

भारत सरकार
श्रम मंत्रालय
श्रम शक्ति भवन
रफी मार्ग
नई दिल्ली-११०००१



GOVERNMENT OF INDIA
MINISTRY OF LABOUR
SHRAM SHAKTI BHAVAN
RAFI MARG
NEW DELHI-110001

No.U-12016/1/2000-LC

14.7.2000

To

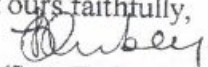
1. General Secretaries, Central Trade Union Organisations & Central Employers' Organisations
2. Labour Secretaries to State Governments/Union Territories & Secretaries to Central Ministries/Departments (as per list attached)

Subject:- 36th Session of the Indian Labour Conference held at New Delhi on 14-15 April, 2000 - Summary Record of the Discussions reg.

Sir,


I am directed to enclose a copy of the Summary Record of the discussion of the 36th Session of the Indian Labour Conference held on 14-15 April, 2000 in New Delhi.

(Hindi version is also enclosed).

Yours faithfully,

(Jaya Dubey)
Under Secretary

Copy to:-

1. The Delegates and Advisers from Workers' and Employers' Organisation, Central Ministries/Depts. and State Govts./U.T. Administrations who attended the Conference (as per list attached as Annexure-I).
2. AS./LEA/JS(RKS)/JS(PB)/JS(CC)/DGLW/JS(DGE&T)/CLC(C)/FA
3. PS to LM/PS to MOS(L)/PPS to Secretary
4. Dir.(PMS)/Dir.(PPM)/Dir.(RKR)/Dir.(F)/Dir.(VK)/Dir.(KK)/Dir.(NIC)/Dir.(PV)/JD(VP)/DS(DGE&T)/DS(JPS)/DD(MS)/WC(HQ)/Dir.(Emp.)/Dir.(Trg.)/L.A./C.A./DS(HS)/DS(VDN)/DS(KKM)
5. DGFASLI, Bombay/DGMS, Dhanbad/CPFC, New Delhi/DGESIC, New Delhi/Labour Bureau, Chandigarh/NLI, Noida/Member Secretary, NCL, New Delhi.
6. Shri M.L. Dhar, Information Officer, Press Information Bureau, Shastri Bhavan, New Delhi-1


(Jaya Dubey)
Under Secretary

36TH SESSION OF INDIAN LABOUR CONFERENCE
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50. The Secretary,
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51. The Secretary,
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58. The Secretary,
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60. The Secretary,
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Summary Record of discussion of the 36th Session of ILC held on 14-15 April, 2000 at Vigyan Bhavan, New Delhi

The 36th Session of the Indian Labour Conference was held in Vigyan Bhavan on 14th and 15th April, 2000. The list of participants who attended the ILC is given at Annexure-I.

2. The 36th Session of the ILC started with offering of floral tributes to Dr. B.R. Ambedkar, by the Hon'ble Prime Minister - Shri Atal Bihari Vajpayee, Union Labour Minister, Dr. Satyanarayan Jatiya and Union Minister of State for Labour and Employment, Mr. Muni Lall.

3. In his welcome address Dr. L. Mishra, Secretary (Labour) described the ILC as a unique forum where three Groups of different interests think, plan and act together for realisation of common goals which is in tune with the constitutional mandate of the dignity of the individual and unity and integrity of the nation. Highlighting the role of ILC as a pace setter and trend setter in the evolution of labour policies and programmes in India, he mentioned several positive initiatives such as the activities of the Central Board for Workers' Education and National Labour Institute, laying down norms and criteria for fixing, reviewing and revising minimum wages, organisation of consumer cooperative etc. which were the direct fallouts of the recommendations of the ILC. Similarly a number of legislative enactments in the field of Industrial relations, social security, health and safety and welfare of workers were also the positive fallouts of the deliberations in the ILC.

4. Elaborating the rationale behind setting up of the 2nd National Commission on Labour, he observed that the changes which have taken place in the social, economic and political fields have made the changes in the legal framework imperative. He expressed the hope that the Commission would not only review the gaps and omissions in the existing laws but would also reinforce the ethos and culture of tripartism in a truly democratic spirit. Emphasising the importance of social dialogue in minimising the social costs of economic and structural reforms, he observed that sharing ideas and experience leads to better understanding and strengthening the fabric of social participation.

5. Secretary (Labour) informed the ILC that the 36th Session of SLC had recommended industrial sickness, workers' participation in industry and workers' education for discussion in the ILC. These three issues are inextricably related to each other.
6. Shri Hashu Bhai Dave, General Secretary, BMS thanked the PM on behalf of workers' organisations for his presence in the ILC. He voiced the discontentment of workers with the new economic policy adopted by the Govt. a decade back and said that it had only brought sickness to the industry and unemployment to the workers. He, therefore, suggested a careful review of the economic reform policy. He also made specific suggestions such as, work for everybody, no hire and fire policy, winding up of BIFR, reforms in labour laws, and wage revision in PSUs.
7. Welcoming the Prime Minister on behalf of employers group Shri Arvind Doshi President, EFI observed that Prime Minister's presence has certainly enhanced the stature of this national tripartite forum. On the new economic policy he observed that despite all scepticism and apprehensions, the result of economic liberalization were quite encouraging. However, the rigid and closed labour policy sub-serving the interests of only 8-10% of the workforce was coming in the way of Industrial growth and employment generation. He further observed that due to this inflexible legal framework, India had lost sizeable amount of foreign investment to other countries. He hoped that 2nd National Commission on Labour would look into this subject afresh. But the changes should not be kept pending till the recommendations of 2nd National Commission on Labour had been received. On Contract Labour (Regulation and Abolition) Act he observed that there was an urgent need to review the provisions of the Act and to regulate and modify them in conformity with the global practices of outsourcing/ contractualisation. Reverting to industrial sickness he observed that BIFR has failed to achieve the intended objective. Referring to a recent study undertaken by SCOPE for dealing with sickness in PSUs, he requested the Govt. to give due consideration to the recommendations made in the study report. He also invited Govt. attention to the very large number of public holidays which were an avoidable drain on the national exchequer and also on the limited time, energy and resources possessed by the nation and felt there was an urgent need to restrict them.

8. Dr. Satyanarayan Jatiya, Labour Minister expressed his sincere gratitude to the Prime Minister for accepting the invitation of the Labour Ministry to inaugurate the 36th session of ILC.

9. Expressing his concern for the thousands of workers in the unorganised sector who do not have any definite source of employment, he urged the Government both at the Centre and the States to come forward to help in the promotion of small and medium enterprises and informal sector for social justice and equity. He observed that the changes in economy had changed the nature and character of work and dynamics of the work environment. Job opportunities have shifted from manufacturing units to the service sector which is largely in the informal sector. He observed that although the economic reforms had yielded many positive results they had also affected job security and employment. He informed the ILC that to cope up with this problem, Ministry of Labour would be exploring the possibility of widening the social security net in informal sector also. He observed that the changing economic scenario have made the review of existing labour laws absolutely imperative. For this purpose Government has constituted the Second National Commission on Labour. He hoped that the Commission would complete its work within the stipulated time. He also underlined the close relationship between the labour policy and social and economic policy and how they interact with and impact on each other. Therefore, he desired that the Ministry of labour should be involved in policy formulation in respect of matters concerning working people. The text of Labour Minister's speech is attached at Annexure-II.

10. The Prime Minister of India - Shri Atal Behari Vajpayee - while inaugurating the 36th session of ILC reiterated his Govt's commitment to protect and safeguard the interest of workers. He informed the ILC that his Govt. has adopted a cautious and carefully calibrated policy towards globalisation to protect the interests of Industrial and farm workers. At the same time, he also urged the trade unions to adopt a positive and supportive attitude towards economic reforms and be a partner in the new initiatives. He stressed the need to accelerate reforms in labour laws and in the administrative machinery that implements them, without which the nation could not reap the benefits of economic reforms.

The Prime Minister in his speech highlighted the need for :

- Re-examining the role of labour movement and redefining its stand on various issues concerning labour empowerment and economy.
- Protection and promotion of interests of labour as an integral part of philosophy of economic reforms.
- Trade Unions to adopt a supportive and positive attitude towards economic reforms and be partners in the reforms process.
- Changes in Labour laws have not kept pace with changes in rest of the economy.
- Reforms in the labour laws and administrative machinery were absolutely urgent in order to reap the full benefits of economic reforms.

Prime Minister also assured that:

- The problems of employees of CPUs would be satisfactorily resolved through ongoing efforts to restructure and revive the PSUs.
- The Government is actively considering upgradation of National Labour Institute and Central Board for Workers' Education into institutions of excellence.

The text of the address by the Prime Minister is attached as Annexure-III.

Shri Muni Lall, Minister of State for Labour and Employment thanked the Prime Minister for showing his commitment to the cause of labour by participating in the 36th Session of the ILC. He assured the Prime Minister that the suggestions/ conclusions emerging from the Conference would be pursued by the Ministry of Labour with all concerned Departments for implementation. He also thanked the Union Labour Minister for his guidance in all aspects of organising this Conference. The Minister of State for Labour and Employment

thanked the workers' and employers' representatives for putting forward their concerns before the Hon'ble Prime Minister.

11. The first working session of ILC started with election of vice chairpersons. ILC elected following three persons as vice chairperson of the 36th Session of the ILC:

1. Shri Hashu Bhai Dave - from the side of workers
2. Shri I.P. Anand - from the side of employers
3. Shri Balram Singh Tandon - from the side of State Govts

12. The first working session was devoted to a general discussion including the discussion on Action Taken Report (ATR). Initiating the discussion Shri Lakshman Reddy from BMS suggested that State Govts should take tripartite meetings more seriously than now. He referred to a number of instances where the State Labour Advisory Boards have either not been constituted or not meeting. He illustrated this by stating that the J & K Contract Labour Advisory Board has not been constituted. Even in the Ministry of Labour a number of tripartite committees have not been meeting for quite some time. The National Safety Council and the National Advisory Board on Child Labour which were due for reconstitution have not been reconstituted so far. The Minimum Wages have not been reviewed and revised in J & K and MP for a number of years. In Lakshadweep an application submitted for registration of a trade union one year ago is lying unattended. He also suggested formation of the district level tripartite monitoring committees under the chairmanship of District Collectors to ensure implementation and enforcement of minimum wages. He emphasised the need for holding regular meetings of Central Minimum Wages Advisory Board. On payment of wages in CPSU, he observed with regret that the Group of Ministers constituted two months back have not found time to meet so far. He felt that the wage ceiling of Rs.1600/- for Payment of Wages Act was irrelevant and was overdue for revision. Referring to the recent move for bringing about amendments in the Trade Union Act he observed with regret that Central Trade Union Organisations were not taken into confidence. He further observed with regret about the unsatisfactory functioning of EPZ units in the States of West Bengal, Andhra Pradesh and Kerala and stated that

Secretaries of Labour Departments in these States usually do not respond to the complaints filed by trade unions in regard to the malfunctioning of EPZ units. He observed with regret that neither the tripartite body in the Ministry of Labour nor the trade unions have been taken into confidence while going in for disinvestment of Modern Bakeries. Referring to the intention of Government to close down Hindustan Prefab Ltd which is under the administrative control of the Ministry of Urban Development he suggested that such abrupt closure without taking the workers into confidence will create serious and inevitable problems of industrial unrest. He also referred to the problems of textile workers and felt that they deserved a much better deal than now. With regard to the involvement of trade unions in the functioning of National Child Labour Projects he observed that District Collectors who are chairpersons of District Child Labour Project Societies and responsible for proper management of NCLPs were not involving trade unions.

13. Shri Vineet Virmani, delegate of AIOE stated that EPZ units should not be subjected to the same set of labour laws as other industrial establishments. He agreed that the workers' interest must be protected in Export Promotion Zones also but inspection of such units by trade union representatives was not desirable. On wage ceiling for payment of bonus, he suggested that the ceiling should be revised and rationalised but not removed. He further said that before initiating amendments in labour laws proper consultation should take place with social constituents. Commenting on the tardy and dilatory process of grant of relaxations and exemptions under the EPF and MP Act he suggested that we should go in for liberal grant of exemption unless it was found detrimental to the interests of the employees. He advocated greater mobility of labour for generating and sustaining productive employment.

14. Shri Balram Singh Tandon, Minister of Labour, Punjab, observed that rigidity and inflexibility of labour laws was the main reason behind transformation of labour intensive industries into capital oriented industries. He was of the view that if Government really intended to open up the economy they must remove the fears caused by the rigidity and inflexibility of labour laws on the part of the entrepreneurs. In regard to problems of EPZ units he was of the view that we need to take a clear picture as to what laws are applicable and what laws should not be made applicable in the interest of normal and smooth functioning of these unions. Referring to huge unclaimed deposits lying in EPF

he proposed that the scheme should be made optional. Referring to the problem of migrant workers in Punjab he invited the Govt's attention on the cumbersome procedure for registration of these workers. According to the existing procedure these workers were required to be registered in their home state before getting themselves registered in the migrant receiving state or destination state. It has been found that many workers who could not get themselves registered in their home state were being deprived of the facility of registration in the receiving state. This has created a serious problem of law and order in migrant receiving state. He, therefore, suggested simplification of the procedure so that a worker could get himself registered in another state even if he is not registered in his home state.

15. Shri G. Sanjeeva Reddy, President, INTUC observed that globalisation was irreversible and we cannot easily get out of it. In the context of the fierce competition unleashed by the process of globalisation he emphasized cordial relations between Government, employers and workers. They need to think together, plan together and work together so that a positive environment could be created which would be conducive to production, productivity and competitiveness. He was of the view that there could be no solution to the problems of competition by filing of complaints and grievances by one against the labour. He also suggested that we must put an end to the existing culture of indecisiveness in several areas. Indecisiveness not only consumes lot of precious time but also breeds frustration. He illustrated his point by referring to the functioning of the bipartite committee under the Chairmanship of Shri Shanti Patel, former President of HMS which had the mandate of suggesting changes and improvements in the Industrial Disputes Act but could not come to any understanding and, therefore, could not submit any recommendation to Government. He emphasized the need for forging a link between the interests of industry, interests of working class and interests of the country. He deplored that we have given overprotection to industry and the working class during the last 50 years after independence. What we need now is to modernize industry and modernize production so that our country could be in the vanguard of global competition. He advocated a dialogue with the employers on the issue of amendment to labour laws and observed that trade unions were ready to strike a balance in bringing about necessary changes and improvements in labour laws which were contributing to the rigidity and inflexibility of the labour market and hindering the growth of industry. On the bonus issue, he complained that

despite earning good profit employers were not willing to share it with the workers on the pretext of wage ceiling. Today 95% workers were out of the purview of bonus because of this ceiling. Therefore, ceiling should be removed. Speaking on the position of contract and casual labour he observed that industries have already started employing workers on contract and casual basis on a large scale. Trade unions have been tolerating this in the interest of industrialization of the country and industrial competitiveness but this should not be treated as a weakness of trade unions. He hoped that the management of the undertakings who are taking recourse to contractualisation should be able to gradually absorb them at the appropriate time. He attributed mismanagement as the main cause of sickness and demanded that BIFR should fix the responsibility for prolonging industrial sickness. He also demanded payment of salary to the workers till the matter was settled in BIFR.

16. Referring to the statement made by central trade union representatives on the deteriorating state of tripartism Shri I.P.Anand, representative of CIE stated that there was no alternative to social dialogue. Social dialogue according to him should be an article of faith and commitment on the part of social partners who have to take all the tripartite discussions with lot more seriousness than now. He further stated that the social partners will have to examine their role and determine their stand in the changed context. This will be possible only if we shake off our prejudices and look at issues relating to reforms in labour laws with an open mind. He was of the view that the problems of industry today are multi dimensional and they go beyond the problems posed by rigidity and inflexibility of labour policy and labour laws. Referring to the gradual transformation of labour oriented industries to capital oriented industries he observed that changes in technology and changes in the psychology of employers were more important factors than the rigidity of labour laws as mentioned by the Minister of Labour of Punjab in the meeting. On the issue of bonus he was of the view that we need to take a total and holistic view of bonus instead of attempting piecemeal changes and amendments which tantamount to tinkering. The entire issue deserve a de nova study with a fresh mind. He disputed the theory that in the wake of industrial sickness labour alone is the sufferer and concluded his statement by reaffirming the point that reforms and restructuring are unavoidable in today's rapidly changing industrial trade and business environment.

17. Commenting on the ATR Dr. M.K. Pandhe, representative of CITU observed that the ATR did not reveal the responsibility of various Central Ministries response to tripartism. He regretted that the Central Ministries were not paying the much needed attention to these meetings despite the request from the highest level. Importance of tripartism according to him was declining day by day. He was, therefore, of the view that some of the meetings of the tripartite committees could be chaired by Secretary if the Labour Minister could not find time to chair the meetings of these bodies to solve the problem of constraint of time.

Referring to the wage ceiling in different laws he was of the view that it is imperative and urgent that such ceilings should be reviewed and revised.

Referring to the problems of workers in the Export Promotion Zones he observed that the issue has been considered in the last three Sessions of the ILC but there has been no improvement in the situation. The various decisions which were taken three years ago have not been implemented till date. Referring to the letter of the Ministry of Labour addressed to the State Governments that the trade unions should be invariably associated with inspections of EPZ units he observed that he has not come across a single instance of associating trade unions in such inspections. He was critical of the recent announcement of Minister of Commerce to treat Export Processing Zones as public utility service and keeping them out of the purview of labour laws. This will neither help the interest of the industry nor the interest of workers. On Minimum Wages Act he observed that no steps have been taken for proper implementation of the provisions of this important legislation. On the one hand, the minimum wages notified by several state Govts were much below the poverty line while many state Govts were yet to adopt the concept of variable dearness allowance as a component of minimum wage. He questioned the sincerity of the Government in implementing the decision taken in the earlier ILC regarding terms of reference of 2nd national Commission on Labour and observed that the trade unions should have been consulted in depth while no such consultation actually took place. He, therefore, was inclined to term the terms of reference for the Commission as one sided and apprehended that this would dilute labour policy in favour of liberalization and privatization. On the slow pace of the 6th round of wage negotiations involving the employees of Central Public Sector Undertakings he regretted that this was

not showing any sign of progress leading towards a settlement. He also strongly reacted to the decision of Govt fixing the periodicity of agreement between employers and workers of CPSUs at 10 years which is an unduly long period of time in a fast changing world. He commented on a number of vacant posts in the Central Government Industrial Tribunals-cum-Labour Courts and suggested that judges in these Tribunals should not be allowed to retire unless the substitute joins.

He referred to the working of the Equal Remuneration Act, 1976 and suggested that meetings of the Committees in the States as also those of the Advisory Board on Equal Remuneration Act at the Central level should be held more frequently than now and their decisions should be earnestly implemented.

He concluded his statement by appealing to the Government to take a total stock of the economic measures taken by Government and their severe adverse impact on security of jobs of workers and competitiveness of domestic industry and on overall employment scenario. He commented that the new EXIM policy has resulted in rendering 10 million people unemployed inasmuch as it allowed free import of number of commodities from outside which has hard hit the domestic industry resulting in its closure.

18. Minister of Employment and ESI, West Bengal, Shri Md. Amin, expressed his concern over the attempts made to loosen the area of enforcement of labour laws entirely to the benefit of the employers. He stated that any amendments in the existing labour laws be contemplated only on the basis of a consensus arrived at in consultation with the State Govts. and Central Trade Union Organisations. He also observed that that all the interested constituents and the State Governments were kept in dark about the constitution of commission and its terms of reference.

19. Shri U .M.Purohit, General Secretary, HMS referred to the Govt's recently announced EXIM policy and observed that Govt. had made certain commitments to WTO and it was now not possible to get out of those commitments. He suggested that the quantitative restrictions could be removed in a phased manner so that the social cost of the reforms process could be minimised. Referring to much maligned and much misunderstood rigidity of labour laws he observed with regret that "it is paradoxical that

developed countries are forcing labour standards on us thinking our labour cheap and we are attributing all our industrial problems to our rigid labour laws." He described the terms of reference of Second National Commission on Labour as absolutely anti-labour and also objected to the Commission's intrusion into the area of collective bargaining by way of examining linkage of productivity with wages. He was of the view that productivity was linked to many other aspects and goes beyond the limited issue of labour productivity. There is productivity of management and productivity of capital and investment. Any attempt to link productivity with wage should take into account all these aspects in their totality. He referred to the recommendations of the 15th session of Labour Conference at Nainital in 1957 where detailed norms and guidelines were laid down on fixation of minimum wages. The Ministry of Labour has, however, now adopted a new concept of floor level minimum wages which was certainly below the statutory concept of minimum wages. On amendments of labour laws, he was of the view that the proposed amendments should be shared with the tripartite forum. Referring to the increase of interest rate on pension fund he proposed that the matter could go straight to the cabinet even after rejection of the proposal by Finance Ministry as it was the unanimous decision of this forum. Referring to the wage related problems in CPSUs he urged the Ministry of Labour to take concrete step to settle the problems at the earliest.

20. Shri S.S. Agrawal, Sr. Vice President, from LUB invited the attention of ILC to the problem being faced by small scale industry in the new economic environment. He observed that labour laws framed for the organized sector were not suitable for the small scale sector. It was not the amount of EPF and ESI contribution on the basis of a fixed percentage of wages which bothered an average employer in the small scale sector but the maintenance of records and registers. The small scale sector has tremendous employment potential but was unable to do justice to this potential on account of problems of access to credit, access to raw materials, access to technology, the problem of delayed payment of dues of the SSIs etc. He, therefore, urged that the small scale industries which had a very small management must be exempted from all the formalities of labour laws which were burdensome. He observed with regret that 'Inspector Raj' has played havoc with industries in the small scale sector which was extremely vulnerable to sickness and yet did not have any

mechanism to give life by BIFR where the problems of these sick units would be given a patient hearing and ways and means for a solution could be found.

21. Minister of Labour from J&K, Shri B.A. Kichloo invited the industrialists for setting up industries in J&K and said that this would not only provide employment to local youths but also help the Govt. in curbing the militancy in the state.

22. Shri H.Mahadevan, Dy. General Secretary, AITUC observed that the 36th session of the ILC was being held in the background of a series of strikes by workers all over India in the insurance sector, in ports and docks, energy etc. The new economic policy, according to him, has resulted in job losses, reduction in employment opportunities and unprecedented hardship to the worker. He urged the ILC to take a review of the economic policy. On tripartism he felt that it has not been followed in letter and spirit. With regard to Government of India fixing floor level minimum wage at Rs.40 in August 1999 he observed that taking into account the CPI increase from time to time and earlier fixation of minimum wage in 1996 it should be well beyond Rs.50 in 1998 itself. He regretted to observe that even floor level minimum wage has not been implemented by most of the States and UTs. On workers' wage related problems in CPSUs he regretted that GROUP OF MINISTERS had not found time to meet since its constitution in February 2000. Regarding workers' rights in EPZ units he urged the Labour Ministry to take a firm view so that trade union right of the workers in those units are not jeopardised. He also expressed concern over the undue delay in carrying out amendments in Bonus Act, Minimum Wages Act and delay in introduction of Agricultural Workers' Bill.

He expressed his concern over the inordinate delay in disbursement of wages. While it was 10 months in HSCL, it was 2 months and 4 months in case of NTC and CCL. He urged the Union Labour Minister to take up this matter with his counterparts in Water Resources, Steel, Textile and Coal Ministries. He also commented that the terms of reference of 2nd National Commission on Labour was one sided and would not help the interests of workers at all.

23. Shri Deshbir Singh, representative of CII demanded proper representation for employers' group in various study groups set up by 2nd National Commission on Labour so that a balance could be maintained in the

outlook of the commission. He also expressed the hope that as soon as report of the commission would be published, its recommendations would be considered and implemented quickly and earnestly. On contract labour he observed that CII did not support the misuse or exploitation of contract labour. The need of the hour was specialised services to get work executed in less time and cost. He also demanded flexibility in the area of Industrial relation so far as EPZ units were concerned. He suggested that the pace of bringing about change in labour laws should be accelerated without which industry cannot not sustain themselves in a highly competitive global environment. Defending the BIFR he was of the view that BIFR did not make the industry sick. According to him BIFR provided an opportunity for revival of the sick industry. He, therefore, suggested that BIFR should be strengthened so that it is able to deal with a large number of cases in a stipulated period of time. If a unit is viable and revivable it should be revived and if the unit is unviable and unrevivable it should be liquidated.

24. Labour Minister, Tamil Nadu, Shri A. Rahman Khan informed the ILC about the measures taken by the Govt. of Tamil Nadu to ensure industrial peace and harmony without compromising on the economic growth. The State Govt. has directed the conciliation officers to protect the interests of employers also while going in for settlement to provide for fair wages and other working conditions in the larger interest of the working class. He also informed the ILC that Tamil Nadu Govt. has constituted a tripartite committee to look into the problems of workers in the unorganised sector. Based on the recommendations of the Committee the Govt. of Tamil Nadu has added 54 employments to the schedule of Tamil Nadu Manual Works Act 1982 and constituted a Welfare Board for these workers. As on date 1,25,000 workers in unorganised sector have registered themselves with the Board. He further informed that similar committees were also constituted for the welfare of building and other construction workers and agricultural workers of the State. Regarding industrial sickness he requested the Central Govt. to assist the State Government in formulation and implementation of revival plan for sick units. He observed that BIFR has failed to effectively handle the problem of industrial sickness. Though the disclosure of sickness in industry is a statutory obligation furnishing of the information was left to the volition of the concerned industrial unit. This has caused inordinate delay in identification of sick units. He, therefore, suggested that financial institutions which had loaned money to

the industrial units should be given power and authority to identify and report the sickness of the industrial units. On workers' education he suggested that programmes/Schemes of workers' education may be formulated in accordance with new requirements of the economy.

25. Labour Minister, Rajasthan, Shri Hari Singh Kumher observed that no industrial establishment in Rajasthan became sick due to labour problems. He attributed financial mismanagement as the main cause behind the problem of industrial sickness. He suggested that industrial units may be provided some sort of insurance cover so that in the event of sickness workers can get the premium. He also suggested amendment in Section 22 of SICA under which employers get total immunity against recoveries. On workers' participation in management he observed that voluntary schemes failed to achieve desired results due to lack of trust between management and workers. He, therefore, suggested that a legislation should be enacted for this purpose and requested the Government to introduce the Workers' Participation in Management Bill, 1990 in Parliament at the earliest.

Industrial sickness

The second Working Session was devoted to discussion on the agenda item "Industrial Sickness".

Shri Sanat Dutta, UTUC-LS representative said that the policy of globalisation was the primary cause of sickness in industries. He said that globalization only served the interest of a few multinational companies. He further observed that technological advancement was also causing sickness.

Shri Uddesh Kohli, Chairman, SCOPE admitted that sickness had become a major problem both in private and public sector units, but he was not in favour of closure of sick enterprises. He said that closure should be the last resort. Thrust must be given on revival and restructuring. He mentioned a study undertaken by SCOPE and suggested the following curative measures for revival of sick enterprises:

1. Total commitment from the management and the worker. For that purpose, he suggested implementation of revised pay scales in sick units

without which the best talent required for turning around or revival of the sick unit could not be retained.

2. A separate body fully empowered to take decision on revival packages quickly.
3. Setting up of a separate restructuring fund for the revival of the enterprises. He suggested that 80% of the funds from disinvestment of PSU should be given to this fund. The fund will be self-sustaining in the long run and will not put any additional burden on the Govt exchequer.

He was hopeful that the country would succeed in dealing with the problem of sickness by adopting these suggested measures.

Shri S.R.Sengupta, General Secretary, UTUC alleged that Ministry of Labour had presented the problem of Industrial sickness only from the classical point of view that is in the light of absence of modernisation, infrastructural constraints, inaccurate projection of demand and supply structural imbalances and so on. The main cause of the sickness, as he observed, was the IMF sponsored adjustment and macro economic policies of the Govt. which had brought the capitalist state system in our country. He further observed that foreign companies had already taken over local industries and they were encouraging consumerism instead of investing in industries. He, therefore, demanded that industrial sickness be studied in the context of traditional economy vis-a-vis capitalist economy.

Referring to the sickness in small scale industries Shri Sudarshan Sareen, National President, LUB, said that non-receipt of timely credit from financial institutions was the main cause of sickness in the small scale sector. In addition to this, Govt's sudden policy changes and lack of marketing support in a fiercely competitive environment were also important factors causing sickness in SSI sector. He also pointed out the absence of a BIFR type mechanism for SSI sector. There was not even a Rehabilitation Cell at the central level for the small scale sector. He, therefore, suggested a district level monitoring committee to detect early sign of sickness in SSI sector.

Minister of Labour from Gujarat, Shri Bhupendra Lakhawala, apprised the ILC of the intensity of the problem of sickness in Gujarat. He said that Gujarat which was once known as the Manchester of the East with more than 86,000 vibrant textile units had now become paralysed with more than 60,000 sick enterprises. He informed the ILC about the measures taken by Govt. to provide relief to sick industries such as deferred payment on sales tax, concession in electricity charges, exemption from power cuts etc. He further informed the ILC about constitution of the Gujarat-BIFR for sick units. He requested the Central Govt. to assist the State Govts. in their revival plan for sick units.

Shri Bimbadhar Kumar, Minister of Labour, Orissa stated that industry had to become competitive and efficient to survive in an open market economy. He further said that skill, upgradation of technology, diversification of trade union activity, active management of trade unions would go a long way in solving this problem.

Shri Naren Sen, President, NFITUC cited technological backwardness as the main reason for sickness and suggested more investment in research work so that the country could be self-reliant in technological development and did not depend on import of expensive technology from outside.

Shri G.Ramanand, Vice President, AIMO observed that Govt's policies and decisions specially in steel, jute, sugarcane and cement sectors were the primary cause of sickness of those industries. He preferred a time bound programme to reduce industrial sickness. In this context, he also requested for due consideration to the recommendation made by SCOPE for revival of sick enterprises.

Smt. Indira Mishra, Principal Secretary, MP suggested that for a long term solution to the problem of industrial sickness, the setting up of an Institution for economic and commercial analysis headed by leading business personnel and supported by economists to constantly aid and advice the business houses would be useful. She further said that this would be certainly a better alternative to BIFR as it would help to make the right choice at the right time. For harnessing human energy to enable it to adapt to new changes, she recommended careful selection of skill training programmes best suited to our

youth and to our economic conditions. She also urged the trade unions shed their protective attitude towards the interest of their own group and cultivate efficiency among workers to help them to keep pace with the needs of the industry.

Shri W. R. Varada Rajan, Secretary CITU said that the demand for winding up of SICA and BIFR without having any alternative mechanism in place would be disastrous. Banks and other financial institutions consider the problem of sickness only from the point of view of realising their money. He attributed the ineffectiveness of BIFR to the inadequacy of its benches. He requested for extending a BIFR type mechanism to cover small scale industries also. He also requested the Central Govt. to help the State Govts. in revival of sick units.

Shri N.P.Singh Member BIFR gave a detailed account of the functioning, strength and weaknesses of BIFR. The text of his presentation is attached as Annexure-IV.

The text of the conclusions on industrial sickness as drafted by a committee consisting of Shri Micheal Dias, Shri Veereshwar Tiagi and Smt. Indira Mishra is attached as Annexure-V.

Workers' Participation in Industry

Introducing the subject, Secretary(L) elaborated the objective and motive of the workers' participation scheme and said that workers' participation in decision making process would make them responsible stake holders in the enterprises, would heighten their motivation and morale and would make them more responsive to the dictates of a given situation. This would eventually contribute to their own empowerment and growth and prosperity of the enterprise. Its efficacy has already been proven. He requested the ILC to decide whether the scheme of workers' participation in Industry should be implemented through legislative back up, enforcement or by voluntary means. He also requested for suggestions for improvement of the existing scheme if ILC preferred voluntary adoption of the scheme.

Initiating the discussion, Shri K. J. Thakkar suggested a three tier participative machinery

1. Symbolic representation of worker at the decision making level.
2. Equal representation at the floor level
3. Dominant representation at welfare level with supporting legislative back up for the scheme. He said that legislation would be a tool in the worker's hand. Past experience showed that the employers had allowed the workers to participate actively only when company became sick and they were left with no other option. He, therefore, demanded that Workers' Participation in Management Bill 1990 should be passed by the Govt. at the earliest. For workers total involvement with the Industry, he suggested giving them equity shares.

Shri Vineet Virmani was of the opinion that forced participation would not help in achieving the basic purpose. Mutual trust is a prerequisite for healthy participation. He further observed that any forced operation would also burden the employer with additional legislative formalities. He, therefore, suggested voluntary efforts in this direction which would not be possible without worker's education and management education. Doubting the success of the suggestion for giving symbolic representations to workers in the Board of Directors, he said that a large company had diversified interests and participation of any particular worker's group at the Board level would not promote transparency in any way. However, he agreed to the proposal of BMS representative for giving opportunities to workers for bringing in greater involvement.

Shri H. Mahadevan stated that worker's participation would change the psychology of traditional collective bargaining. According to him workers did not want to participate in management just to improve their bargaining power. They wanted genuine participation in the decision making process. Past schemes which were not mandatory were not implemented even by PSUs. Therefore, he supported legislative back up for the scheme.

Shri C.M. Krishna presenting his view on behalf of CIE said that empirical studies of the western experience showed that collaboration and cooperation between employers and employees have enabled the organised workers to bring about socio-economic changes. But those models could not be transplanted in our country indiscriminately. He stressed evolving our own models based on local, social and economic realities. He disputed the theory of legislative support for implementation of this scheme because participation is a bilateral process based on mutual trust, faith, spirit of accommodation and mutual respect. compulsion and coercion could not force these values. He, therefore, suggested voluntary means for implementing the schemes. Explaining the reasons for failure of previous voluntary schemes he said India's goal of independent unionism and collective bargaining were in conflict with workers' participative schemes. For success of voluntary scheme he urged for a changed mind set based on cooperation and collaboration as against a confrontationist mind set.

Dr. M.K.Pandhe, stated that there was nothing important for discussion in the existing participative committees. Mentioning the list of Joint Committees given in the background paper of Ministry of Labour he said those were wage negotiating committees and participating in management committees. He regretted the current status of voluntary participation scheme and strongly recommended legislative back up for implementing the participation scheme more forcefully and more genuinely. He requested the Govt. to pass the Bill on Workers' Participation 1990 without any amendments. He further suggested that shortcomings of the Bill could be removed later on the basis of practical experience.

Shri M.K.Garg from ASSOCHAM was also not in favour of statutory back up for the worker's participation in industry.

Shri Ram S. Tarneja, Vice President E.F.I. said this subject should be discussed in a bilateral forum.

Shri Lukose Vallatharai, Labour Commissioner, Karnataka stated that workers should be co-partners in the industrial development. They should be involved in all crucial decision making irrespective of the level. It is the need of

the hour. He further said that it would be appropriate if this could be done under the aegis of the Govt.

In his observation Chairman of the session Shri I.P.Anand said that the time had come to move from the era of confrontation to cooperation and collaboration. He further observed that workers' representation on the Board of Director in Banking sectors had a very successful track record since 1970 but despite having highest level participation could not repeat the same success story. Conclusions on the subject of the ILC were drafted by a Committee consisting of Shri C.M.Krishna from Employers' side, Shri K.J.Thakkar, Workers' side and Shri Lukose Vallatharai Labour Commissioner, Karnataka from the State Govt. The conclusions as drafted are attached as Annexure-VI.

Workers' Education

This item was discussed by a separate Committee. Conclusions on this subject as drafted by a committee comprising Shri K.K. Nair from Workers' side, Shri S.Sen from Employers' side and Shri Anand Bose, Secretary, Labour, Kerala from the State Govt. and adopted by the ILC unanimously are attached as Annexure-VII.

In his concluding remarks Secretary(L) clarified the stand of the Ministry on certain issues. He refuted the charge that Ministry of Labour was not being consulted on important policy matters affecting workers and said that the Ministry of Labour had always been consulted on all matters concerning labour. The objective was to protect and safeguard the interest of workers and the interest of industry as well. Though on some issues like reduction of import duty, Ministry of Labour had not been consulted, but it had conveyed its resentment forcefully in this regard. He further stated that though it was not correct to say that the Ministry of Labour had been reduced to a background position. Certain decisions already taken up could not be reversed. But our endeavour would be to protect the interest of the workers and to minimise the social cost of the structural change to the extent possible. He clarified Labour Ministry's stand regarding application of Labour laws in free trade zones and said that the Parliament was the framer and approver of the law, therefore, it did not stand to reason for anybody to make a statement that it would be applicable to "such and such areas only". On general complaints of Trade

Unions regarding non-holding of tripartite meetings he informed the ILC that Ministry was holding statutory tripartite committee meetings at regular intervals but due to general difficulties, meetings of non-statutory committees could not be held at regular intervals.

Shri I.P.Anand Vice Chairperson from employers' side urged the forum to adopt a common approach towards the problems of common concern. He agreed that confidence building measures were necessary in the present scenario but, requested that in the process fears should not be created among the people. It would have a very damaging effect.

Labour Minister in his concluding speech assured the social partners that they would be consulted and associated fully by the second National Commission on Labour when they commenced their process of consultation on revising the existing laws and proposing new legislation. He urged the social partners to adopt a consensual approach on matters of greater national importance.

The meeting concluded with a vote of thanks to the chair and other participants by Mrs. Uma Pillai, Additional Secretary (Labour).

THIRTY SIXTH SESSION OF INDIAN LABOUR CONFERENCE

(NEW DELHI - 14-15 APRIL, 2000)

LIST OF PARTICIPANTS

WORKERS' GROUP

DELEGATE

ADVISER

BHARTIYA MAZDOOR SANGH (5 seats)

- | | |
|--|---|
| <p>1. Shri K.J. Thakkar,
Vice President,
Bhartiya Mazdoor Sangh,
Shastri Pole,
Vadodara - 390 001</p> <p>2. Shri Hasubhai Dave,
General Secretary, BMS,
Rajput Para, Main Road,
'Gayatri',
Rajkot - 360 001</p> <p>3. Shri Girish Awasthi,
Secretary,
Bhartiya Mazdoor Sangh,
2, Navin Market,
Kanpur - 208 001</p> <p>4. Shri Uday Patwardhan,
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Secretary,
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44/26, South TT Nagar,
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President, BMS (Orissa),
Gandhi Marga Amalapara,
P.O./Distt. ANGUL
Orissa</p> <p>5. Shri Garcharan Singh Gill,
President, BMS (Rajasthan),
Anand Dham out of
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INDIAN NATIONAL TRADE UNION CONGRESS (4 seats)

- | | |
|---|--|
| <p>1. Shri G. Sanjeeva Reddy,
President, INTUC
6/B, LIGH-Barkatpura,
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Gwalior 474002(MP)</p> | <p>1. Shri Heeralal Sharma
President, INTUC Delhi Branch,
RZ-29, Roshan Garden,
Najafgarh, Delhi</p> <p>2. Shri Ramesh Vats,
General Secretary, INTUC Delhi,
50/1, Govind Park,
Delhi-50</p> |
|---|--|

3. Shri Ashok Singh,
Organising Secretary INTUC
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Gomati Nagar, Lucknow (UP)

4. Shri K.K.Nair,
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5. Shri R.P. Mishra,
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CENTRE OF INDIAN TRADE UNIONS (3 seats)

1. Dr. M.K. Pandhe,
General Secretary, CITU,
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2. Shri W.R. Varada Rajan,
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3. Mr. N. Padmalochanan,
Secretary,
Kerala State Committee of CITU,
Sea View, Thankassery,
Quilon, Kerala.

1. Mr. Mohan Lal,
President,
Delhi State Committee, CITU,
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2. Mr. Badal Saroj,
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MP State Committee of CITU,
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New Subhash Nagar Colony,

3. Ms. Ranjana Nirula,
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1. Shri Umraomal Purohit,
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2. Shri Veereshwar Tiagi,
Secretary, HMS,
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Meerut - 250 002 (U.P.)

1. Shri A.D. Nagpal,
Secretary, HMS,
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Chandigarh - 160022

2. Shri R.A. Mital,
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1. Shri H.Mahadevan,
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Bangalore - 560078

1. Mr. D.L. Sachdev,
Secretary, AITUC,
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UNITED TRADE UNION CENTRE (Lenin Sarani) (1 seat)

- | | |
|--|--|
| 1. Shri Sanat Dutta,
Member Working Committee, UTUC(LS),
77/2/1, Lenin Sarani,
Calcutta-700 013 | 1. Shri Achintya Sinha,
All India Secretary, UTUC(LS),
77/2/1, Lenin Sarani,
Calcutta-700 013 |
|--|--|

NATIONAL FRONT OF INDIAN TRADE UNIONS (1 seat)

- | | |
|--|---|
| 1. Shri Naren Sen,
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|--|---|

UNITED TRADE UNION CONGRESS (1 seat)

- | | |
|---|---|
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|---|---|

THIRTY SIXTH SESSION OF INDIAN LABOUR CONFERENCE

(NEW DELHI - 14-15 APRIL, 2000)

LIST OF PARTICIPANTS

EMPLOYERS' GROUP

DELEGATE	ADVISER
COUNCIL OF INDIAN EMPLOYERS (9 seats)	
1. Shri R. Viswanathan, Director, Group Indl. Relations, Chairman, Tamilnadu Committee, C/o Simpson & Co. Ltd., 861/862, Anna Salai, Chennai-600002	1. Shri T. Tiwari, Executive Director (P&A) Steel Authority of India Ltd. Ispat Bhavan, Lodi Road, New Delhi-110 003
2. Shri Vineet Virmani, Managing Director, S.P. Virmani & Sons (P) Ltd., 15, Golf Links, New Delhi-110 003	2. Shri S.P. Mukherjee, Director (Personnel) Hindustan Cables Ltd., 9, Elgin Road, Calcutta-700 020
3. Shri S.A. Narayan, Director (HR), Bharat Petroleum Corporation Ltd., Bharat Bhavan No. I & II, 4 & 6 Currimbhoy Road, Ballard Estate, Mumbai-400 001	3. Shri M.A. Hakeem, Secretary General, SCOPE Core-8, 1st Floor, SCOPE Complex, Lodi Road, New Delhi-110 003
4. Mr. Arvind R Doshi, President, EFI & Chairman, Premier Auto Electric Ltd., A-Block, Shivsagar Estates, Worli, Mumbai-400 018	4. Mr. C.M. Krishna, Advisor, PHD Chamber of Commerce & Indus PHD House, Opp. Khel Gaon, Hauz Khas, New Delhi-110 016
5. Dr. Ram S. Tarneja, Vice President, E.F.I., Army & Navy Building, 148 Mahatma Gandhi Road, Mumbai-400 001	5. Shri Vishnu Bhardwaj, Chairman & CEO, Management Foundations 79 Jai Apartments - Plot 102, I.P. Extension, Delhi-110092
6. Shri I.P. Anand, 16, Nizamuddin East, New Delhi-110 016	6. Shri T.K. Bhaumik, Vice President, BOC India Ltd. P-43 Taratala Road, Calcutta-700088

7. Shri B.C. Prabhakar,
Working President, Karnataka
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ALL INDIA MANUFACTUREES' ORGANISATION (3 seats)

1. Shri Suresh Deora
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2. Shri Rammohan Bidawtka,
Vice President, AIMO
Jeevan Sahakar, 4th Floor,
Sir P.M.Road, Mumbai-400001
3. Shri G.Ramanand,
Vice-Chairman, AIMO,
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S-501, Manipal Centre,
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LAGHU UDYOG BHARATI (3 seats)

- | | |
|--|---|
| <ol style="list-style-type: none">1. Shri Sudarshan Sareen,
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Sr. Vice President, L.U.B.,
M/s Foundry Chemical Industries P. Ltd.,
A-6/3, Jhilmil Indl. Area,
G.T. Road, Shahdara,
Delhi-1100323. Shri Arun Bansal,
President, Brij Prant,
B-123, Kamla Nagar,
Agra (U.P.) | <ol style="list-style-type: none">1. Shri B.L. Verma,
Laghu Udyog Bharati,
90/61-A, Malviya Nagar,
New Delhi-1100172. Shri Rajendra Prasad Aggarwal,
Laghu Udyog Bharati,
27-B, Old Vijay Nagar Colony,
Agra-4 |
|--|---|

CONFEDERATION OF INDIAN INDUSTRY (1 seat)

- | | |
|--|--|
| <ol style="list-style-type: none">1. Mr. Deshbir Singh,
Member, CII-IRC &
M.D., Harig Crankshafts Ltd.,
C/o Conf. of Indian Industry,
23 Institutional Area,
Lodi Road, New Delhi. | <ol style="list-style-type: none">1. Mr. S. Sen,
Dy. Director General, CII,
23 Institutional Area,
Lodi Road, New Delhi. |
|--|--|

THE ASSOCIATED CHAMBERS OF COMMERCE & INDUSTRY OF INDIA (1 seat)

- | | |
|--|---|
| 1. Shri Arun Kapur,
Co-Chairman, ASSOCHAM Expert
Committee on HRD & Sr. Vice President,
Atlas Cycle Industries Ltd.,
Alwan-E-Ghalib, Mata Sundri Lane,
New Delhi-110002 | 1. Shri M.K. Garg,
Adviser (HRD & Labour)
ASSOCHAM, C/66-B,
Gangotri Enclave, Alaknanda,
New Delhi-110019 |
|--|---|

FEDERATION OF INDIAN CHAMBER OF COMMERCE & INDUSTRY (1 seat)

- | | |
|--|---------------------------------------|
| 1. Shri A.S. Kasliwal
Chairman,
S.Kumar Enterprises (Synfabs) Ltd.,
Niranjan, 99, Marine Drive,
Mumbai-400 002 | 1. Shri B.P. Pant,
Secretary, AIOE |
|--|---------------------------------------|

THIRTY SIXTH SESSION OF INDIAN LABOUR CONFERENCE

(NEW DELHI - 14-15 APRIL, 2000)

LIST OF PARTICIPANTS

STATE GOVERNMENTS

ARUNACHAL PRADESH

1. Shri Morge Ete,
Labour Commissioner,
Govt. of Arunachal Pradesh,
Naharalgum-791110

ASSAM

1. Shri N.C. Barooah,
Commr. cum Secretary (Labour),
Govt. of Assam,
Dispur, Guwahati-6

BIHAR

1. Shri R.C. Vaish,
Commissioner cum Secretary,
Deptt. of Labour Trg. & Emp.,
Government of Bihar,
Vikas Bhawan,
Patna-800 015

CHANDIGARH ADMIN.

1. Shri M.P. Singh,
Secretary, (Labour)
Union Territory of Chandigarh,
Chandigarh
1. Shri S.S. Chauhan,
Asstt. Labour Commissioner,
Union Territory of Chandigarh,
Chandigarh

DELHI

1. Shri Piyush Sharma,
Dy. Labour Commissioner,
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Delhi-110054

GOA

1. Shri R.S. Mardolker,
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Panaji.

GUJARAT

1. Shri Bhupendra Lakhawala,
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2. Shri A.K.Pradhan,
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Govt. of Gujarat,
Khanpur, Ahmedabad,
Gujarat

HARYANA

1. Sh.K.G.Varma, IAS,
Financial Commr. & Secretary (L&E),
Government of Haryana,
Haryana New Sectt.,
Chandigarh -160017
2. Sh.Chet Ram,
Joint Labour Commissioner,
Government of Haryana,
Haryana New Sectt.,
Chandigarh -160017
1. Smt.Navraj Sandhu, IAS,
Labour Commissioner,
Government of Haryana,
Haryana New Sectt.,
Chandigarh -160017

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1. Shri Harsh Gupta, IAS,
Addl. Chief Secretary-
cum- Secretary(Labour)
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Himachal Pradesh Sectt.,
Shimla-171002
1. Shri K.S. Narang,
Labour Commissioner,
Govt. of Himachal Pradesh,
Himachal Pradesh Sectt.,
Shimla-171002

JAMMU & KASHMIR

1. Shri B.A. Kichloo,
Minister for Labour & Employment,
Govt. of Jammu & Kashmir,
Civil Secretariat,
Srinagar-190001
2. Shri B.L. Nimesh,
Commr. & Secretary (Labour)
Govt. of Jammu & Kashmir,
Civil Secretariat,
Srinagar-190001
1. Shri A.N. Bhegal,
Dy. Labour Commissioner,
Govt. of Jammu & Kashmir,
Civil Secretariat,
Srinagar-190001

KARNATAKA

1. Shri Lukose Vallatharai,
Labour Commissioner,
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KERALA

1. Dr. C.V. Ananda Bose,
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Thiruvananthapuram-685001

MADHYA PRADESH

1. Dr. (Mrs.) Indira Mishra,
Principal Secretary (Labour),
Govt. of Madhya Pradesh,
Bhopal
1. Mr. P.D. Meena,
Labour Commissioner,
Govt. of Madhya Pradesh,
Indore

MAHARASHTRA

1. Shri Rajendra Singh,
Principal Secretary (Labour)
Government of Maharashtra,
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Mantralaya, Mumbai-400 032

MANIPUR

1. Shri A.R. Khan,
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Manipur Secretariat
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1. Shri K.M. Chadha,
Resident Commissioner,
Govt. of Nagaland,
Civil Secretariat,
Kohima - 797001

ORISSA

1. Shri Bimbadhar Kumar,
Minister of State for Labour
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1. Shri Parag Gupta, I.A.S.
Labour Commissioner,
Govt. of Orissa,
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Bhubaneshwar-751001

2. Shri Ramesh Chandra Misra, IAS
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PONDICHERRY

Dr. G. Narendra Kumar,
Labour Secretary,
Govt. of Pondicherry
Chief Secretariat,
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Govt. of Pondicherry
Chief Secretariat,
Pondicherry

PUNJAB

1. Shri B.C.Gupta, IAS
Labour Secretary,
Government of Punjab
Mini Sectt., Sector 9,
Chandigarh - 160009

1. Shri S.S.Channy, IAS
Labour Commissioner,
Govt. of Punjab
Mini Sectt., Sector 9,
Chandigarh - 160009
2. Shri L.D. Sharma,
Dy. Labour Commr.
3. Shri Hardyval Singh,
Addl. Labour Commr.
4. Shri Charanjit Bhatia,
Asst. Labour Commr.

RAJASTHAN

1. Shri Bhikha Bhai,
Labour Minister
Rajasthan
2. Shri Hari Singh Kumher,
State Minister Labour,
Rajasthan
3. Shri B.L. Maharda,
Secretary Labour,
Rajasthan

1. Shri R.P. Pareek,
Dy. Labour Commissioner
2. Shri Dhan Raj Sharma,
Jt. Labour Commr.
3. Shri S. Ahmed,
Wel. Commissioner,
Bhilwara (Raj.)

TAMIL NADU

1. Shri A. Rahman Khan,
Labour Minister,
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1. Shri A. Shammrgsundrana,
Spl. P.A. to Minister for La

2. Shri R. Rathinasamy,
Labour Secretary,
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UTTAR PRADESH

1. Shri Dhraspal Singh,
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Sachivalaya,
Lucknow - 226 001
2. Smt. Manjulika Gutan,
Principal Secretary (Labour),
Govt. of Uttar Pradesh,
Sachivalaya,
Lucknow - 226 001
3. Shri Anis Ansari,
Labour Commissioner,
Govt. of Uttar Pradesh,
Sachivalaya,
Lucknow - 226 001
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Dy. Labour Commissioner,
Govt. of Uttar Pradesh,
Gutambudh Nagar,
Uttar Pradesh
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Govt. of Uttar Pradesh,
Gutambudh Nagar,
Uttar Pradesh
3. Shri Jitender Srivastav,
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1. Md. Amin,
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P.S., Labour
1. Shri M. Surai,
Joint Secretary,
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Govt. of West Bengal,
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Calcutta - 700 001
2. Shri A.K. Agarwal,
Labour Commissioner,
Govt. of West Bengal,
Writers' Building,
Calcutta - 700 001

THIRTY SIXTH SESSION OF INDIAN LABOUR CONFERENCE

(NEW DELHI - 14-15 APRIL, 2000)

LIST OF PARTICIPANTS

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1. DEPTT. OF AGRICULTURE & COOPERATION

1. Shri D.K. Trehan,
Economic & Statistical Adviser,
Deptt. of Agriculture & Cooperation,
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2. MINISTRY OF COMMERCE

1. Shri S.B. Mahapatra,
Addl. Secretary & F.A.

3. MINISTRY OF ENVIRONMENT & FOREST

1. Dr. Manitosh Sengupta,
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Ministry of Environment &
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4. DEPTT. OF INDUSTRIAL POLICY PROMOTION
AND INDUSTRIAL DEVELOPMENT

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5. MINISTRY OF PETROLEUM & NATURAL GAS

1. Shri Naresh Narad,
Addl. Secretary,
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6. MINISTRY OF RAILWAYS

1. Shri A.P. Nagrath,
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8. PLANNING COMMISSION

1. Shri R.P. Sinha,
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Planning Commission,
New Delhi

9. LOK SABHA SECRETARIAT

1. Shri J.P. Sharma,
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10. DEPTT. OF REVENUE

1. Shri Madho Ram,
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North Block, New Delhi

11. DEPTT. OF PUBLIC ENTERPRISES

1. Shri V.R. Gupta,
Joint Adviser

12. BOARD FOR INDUSTRIAL AND FINANCIAL RECONSTRUCTION

1. Shri N.P. Singh,
Member, B.I.F.R.
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1. Shri S.C. Sagar,
Dy. Secy. (Admn), B.I.F.R.,
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13. MINISTRY OF SURFACE TRANSPORT

1. Shri N.K. Jawa,
Director,
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Transport Bhavan, New Delhi

14. DEPTT. OF FERTILIZER

1. Shri N.K. Aggarwal,
Addl. Adviser

MINISTRY OF LABOUR

1. Dr. L. Mishra,
Secretary (Labour)
2. Smt. Uma Pillai,
Addl. Secretary
3. Shri G.S.Ram,
L.E.A.
4. Shri R.K. Saini,
Jt. Secretary
5. Smt. Chitra Chopra,
Jt. Secretary
6. Smt. Padma Balasubramanian,
Jt. Secretary
7. Shri S. Krishnan,
DGE&T
8. Shri S.C. Sharma,
CLC(C)
9. Shri L.M. Mehta
Director General, ESIC
10. Shri Ajai Singh,
C.P.F.C.
11. Shri S.K. Saxena,
DGFASLI
12. Shri S.N. Padhi,
DGMS
13. Shri Gopal Singh,
Under Secretary
14. Shri P.M.Sirajuddin,
Director
15. Shri R.K.Rang,
Director
16. Shri Gaurav Dave,
Director
17. Smt.Preet Verma,
Director
18. Shri K.Krishnamoorthy,
Director (Vig.)(LW)
19. Smt. Vinita Kumar,
Director
20. Sh. P.P.Mitra,
Director
21. Shri C.A.Bhaskaran,
Dy.Secretary (LW)
22. Shri Rajpal,
Dy. Secretary (DGE&T)
23. Dr.(Km)Prafulla Karkatta,
Dy. Secretary
24. Shri J.P.Shukla,
Dy. Secretary
25. Shri Hari Singh,
Dy. Secretary
26. Shri B.P. Jayal,
Dy. Director
27. Shri M.K. Mangal,
A.D.T., DGE&T
28. Shri V.Parameshwaran,
Jt.Director
29. Shri Gajendra Bhujabal,
Jt.Director
30. Shri G.S.Sethi,
Dir. of Training (Proj.)DGE&T
31. Shri P.J. Michel,
Administrative Officer, NLI
32. Sh. V.Sambasiva Rao,
Director of App.Traianing,DG
33. Ms. Adarsh Sarvaria,
Director (WOT)
34. Shri Prasanta Kumar Roy,
Director (LMI)

35. Shri T. Burman,
CBWE, Delhi.
36. Shri L.K. Gaur,
Regional Director, CBWE
37. Shri B.N. Pandey,
Wel. Commr.
38. Shri M. Satyamurthy,
Dy. Director of Mines Safety
39. Shri C.K. Sharma,
Financial Commissioner, ESIC
40. Shri S. Chandrasekharan,
Insurance Commissioner, ESIC
41. Dr. (Mrs.) S. Singh,
Medical Commissioner, ESIC
42. Shri David Mally,
Addl. Dir., DGE&T
43. Shri T.C. Girotra,
Director (Trg.)(CLC)
44. Shri B.K. Bhise,
Dy. CLC
45. Shri V.K. Taneja,
Dy. CLC
46. Shri G.R. Manjhee,
Dy. CLC
47. Shri Parihar,
PS to LM
48. Shri Prabhakar Singh,
OSD to LM
49. Shri K.P. Balyan,
Addl. PS to Union. L.M.
50. Shri Navin Chandra,
Sr. Fellow
51. Dr. C.S.K. Singh,
Sr. Fellow
52. Shri S.K. Sasikumar,
Fellow
53. Shri Bhaskar Chavan,
Director, CBWE
54. Shri Y.P. Yajurvedi,
Welfare Commissioner (Hqrs.)
55. Shri T.A. Srinivasan,
Under Secretary
56. Shri A.S. Alluwalla,
Director LB, Chandigarh
57. Shri Ashok Kumar Tak,
PPS to LM
58. Ms. Simmi Chaudhary,
A.D.
59. Shri Sarvesh Kumar,
APS to LM
60. Shri P.N. Khadse,
Asstt. Lab. Wel. Commr. GIP
61. Shri P.K. Kulshreshtha,
A.D.
62. Shri P.L. Kaul,
DPR/ESIC
63. Smt. Jays Dubey,
Under Secretary
64. Shri N. Sanyal,
Member Secretary,
Second National Commission on
Labour
65. Ms. Mary Johnson,
Director, ILO
66. Shri S.C. Sharma,
Advisor
67. Mr. A.S. Oberai,
Director, ILO-SAAT
68. Dr. Rajan Mehrotra,
Sr. Specialist on Employers
Activities, ILO SAAT
69. Dr. J.L. Bhandari,
Advisor, NATRSS
70. Shri Lekhraj Mohshawari,
All India Handicraft Board
71. Shri M.K. Gadia,
Advisor

OBSERVER

1. Ms. Renana Jhabvala,
National Co-ordinator,
(SEWA)
2. Shri S.C. Dutta,
I.C.S.I
3. Shri T.S. Sankaran,
Chairman,
Contract Lab. Advisory Board
4. Shri Aditi Phadnis,
The Business Standard,
BSZ Marg, New Delhi.
5. Shri Narayana Murthy,
Value India Portal (L'ANGELES)
6. Tulsi Ram Sahu,
O/o. W.C.C. BASR (Orissa)

ANNEXURE-II

**SPEECH OF DR. SATYANARAYAN JATIYA, UNION LABOUR MINISTER AT
36TH SESSION OF INDIAN LABOUR CONFERENCE HELD ON 14TH APRIL,
2000.**

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It gives me great pleasure to welcome all of you in the 36th Session of the Indian Labour Conference. The Government is committed to tripartism. The ILC is the representative body of this tripartite principle. Hon'ble Prime Minister your presence on this occasion, will bring in new life to tripartism. We express our deep sense of gratitude to him for accepting our invitation to inaugurate this session of the ILC. Sir, your presence reflects your deep concern for and commitment to issues pertaining to labour, industrial sickness, participation of workers in the industry and workers' education are the issues to be discussed in this 36th Session of Indian Labour Conference.

2. It is a happy co-incidence that the 36th Session of the ILC is being held on the birthday of Dr. Bhim Rao Ambedkar the principal architect of our Constitution. Dr. Bhim Rao Ambedkar was the Chairman of Tripartite Labour Conferences in 1942, 1943 and 1944 respectively and the 7th Session of the ILC in 1945. We are all aware of the contribution made by Dr. Ambedkar for protecting and preserving the rights of down trodden, exploited and hard working section of the society. The people of this country pay their humble tributes to this great man for his outstanding services.

3. It would be appropriate here to quote from Dr. Ambedkar speech at the fifth Labour Conference held on 6th and 7th September, 1943.

"You will permit me to make two observations which are germane to the issues which they cover. First it this, those who are living under the capitalistic form of industrial organization and under the form of political organization called parliamentary democracy must recognize the contradictions of their system. The first contradiction is between fabulous wealth and adject poverty, not in its simple form but in its aggravated form in which we see it, wealth for those who do not work and poverty for those who do. The second contradiction lies between the political and economic systems. In politics, equality, in economics, inequality. One man one vote, one vote one value is our political maxim. There might be differences of opinion in the matter of resolving these contrasts. But there can be no differences of opinion on the point that these contradictions do exit."

4. He further stated that " We must be prepared for revaluation of values. It will not be enough to bend energies for the production of more wealth in India. We shall have to agree not merely to recognize the basic right of all Indians to share in that wealth as a means for a decent and dignified existence but to devise ways and means to ensure them against insecurity."

5. The Indian economy is passing through many changes as a result of economic reforms process undertaken since July, 1991. Today on account of rapid strides in information technology, geographical distance has lost its meaning and the world has become a global village. There is change in the nature and character of work, change at the work place and change in the dynamics of work environment. The process has yielded many positive results such as sustained rate of economic growth and improved balance of payment position. We are now faced with many challenges concerning security of employment. As a result of economic policy, trade liberalization and adjustment, eventual adjustment and displacement of the workers is the apprehended fall out of structural adjustment. In the process of industrial restructuring it is likely that the utilization of resources, both capital and labour will be more in the high productivity areas than the low productivity ones.

6. Job opportunities have last decade remained almost stagnant in the organized sector. Job opportunities have shifted from manufacturing sector to the service sector, which is largely in the informal sector. The workers of Central Trade Union Organisations, are therefore justified in demanding provision of social safety net in favour of those working classes. Ministry of Labour is aware of this situation and would like to ensure the provisions of such social security net through training, retraining and redeployment for workers. Simultaneously, we need to create new job opportunities so that Social Security net could be protected in the present situations.

7. The Ministry of Labour has been in the forefront of pursuing such policies and programmes which could safeguard the interests of labour and employment. Over the last decades a large number of labour laws have been enacted both by the Central Government and State Governments to protect and safeguard the interests of the working classes at the work place. But with the changing scenario, it has become necessary to review the relevance of most of the labour laws. We have, therefore, set up the second National Commission on Labour on 15th October, 1999. We do hope that the Commission would be able to complete its work within the stipulated period.

8. Our 90% of the work force is engaged in the unorganized and informal sectors. The Government both at the Central and the State need to help in the promotion and organization of informal sector for social justice and equity. They

also need to involve NGOs and the other social activists who are dedicated to the work of promoting the cause of part-time workers, contract and casual workers, women workers, working children, physically handicapped. Mentally retarded and blind, elderly workers etc. This is all the more imperative as India is a permanent, founding and non-elective Member of the Governing Body of the ILO and has played a key role in formulation, ratification and application of core labour standards. In this context, the visit of Director General of ILO to India in February this year is notable.

9. Our Labour Policy is intensely related to economic and social policies. In the 34th Session of the ILC it was recommended that the participation of the Ministry of Labour should be ensured in the policy formation regarding matters concerning workers dealt with in various Central Ministries/Departments. We are happy that the Hon'ble Prime Minister has issued direction to all concerned Ministries and Departments in this context and its impact is now visible. It is only through social dialogue and tripartite consultation that right decisions affecting the interests and concerns of the working class can be taken in the right manner. It paves the way for in depth consultation on issues of social interests and concern. Sharing of ideas and experiences leads to better understanding and strengthens the fabric of social participation.

10. But, I am also concerned about these thousands of workers who are in the unorganized sector, who do not have any definite sources of employment, who are working on daily wages and are living without any shelter, who are running away from villages to cities in search of job and are compelled to live a poverty-stricken life. It is ironical to say that a person, who grows crops after working hard in the field, remains hungry and workers, who construct big buildings, sleep without any shelter.

11. God has created man not because he should work hard throughout his life and in the end be compelled to die a death of hunger and frustration. Hon'ble Prime Minister, we are aware of your deep concern and feelings for lakhs of hard-working peoples in this country. We are fully committed to the decision you have taken to redress their grievances and enable them to get rid of their helpless situation. I am confident that in the new millennium, your positive intervention will bring new life to the working people. I am sure with this new found hope and energy the resurgent India will overcome all the challenges and become strong and prosperous.

"जिन्दा है तो जिन्दगी की जीत पर यकीन कर
है यदि कहीं स्वर्ग उतार ला जमीन पर"

12. With these words, I express my deep gratitude and thanks to the Hon'ble Prime Minister and all other distinguished people who are present here on this important occasion.

Thank you

Speech of Prime Minister
Shri Atal Bihari Vajpayee
 36th Session of the Indian Labour Conference
 New Delhi—April 14, 2000

I am happy to be with all of you at the 36th Session of the Indian Labour Conference.

Over the years, the Indian Labour Conference has developed into a useful institutional platform for discussing various issues of concern to labour with a view to arriving at a consensus to redress its genuine grievances. The active participation of the agencies of the Central and State Governments, various labour organizations and employer associations also makes it an ideal body for a frank exchange of views on labour issues, within the broader context of the nation's developmental policies and priorities.

Friends, this conference is being held on a very significant day. Today is Ambedkar Jayanti. Dr. Babasaheb Ambedkar is remembered not only for his invaluable contribution to the making of the Indian Constitution, but also for his long and abiding association with the labour movement. Before Independence, he had chaired four sessions of the Tripartite Labour Conference. He was also the first Union Labour Minister after Independence. He has taught us that political freedom is incomplete without social justice and economic justice for all.

Labour is the source of all wealth and all the life-sustaining activity on earth. If we just cast a glance around us, we find that anything that is not a work of Mother Nature, is the work of human labour. Indeed, to work is itself the essential attribute of human nature. Our ancient seers have taught us:

Yogah karmasu kaushalam
 (Work done with skill and concentration is Yoga)

Since labour takes care of all the needs of society, it is the duty of every civilized society to take care of the needs of labour. Over 36 crore people constitute our country's labour force. Of them, only about 3 crore are in the organized sector, the rest are all in the unorganized sector, including in agriculture. If only we can ensure their welfare, enrich their skills, and improve their capabilities, they can make an immense contribution to our mission of nation-building. It is, therefore, my firm conviction that we must look upon our labour force as a source of strength — and never as a liability.

I would like to assure and reassure all of that my Government is fully committed to the welfare, development, and dignity of labour in India.

I will probably be stating the obvious if I say that the labour movement, understood in the traditional sense of the trade union movement, is today standing at a crossroads in history. At no point in the past has it experienced such intense pressure, both from within and without, to re-examine its role and redefine its stand on various issues concerning labour, employment, and the economy.

We are living in an era of sweeping social and economic changes around the world. The past couple of decades have witnessed the collapse of many walls and the demolition of many dogmas. Never before has the awesome power of technology and trade to transform economic activities within and between nations been as manifest as now. No section of society, not even the labour movement, can remain untouched by the effects of these changes.

In today's increasingly inter-dependent and rapidly integrating world, every nation is required to respond to the imperatives of liberalization and globalization. We in India, too, have devised our own sovereign response in the form of economic reforms, based on our own understanding of our problems and prospects.

Our Government is committed to broadening, deepening, and accelerating the scope of internal reforms to increase the prosperity of all Indians, especially the poorest and most deprived. At the same time, we are following a cautious and carefully calibrated policy towards globalization, so that we can best protect and promote our national interests, including the interests of our kisans and our mazdoors.

Indeed, protection and promotion of the interests of labour is an integral part of our philosophy of economic reforms. We in India have never believed that there can be any inherent antagonism between labour, capital, management, society, and the State. All these are tied to each other by the bonds of harmony and complementarity, and not of contradiction and conflict.

I, therefore, earnestly urge the trade unions to adopt a positive and supportive attitude towards the program of economic reforms. We would like you to be partners in the reform process. If there are any shortcomings in this process, you are most welcome to bring them to our attention. We value your suggestions and constructive criticism, because all of us are wedded to the interests of the country and the common man.

More employment, and more productive employment, has been the goal that we have set for our strategy of economic reforms. We have resolved to create one crore additional employment opportunities each year. We have initiated many policies

and programmes to achieve this ambitious goal through speedier and more balanced economic growth.

In the last nine years, while implementing economic reforms in India under different governments at the Centre, many decisions have been taken to speed up economic growth through de-regulation, and de-control. All of us have been learning useful lessons as we go along. Our important lesson of the past decade is that changes in labour laws have not kept pace with changes in the rest of the economy. There is a growing belief that the nation cannot reap the full benefits of economic reforms unless we reform both the labour laws and the administrative machinery that implements them.

Experience of the past five decades has shown that the existing laws have contributed much to the welfare of the organized labour in India. But they have proved to be totally inadequate in doing the same for the unorganized labour. We have also seen that legislative and administrative rigidities have often become hurdles in the path of new investments, without which faster growth is not possible.

We are today seeing the emergence of a paradoxical situation in India. Ours is a labour-abundant economy. Yet, new industrial investment is showing a marked preference for projects that depend the least on labour.

The rate of growth of labour force at 2.5 percent has been higher than the rate of growth of the population. It means that a large labour force, which is either unskilled or at best semi-skilled is entering the market without being sure of the prospects of stable and durable employment in the market. As a matter of fact, the capacity of both the public sector and the organised private sector to create fresh industrial employment is very small compared to the needs of our society.

This is cause for serious concern.

There is also the big challenge of how to revive thousands of sick industrial units all over the country — in the large, medium, and small-scale sectors. Vast productive resources worth tens of thousands of crores are lying idle in these units, at a time when we cannot afford to waste even a single investible rupee. All of us know that there are many reasons for industrial sickness, including the greed and incompetence of many private managements. However, we cannot ignore the stark fact that improper employment planning and inflexibility in labour deployment in the face of changing market conditions is also one of them.

It has, therefore, become critically necessary that we create a new policy and legislative climate conducive to new investments in all sectors of the economy —

but especially in small industries and services. Both these sectors have an enormous potential to generate productive employment. Their capacity to expand and enrich our export basket is also huge, and largely untapped.

Change, urgent change, radical change is the need of the hour. We need it to make the Indian economy and Indian industry domestically vibrant and globally competitive.

I want to make it clear that change does not mean shrinkage of what the organized labour has already gained through decades of hard struggle. No. Rather, it means spreading more and more of those benefits to the unorganized sector, in a framework that attracts greater investment and creates still greater employment.

One of the first decisions of our Government in its second stint in office was to constitute the Second National Labour Commission in October 1999. The new commission will update the laws for the organized labour, create an umbrella legislation for the welfare of the unorganized labour, and recommend a comprehensive plan for enriching the skills and productivity of the entire labour force.

I appeal to all sections of the organized and unorganized labour, as also employers, to actively contribute to the Commission's work. Let there be an intense debate on all the pertinent issues. But let us keep the debate free from partisan considerations. It should be guided solely by the considerations of faster and more-balanced economic growth, sustained employment generation, and welfare of labour as well as society.

I would like to assure all of you on this occasion that the problems of the employees of the Central Public Sector Undertakings would be satisfactorily resolved in our ongoing efforts to restructure and revive the PSUs. For this purpose, last week, I have reconstituted the Group of Ministers, which would make recommendations on wage-related matters and also on how best to safeguard the interests of the workers employed in sick PSUs.

The revolution in Information Technology and the emerging knowledge-based economy have created a great need for continuous worker education. Therefore, the Government is actively considering upgradation of the National Labour Institute and the Central Board for Workers' Education into institutions of excellence.

Farm workers constitute a vast majority of our workforce is in the unorganised sector. They are also one of the poorest and most neglected sections of our society. Since they belong mostly to the Scheduled Castes, Scheduled Tribes, and Backward

Classes, we have an obligation to ensure social justice for them through economic justice. Discussions have been going on for a very long time to enact a legislation for minimum wages, protection in service conditions, and social security to them. It is regrettable that we have not been able to reach a consensus on this vital subject so far. I urge the Ministry of Labour and its counterparts in the States to resolve the differences on this matter and pave the way for introduction of the Agricultural Workers' Bill as early as possible.

I am happy that in India we have a national consensus on the issues relating to labour standards and trade. This consensus guided our stand at the Third Ministerial Conference of the World Trade Organization held at Seattle. India is all for promotion of fair labour standards, but within the ILO framework. ILO is best suited for this purpose, and not the WTO.

Friends, the new century that has just begun beckons us to look at issues concerning labour with a new mindset. We have no doubt many challenges from the past to overcome. But let us not overlook the many more opportunities that have opened up to advance the cause of labour. With cooperation, collective vision and, above all, hard and disciplined work, we can seize these opportunities for creating prosperity for the nation and happiness for all.

Thank you.

REMARKS MADE BY SHRI N.P. SINGH, MEMBER, BIFR
(MINISTRY OF FINANCE) ON 14TH APRIL, 2000
IN THE 36TH INDIAN LABOUR CONFERENCE

Introductory

Every second or third industry coming to the BIFR for registration of its sickness has been mentioning Government policies as one of the primary reasons for its sickness. When asked to elaborate, most of the industries have been clarifying that too drastic a reduction in the rates of Customs duty over too short a period along with the absence of a matching reduction in the rates of Excise duty on the locally manufactured products has been making their survival, at the present juncture, extremely difficult and leading to their sickness. This situation is now likely to accentuate further in view of the Govt. of India's decision to remove all quantitative restrictions (QRs) on imports within the next 12 months. Out of some 3,000 internationally traded items, QRs for nearly half the products had already been removed and of the balance 1429 items, QRs in respect of 714 items were removed w.e.f. 1st April, 2000 and those on the balance 715 items will be removed w.e.f. 1st April, 2001. Thus, the overall situation is that a large number of units in the domestic manufacturing sector are going to be hit adversely by the on-going, un-restricted pace of economic liberalisation and globalisation. In turn, the closure of these industries is bound to affect/destroy the jobs of the employees working in these units.

2. The Sick Industrial Companies (Special Provisions) Act, 1985 (SICA, in brief) was enacted in pursuance of the Directive Principles of the State Policy (vide Section 2 of the Act). The basic objective of SICA is the revival of sick industries and this objective has been considered by the Parliament to be in keeping with the Directive Principles, which are amongst the basic features of the Constitution and cannot, therefore, be either repealed or even substantially amended. Hence, it should be concluded that SICA not only continues to be relevant in the age of globalisation, but its relevance is all the more at a time when the Indian Industry is feeling the assault of globalisation/economic liberalisation most adversely.

Consequences of repeal of SICA

3. While no case is thus made out for the repeal of SICA, it should be noted that in case such a suggestion were to be implemented without simultaneously putting a substitute legislation or other improved mechanism to look after the interests of the sick industries in place, nearly 10-12 lakh workers working in over 1500 units currently under the purview of the BIFR would face immediate retrenchment, since with the repeal

of the Act, the Banks and FIs would single-mindedly pursue their recovery processes in the Debt Recovery Tribunals/High Courts and all of these units would face certain closure.

4. Repeal of SICA, if resorted to, at this juncture, would, therefore, seem to be particularly inopportune and untimely.

The VRS Scheme: Is it a panacea for all ills?

5. Some quarters have proposed Voluntary Retirement Scheme (VRS) as the way out to soften the impact of the suggested repeal of SICA on the industrial workers. In this connection, it is worth mentioning that while the Central PSUs have access to the VRS funds under the National Renewal Fund (NRF) Scheme, the PSUs in the State sector and a much larger number of units in the private sector do not, at present, have access to the same. The availability of VRS funds for the Central PSUs itself is also found to be somewhat inadequate. It is, therefore, not known as to where the much larger quantum of funds for implementing VRS in the private sector units will come from.

6. VRS benefits, even if granted, will not ensure the availability of alternative jobs to the workers. While in the developed countries alternative jobs are always available to the workers losing their jobs in old establishments, this is not the case in developing countries like India. Hence, it is felt that, in our situation, Govt. must necessarily intervene to protect the sick and weak units in the interest of employment and productive use of economic resources.

NPAs in the Banking Sector: Who is responsible?

7. It has been the common refrain of many Banks and FIs that BIFR is solely responsible for their mounting NPAs. However, according to the RBI statistics, out of gross Bank NPAs of Rs.50,815 crores as on 31.03.1998, less than 20% (Rs.9,862 crores) were related to the non-SSI sick industrial units with which alone the BIFR is concerned. BIFR does not hold up recoveries in the case of non-SSI weak units. Similarly, delays in recoveries in the case of loans advanced to the SSI units as well as those given to Agriculture, Rural Development, Social Welfare and Services sectors are not attributable to the procedures of the BIFR, since the Board is not at all concerned with such cases. Besides, all revival schemes approved by the BIFR invariably include recoveries of FIs/Banks' dues. Hence, it is factually incorrect to blame the BIFR solely or even largely for the mounting NPAs of the FIs/Banks.

Delays under SICA

8. It is true that due to the quasi-judicial character of the proceedings before the BIFR, delays do sometimes occur in the finalisation of the revival packages. However, the delays occur largely as the BIFR does not enjoy any over-riding powers over

the secured creditors in regard to grant of various reliefs and concessions to the sick industrial companies. Further, we have ourselves suggested to the Ministry of Finance that a statutory time limit of 1-1 1/2 years for finalizing and sanctioning revival packages could be imposed by amending SICA, so that if no agreed revival package can be finalised and sanctioned within the specified period, the sick companies could be sent for compulsory winding-up, thereby enabling the workers to claim their dues through the Labour Courts and the secured creditors to do the same through the DRTs, etc.

9. It may also be pointed out that compared to the delays under SICA, those occurring in the Official Liquidators' courts in the High Courts are far more severe. According to an ADB Study (1993), 59% of all liquidation cases were pending in the various High Courts for 10-50 years and only the remaining 41% were pending for less than 10 years. This is so even in respect of many cases where the BIFR has already recommended the winding up of sick companies, since the same were not found to be viable.

Tiwari Committee

10. Enactment of SICA was itself based on the felt needs of the FIs and Banks in India in view of the problems encountered by them in the recovery of their dues from sick and weak units. According to Tiwari Committee set up by the RBI, the FIs and Banks were not only in need of a platform where all the creditors of a weak/sick unit could come together to negotiate and agree to a common concession package, but a Legislative back up to facilitate the formulation and enforcement of viable recovery plans was also considered to be necessary. The logic and conclusions of Tiwari Committee would appear to be valid even today and unless a better mechanism can be found and put in place to replace SICA, abolition of the existing mechanism of BIFR would only make things worse, since this would do away with the only instrumentality under the Govt. to deal with the problems of industrial sickness in a concerted and professional manner.

Amendments to SICA

11. The BIFR, in its communications to the Ministry of Finance, has already made a number of suggestions for amending SICA, so as to make the mechanism of the Board more effective. Some of these amendments relate to:-

- (i) Definition of 'sickness': This aims at ensuring the cases of companies which do not come before the BIFR with clean hands could be outright rejected.
- (ii) A time limit of one year or so may be imposed by law for the finalisation of agreed revival packages (with the concurrence of at least 75% of the secured creditors), failing which the sick units should be compulsorily sent on the

recovery/winding-up path. (In this context, the strengthening of BIFR's internal infrastructure would also be necessary).

- (iii) As a pre-condition to the continuance of Proceedings under SICA, BIFR should be empowered to require the company or its promoters to pay all legitimate dues of the workers, failing which the proceedings before BIFR could be dropped and thereby the workers enabled to pursue recovery of their dues through appropriate Labour Courts.
- (iv) Regional Benches of the BIFR may be set up in some of the regions of the country.
- (v) An Industrial Rehabilitation and Restructuring Fund (covering both public and private sectors) may be set up by the GOI. Initiative taken in this regard by the Governments of West Bengal and Tamil Nadu is also most welcome.
- (vi) Under the present dispensation, only selected FIs and Banks can act as OAs. Though many of them are objective, some carry their own bias against the sick companies due to their close association with the concerned FIs/Banks. As such, a system of appointing independent Operating Agencies for making payments to them through the BIFR (or the sick companies) needs to be provided for in the Act.
- (vii) Liquidation powers in respect of companies ordered to be wound up, which at present rest only in the Official Liquidators under the concerned High Courts, need to be vested in the Board, with creation of necessary machinery for this purpose.

the sale of huge extents of surplus lands held by them. This is possible only if the required permission for land disposal is forthcoming from the concerned State Govts. Hon'ble Supreme Court is already seized of this matter and would be hearing the case next on 9th May, 2000. BIFR has also addressed the concerned Chief Secretaries of the States in this regard. I would like to urge the Hon'ble Labour Ministers from the States, who are present here, to consider ensuring the grant of necessary permission for the disposal of lands by the NTC mills from their respective Governments on priority basis. As the sick NTC subsidiaries do not have access to any other source of funds for their revival, favourable consideration of this aspect by the respective State Governments would be extremely crucial. This would facilitate the modernisation and revival of a large number of, if not all, the Mills.

15. I would, therefore, like to close my remarks with an earnest plea to the Hon'ble Labour Ministers of the States to kindly ensure that their Govts. convey early concurrence to the request of BIFR in this behalf.