attention could be paid to agro-based industries. HMS was for the pension scheme, but the scheme should be based on a consensus after consultations with trade unions. A comprehensive national labour law would be required to protect the interests of the workers. The Bonus Act should be totally changed and there should be no ceiling for bonus. The functioning of the BIR was far from The lukewarm approach of the Government to satisfactory. vocational training is reflected in the budget illocation for the purpose. He suggested that a Tripartite Committee should be constituted to consider agricultural workers' problems. of the opinion that Government should ratify all ILO Conventions. He condemned the callous attitude towards bonded labour. He felt that the existing workers' participation scheme put the entire responsibility for productivity on labour alore. He wanted that the meetings of the Child Labour Advisory Board should be convened regularly.

Shri Sabir Shaikh, Minister for Labour, Maharashtra welcomed the workers' participation in management scheme and suggested that workers should participate in trade also.

Considering the size of the workers in the unorganised sectors, the highest priority should be accorded to protect their rights and to ensure social security for them. He stated that hospitals should be constructed for beedi workers. He was of the opinion that Section 2(j) of the ID Act should not be notified without Alternative Grievance Redressal Mechanism. He also wanted uniform rate of minimum wages to be made applicable all over the country.

Shri S. Malhotra, Director, JK Corporation suggested that economic realities of the country should be kept in mind while formulating labour policies. Indian industry should try to improve productivity and competitiveness in order to compete with multinational companies and foreign companies in the context of the on-going economic reforms. Many countries in Asia have become India's competitors and in those countries the labour cost continued to be less. Threat of strike should be avoided and the workers should try to fulfil their obligation also. He welcomed the pension scheme and suggested that the implementation should be improved and perfected.

Shri Shanti Patel (HMS) stated that economic liberalisation has caused closure of units, retrenchment and unemployment. He wanted transparency in the implementation of workers' participation in management scheme and also suggested that workers should be represented even at the level of Board of Directors. He felt that the public sector units have no functional autonomy to negotiate with the workers and settle matters. He stressed the need for a comprehensive industrial relations law. He was of opinion that the National Renewal Fund could not achieve anything except voluntary retirement in public sector units. The working of Industrial Tribunals have been affected by large scale vacancies. He wanted the Government to consider the memorandum of HMS circulated in the meeting. The Bonus law should be amended and no ceiling should be fixed.

Shri Prabir Chakravorty (employer delegate) suggested that Government should devote their attention to providing social security to the unorganised sector. The problem of Organised labour should be left to the organised management to tackle on the principle of bipartism. For the sick industrial units, revival measures should be undertaken. Tripartism should be given its due importance and ordinances should not be resorted to as a matter of routine.

Dr. M.K. Pandhe (CITU) stated that many important decisions affecting the working class had been taken without consulting the trade unions. He wanted the Government to ratify the ILO Convention No. 127 concerning Maximum Permissible Weight to be carried by one person. He pointed out that the decisions of the Special Tripartite Committee had not been implemented and the meetings of the Committee had not been convened regularly. He suggested that some space shold be provided in the Labour Ministry to enable the workers' organisations to consult among themselves. He felt that the programme to abolish child labour in hazardous industries by 2000 AD would be difficult unless the programmes could be formulated, implemented and monitored

properly involvirg the trade unions. He suggested that minimum wages should be raised as a measure to reduce child labour. was also in favour of abolishing the bonus ceiling as it would deny bonus to the majority of workers. He suggested that a meeting of trad; unions and theBureau of Public Enterprises should be called to discuss the DA formula. He was also of the view that functioning of the BIFR has not helped revival of sick units. He wanted the help of the Labour Minister in getting an opportunity to meet the Industries Minister to discuss matters. The goal of full employment by 2000 AD would be far from achieveable. CITL wanted the pension scheme for workers but they would not accept the present scheme. It should be made voluntary. He stated that workers should not be denied their basic rights in the name of setting up Export Promotion Zones. He pleaded that Government should take measures to avoid strikes in the banking, insurance, jute and mining sectors. He wanted the Government to take measures immediately to implement the NTC agreement.

Shri N.M. Barot, NLO said that the BIFR had not achieved its objective and it had been issuing only winding up orders. He suggested that the public distribution system should be made available for the benefit of the working class. He wanted to explore the possibility of monthly deduction towards bonus. He welcomed the pension scheme and felt that constructive suggestions should be considered for revision. Corruption in provident fund offices should be looked into. Many units have defaulted in payment of gratuity. He suggested convening a special conference to discuss the sickness in industry. NRF money distribution has not been accounted for properly and, therefore, he was more enthusiastic about the pension scheme. He suggested that unemployment insurance should be considered as a social security for all types of unemployment. ITIs should be strengthened with modern equipment and infrastructure and by adopting new trades and technologies. He also urged the Government to consider introducing a minimum wage applicable all over the country.

Shri S.R. Sengupta (UTUC) suggested that the public distribution system should be strengthened for the benefit of the working class. He suggested that an Implementation Committee should be set up to monitor the decisions taken by the ILC. He was of the opinion that the child labour issue should be considered and examined in the context of the socio-economic conditions obtaining in the country. He was also of the opinion that the proposal to notify Section 2(j) was the violation of ILO standards. The management of many units including the NTC have been flouting the agreements. The BIFR has also not done justice to the workers in Titagarh Paper Mills.

Shri C. Gurunath, Minister for Labour, Karnataka suggested that the path followed by Kerala and West Bengal should be adopted in addressing various labour issues. He suggested that ITIs should be strengthened by introducing new trades and by providing better infrastructure. The possibility of obtaining assistance from foreign countries to improve the quality of vocational training should also be explored. He felt that

involvement of District Collectors directly with the implementation of child labour elimination programmes would not be effective unless they could get proper guidance at State level and from the workers' organisations.

Shri A.S. Sinha, UTUC(LS) stated that he would like to welcome the pension scheme but it should be funded entirely by the Government and the employer. He did not find any benefit for workers in the Workers Participation in Management Schemes, as the means of production would not be in the hands of workers. His apprehension was, that if the present proposal to amend the I.D. Act excluding certain categories of establishment was accepted, the excluded categories would be enlarged in future. He said that a comprehensive legislation on agricultural workers was promised long back and it could not be fulfilled by the Government so far. He asked the Government to intervene to avoid the proposed jute industry strike.

Shri C.M. Krishna, Employers' representative, stated that none of the suggestions of the employers were included in the Workers Participation in Management Bill, 1990. He felt that the proposal in the Bill was an inflexible model and would not deliver anything as had been the case in previous schemes. He was of the opinion that involvement would not come by legislation since Indian Industry was facing competition from multi-national and foreign companies. Government should trust Indian industry and should have faith in bipartism. He suggested that Section 2(j) of the I.D. Act as amended in 1982 should be notified immediately.

Shri R.S. Mardolkar, Labour Commissioner, Goa suggested that the proposal to adopt a comprehensive industrial law should not be closed and it would be better to keep it in abeyance for pressing up at a later stage. He also felt that the loopholes in the Child Labour Abolition and Prohibition Act and Bonded labour Abolition Act should be studied and ractified. A schedule should be attached to the Child Labour Prohibition and Abolition Act prohibiting employment of children listed in the scheduled industries. He also wanted amendment in the Factories Act to make flexible arrangement for their working hours. He felt that NCVT should be asked to make suggestions for restructuring vocational training in the country. The views of the Directors of Employment Exchanges on re-organising the Employment Exchange should be considered before the matter is placed before the ILC.

Shri Gurdev Singh, Labour Secretary, lajasthan suggested that legislation should be thought of for recignition of trade unions. He also stated that multiplicity of tade unions had led to industrial unrest in many sectors. Since the unorganised sector absorbed 92% of the work-force, attention should be paid for providing social security to the unorganised sector.

Shri D.D. Shastri, TUCC, stated tha tripartism should be encouraged at the state level also and a recommendation to this effect made in the last meeting of the ILC had not been responded to by the State representatives. Sikness in industry should have been on the agenda for this conference as sickness

has created retrenchment and unemployment. He was opposed to the notification of section 2(j). Trade Union should be involved in the programme for elimination of child labour. The abolition of child labour should be linked with abolition of poverty. He also suggested that theBIFR should be reorganised by including workers' representatives. He also felt the need for restructuring the Employment Exchanges.

Shri Sen, CII said that training should receive utmost priority for skill development and skill upgradation. Training was also an important input in achieving higher productivity. He suggested the adoption of the German practice of dual training "initial training", and subsequently, "shop floor training".

Shri Subrato Mukherjee, Vice President, INTUC, welcomed the Pension Scheme as it would benefit the workers in the long run. He suggested that the share of profit of workers should be protected by law. He requested the Central Govt. and the State Governments to pay special attention to protect the jute industry. The huge arrears on account of Provident Fund, Gratuity and ESIC should be realised from the employers.

Shri A. Gandhiraj, Labour Minister, Pondicherry stated that an alternative mechanism for redressal of grievances of excluded categories of workers should be created before notifying the definition of industry under the I.D. Act. He suggested that the vocational training system which was imparting training for conventional trades only, should be modernised. He sought for directives from the Central Govt. for preparing separate registers for SC/ST candidates in the Employment Exchanges in view of the recent decision of the Supreme Court that SC/ST benefits should not be admissible to migrant workers. He suggested that the Central Govt. should bring a legislation to identify the negotiating agent in view of the multiplicity of trade unions in an industry. He welcomed the Pension Scheme as it would be a tool for security of jobs of workers and it would reduce rush to Government jobs. He suggested that the law should be changed to permit women to work after 10 P.M.

Smt. Rukmani Haldia, Joint Secretary, Ministry of Textile, informed the Conference that the Cabinet had approved the proposal to sell the surplus land available with the sick NTC mills and funds of the order of Rs.2000 crores so generated would be utilised for the modernisation of mills. Clearance of the BIFR had been sought for the proposal.

Labour Commissioner, Tamil Nadu, stated that for the Welfare Fund for building workers, the funds should be collected at source and should be first adjusted in the states itself instead of going to the Consolidated Fund of India. He expressed grave concern that the mini cigarette had captured over 20% of the beedi market and had severely affected the beedi workers. He suggested that the Central Govt. should prepare and distribute Audio Visual films on vocational training to the States. He also suggested that the employment exchanges should be computerised.

The Principal Secretary, West Bengal stated that the State Govt. of West Bengal felt the need to appoint a Committee to monitor the implementation of the decisions of the Indian Labour Conference. He stated that the Jute Corporation of India should be activated to solve the problems of Jute Industry. On enquiry from the Chairman, he informed that meetings with jute workers were being held at the State level to ensure that the strike in jute mills would not take place.

The agenda items were then taken up for discussion one by one :

Item 1: Confirmation of the Minutes of the 31st Session of Indian Labour Conference

The Conference confirmed the minutes of the 31st Session of the Indian Labour Conference.

Item 2: Action taken on the Conclusions of the 31st Session of Indian Labour Conference

The workers representatives spoke mainly on two points. Firstly, that there should be some Committee which should monitor the action taken on the implementation of the decisions of Indian Labour Conference. A suggestion was also made that the frequency of the meetings of the Standing Labour Committee should be increased to monitor the actin taken on the decisions of the tripartite meetings. Secondly, the practice of holding tripartite discussion on labour matters at the state level should be revived as was decided in the 31st Session of the Indian Labour Conference. After discussions, the Chairman agreed to form a Tripartite Review Committee for monitoring the implementation of the decisions of the Indian Labour Conference.

Item 3: Proposal to exempt certain categories of services/ employment from the purview of the I.D. Act - amendment of Section 2(j) of I.D. Act, 1947

The workers representatives were against the proposal to give exemption to any categories of services/employment from the purview of the I.D. Act. It was argued that it would go against the ILO conventions of giving rights to the workers. The employers' representatives stressed the need to notify the ravised definition of 'industry' under the I.D. Act passed by the Parliament since long back. It was decided in the Conference to postpone this item and to place it before the next SLC meeting alongwith other proposed amendments to the I.D. Act, 1947.

Item 4: Social Security for Unorganised Labour

Shri Barot Stressed the need to take at least some steps to provide social security benefits covering accidents and death etc. before bringing up legislation for agricultural workers.

Mr. Ganguly stated that the Govt. should come to cover all sections of unorganised sectors like beedi, handlooms, powerlooms, brick-kilns and home workers etc. to provide them

all social security benefits. He stated that steps such as land reforms, need based wages, compulsory education to children, abolition of contract labour and unemployment benefits should be given greater attention. It intimated that, in a district of Kerala, 40,000 beedi workers had been organised and they were running a factory on a cooperative basis. He suggested that this should be taken as a model to organise unorganised workers in other parts of the country.

Shri Purchit congratulated the Govt. for bringing legislation for building and construction workers and the elimination of sweepers from all over India. He stated that benefits of the Pension Scheme, Provident Fund, ESIC etc. should be extended to all unorganised workers.

Shri Kashyap stated that they had to find out the methods by which funds would be raised for extending social security benefits to unorganised workers.

Item 5: Restructuring of Vocational Training

item 6: Restructuring of Employment Exchanges

The CITU representative pointed out that most of the workshops of ITIs were not functioning due to inadequate supply and maintenance of equipments. He suggested that new training technology and new skills should be introduced. Skill development of women should also receive importance. Training of trainers should be done on a continuous basis. He also supported suggestion for factory level training.

Shri Barot wanted to have a fresh look at the vocational training programme. He suggested that employers, workers and governments should give adequate importance to vocational training to enhance the employability of the workforce.

Shri B.D. Joshi, AITUC, also supported the suggestion to restructure the vocational training programme and felt that vocational training should be linked to employment.

Shri I.P. Anand stated that the vocational training programme of the country should be further streamlined and felt that statutorisation of vocational training through a council would not serve any purpose.

The Labour Minister later agreed to place the subject of restructuring vocational training as an agenda for the next meeting of the Standing Labour Committee.

Item 7: Participation of Workers in Management Bill, 1990

Shri B.D. Joshi, AITUC, suggested that the Workers' Participation in Management Bill, 1990 should be adopted quickly. He said that the proposed scheme should be a participative scheme and it should not be converted into a mere consultative machinery.

Shri R.A.P. Singh, Director, CIL stated that the workers' participation in management scheme implemented earlier could not succeed because of the unhelpful attitude of many trade unions and they did not want the scheme to be implemented beyond the shopfloor level committees. There were also problems on the procedure selecting representatives.

A Committee headed by Shri S. Gopalan, Labour Secretary, drafted the conclusions of the Indian Labour Conference and placed them before the Conference for consideration. The Conference discussed the conclusions in depth. The conclusions were approved by the Conference except some reservations from CITU, TUCC and UTUC(LC) about the Pension scheme. The conclusions are placed at Annexure-II.

In his concluding remarks, the Labour Minister stated that though the agenda of the Conference was structured to cover specific items, deliberations were held on all aspects directly related to working-class. He further stated that useful suggestions had been received in respect of the problems of the sick industry, enhancing the scope of social security to unorganised labour, making the mechanism of tripartism more effective, elimination of child labour and restructuring of vocational training and employment exchanges etc. which would be examined and action taken. He agreed to have a Review Committee of ILC for reviewing the progress of implementation of the decisions taken by the Conference.

The Conference ended with Vote of thanks to the Chair.

ANNEXURE-I

THIRTY SECOND SESSION OF INDIAN LABOUR CONFERENCE (NEW DELHI - NOVEMBER 23 - 24, 1995)

LIST OF PARTICIPANTS

CHAIRMAN

Shri G. Venkat Swamy. Union Labour Minister

Vice Chairman (Workers' Group)

Shri G. Sanjeeva Reddy President, INTUC

Vice Chairman (Employers' Group) Shri K.K. Kanoria. President, AIOE

Vice Chairman (State Government) Shri C. Gurunati. Labour Minister, Karnataka

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- Organ sing Secy., INTUC, 4, Bhii Veer Singh Marg, New Dalhi-1
- Shri S.S. Chauhan, Organising Secy., INTUC, 50 Neelam Chowk, NIT, Faridabad-121001
- 3. Shri Ravi Arya. Organising Secy., INTUC, Plot No. 4 Block No. 37 Nehri Nagar East, Bhilli-490022
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- 8. Shri N.M. Adyanthaya,
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- 9. Shri P.L. Subbiah,
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- 6. Shri Balwant Rai Kapoor, President, INTUC Punjab Branch, 852/- Gate Khazana, Amritsar (Punjab)
- 7. Shri M. Raghuviah,
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 National Federation of
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- 8. Shri Heeralal Sharma, President, INTUC Delhi Branch, RZ-29 Roshan Garden, Najafjarh, New Delhi-45
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- 10. Shri Lal Bahadur Singh, Secretary, INTUC, 177/3, Acharya Jagdish Bose Road, Calcetta-700014
- 11. Shri Ramesh Pandey,
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- 12. Shri Ashok Singh, Organising Secretary, 4, Enai Veer Singh Marg, New Delhi-1
- 13. Shri Rajendra Prasad, Secy, INTUC (BIHAR), 4, Biai Veer Singh Marg, New Jelhi-1

ADVISERS

14. Shri Ranbir Singh. Secy., INTUC (J & K) 4, Bhai Veer Singh Marg, New Delhi-1

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 2. Shri R.P. Mishra,
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 Tilak Gali, Paharganj 2. Shri Hasu Bhai Dave, Raikot-360005
- Shri Om Prakash Aghi,
 Orgn. Secretary, BMS, Ram Naresh Bhawan, Tilak Gali, Paharganj, New Delhi-110055
- Shri R. Venugopal, Organising Secy., BMS, 4. Shri R. Venugopal, Ram Naresh Bhawan, Tilak Gali, Paharganj, New Delhi-110055
- 5. Shri Mukund Gore, Secretary, BMS, Vishwakarma Bhawan, 185, Shaniwar Peth, Pune-411030

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- 2. Shri A.D. Nagpal, Secretary, HMS, 1181, Sector 43-B, Chantagarh-1600036

3. Shri Veereshwar Tiagi, Secretary, H.M.S., 1-Kant Kunj, Saket, Meerut (U.P.)

ADVISERS

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United Trade Union Centre (LS) (3 SEATS)

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 All India Secretary, UTUC(LS),
 Secretary, UTUC(LS),
 Secretary, UTUC(LS),
 Secretary, UTUC(LS), 77/2/1, Lenin Sarani, Calcutta-13
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- 2. Shri Badshah Khan, Secretary, UTUC(LS), 77/2/1, Lenin Sarani, Calcutta-13
- 3. Shri Sunil Mukherjee, Secretary, UTUC(LS), 77/2/1, Lenin Sarani, Calcutta-13

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- 3. Shri G.L. Dhar, Secretary, AITUC, A-4/38, Sector-18, Rohin, Delhi-95

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- 1. Shri I.K. Ganguly, Secretary, CITU, 15 Ta katora Road, New D: Thi-110001d,

- 2. Shri M.K. Pandhe, General Secretary, CITU 15 Talkatora Road, New Delhi-110001
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 Shri N.M. Barot, President, National Labour Organisation, Gandhi Majur Sevalaya, Bhadra, Ahmedabad-380020

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- Shri Rajendra Kumar, Secretary, TUCC, 28, G.R.G. Road, New Delhi-1

IISCO UNION

1. Shri Nitu Bose, Secretary, IISCO Union, West Bengal

THIRTY SECOND SESSION OF INDIAN LABOUR CONFERENCE (NEW DELHI - 23 - 24 NOVEMBER, 1995)

LIST OF PARTICIPANTS

EMPLOYERS' GROUP

DELEGATES

ADVISERS

COUNCIL OF INDIAN EMPLOYERS (24 SEATS)

- 1. Shri A.K. Rungta,
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- 5. Shri S.N. Agarwal, Chairman & Mg. Director, Bhoruka Steels Ltd., 48, Lavelle Road, Bangalore-560001
- 6. Shri J.P. Chowdhary,
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- 18. Shri E. Kumar,
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- 20. Shri I.C. Rastogi,
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- 22. Shri N.K. Mitra, O.N.G.C. Tel Enavan, Dehradun, U.P.

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- Institutional Area,
- 2. Shri S. Sen, C.I.I.

THIRTY SECOND SESSION OF INDIAN LABOUR CONFERENCE (NEW DELHI - 23 - 24 NOVEMBER, 1995)

LIST OF PARTICIPANTS

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ANDAMAN & NICOBAR

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Shri DOI ADO,

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CHANDIGARH ADMINISTRATION

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ADVISERS

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KERELA

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- 3. Shri P. Pardesh,
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 Govt. of Maharashtra,
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MEGHALAYA

 Shri L.H. Pde, MCS, Commissioner, Labour Deptt., Meghalaya

ORISSA

1. Shri Debi Prasad Bagchi, Principal Secretary, Department of Labour, Govt. of Orissa, Orissa Sectt., Bhubaneswar-751001

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PUNJAB

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RAJASTHAN

 Shri Gurudev Singh, Labour Secretary Govt. of Rajasthan, Deptt. of Labour, Jaipur

TAMILNADU

1. Shri L. Palamalai, Labour Commissioner, Govt. of Tamil Nadu, Fort St. George, Madras-600009

- Shri Gopal Sharma, Jt. Labour Commissioner, Govt of Rajasthan, Deptt. of Labour, Jaipur
- Shri M. Kutralingam, Dire:tor (Emp. & Trg.) Govt of Tamil Nadu, Fort St. George, Madris-600009

TRIPURA

1. Shri B.K. Sharma, Labour Commissioner, Govt. of Tripura, Civil Sectt, Agartala-799001

UTTAR PRADESH

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- Shri A.S. Jatav,
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- Shri T.K. Bose, Secretary, Technical Education & Training Department, Govt. of West Bengal, Bikas Bhawan, Salt Lake City, Calcutta-700091

THIRTY SECOND SESSION OF INDIAN LABOUR CONFERENCE (NEW DELHI - 23 - 24 NOVEMBER, 1995)

LIST OF PARTICIPANTS

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DELEGATES

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1. Shri V.K. Singh,
Director,
Director General, Ordinance
Factories (Administration),
Ordinance Factory Board,
10-A, Auckland Road,
Calcutta-700001

Shri Y.K. Taneja,
 Dy. Adviser (Lab. Welfare)

DEPTT. OF EDUCATION

 Ms. Vinita Aggarwal, Dy. Secretary (VE), Deptt. of Education, Shastri Bhavan, New Delhi

MINISTRY OF FOOD

 Shri G.P. Bhatti, Dy. Secretary, Ministry of Food, Krishi Bhavan, New Delhi or Garage

DELEGATES

ADVISERS

MINISTRY OF INDUSTRY

Shri Sohan Lal, Dy. Secretary, Deptt. of Indl. Development, Udyog Bhavan, New Delhi

PLANNING COMMISSION

Shri S.S. Suryanarayanan, Joint Adviser (LEM), Planning Commission, Yojana Bhavan, Sansad Marg, New Delhi-110001

MINISTRY OF POWER

Shri O.P. Sharma,
Director (Personnel)
Bhai Vir Singh Sahitya
Sadan, Bhai Vir Singh Marg
New Delhi-110001

1. Shri A.I. Bunet,
Director (Persl.),
N.H.P.C., Sector-33
Faridabad-121003 1. Shri O.P. Sharma, New Delhi-110001

Haryana

DEPTT. OF PUBLIC ENTERPRISES

Shri Tej Singh, Director(Management), Deptt. of Public Enterprises 14, CGO Complex, New Delhi

MINISTRY OF RAILWAYS

1. Shri G. Ramakrishnan, Adviser (Staff), Railway Board., Rail Bhawan, New Delhi-1

- 1. Shri O.P. Gupta, Executive Director, Establishment (IR), Railway Board., Rail Bhawan, New Delhi-1
 - Shri Niraj Kumar, 2. Executive Director, Training & Manpower Plg., Railway Board., Rail Bhawan, New Delhi-1

ADVISERS

3. Shri Des Raj. Joint Director, Establishment (LL), Railway Board., Rail Bhawan, New Delhi-1

MINISTRY OF STEEL

- 1. Shri A.K. Thakur, Director, Ministry of Steel, Udyog Bhavan, New Delhi
- 1. Shri D.Sirchar. Dy. Secretary, Ministry of Steel, Udyog Bhavan, New Delhi

MINISTRY OF SURFACE TRANSPORT

1. Shri S.K. Dargan, Under Secretary, Ministry of Surface Transport, Transport Bhavan, New Delhi

MINISTRY OF TEXTILES

- Smt. Rukmini Haldia,
 Shri T.S. Randhawa, Jt. Secretary, Ministry of Textiles, New Delhi
 - Director, Ministry of Textiles, New Delhi

MINISTRY OF WATER RESOURCES

1. Shri S.K. Agarawal, Joint Commissioner (Project), Ministry of Water Resources, Shram Shakti Bhawan, New Delhi

LOK SABHA SECRETARIAT

- 1. Shri O.P. Ghai, Dy. Secretary, Lok Sabha Secretariat, Parliament House Annexe, New Delhi-110001
- 1. Shri R.S. Misra, Under Secretary, Lok Sabha Secretariat. Parliament House Annexe, New Dalhi-110001

ADVISERS

NATIONAL DIARY DEVELOPMENT BOARD

 Shri M.N. Buch, Manager (Legal), National Dairy Development Board, Safdurjung Enclave, New Delhi-110029

MINISTRY OF LABOUR

- Shri S. Gopalan, Secretary
- Shri M.N. Buch, Additional Secretary
- Shri R.K. Saini, Joint Secretary
- Shri Abhik Ghosh, Joint Secretary
- 5. Shri D.K. Trehan, L.E.A.
- Shri P.M. Sirajuddin, Director
- 7. Shri A. Risbud, Dy. Secretary
- 8. Shri S.K. Sinha, Dy. Secy./PS to LM
- Smt. M. Seth, W.C. (H.Q.)
- Shri S.K. Mukhouphadya,
 Dy. C.L.C.(C)
- Shri T.C. Girotra,
 Dy. C.L.C.(C),
- 12. Shri G.R. Majhee, Dy. C.L.C.(C)
- Shri. Bhagwati Prasad, Insurance Commr., ESIC
- 14. Dr. Shashi Prabha, Insurance Commr., ESIC
- 15. Shri P.K. Padhy, Jt. Director
- 16. Shri R.S. Tiwari, Asstt. Director
- 17. Shri G. Vadyanathan, Dy. Dir. General, D.G., FASLI, BOMBAY
- 18. Shri C.L. Kalsi, Sr. Information Officer

- 19. Shri David Mally, Addl. Director (Emp.)
- 20. Shri Onkar Sharma, ALC(C)
- 21. Shri D.S. Dagar, Director (Trg.)
- 22. Shri Rajat Sachar, Dy. Director
 - 23. Shri S.I. Siddqui, Director
 - 24. Shri D.P. Srivastava, Jt. CLC(C)

INTERNATIONAL LABOUR ORGANISATION

- 25. Shri Bill Brett, Vice Chairman (Governing Body), I.L.O.
- Smt. Josephine Karavasil, Director, ILO (New Delhi)
- Ms. Leyla Tegmo Raddy, Dy. Director, ILO
- 28. Shri A. Sivanan Givan, ILO
- 29. Shri Raphael Crowe, ILO-SAAT, New Delhi

ANNEXURE-II

CONCLUSIONS OF THE 32ND SESSION OF THE INDIAN LABOUR CONFERENCE (ILC): VIGYAN BHAWAN, NEW DELHI: 23RD AND 24TH NOVEMBER, 1995

The 32nd session of Indian Labour Conference met at Vigyan Bhawan, New Delhi on the 23rd and 24th of November, 1995 under the Chairmanship of the Hon'ble Union Labour Minister Shri G. Venkat Swamy, considered the various issues of concern to labour and industry apart from the items listed in the formal agenda and reached the following conclusions:-

ILC and its bodies and tripartism

- 1. The principle of tripartism having been the very essence of industrial relations in the country all along, the meetings of the ILC should invariably be preceded by SLC meetings; in order that the ILC decisions are followed up with action in an orderly manner, there should be regular tripartite review committee meetings also; there should be two such review committee meetings, apart from the meeting of the SLC before every ILC meeting; in a year, then there shall be four tripartite meetings two of the review committee, one of the SLC and of the ILC; the meetings of the SLC and ILC should be scheduled well in advance; the next SLC meeting shall take place on 13th September, 1996 and the next ILC meeting on 24th and 25th of October, 1996.
- The conclusions reached in the ILC should be construed as matters of continuing importance until they are disposed of by appropriate follow up action; and such of the conclusions of the 31st session of the ILC which have not been so far implemented should be pursued including through review committee meetings.

Industrial Relations

- 3. Considering the economic implications of major industry-wide strikes in sectors such as banking, coal, textiles including Jute etc., Labour Ministry should facilitate prompt and effective negotiated settlement of disputes in such sectors proactively.
- The working conditions of Labour n Export Processing Zones should be subjected to detailed study so that the workers concerned are given full Labour protection as applicable under the various labour laws.
- 5. Industrial adjudication is being seriously handicapped on account of delays in filling up of the vacancies of Presiding Officers and in providing them adequate secretariat staff support; procedure should be simplified such that these vacancies are filled up promptly and secretariat staff provided adequately

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Wages

- 6. The scope for introduction of uniform minimum wages in the country should be investigated further so that drastic wage disparities do not contribute to flight of industries and sudden unemployment in pockets.
- 7. Eligibility and calculation ceilings for bonus under the payment of Bonus Act should be scrapped. (Employers have expressed reservations and wanted total review of bonus, while Trade Union Organizations of workers are unanimously in favor of scrapping the above mentioned ceilings, considering that they militate against skilled workers who are normally in comparatively higher wage segments).

Public sector enterprises

- 8. The revised DA formula which has been brought under implementation for the benefit of the employees of public sector enterprises should be further discussed.
- 9. The managements of public sector enterprises should be given full functional autonomy including on issues relating to wage settlement.

Economic reforms, industrial restructuring and social dimensions

- 10. The scheme for NTC restructuring should be implemented; the situation of payment of idle wage and depreciation of machinery needs to be emergently terminated.
- 11. Financial support for jute mi'ls restructured on cooperative basis should be extended without delays.
- The BIFR should be restructured with experts from the areas of management and labour; the BIFR procedures should be significantly simplified to cut down delays in the restructuring of sick enterprises; inordinate delays that occur now in disposal of winding up and liquidation proceedings should be cut cown by necessary simplification of laws.
- 13. Detailed and comprehensive studies of sickness in industrial enterprises should be uncertaken for evolving appropriate remedial and preemptive measure.
- 14. The delivery of essential commodities through the public distribution system should be streamlined with special emphasis on ensuring adequacy of supplies.

Social Security

While the pension scheme for subscripers to the provident fund under the Employees' Provident and Act is welcome, it should be further modified, taking into consideration the various constructive suggestions that have emerged in the series of consultations which the Labour Minister has

had with various interest groups; the details of the pension scheme should also be widely publicised removing the apprehensions that are being entertained in various quarters; and steps for efficient management of the pension fund and for prompt and accurate disbursal of pension dues should be taken. (CITU, UTUC and UTUC(LS) have expressed their reservations, while INTUC, AITUC, HMS, BMS, NLO and TUCC have unanimously welcomed the Schemes).

- 16. There are serious cases of default of gratuity payments; measures should be taken to ensure preemption of such defaults apart from settlement of defaulted dues.
- 17. Vigilance machinery in the Employees' Provident Fund Organisation should be tightened up particularly at the cutting edge level so that the subscribers receive delivery of services without let or hindrance.
- 18. The scope for introduction of unemployment insurance should be investigated so as to give protection against job losses.
- 19. The Labour Ministry should present a status paper on the existing social security schemes under implementation in the country, particularly reflecting the experience of various states and bring the matter for consideration in the SLC; the scope for extension of the existing social security laws and systems applicable to the organised sector as well to the unorganised sector should also be gone into.

Employment

- 20. Detailed studies should be undertaken in various sectors in respect of the employment generation; the progress in promoting employment in agro-basec industrial sector should be studied too; and special measures including in terms of reviewing the existing laws and amending them where appropriate should be taken to enhance employment of women.
- 21. The issues of modernisation of and restructuring of employment exchanges should first be examined in a special meeting of the State Directors of Employment and thereafter in the next meeting of the State Labour Ministers; subsequently, the matter should be brought for consideration before the SLC and ILC.

Vocational Training

22. The vocational training system should be modernised; new courses relevant to employment market should be introduced; such courses should have more practical orientation; and special emphasis should be laid on multi-skilling the trainees; the proposals presented on the agenda for the restructuring of the vocational

training system should first be discussed in the National Council for Vocational Training (NCVT) and then brought before the Standing Labour Committee.

Environment and Labour Protection

The measures for environment protection have wide ranging implications for labour. So the workers' organisations should be given adequate representation in Government bodies in charge of establishing and regulating environment standards.

Child Labour

Trade unions should be more extensively involved in implementation of schemes for elimination of child labour; child labour elimination schemes under implementation should also be brought under tripartite review; the Child Labour Advisory Board should meet more regularly; special incentives for parents of children removed from employment should be provided; and State Govts. may be empowered to prchibit employment of children in non-hazardous occupations as well (outside the scheduled hazardous employments and processes), keeping in view the local circumstarces.

Legislation

- 25. The issue relating to the notification of section 2 (j) of the I.D. Act being one on which employers and workers are not agreed (employers are 'or notifying this provision and workers are not, and a few State Govts. want notification after alternative grievance redressal systems are established), it may be taken up for detailed consideration before the Standing Labour Committee.
- The employers are opposed to the Workers' Participation Bill and they are for bipartite participatory mechanisms; workers want the legal framework; the Bill and the amendments that have been proposed by various quarters and the report of the Parliamentary Committee will be discussed further in the SLC after consideration in the review committee.
- 27. The proposal for the enactment of law for giving protection to agricultural worker; should be presented for tripartite consultation in the S.C.

(The concluding statement of the Labour Minister is attached).

CONCLUDING STATEMENT OF LABOUR MINISTER

I want to conclude by saying that I had a very pleasant interaction with all State Labour Ministers, my trade union colleagues, the representatives of the employers and the officials of the State Governments and Central Government over the last two days. Though the agenda for the Conference was structured to cover amendments of I.D. Act exempting certain categories of services/employment from the purview of the I.D. Act, Social Security for unorganised sector, Restructuring the Vocational Training and Employment Exchanges and discussion on the participation of the Workers in the Management Bill, 1990, deliberations were held on all aspects directly related to working class. Useful suggestions have been received in respect of the problems of sick industry, enhancing the scope of social security to unorganised sector, making the mechanism of tripartism more effective, elimination of child labour, restructuring of vocational training and employment exchanges etc. Which will be examined and action taken to make them effective, wherever found feasible.

I have also agreed to have a Review Committee of ILC which will review the progress of implementation of the decision taken in the deliberations held during the ILC. Regarding the proposals to exempt certain categories of services/employments from the purview of the I.D. Act, a decision has been taken to postpone its consideration to the next SLC meeting and will be included as a part of the comprehensive amendment of the I.D. Act. Problems relating to the beedi industry arising out of certain concessions granted to mini cigarettes have also been discussed. I propose to hold discussion with representatives of workers, employers and Governments on this subject at a later date.

On the issue of restructuring employment exchanges, certain suggestions have been made by representatives of employers, which I have agreed to discuss in the next SLC meeting with representatives of Trade Unions, State Governments and Employers.
