

**Summary record of discussion of the 40<sup>th</sup> Session of the Indian Labour Conference held on 9-10<sup>th</sup> December, 2005 under the Chairmanship of Union Labour & Employment Minister, Shri K. Chandrashekar Rao at Vigyan Bhavan, New Delhi**

The 40<sup>th</sup> Session of the Indian Labour Conference was held on 9-10<sup>th</sup> December 2005 under the Chairmanship of Shri K. Chandrashekar Rao, Union Labour & Employment Minister at Vigyan Bhavan, New Delhi. The agenda for the conference included the following items:-

- (i) Social Security for Unorganized Sector Workers including Agriculture Sector Workers covering their service conditions, social security and other benefits
- (ii) Amendment of Labour Laws

The conference was inaugurated by the Hon'ble Prime Minister, Dr.Manmohan Singh on 9<sup>th</sup> December, 2005.

**Inaugural Session**

While welcoming the delegates to the 40<sup>th</sup> Session of the ILC, Shri K.M. Sahni, Secretary (Labour & Employment) thanked the Hon'ble Prime Minister and the Hon'ble Labour & Employment Minister for sparing their valuable time to grace the occasion. He indicated that the ILC had been contributing by fine-tuning the labour policies according to the changing times. Since the early fifties, ILC had through its recommendations, given centrality to industrial relation and that the entire Industrial Relations machinery was based on the recommendations made by the ILC. Highlighting the impact of globalization, he said, it has placed major demands on the relationship between the labour market and economic growth. He was of the view that economic buoyancy had not led to commensurate employment growth, and felt that employment opportunities had to be made for the population below 25 years of age so that they become our assets. He mentioned that changes in the labour market were taking place continuously and there was no option but to review the conditions that had held back economic growth. A pragmatic labour policy accompanied by a comprehensive investment in vocational training was therefore necessary to produce a world-class workforce to achieve the Tenth Plan target of 10 million jobs per year. He viewed that the greatest challenge was to design an integrated labour policy that looked at changes in the labour market so as to evolve a concept of flexi-security in the labour reforms, i.e. providing flexibility to the employers and social security to the workers. He hoped that the ILC would show the way forward.

2. Shri Girish Awasthi, President, Bharatiya Mazdoor Sangh and Vice Chairman, Workers' Group for the ILC, stressed that India should not compromise on reducing agricultural subsidy unless the rich western countries (which provide subsidies between 70-80%) also agree to do so. While expressing concern over the fact that the Unorganized Sector Social Security Bill had not been passed, he suggested that provision of adequate budgetary support was required for the scheme to become successful. He also felt that the 'right to strike' should be made a fundamental right and expressed anguish on disinvestments of profit-making PSUs, corporatization of 39 ordnance factories and 9 Government of India mints/security presses. He demanded that the 6<sup>th</sup> Central Pay Commission should be constituted and that night work for women should not be allowed without appropriate security. He also opposed exemption of labour laws in Special Economic Zones (SEZs), contractualisation, hire and fire policy. He, therefore, opposed amendment of Chapter V-B of the Industrial Disputes Act. He felt that there should be no restriction on unionism in the SEZs. He exhorted the Government to revert

the interest rate for EPF to 9.5% and increase the interest rate for GPF to 9.5% and for special deposit scheme to 9%. He felt that the Government should give employment guarantee to the unemployed. While disapproving the treatment meted out to the workers at Honda, Gurgaon, he also urged the Government to consider the deplorable condition of the jute industry in West Bengal and the Tea Industry in Assam. He expressed his displeasure over the fact that the Action Taken Report of the last Session of the ILC had not been circulated.

3. Shri R.K. Somany, Chairman, CIE and Vice Chairman, Employers' Group for the ILC congratulated the Ministry of Labour & Employment for convening the ILC. He urged the Trade Union leaders to shed ideological barriers to adjust to the new economic order. With the fast economic growth at 6 per cent and rising foreign exchange reserves, he felt that India would be looked upon as the 4<sup>th</sup> largest economic power in a decade. He felt that some conclusions are required to be reached in the ILC. He was of the view that while the organized sector should be developed, concerns relating to adequate skill training, social security and others for the workers of the unorganized sector also need to be addressed. Contending that legislations alone were not the answer, as it tends to become counter-productive at times, he asserted that labour policy reforms were needed to revitalize the industrial sector to fulfill the dream of 10 million jobs. For creation of jobs, he said, 10 per cent GDP growth was required but Indian industry was unable to compete in the global market and hence the need for reforms. In his opinion, Chapter V-B of the I.D. Act was restrictive and anti-labour. He recalled that various committees had concluded that right sizing should be allowed with provisions for appropriate compensation. He felt that the contract labour, which was meant to provide flexibility for industry, had been made stringent with its abolition in many areas and these stringent labour legislations were giving an advantage to the neighbouring countries. The need was not to protect employment but to create employment. CIE welcomed the suggestions contained in the agenda regarding flexibility of labour laws. He suggested exemption of special economic zones from labour legislations except the basic laws, shifting labour from Concurrent to State list of subjects, amendment to the Chapter V-B of the I.D. Act which ultimately needed to be phased out, amendments on the lines of the Andhra Pradesh Government, imprisonment as a penalty proposed in the agenda notes was extremely harsh and should not be provided for.

4. Shri K. Chandrashekar Rao, Hon'ble Labour & Employment Minister (LEM) while welcoming all to the 40<sup>th</sup> Session of the ILC, said that it was a forum that offered a unique opportunity to the social partners to charter a course towards a meaningful and productive partnership which contributed to a vibrant economic future of India. Recalling that the ILC, which had been meeting regularly since 1940, occupied an important role in helping the Government and the Labour Ministry in drawing up labour legislations for the welfare of the workers. Recognizing that out of a workforce of over 40 crore, 37 crore (i.e. 92%) were in the informal sector and other 3 crore (i.e. 8%) were in the organized sector, the LEM highlighted the initiatives drawn up for the welfare of workers of the organized and the unorganized sectors. He mentioned that for the organized sector, the Rajiv Shramik Kalyan Yojana had been introduced under the ESIC with a provision for payment of fifty per cent of the wages last drawn for six months for the employees who lose employment involuntarily. He informed that the ESIC scheme had been extended to all the urban areas and cantonments throughout the country and that four super-specialty hospitals had been set up by the ESIC for the workers who were covered under the Scheme in all the four zones of the country.

5. The honorable Minister highlighted various measures taken by EPFO which included a special drive for enrolment of workers resulting in coverage of 67, 374 more workers, creation of eleven new regions under the EPF Scheme, mobilization of required resources internally by

EPFO to meet the payment of an interest rate of 9.5% and 4 meetings of the Board of Trustees in the last 11 months. He also outlined the various welfare measures undertaken for the unorganized sector like the proposal to finalise a social security scheme, enhanced cess under the Beedi Workers' Welfare Scheme and simplified procedure for disbursement of Rs. 40,000/- as subsidy under the Beedi Workers' Welfare Housing Scheme. He also informed that by means of regular consultations with the social partners on the issue of labour reforms, consensus had been attempted and it was clear that everyone wanted a competent, contented and motivated workforce to propel the Indian economy.

6. Reiterating that the immense potential of the country's human resource was the Government's first priority and for this, the training programmes for workers were being redesigned to meet the requirement of the global labour market for the specialized and multi-skilled workforce. In the passage, he said, initiatives had been taken to modernize and upgrade the industrial training infrastructure, upgrade 500 ITI's into centres' of excellence and exploring public-private partnership for greater involvement of industry in all aspects of training. The LEM called upon the State Governments to provide greater emphasis to education and training of women, an important component of the Government's policy.

7. The LEM viewed that social security and social protection form an essential ingredient in all the schemes and the Government was seeking integration of various social protection programmes and community initiatives into a coherent and effective network. He said that the Government was working in close coordination with NGOs and all other concerned groups to formulate a Bill for social security of the unorganized sector. He hoped that vital ideas and suggestions would emerge from the ILC to help the Government in framing a regulatory framework for social protection of the vast unorganized sector. The LEM stressed that no social protection programme could be successful unless workers were given living wages. He mentioned that the wage ceiling for payment of wages had been revised from Rs. 1600/- to Rs. 6500/- and that the Government was proposing to introduce a system of external monitoring by the civil society in the implementation of the provisions of the Minimum Wages Act. He said that economic growth with social justice was an enduring theme of the National Common Minimum Programme (NCMP) and the welfare and dignity of workers was the central aim of the developmental policy. He expressed the hope that the ILC, through its fruitful deliberations and meaningful conclusions, would contribute to a better acceptance of the changes taking place all around. Concluding his address, the LEM expressed that it was very fortunate to have the Hon'ble Prime Minister, a world-renowned economist, present on the occasion. He urged both the employers and workers to get out of the ideologies of the 1950s and 1960s, keeping in view the demands of the emerging global scenario and give up separate individual ideologies to work together for the development of the country.

### **Brief interventions**

8. Shri Ashok Singh, Vice President, INTUC observed that the major problem before the country was unemployment. The solution to the problem lies in protecting the existing employments and also by creating new employment opportunities. The industry could be protected and could also be made competitive by adopting new technology and by making the workforce competitive. He has suggested that as 60% of the population was engaged in agriculture, there was a need for major investment in that sector. Supporting the demand for raising the EPF interest rate to 9.5%, he said, that last time the additional 1.5% was given from the reserve fund, which was not proper. He said that funds could be generated through investment in blue chip companies and moreover, every worker should be made a

shareholder of the company for effective partnership and a legislation could be brought in for the purpose.

9. Shri M.K. Pandhe, President, CITU expressed his dissatisfaction over the promise made by the Hon'ble PM to meet Central Trade Union Organizations which was yet to materialise; the commitment made in the NCMP that profit making CPSUs would not be disinvested; no consultations were being held with the trade unions; ceiling on bonus had not been revised; reservation in private sector had not been introduced, as promised. He urged that the EPF interest rate should be restored to 9.5%, the labour laws should not be changed hastily and that the policy of hire and fire would not be permitted. He felt that tripartism was declining and no conclusions were emerging from the ILC. He urged the Government to restore the status of the ILC.

10. Shri Thampan Thomas, President, HMS while endorsing the views expressed by others relating to PF, said that India was a fast track developing country whose people were mostly poor. Unless we think in terms of the poor, the country could not be sustained, he said. Mentioning that India had two classes – the rich and the poor, the workers being the exploited class are in need of Government support so that their rights were restored and the guarantee given to them is honoured. He urged the Government to set up the Pay Commission for the Government employees and the Wage Board for Working Journalists, which are statutory commitments.

11. Shri Gurudas Das Gupta, General Secretary, AITUC urged the Government to reconsider the reduction in EPF interest rate as 4 crore people were affected by the same. While supporting labour reforms, he was against violation of labour rights. He complained of violation of labour laws in the country, mostly in the organized sector. He asked the Hon'ble PM to recall a memorandum submitted to him on the growing police intervention in the legitimate trade union activities of the country. He said that there was an increase in contractualisation/casualisation of labour, retrenchment, under-payment, and de-recognition/de-registration of trade unions. He said that dilution of labour laws was not a pre-condition for generation of jobs and flexibility did not mean violation of labour laws. There was a need for enacting comprehensive labour laws for the unorganized labour of the country, he said.

12. Shri Shankar Saha, Secretary, UTUC (LS) decided to confine himself to the issue of PF interest rate. He informed that the number of PF subscribers had come down from 4 crore to 1.3 crore since most of the subscribers were retiring or were being made to retire before attaining the retirement age. He opined that in the era of globalization, there was no permanency available in jobs and the workers were being compelled to subscribe to the PF scheme with whatever rate of interest allowed by the EPFO. He felt that the social security scheme had become meaningless and urged for adequate compensation by way of a proper rate of interest. The rate of interest on PF should be increased, he said, to 11 – 12% and if necessary, even with budgetary support from the Government.

13. Shri Ashok Ghosh, General Secretary, UTUC said that the two major social security schemes, i.e. EPF (interest rate reduction) and the Pension Bill were against the interest of the workers. He urged the Government to revert the PF interest rate to 9.5% since the working class would not accept the Pension Bill in the way it was placed in the Parliament. He informed that the floor level minimum wages of Rs. 66/- were not being implemented through out the country, especially among the weaker sections and the unorganized sections of the working class and expressed concern over issues like sale of profit making PSUs and

casualisation of labour. He desired that the ILC should meet regularly and should give a proper direction towards better industrial relations.

14. Shri Naren Sen, President, NFIU stressed upon the need to enable workers to maintain minimum standard of post-retirement living means by increasing the bank interest rates for fixed deposits so that the workers could invest their money for appropriate returns. He said contract labour exists even in Government Departments. He suggested that facilities for continuous and sustained education for workers should be enhanced to create awareness among the workers and to give them more bargaining strength. He requested that the issue of reduction of EPF interest rate should also be looked into.

15. Dr. Manmohan Singh, Hon'ble Prime Minister of India while expressing his pleasure in inaugurating the 40<sup>th</sup> Session of the ILC, the first under the UPA Government, said that the ILC had contributed enormously in nation building by providing a forum for maintaining unity among the social partners. He agreed that the ILC should meet regularly and should be attended by senior Ministers/Officers of the Government. The ILC was important because the national movement recognized the central role of the working class in the development of the economy and the nation, he said.

16. The PM said that the UPA was formed on the principles of welfare and social justice and the NCMP were also drawn up on similar lines. The Government was committed to give due share to the workers in economic progress and for this, the Government had already brought forward several legislations and yet more is required to be done. He indicated that the Government had enacted the National Rural Employment Guarantee Act; legislation for the welfare of the rural labour and National Rural Health Scheme had also been launched. He also indicated that several major initiatives had been taken to eliminate illiteracy, to enhance income security and welfare of workers. He felt that the ultimate security lay in sustained economic growth, which would generate adequate employment for all, and impediments to new investments needed to be removed. He urged both industry and workers to work together for faster economic growth and progress. Adding further, that some policies of the past had now become counter productive. Various expert groups have indicated that some labour laws had been found to be hampering investment in labour-intensive industries. He cited the example of the textile industry where in spite of India's comparative advantage, automation was being undertaken and India had been overtaken by other textile exporting economies. However, there was still a possibility of renewing India's earlier advantage in the textile trade with the removal of the Multi-Fibre Agreement (MFA). New employment could be created in this labour-intensive sector but reform was also needed in the labour laws and in the urban land utilization laws. He mentioned that there were multiple and parallel legislations that had created paraphernalia of regulations with various terms being defined differently under different Acts and the provisions of various Acts were also sometimes in contradiction with each other. There was a need to have new and flexible laws keeping with the times to look after the safety and welfare of workers and to safeguard their interest. He said that protection of workers interest was necessary but over protection through administrative interferences contributed to corruption. He cited the example where not more than 5 inspectors visited a factory establishment in China whereas in India, more than 30 inspectors visited under various laws. He felt that this kind of "Inspector Raj" must end.

17. Business in India, he said, should be made more flexible and less restrictive to invite investments. Stressing upon the need for a more transparent and flexible regime of laws, including labour laws, since appropriate and relevant labour legislations were in the interest of the working class. He urged the trade unions to recognize the realities. He mentioned that India could be a major economic power only with a larger manufacturing base and pointed

out that, the share of the manufacturing sector in India's GDP was far less than 25%, whereas in China and other developed countries, it was between 35-40%. He mentioned that, if the manufacturing base had to grow and employment opportunities had to be created, then the labour laws must be made less rigid and India's policies should be in line with the global policies to enable us to compete with countries like China. He also emphasised that there was a need to have new policies without compromising on the rights of the working class as protection of the rights of the working class was the duty of the states and there could be no dilution in it. He informed that the Arjun Sengupta Commission on Enterprises in the Unorganised Sector would also address the relevant issues in the unorganized sector. The Prime Minister pointed out that social security for workers was necessary but it should go hand in hand with more flexible labour policies as no Government could ignore or neglect the welfare of the working class and least of all the UPA Government.

18. Concluding, the Prime Minister mentioned that the ILC was an important tripartite forum as the Government had to work with both industry and labour to take the economy forward. He recognized that the trade unions were an important part of the Indian democracy and trade union leadership should recognize the need for flexibility in the policies. He also urged industry to keep in mind the need for creating adequate employment opportunities and said that both industry and labour should work together to create an atmosphere of industrial peace to strengthen the manufacturing base of the economy.

19. On the question of reduction in the EPF interest rate, he said that it would be discussed with the LEM and the officials of the Ministry of Labour & Employment to see what best could be done within the resources of the EPFO. As regards the need for consultations with the trade unions, he said that it was central to all policies of the Government and efforts would be made to make up for this deficiency that may have occurred.

20. Shri J.P. Singh, Additional Secretary (Labour & Employment) expressed his gratitude to the Hon'ble PM for inaugurating the 40<sup>th</sup> Session of the ILC. He also thanked the Hon'ble Labour and Employment Minister for active guidance in organizing the ILC and thanked the Deputy Chairman of the Planning Commission for his gracious presence. He expressed his gratitude to the Secretary (L&E) for his valuable guidance and thanked all the representatives from the State Governments, the Employers and the Employees, the media, the officials from the Ministry of Labour and Employment and all the other participants for their cooperation.

### **Plenary Session**

21. Shri Udai Rao Patwardhan, General Secretary, BMS recalled that during the last ILC, a number of suggestions were made, like the need for formulation of skill development schemes on which no feedback was available as the Action Taken Report of the last ILC had not been circulated. He said that neither consultations with the trade unions had been held as promised by the PM in July, 2004 nor did the Ministry of Labour call for such tripartite meetings. He opined that the Agricultural Workers Bill and the Social Security Bill had also not been passed. Shri Patwardhan while mentioning that labour reforms were not acceptable to the Unions, questioned the motive of the Ministry in raising this matter in the ILC.

22. Shri O.P. Lohia, President, AIOE (Representing FICCI) said that both the agenda items proposed to be discussed in the ILC were very relevant. For competing globally, he felt that a level-playing field was necessary in terms of policy parameters. He said that framing legislations was not the solution, as it was difficult to implement and social security schemes may not be feasible for the unorganized sector. Some comprehensive package and other

measures for promoting technology, marketing, etc. would help the informal sector. On the second item of the agenda, he felt that freedom of entry and exit was required since stringency of labour laws in India was diverting investment to neighbouring countries, mainly, China and was also resulting in sickness as rigidity did not allow restructuring. He said that over-protection to organized sector workers had resulted in indiscipline and low-productivity by which the pace of employment generation was also being adversely affected. He felt, as such, that review of labour laws was required, particularly to tap the potential of emerging sectors, like the ITES, BPO, service sector and EOUs.

23. Shri G. Vinod, Labour Minister, Government of Andhra Pradesh highlighted the reforms initiated by the Andhra Pradesh government in the area of labour laws, like amendment of the Contract Labour (Regulation & Abolition) Act, 1972; delegation of powers to the Development Commissioners of Special Economic Zones and Export Processing Zones to feel the real situations in case of labour problems and solve them in an amicable and justifiable manner; permitting work for women up to 10.30 p.m. subject to certain conditions; simplification of returns under various labour laws; allowing self-certification facilities for IT establishments; declaring 100% Export Oriented Units as public utility service; framing a Bill to facilitate declaration of an industry as a public utility service for a specified period like 3 years; efforts to amend Trade Unions Act to restrict outside leadership; and preparation of a draft Bill on Social Security and Welfare of Unorganised Workers. Informing that the Government of Andhra Pradesh is in agreement with the Bill proposed by the National Commission on Enterprises in the Unorganised Sector, he expressed happiness that review of the Minimum Wages Act was a subject for discussion in the ILC and mentioned that the Andhra Pradesh Government was also contemplating a serious review of the functioning of this Act to make it more beneficial to the workers, more realistic and feasible for the employers and attaching more accountability to the Inspectorate. In addition, he mentioned that ensuring payment of minimum wages to unorganized sector workers should be the first priority and delivery of minimum social security and welfare measures for them was also important. He urged upon the participants of the ILC to prepare a road map for finalization of the Unorganized Sector Workers Social Security Bill.

24. Shri Nirmal Ghosh, Organising Secretary, INTUC said that after independence, there have been various social security measures in the form of EPF, PPF, GPF, pension or gratuity. He felt that the ILC should see as to how best the social security system in the country could be improved. Regarding labour legislation, he indicated that hundreds of amendments had taken place in the labour laws and INTUC had stood by the workers to see to it that their interests were taken care of. In this context, he said, the ILC had to draw the principles upon which the workers and the industry could be best equipped so as to mitigate the challenges in the form of competition from the western world and from China. Concerning industrial relations, he wanted to dispel the myth that trade unions were a point of agitation, a point of politics and an established organization before the masses without result-orientation. He said that trade unions remained responsible and responsive. He felt that employers were violating the labour laws by indulging in retrenchment, closure, lockout, contractual labour, etc. He urged that the human aspect in industry should be taken care of. He also pointed out that registration of trade unions across the country has become very difficult.

25. Shri I.P. Anand, CIE agreed with the view that the status of ILC needed to be restored. He felt that the changes taking place in human affairs and technologies required different priorities and strategies. He said that the International Labour Organization had devised the 'Decent Work' agenda, which everyone was under an obligation to implement. He mentioned that the rigid systems were hampering the growth of socially sustainable enterprises and that

the industry was focusing on technology, restructuring & commercially sustainable enterprise development. He felt that Chapter V-B of the I.D. Act, which was incorporated during emergency in 1976, was a stumbling block to social and economic growth, hampering new employment. He felt that the focus should be on programmes of skill development aimed at the rural youth in particular and the enterprises should also be treated as living entities. Timely decisions and their effective implementation was necessary. On social security, he felt that the economy would not be able to afford the same in terms of unemployment support on the model of western countries and this needed to be modeled in accordance with India's cultural heritage and financial resources.

26. Shri Rameswar Dhanowar, Labour & Employment Minister, Assam expressed that the items on the agenda were of considerable importance and that any law for the unorganized workers should cover all workers as these workers suffered from seasonality of work and their work place were scattered. He informed that in Assam, 80% of the workers were engaged in the unorganized sector, including agriculture and the Government of Assam was examining the latest two draft Bills on unorganized sector and would give its endorsement in due course. He mentioned that while the enactment of the Assam Unorganized Workers' Welfare Bill, 2004 would be reconsidered in the light of the proposed central legislation; the Assam Gratuity Fund Scheme providing social security for plantation workers had been implemented from 2<sup>nd</sup> October, 2005. He highlighted many problems relating to the plantation workers and suggested that Plantations Labour Act should be amended expeditiously. His other suggestions were removal of eligibility under the Payment of Bonus Act and Payment of Wages Act; reconsideration of the proposed amendment in Chapter V-B of the I.D. Act and prescribing shorter duration for disposal of industrial disputes by the adjudicating authority.

27. Dr. M.K. Pandhe, President, CITU said that the Action Taken Report of the previous Session of the ILC had not been presented in this Session of ILC and felt that the number of Committees could be reduced but meetings should be held regularly as the Standing Labour Conference was also not been held periodically and very few non-statutory Committees and other tripartite committees had met. He was of the view that the Special Tripartite Committee, which had been constituted, to discuss on globalization issues should be restored. He said that while a number of Bills were pending in the Parliament, the Workers' Participation in Management Bill had not been brought in so far; amendment of ceiling fixed in the Payment of Bonus Act had not been carried out and there was no common definition of 'labour' in all Acts. He mentioned that the labour laws were not being implemented properly, trade union registration had become very difficult and PF interest rate had been cut. He stated that CITU was against the privatization of public sector; hire and fire policy and self-certification. He expressed that proper norm for labour requires to be worked out, particularly relating to minimum wages and that the Unorganized Workers Bill was a welcome move.

28. Shri Babulal B. Todi, President, AIMO stressed upon the need for an umbrella legislation for social security, including PF and ESIC in which the employer and the worker would both contribute an equal percentage of the salary towards Social Security and an amount equivalent to both the contributions may be made available by the Government of India. He remarked that employers and entrepreneurs work under and against many odds and hence, the economic pressure on establishments was as important as the social/employment policy goals set before them. He said that the labour market could not be kept artificially sheltered any more, if the Indian industry was to thrive and flourish and skill requirement and freedom to hire more hands, when required, were very important as expansion of enterprises and welfare of workers were absolutely inter-dependent. He pointed out that in the era of intense competition due to WTO agreement, comparative advantage could be maintained



only with continuous innovation, cost-cutting, IT and need-based hiring for short periods to give the units the much-needed flexibility in operations, quick adaptability to changes in the market and better motivation for the employees.

29. Shri Tanveer Sait, Minister of State (Labour & Haj), Karnataka said that the issues on the agenda had been addressed by the 2<sup>nd</sup> NCL. He opined that basic labour standards were not to be diluted in the process of rationalization. Minimum Wages Act is an important legislation because it ensured remuneration to the worker based on livelihood needs, he said. He felt that higher penalties, which are being proposed, were essential, as also the proposal for enabling recovery of awarded amount as arrears of land revenue. He welcomed the proposal to reduce the period between revision of wages to two years where the Variable Dearness Allowance linkage did not exist, and the enhancement of the limitation period for claims from six months to two years. Government of Karnataka, he indicated, had prescribed minimum wages for domestic workers and had banned engagement of child labour in this sector. In respect of Chapter-V-B of the I.D. Act, he advocated the proposed change in the coverage of the Act from units employing 100 or more workers to units employing 300 or more workers. He pleaded for flexibility to be given to appropriate Governments to exempt establishments, which had an adequate provision for settlement of industrial disputes, from the provisions of the I.D. Act and agreed to the proposal of 'no requirement of notice for rationalization' where Voluntary Retirement Scheme was given. Supporting the establishment of the grievance redressal machinery, he said that there is no objection to enlarging the definition of public utility service to include industries in SEZs and EOUs. He felt that prohibition of strikes and lockouts without notice be applicable to all the industries. He called for better compensation for contract labourers in view of the insecurity of tenure. He also supported the 2<sup>nd</sup> NCL's recommendation for an umbrella legislation for minimum basic service condition and social security. In this context, he mentioned that his State had drafted an Unorganised Workers' Welfare Bill but realized that its implementation, which involved enormous financial resources, could not be done without substantial involvement of the Central Government. Hence, for financing the scheme for the unorganized sector, he was of the view that the Central and the State Governments would need to contribute. On the sustainability of schemes, he felt that the quantum of contribution proposed in the legislation seemed to be inadequate. Labour departments of the States were not computerized and so establishments were not able to benefit from self-certification and random inspection schemes, he said and suggested that a central scheme to help these States would be useful.

30. Shri Thampan Thomas, President, HMS said that workers were being made the scapegoat for the failure of other sectors and felt that workers were being alienated by the bureaucrats, employers and the courts. He was of the view that trade unions were an instrument of social change with a commitment to speak for the poor. Citing the recent example of the pitiable conditions of migrant labourers from Bihar in Kerala, he wondered about the extent of concern about the society. He said that India would become an economic super power, but compared to the 7.5% of GDP spent by other countries on social security, India was spending only 1.8% of GDP. He was of the view that the Government should be ready to collect tax and distribute amongst the poor. About the emerging opportunities for the textile industry brought about by the phasing out of the MFA, he cited the example of girls who were being brought from the interior parts of the country by the middlemen to work for textile units for 12-15 hours at wages less than Rs. 50/- per day. He also cited the cases of suicides in the Plantation Industry in Kerala. Every person in India should be entitled to social security and then the government should find resources to meet the liability, he demanded. He, however, felt that there was no willingness to spend even though there was enough

money. He also demanded that the Sixth Pay Commission should be set up, as this was the right of the working class.

31. Shri Vishram Jamdar, President, Laghu Udyog Bharati viewed that there were about one crore tiny and laghu units and that the proposed legislation on social security applied to factories having less than 10 workers. But he wondered as to what will happen to workers in units having between 10 to 20 workers. Hence, he suggested that the proposed legislation should be extended to factories engaging up to 20 workers. He opined that the amalgamation of social security legislations proposed by the 2<sup>nd</sup> NCL should be done and the stringent penalties imposed should be removed, particularly the one relating to imprisonment, as it was likely to be misused. He also said that there should be flexibility for hiring workers for short periods. In the end, he welcomed the proposal of a grievance redressal authority.

32. Shri Babu Divakaran, Minister (Labour & Rehabilitation), State Government of Kerala suggested that the states may be allowed to modify the scheme under the National Employment Guarantee Act according to their specific needs and demands. He suggested that after a speedy implementation of the recommendations of the National Commission for Enterprises in the unorganized sector, a more comprehensive scheme covering the entire unorganized/informal sector could be initiated. He informed that Kerala had made tremendous progress in extending social coverage to workers in the unorganized sector through the mechanism of Tripartite Welfare Fund Boards. He mentioned that a meeting of the various stake-holders was convened in the State to evaluate the draft Unorganized Sectors Workers' Bill. The Union Government was requested to consider the necessary modifications suggested by them. Saying that Kerala Agricultural Workers Act, 1974 was a pioneering legislation in this sector, he suggested enactment of a central legislation. In respect of labour law reforms, he said that suitable amendments to the labour laws were very necessary. Informing that the Government of Kerala had launched 'Modernizing Government Programme' to study amendments of labour laws and to review the dispute redressal system he said that it was in the final stages for proposing amendments to 8 State Acts and Rules and 22 Central Acts and Rules. He felt that a national consensus on the amendments recommended by the 2<sup>nd</sup> NCL in a number of Central Acts would be a great achievement. He remarked that job creation was occurring in sectors like IT, Bio-technology, transportation, etc. but the new jobs were coming under the Contract Labour Act and it was difficult to intervene in industrial disputes in such cases and hence necessary modifications & strict enforcement of welfare legislations in the contract labour sector had become imperative. He also said that work place security and payment of minimum wages had to be secured for migrant labour. In the end, he suggested that a draft 'National Labour Policy' may be framed encompassing all the issues facing labour.

33. Shri Gurudas Das Gupta, General Secretary, AITUC observed that an ideological case was being made out by the Ministry of Labour & Employment that dilution of labour laws was necessary for fighting unemployment, which was not correct. He stated that there was no effective implementation of labour laws. He claimed that employment of contract labour in most of the organized sector factories was a phenomenon today and that such workers were not being paid minimum wages and other statutory dues. He enquired as to how many cases of labour law violation had been taken up by the Ministry and what had been done. He also stated that PSUs were defaulting in the payment of wages. He further claimed that the wage level in the country had declined by 0.8% while the profits of 30 listed companies had increased by 28%. He wanted to know why the ILC did not take place for full one year and mentioned that the Consultative Committee of the Ministry of Labour had not met for a long time and the Lok Sabha had not discussed grants on labour for 10 years. He observed that the

trade union movement had been marginalized and that the trade unions were not consulted on the Small & Medium Enterprises Bill. He suggested that a tripartite body may be set up by the ILC to discuss all the labour issues.

34. Shri D.L. Sharma, representing CII said that in view of the short life cycle of business entities, adequate response measures for renewal and necessary correction were required. As far as the supporting external environment for industry was concerned, he felt that the Government should play a leading role. Talking about employment opportunities, he cited the example of the Textile Industry where, subsequent to the phasing out of the MFA, there were huge opportunities of employment in India. On the I.D. Act, he welcomed the various proposals for amendment including establishment of a grievance redressal machinery, Chapter-V-B, retrenchment compensation, powers of exemption, the proposal of extending the validity of notification declaring specified industry as public utility service from the existing 6 months to 3 years and the proposal which recommends declaring of industries in SEZs, EPZs and EOUs as public utility services. However, on the proposal to change the eligibility criteria for enabling the officers of the labour department to be appointed as presiding officers in the industrial tribunals, he observed that the role of executive and judiciary should be separate. On the amendment in wage related labour laws, he stressed on extensive use of IT in filing, processing and analyzing of reports, returns and records. He also stressed that the period of limitation for submission of claim from existing six months to two years was not desirable and that the proposal to provide for enhancing the amount of compensation to a maximum of 10 times was very high. He mentioned that Indian Industry could not remain impervious to the global trend of outsourcing without affecting its global competitiveness. He felt that outsourcing of activities may require some flexibility/ amendments in the provisions of the CL (R&A) Act.

35. Shri Sayeedullah Nongrum, Labour Minister, Meghalaya indicated that Meghalaya was a small State with basically an agrarian economy, which was rural based, industrially backward and with most of the workers in unorganized sector scattered in various work places with not much bargaining power (since unionization is almost non-existent). Incidence of under-employment was also high and workers were devoid of social security cover. He informed that the labour laws were properly implemented and enforced effectively in the State. He welcomed the Unorganized Sector Workers Bill. He also welcomed the proposed amendments in the Payment of Bonus Act and Minimum Wages Act. He was of the view that the Agricultural Workers Act would be very difficult to implement due to the peculiar conditions of his State. He further opined that amendments in the I.D. Act should be made by consensus arrived at in the ILC. He informed that Meghalaya did not have an ESI hospital for the insured persons and requested that an ESI diagnostic complex and hospital may be set up in the State. He pointed out that there was an urgent need for strengthening the machinery for effective implementation of various welfare schemes and enforcement of various labour laws in the State and for this, focused and liberal Central assistance was requested for.

36. Shri Shankar Saha, Secretary, UTUC (LS) said that the present Government was pursuing the policies of the earlier Governments, especially the previous Government, without any change and those were against the working class. He felt that minimum wages needed to be determined with certain principles that were set by the 15<sup>th</sup> Session of the ILC, held in 1957 but still there were workers who were not even getting minimum wages. He said that talking of social security without talking of guarantee of jobs and wages was a joke. For workers' security, formalization of the informal sector was needed but what was happening was to informalise the formal sector, he said. He held the view that an ideology was being promoted both by the Government and industry that it was the labour laws that were

standing in the way of industrialization and progress. He suggested that the Ministry of Labour and Employment should have a positive outlook towards the 2<sup>nd</sup> NCL's recommendations about amending the Constitution to guarantee right to work to all citizens.

37. Shri Vineet Virmani, Chairman, ASSOCHAM was of the view that as per the National Common Minimum Programme, there has been a consensus on labour law reforms with a human face in India. He said that industry did not advocate a hire and fire policy and was also not against providing social security benefits to workers, but the restrictions imposed on industry in the name of job protection had created difficulty in improving efficiency and creating employment opportunities. He felt that the emphasis should be on employment generation and not on job protection. He further opined that the heritage of anti-employment labour laws remained unreformed despite the forthright recommendations of the Planning Commission's Task Force and of the 2<sup>nd</sup> NCL. He said that the combination of anti-employment incentives embodied in the labour laws and the rigours of a more competitive economy had led to a decline in the number of organized sector manufacturing jobs from 6.9 million in 1997 to 6 million in 2003. He said that higher employment had to be generated from the manufacturing sector if the problem of jobless growth had to be tackled and the laws should provide adequate flexibility to employers to function in the ever changing market conditions and to manage human resource optimally. While welcoming the proposal to amend Section 31 of the Contract Labour Act, he said that contract labour should be allowed in all spheres of manufacturing irrespective of core or non-core activities as outsourcing of activities had come up in a big way in India. While advocating self-certification, he welcomed the proposal to streamline the 'inspection' regime. He was of the view that greater emphasis was required on education and skill development.

38. Dr. Kirodi Lal Meena, Labour Minister, State Government of Rajasthan said that since employment opportunities in the organized sector were not increasing much, there was a need to create employment in the services sector, small scale industries sector, etc. He informed that the Rajasthan Government was making efforts for generating employment opportunities in the labour-intensive sectors and priority was also being given to train the youth to enable them to obtain employment. He informed that the Beedi Industry was very significant in Rajasthan and all welfare and social security schemes initiated by the Government for the benefit of this sector were being implemented by the Rajasthan Government also. He said that for agricultural labourers, Social Security Scheme, 2001 had been initiated, for the information sector-workers below the poverty line, Janshree Bima Yojana had been implemented and the State Government was in the process of bringing about legislation for the workers of construction sector. He informed that the coverage of the Minimum Wages Act had been extended by increasing the number of activities covered under it from 39 to 61, Minimum Wages for unskilled, semi-skilled and skilled workers had been increased and Minimum Wages had also been implemented for workers involved in Disaster related tasks. He further informed that in 23 districts, National Child Labour Project schemes had been accepted. He mentioned that employees (and their dependents) of the private educational institutions had been covered under ESI schemes. So far, 107 educational institutions had been registered. In this respect, he felt that Rajasthan was a pioneer. He said that the Rajasthan Government had also implemented the ESI scheme in five new centers of the State and informed that a major impediment in implementing all these schemes was due to the limited budget and shortage of staff. He further informed that Employment Melas were being organized in all districts of the State and to save the aspirants from exploitation, registration of private placement agencies had been started in which so far, 158 private placement agencies had been

registered. He said that in the field of child labour and bonded labour also, the State Government was making serious and concerted efforts. He welcomed the recommendations of the 2<sup>nd</sup> NCL in respect of amendments in various central laws. He informed that self-certification schemes had been launched and effective implementation of schemes for safety and better work conditions for women labourers was being undertaken in the State. He mentioned that night work for women, subject to certain conditions, had been allowed in certain sectors like IT, etc. He remarked that there had been an environment of industrial peace in Rajasthan and no closures had occurred due to workers' problems and relaxations had been permitted in SEZs and EOUs for hours of work and leave provisions.

39. Shri Ashok Ghosh, Vice-President, UTUC said that violation of labour rights was happening everywhere in India. He equated violation of labour rights to violation of human rights. He wanted that the role of the State on any violation of labour rights should be discussed. He asked whether the State would protect the labour on any violation. About social security, he stressed that a national wage policy was needed even though there were some sectoral wage policies. He wanted to know what action the Government had taken on those who had defaulted in the payment of PF dues. He also wanted to know what action the Government had taken on those entrepreneurs who took bank loans for developing industry but did not develop one nor repaid the bank loans. He felt that social security was also related to employment generation. In this context, he opined that excessive emphasis on IT sector and on outsourcing would not help generate employment as unemployment problem could not be solved through capital intensive industry. He said that solution was in the NCMP; and there was a need to have agro-based/cottage/small scale industries. He requested that the Government should announce growth with job. Concluding, he mentioned that for social security in the unorganized sector, a national wage policy should be formed and there should be frequent interaction among the social partners.

40. Shri Hira Singh Bisht, Labour & Employment Minister, State Government of Uttaranchal informed that his State was creating an enabling environment for industrial investment by providing exemption from taxes, allocation of land, etc. He said that registration of unions in his State was proper and that he supported unionism. He was of the view that trade unions were required just the way industry associations existed. He further said that this was not the age of strikes and that problems/issues had to be solved through dialogue and discussion. He was of the opinion that management and workers were the wheels of the same car. While giving primacy to ESI & EPF schemes, he felt that workers could not be secure unless there was provision of PF & ESI benefits. On the importance of PF scheme, he suggested that identity cards could be issued to the workers so that they remain secure wherever they go for work. On IDPL, a PSU with 3000 workers that was lying closed for the last 10 years, he thanked the Government for taking a decision to run the unit. He informed that equal wage for women and physically handicapped had been implemented in Uttaranchal and hoped that the same would happen across the country. On the proposal for providing social security to the workers in the unorganized sector, he mentioned that implementation of the scheme would require huge infrastructure & administrative machinery, which States like Uttaranchal did not have. Also, his State did not have adequate financial resources. Hence, he requested that the Central Government should help the needy States like his with resources for successful implementation of the scheme. In the end, he requested the Ministry of Labour & Employment for ESI hospitals in Haldwani and Dehradun.

41. Shri Naren Sen, President, NFITU observed that labour was not able to protect itself when retrenchment was being effected by the capital-intensive undertakings. He also observed that the workers could not take the initiative of strike. He felt that workers must be conscious about their rights and was of the view that the workers did not want any unit to be closed down; however, the employers could close down their units. He mentioned that more than 2.5 million labour-intensive factories had been closed. Agreeing, however, that modernization was essential and that industry should not remain primitive, he was of the

opinion that while the supply of labour was growing day by day, the potential for employment generation was shrinking. The unemployed population was not an asset and it could create social problems. This situation, he said, could not be solved by discussion or by mere enactments. He felt that provision of employment was important and in its absence, subsistence allowance should be provided. He further mentioned that in many European countries, 6 hours of working per day or 36 hours in a week had already been implemented but it was still 8 hours of work in a day in India. He informed that the norm of 8 hours working day started after the industrial revolution. On the bill for providing social security to the unorganized sector workers, he extended his support and said that there should be an intensive campaign about the rights and benefits given to the rural and other unemployed, which could help them to organize.

42. Shri Sharad S. Patil, Secretary General, EFI emphasized the need to strengthen tripartism at national and state levels and said that the Ministry of Labour should direct the State level Advisory Boards to meet periodically. He felt that certain important issues pertaining to employment generation & flexibility of labour, covered in the 2<sup>nd</sup> NCL should be prioritized for implementation. He also felt that adequate attention should be paid towards the implementation aspect of the proposed legislation to provide social security to unorganized sector workers. On the issue of labour reforms, he opined that if flexibility was likely to lead to more employment, then it deserved to be tried. He was also of the view that there was a need to promote a culture of implementation through better consultation between the social partners and awareness creation. He said that creation of employment and vocational training should be the top priority. In this context, he expressed his view that people were obsessed with manufacturing sector jobs. He mentioned about a study carried out by his organization on the impact of IT on employment generation in Mumbai and its surrounding areas and said that their observations, based on the study, were that there was a significant employment growth in areas such as ready made garments, retailing, ITES, travel & tourism and entertainment. Hence, he felt that opportunities arising in sectors, other than manufacturing, should also be harnessed. Everyone should cooperate to ensure that industry grows and people grow with them, he said.

43. Shri R.K.Purkaystha, Labour Secretary, Sikkim said that welfare of labour was of prime concern. While talking about his State, he felt that we could not have a common law for the entire country, which was diverse, as the pattern of implementation could not be put into a straitjacket. On the recommendations contained in the proposed draft laws, he mentioned that the question was of implementation and since some States, like his, were economically in a bad shape and did not have much resources, Central assistance was required for implementation.

44. Shri R. Sellamuthu, Secretary (Labour & Employment), Tamil Nadu has informed that a number of schemes for welfare of manual workers were being implemented under the State Acts, like the Tamil Nadu Manual Workers (Regulation of Employment & Conditions of Work) Act, 1982. He said that various Boards had also been established under the State Acts like the Tamil Nadu Construction Workers Welfare Board and the Government had formulated schemes to be implemented by these Boards. He mentioned that a social security scheme for farmers was also announced in August, 2005 and there was, therefore, no need to switch-over to central legislations, as the State Government had already enacted the labour welfare legislation and formulated social security and welfare scheme. He suggested that a specific provision in the proposed Central Act be given extending option to the States to have its own schemes; and such State Governments should not be deprived of its due share from the national fund and the grant from Government of India.

45. Shri Anish Ansari, Principal Secretary (Labour), Uttar Pradesh informed that in Uttar Pradesh, 96% of the workforce was in the unorganized sector, and hence, social security in the unorganized sector was very important. He voiced concern upon resources. He felt that in the

unorganized sector the relationship between the workers and the owners was not clear and as such it would be difficult to decide the respective contributions for the scheme. His second aspect of concern was that of implementation. He was concerned about the implementing machinery, which would be inadequate. On this, he suggested that it may be implemented at the Panchayat Raj System level. On unemployment, he stressed on retraining and training in technical education. He said that technical education could be introduced on voluntary basis in 23 districts of Uttar Pradesh where industrial development was high. He was of the view that flexibility should be given to the entrepreneur to exit, or else, the system would be distorted and would reduce the competitive ability of the industry. He was in favour of applying the provisions of the I.D. Act pertaining to prior permission for closure in the case of units employing 300 or more workers only but in cases of misuse, the Government should have the right to interfere.

46. Shri Md. Amin, Labour Minister, State Government of West Bengal and Chairman of the Plenary Session of the 40<sup>th</sup> Session of the ILC said that the proposed Bill to provide social security to unorganized sector workers, required that a part of the financing had to be done by the State Government. However, he said, the State Governments would not be able to carry out the responsibility. In addition to that infrastructure required for implementing the scheme was not available and to build that infrastructure resources would be required. He felt that if the scheme had to be made effective, the Central Government should give financial assistance to the State Governments. On the proposed amendments in the labour laws, he ascertained about the arrangement being made to check violation of the laws. He mentioned that many workers were facing immense hardships since their employers' had defaulted in the payment of statutory dues like PF and gratuity. In this connection, he suggested that the Central Government, which bought jute from the jute companies, should adjust the statutory dues of the employees outstanding in respect of these companies against the payment made to them for the goods sold. He informed that the above approach was adopted by his State Government for settlement of employee dues even though there were problems attached. He also felt that globalization had increased the problems of the workers since the employers wanted to throw the entire burden of declining margins brought about by globalization on to the workers. He opined that employers should pay heed to the labour laws.

47. The Conference deliberated upon the agenda items in the following three conference Committees:-

- (i) Conference Committee on 'Social Security for unorganized sector workers including agriculture sector workers covering their service conditions, social security and other benefits;
- (ii) Conference Committee on 'Amendment of Wage related Labour Laws'; and
- (iii) Conference Committee on 'Amendments relating to Industrial Relations'.

48. The deliberations and conclusions adopted by the Conference Committees are attached as Annexure I to III. The inaugural address by the Hon'ble Prime Minister may be seen at Annexure-IV. List of participants is at Annexure -V.

I. **DELIBERATIONS OF THE CONFERENCE COMMITTEE ON 'SOCIAL SECURITY FOR UNORGANISED SECTOR WORKERS INCLUDING AGRICULTURE SECTOR WORKERS COVERING THEIR SERVICE CONDITIONS, SOCIAL SECURITY AND OTHER BENEFITS**

The conference Committee was chaired by Shri Babu Divakaran, Labour Minister for Kerala and Shri Monohar Lal, Director General (labour Welfare) was the Member-Secretary. The Committee deliberated upon the four draft Bills, one prepared by Ministry of Labour & Employment, two draft Bills prepared by National Commission for Enterprises in the Unorganised Sector (NCEUS) and one forwarded by the National Advisory Council (NAC). The chairman explained the working of welfare funds for the unorganized sector workers and invited their views on the agenda before the Committee. The members expressed their views as under:

2. DGLW introduced the subject and explained the efforts made by the Ministry of Labour & Employment so far. The proposal of central legislation of agricultural workers had been under consideration since 1975. However, due to divergent views of the States on various aspects and funding in particular, the draft Bill could not be introduced in the Parliament. Krishi Shramik Samajik Suraksha Yojana – 2001 (KSSSY) was launched through LIC on pilot basis in 2001 to provide life-cum-accidental insurance cover, money back, pension and superannuation benefits. However, the scheme was abandoned due to financial constraints. After receipt of the report of Second National Commission on Labour (SNCL) in 2002, a draft Bill, namely 'Unorganised Sector Workers Bill, 2003' was prepared. The Government decided to launch 'Unorganised Sector Workers Social Security Scheme'. However, the scheme was shelved due to lack of administrative infrastructure for implementation, Employers' contribution and the fact that only self-employed in the age group 18-35 got registered. The welfare and well being of the workers, particularly, in unorganized sector is one of the items of the National Common Minimum Programme (NCMP) of the present UPA Government. The Ministry of Labour & Employment redrafted the Bill for the workers in the unorganized sector in 2004. In the meantime, NCEUS also drafted two bills namely, Unorganised Sector Workers Social Security Bill, 2005 and Unorganised Sector Workers (Conditions of Work & Livelihood Promotion) Bill, 2005. The National Advisory Council also forwarded a draft Bill. DGLW invited the views of the members on all Bills.

3. Shri Varadarajan, Secretary, CITU stated that in view of the peculiar working conditions of the agricultural workers, there should be a separate Bill for these workers and the Government should strive for bringing consensus among all concerned. Regarding draft Bill for the unorganized sector workers, he was of the view that there was a need to synthesize the different draft bills and one draft should be prepared taking NCEUS draft as basis. The Bill should incorporate both aspects i.e. social security and service conditions and other aspects. The social security scheme should be first drawn up. Every person seeking employment should be given a Social Security number. The Minimum Floor level social security scheme should be funded by the Central Government. The State Government should provide infrastructure and manpower for the implementation of the Scheme, which might include Panchayati Raj Institutions, Post Offices, etc. The Administrative expenses for first five year should be met by the Central Government. Regarding worker's contribution he was of the view that there should be only registration/renewal fee from the worker. The existing social security schemes/Welfare Boards should be integrated with the proposed schemes under the draft Bill. A National Wage Policy should be formulated which should define a clear-cut policy for minimum wages, which should be above poverty line. There should a



social security cess based on turnover or profit based tax. He suggested that the ILC should constitute a Tripartite Group to finalize the draft Bill.

4. Shri Jamdar, Laghu Udyog Bharati stated that the Bill is a welcome step for tiny sector employing less than ten workers. The major problem would be that of implementation. He expressed apprehension that it would add more inspectors. He suggested that a good scheme should be drawn up.

5. Delegates representing Government of Uttaranchal stated that the definition of the unorganized sector worker given in the draft forwarded by NAC was quite comprehensive. The registration procedure should be simplified and should be delegated to BDOs. He suggested that the Central and State Governments should share the expenditure in the ratio of 75:25. The Central Government should bear the expenses for infrastructure for first 3-5 years. Voicing apprehension about the levy and collection of cess in the agriculture sector, it was suggested that agriculture workers should be excluded. It was also felt that it would be difficult to raise the contribution from unorganized sector workers and therefore, there should not be any contribution from the workers.

6. Shri R.V.Subba Rao, BMS said that all workers including organized and unorganized sectors should be covered under the ESIC and EPF Act. Other existing legislations could also be made applicable to the workers in the unorganized sector. Those workers such as self-employed should be covered under the proposed legislation.

7. Shri G.Ramanand, Secretary, AIMO suggested that the Welfare Boards on Kerala model could be considered for replication in other States. He welcomed the proposed legislation and also setting apart 3% of GDP for the social security of the workers. He also supported the proposal of constitution of Working Group to finalize the draft Bill.

8. Sh.R.Sellamuthu, Secretary (Labour), Government of Tamil Nadu suggested that there should not be any rigidity in defining workers, otherwise it will take away the rights of the workers. The agricultural workers should be excluded otherwise the proposed Bill for Unorganised Sector Workers would be delayed. Agricultural workers could be taken up separately on priority basis. He was of the view that the States were not in a position to meet the expenditure on account of the scheme and funding for the infrastructure should also be made by the Government of India for five years. He also explained the functioning of existing Welfare Boards in the State and States should be given the flexibility to continue functioning with the existing Boards.

9. Shri Girish Awasthi, President, BMS was of the view that the Bill should apply to all workers in all scheduled employment. Appropriate Government should notify for setting up tripartite bodies at Central/State and district-level for consultation. The Central Labour Organisations should nominate representatives of the workers on each of the Board. The WFCs should also be tripartite bodies. The Boards should constitute a Vigilance Committee with the representative of the workers, employers and the Government to check the corruption. Old age pension should be linked to the Consumer Price Index (CPI). The trade unions should be authorized to conduct the inspections.

10. Shri Sharad S. Patil ,CIE appreciated the initiative of social security scheme for the unorganized sector. He suggested that for eligibility, there should be income criteria only and that the scheme should be entirely funded by the Central Government including the infrastructure and could be transferred to the States later on. He opposed any idea of

introducing any cess and was of the view that the cost of administering the scheme would be heavy. Therefore, he suggested that the procedure of implementation should be simple. He supported the suggestion of constitution of a Group to finalise the draft Bill.

11. Shri T.B.C.Rozara, Commissioner and Secretary (Labour) Govt. of Mizoram said that unorganised sector's coverage was very wide. Most of the workers are migrant. There was need for regulation for the Board. The representative of Assam and other States of North East Region endorsed the views of Mizoram as all States face same problems.

12. The representative of the Govt. of Punjab explained that there were one million pensioners in Punjab and State had decentralized the system with the powers to Panchayats. The social security cess has been levied for funding. She suggested that instead of having a penal provision, the penal interest should be paid to the workers.

13. The representative of HMS stated that there should be a separate legislation for the agricultural workers. The Bill should be separated and passed. All scheduled employments should be covered. The administrative expenditure for the first year should be borne by the Central Government. Equal representation for the worker side on the Board should be there. This Bill to be passed immediately and a small Committee should be constituted to finalize the draft Bill.

14. Shri S.N.Thakur, Secretary, AITUC mentioned that there should be separate Bill for the agricultural workers. Regarding draft Bill for the unorganized sector workers, he suggested that definitions from NCEUS draft should be adopted. All workers in unorganized sector should be covered. Unorganised sector is the integral part of the corporate sector. Therefore, corporate sector should contribute towards the social security benefits to the unorganized sector workers. There should be one time contribution from the workers i.e. registration/renewal fee. The scheme should be centrally funded and there should be a dispute resolution mechanism in the Board itself.

15. The representative of Govt. of Assam mentioned that the registering authority should be a governmental framework. Implementation could be by the non-governmental framework.

16. The BMS suggested that Central and State Governments should draw a model scheme, which should be implemented by the States and at the root level by their funding. The scheme should be implemented through Welfare Boards.

17. The NFTU stated that there is a vast segment of population, which constitutes unorganized sector workers. They are scattered. It is a sustained systematic gigantic task. They desired views of the delegates on how things will be put in the practice. The subject being very wide, he wondered as to how it will be implemented and supervised?

18. The representative of Govt. of Kerala explained that about 12 lakh construction workers have been registered under the Construction Workers Welfare Board in Kerala. The Board gives registration. And the Central Trade Unions have the right to make recommendations. Regarding the draft Bill for the unorganized sector workers, he stated that the Central Government should fund. He suggested that identity cards with photograph should be issued to workers and only workers with identity cards should be allowed to migrate to other States. With regard to collection of contribution there are imbalances but the agencies have to collect it.

19. The representative of Govt. of Sikkim suggested that Government officials should man all Boards so that we do not have to pay any extra wages. Funding should be from Central Government. State Government does not have any funds to match it.

20. Shri Ghosh suggested that there should be a separate bill for the agricultural workers. For the Bill for the unorganized sector, the draft Bill by NCEUS should be considered. Individual insurance and other benefits should be given to unorganized sector workers. All workers should be covered under ESIC and EPF. The old age pension should be linked to Consumer Price Index. The provision of minimum wages should be implemented very strictly. Floor level minimum wages should include minimum wages. The Central Government and corporate sector should share the funding resources for social security to unorganized sector workers. A cess or a levy on corporate sector and the employer in general except very small employers should be imposed.

21. The representative of Govt. of Meghalaya suggested that Government authorities should do the registration. If the funding was from Central Government, the State had no objection to any provisions.

22. Govt. of Rajasthan suggested that the definition of the employer should be modified. Agricultural Workers Bill should be separate.

**CONCLUSIONS OF THE CONFERENCE COMMITTEE ON 'SOCIAL SECURITY FOR UNORGANISED  
SECTOR WORKERS INCLUDING AGRICULTURE SECTOR WORKERS COVERING THEIR SERVICE  
CONDITIONS, SOCIAL SECURITY AND OTHER BENEFITS**

- Enactment of comprehensive legislation covering social security aspect and the service conditions of unorganized sector workers should be expedited.
- All unorganized workers including home-based, wagedworkers, migrant workers and self-employed workers whose average monthly earnings do not exceed Rs.6500/- per month should be covered.
- The social security scheme should be designed prior to introduction of the legislation.
- The floor level social security schemes like life and accident cover, health insurance and maternity benefit should be funded by the Central Government.
- There should be tripartite Social Security Boards at the Centre and in the States/Union Territories to formulate/review the schemes under the legislation.
- The implementation of the schemes should be left to be decided by the State Governments through its machinery including Panchayati Raj Institutions and local bodies.
- The administrative and infrastructure expenditure under the proposed legislation should be borne by the Central Government for the initial period of five years.
- The social security benefits being provided under the existing Central or State Boards may be integrated at the option of State Governments or the Union Territories with the schemes under proposed legislation.
- A tripartite Working Committee should be set up by the ILC to examine all the four draft Bills i.e. one draft by Ministry of Labour & Employment, two by the National Commission for Enterprises in the Unorganised Sector and the one forwarded by the National Advisory Council and prepare one final draft Bill taking into account the recommendations/suggestions from all stakeholders.

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**II. DELIBERATIONS OF THE CONFERENCE COMMITTEE ON "AMENDMENT OF WAGE RELATED LABOUR LAWS"**

The Conference Committee on "Amendment of Wage Related Labour Laws" was chaired by Shri R.P.Singh, General Secretary, INTUC. Dr. Ashok Sahu, Economic Adviser, Ministry of Labour & Employment was the Member-Secretary. The list of participants in the deliberations of the Committee is given at Annexure. The Acts taken up for discussion were the Payment of Wages Act, 1936, the Payment of Bonus Act, 1965 and the Minimum Wages Act, 1948. The representatives of the Workers' Group, the Employers' Group and the Government side were given chance to present their views on the Agenda Note.

**The Payment of Wages Act, 1936**

2. The Committee deliberated on the amendments in the Payment of Wages Act, 1936, even though these have since been passed by the Parliament and subsequently notified. Shri Uday Patwardhan (BMS) stated that the increase in wage ceiling from Rs.1600/- to Rs.6500/- p.m. is not in commensurate with the increase in Consumer Price Index during the intervening period and it fails to meet the aspirations of the workers. In fact, there should be no wage ceiling under the Act as it only ensures timely payment of wages without any unauthorized deductions, which concerns all employees. Shri Dipankar Mukherjee (CITU) explained that the idea of ceiling is not justifiable and the Act should be strengthened for disbursement of wages in time to all employees. He also felt that the current deliberations should have preceded Parliamentary proceedings. As the ILC was not held for two years, there was no forum available for airing stake holders' feelings. Shri Shankar Saha (UTUC) pointed out that the ceiling was a hoax and factory inspectors take considerable time to recover dues from the employers. The Act has so far been ineffective which should be amended to be in favour of workers by providing for severe punishment to the defaulting employer.

3. Shri B.P.Pant (CIE) expressed that there should be provision in the Act for minor delays which can be condoned by the inspectors themselves. He reiterated that the worker needs to be paid for the work done while the employer should not be punished for offences, which are unintentional. Shri Sushil Gupta (Labour Udyog Bharti: LUB) said that tiny and small enterprises should have separate laws and the penalties provided in various labour laws should be either relaxed or reduced in respect of these establishments. The enhanced ceiling should be applicable only to bigger establishments.

4. The representative of Government of Himachal Pradesh wanted the wage ceiling of Rs.6,500/- in the Payment of Wages Act to be raised to Rs.7,500/- as has already been done in the Employees' State Insurance Act and being proposed under the Payment of Bonus Act. The representative of Government of Uttaranchal also stressed for effective implementation of the Act. The representative of Government of Uttar Pradesh said that there should be a provision under the Act for inspection for payment of wages from 7<sup>th</sup> to 10<sup>th</sup> of every month for effective implementation of the Act and preventing delays in payment.

**The Payment of Bonus Act, 1965**

5. Proposals to amend the Payment of Bonus Act, 1965 by increasing the eligibility ceiling from Rs.3,500/- to Rs.7,500/- p.m. and the calculation ceiling from Rs.2,500/- to Rs.3,500/- p.m. as recommended by the Second National Commission on Labour were

discussed next. Shri Shankar Saha (UTUC) wanted the ceilings to be further raised as bonus is considered to be deferred wage as opined by the Hon'ble Supreme Court. He further stated that the bonus is some sort of compensation, as the workers do not get proper living wage. Shri Uday Patwardhan (BMS) said that there should be a debate on whether bonus is profit-dependent. While endorsing Shri Saha's views, he stated that any body who works should get bonus and there should not be any kind of restrictions like ceilings or establishments as the value of rupee is going down continuously. Shri Dipankar Mukherjee (CITU) also stated that bonus should be treated as deferred wage and there should not be any ceiling. Shri Thampan Thomas (HMS), while stressing that bonus should be treated as deferred wage and compensation for the depreciation which the worker undergoes as it happens in case of machinery, supported the amendment proposals under consideration.

6. Shri Sushil Kumar Gupta (LUB) emphasized that the hike proposed in the ceilings should not be made applicable to tiny and small scale establishments. Shri B.P.Pant (CIE), however, stated that the concept of payment of bonus irrespective of profit earned is flawed. He wanted that all recommendations given by the Second National Commission on Labour be considered together and individual recommendations should not be picked up for selective implementation. Shri M.K.Garg (ASSOCHAM) also objected to the concept of the minimum bonus of 8.33% as it is not based on profit and other problems faced by employers are not being taken into account. According to him the bonus should be linked to profit and productivity, and only the surplus, if generated, should be distributed.

7. Labour & Employment Adviser (LEA) explained that as per the provisions in the Payment of Bonus Act, payment of minimum 8.33% bonus, while any payment above that upto the level of 20% depends upon the allocable surplus as defined and calculated on the basis of relevant provisions of the Act. Even in China every worker gets one months wage extra per annum. The representative of the Government of Assam stated that bonus should be treated as deferred wage and there should not be any ceiling. The representatives of the Governments of Haryana and Kerala supported the amendments proposals. While noting the divergent opinions, the overall view of the Committee was in support of the proposed amendment proposals.

#### **The Minimum Wages Act, 1948**

8. The proposals to amend the Minimum Wages Act, 1948 as indicated in the Agenda Note were discussed first in general and then in detail. Shri Shankar Saha (UTUC) wanted principles to be laid down for determining minimum wages, which should take into account the needs of the workman and his family. Shri Dipankar Mukherjee (CITU) mentioned about payment of low wages by contractors and even government departments. Specific provision should be in place for inspection and action should be taken as and when violation takes place. Shri Thampan Thomas (HMS) wanted migrant workers to be protected. Shri Uday Patwardhan (BMS) requested the State Governments to include new emerging employments like mobile phone repair, fast food vending etc. in the Schedule to the Act.

9. Shri M.K.Garg (ASSOCHAM) considered minimum wage to be unproductive and Shri B.P.Pant (CIE) held that if harsh measures are proposed to be included in the Act, it will adversely affect employment generation in the unorganized sector. Shri Sushil Kumar Gupta (LUB) stated that tiny and small enterprises face various hurdles. Even though they are agreeable to abide by the Minimum Wages Act, the stringent measures proposed should not

be applicable to them. He wanted some kind of relaxation for these enterprises in respect of all labour laws including the Minimum Wages Act.

10. LEA stated that the tripartite Central Advisory Board has already discussed the most of the proposals under consideration. The Member Secretary also clarified that the norms to be adopted for fixing/revising minimum wages on the basis of the recommendations of the 15<sup>th</sup> Indian Labour Conference and Supreme Court judgment are very clear to the appropriate governments. The representative of Government of Kerala wanted a common minimum wage to be fixed which would make implementation easy.

11. Afterwards, the amendments proposed to the Minimum Wages Act, 1948 were taken up for discussion, Section-wise, as given in the Agenda.

**Section 3(1) (a): Inclusion of an Occupation: "Other Employments not covered in the Schedule".**

12. Shri Ashok Singh (INTUC) supported the proposal. Shri Thampan Thomas (HMS) welcomed the suggestion and stated that it will help in protecting the interest of the workers of the unorganized sectors.

13. LEA stated that presently we are not sure what percentage of workers the Minimum Wages Act covers. This provision will ensure payment of minimum wages to many workers who are left uncovered because they do not belong to any scheduled employment. The representative of Government of Himachal Pradesh suggested that in the amendment proposal the terms "other employments not covered in the schedule" may be replaced by "industries not covered". The representative of Government of Kerala supported the proposal since minimum wage is necessary for survival of all workers while stating that the legal implication will have to be examined in this case.

**Section 3 (1) (b): To reduce the period of review/revision from 5 years to 2 years where Minimum Wages prescribed have no VDA component.**

14. Shri Uday Patwardhan (BMS) stressed that minimum wages should be reviewed/revised after two years instead of five years irrespective of whether there is a VDA component.

15. The representatives of the Employers Group stated that review/revision of minimum wages should be done after three years where there is no VDA and five years where there is VDA. Shri Sushil Kumar Gupta (LUB) stated that the tiny and small-scale enterprises should be given special dispensation regarding operation of this provision.

16. LEA explained that since VDA is not mandatory, there is need to provide for revision of minimum wages at a certain time gap where there is no provision of VDA. Shri M.K.Garg (ASSOCHAM) agreed to this contention. Representatives of Governments of Kerala, Goa and Uttaranchal supported the proposal.

**Section 3(2-A): To ensure the payment of wages to such workers at revised rates during the pendency of the wage dispute which would be payable from the date of such revision.**

17. No detailed discussion was held. The amendment proposal was agreed to.

**Section 3(3) (a) (iii): To delete the provision relating to fixation of differential rates of wages for adults, adolescents, children and apprentices.**

18. Shri Thampan Thomas (HMS) supported the proposal.

19. The representative of Government of Kerala expressed his reservation to the proposal, as it would discourage engagement of apprentices. LEA clarified that if apprentices are also working for full time, there should not be any discrimination in paying regular minimum wages to them. Besides, deletion of this provision will help in prohibiting child labour.

**Section 8 (2) and 9: The amendment proposal relating to non-representation of all scheduled employments individually in the Advisory Boards/Committees/ Sub-Committees.**

20. No detailed discussion was held. The amendment proposal was agreed to.

**Section 11(2): Payment of minimum wages only in cash except for agricultural operation where it can be paid in kind.**

21. Under the existing provision the appropriate government may authorize payment of minimum wages either wholly or partly in kind. The proposal was that minimum wages may be paid in cash except for agricultural operations where it can be paid wholly in kind as decided by the appropriate government. After discussion, there was general agreement to drop the proposal and maintain the status quo.

**Section 18 (3): To provide for issue of employment cards, wage books or wage slips to employees employed in any scheduled employment in respect of which minimum rate of wages have been fixed and prescribed, the matter in which entries shall be made and authenticated in such employment cards, wage books or wage slips by the employer or his agent.**

22. No detailed discussion was held. The amendment proposal was agreed to.

**Section 20 (1) To empower the appropriate government to appoint Assistant/Regional Labour Commissioners, as claim authority at the Central level and the Labour Officer, Commissioner at the State level provided the officer as appointed has at least two years experience in the related field. Also, the term "Stipendiary Magistrates" will be substituted by "Executive or Judicial Magistrates". Also to add a provision to enable aggrieved employee or his heir or a registered voluntary organization or a registered trade union of which the employee is a member to file a claim.**

23. No detailed discussion was held. The amendment proposal was agreed to.

**Section 20 (2): To enhance the period of limitation for submission of claim applications from 6 months to two years.**

24. The Union representatives felt that there should be no limitation while the employers' representatives stated that it is not possible to maintain records for a longer time. It will put undue pressure on tiny and small scale enterprises also. LEA pointed out that it is essential for the employers to keep all records at least for two years.

25. After deliberations it was agreed to have period of limitation increased from six months to one year.

**Section 20 (3) (ii): To enhance the amount of compensation incases other than short payment of wages to a maximum of 10 times of the amount due to a worker.**



26. The Employers' representative expressed that the proposed increase will be very hard for employers. It was clarified by LEA that the exact quantum of compensation will be determined by the judiciary taking into account the seriousness of the violation. It should be viewed as an enabling provision with a cap.

**Section 20 (5) (b): To recover dues as arrears of land revenue.**

27. The amendment proposal was agreed discussed but no consensus could be reached due to divergence of views.

**Section 20(7): The Amendment of a technical nature to replace the words "Chapter XXXV" of the Code of Criminal Procedure, 1898 by "Chapter XXVI" of the Code of Criminal Procedure, 1973 (2 of 1974)**

28. No detailed discussion was held. The amendment proposal was agreed to.

**Section 20(8): To deposit with the authority an amount not exceeding 50% of the claim during the pendency of claim case – A new provision.**

29. Shri Uday Patwardhan (BMS) suggested that the amount to be deposited should be 100% instead of 50%. The employers' representatives did not agree to the idea as there might be many false cases which would unnecessarily increase the burden on the employers.

30. As a via media, deposit of 50% of the claim as proposed was agreed to.

**Section 21(1): The provision of the maximum compensation awarded under sub-Section (3) of Section 20, presently Rs.10 per head, was proposed to be increased to Rs.100 per head.**

31. No detailed discussion was held. The amendment proposal was agreed to.

**Section 21: To provide for disposal of claim cases by the authority within specified period.**

32. As no time limit can be prescribed for the judiciary to dispose a case, this proposal was dropped.

**Section 22: Under the present provision there is penalty of a fine upto Rs. 500/- or imprisonment upto 6 months or both for contravention of the provision of Section 12 relating to payment of minimum wages and under section 13 relating to rules/orders fixing hours for a normal working day etc. It was proposed to enhance fine upto Rs.2000/- or imprisonment up to 6 months or both on first conviction. For the second and subsequent contraventions, penalty shall be imprisonment up to one year or a fine Rs.5,000/- to Rs.10,000/- or both.**

33. Shri Thampan Thomas (HMS) supported the proposal. Shri Dipankar Mukherjee (CITU) also felt that it would help in more effective implementation of the Act. Shri Uday Patwardhan (BMS) argued in favour of increasing the penal provisions by ten times.

34. The increase in penal provision, especially the imprisonment, was resented by employers' representatives. Shri M.K.Garg (ASSOCHAM) described it to be a negative approach. He wanted the punishment to be left to the Court without the Act prescribing the quantum.

35. LEA explained that imprisonment by way of punishment already exists in the Act and the motive behind higher punishment is to add to the deterrence. Only the Court decides the actual punishment. The representative of the Government of Haryana felt that higher penal provision should be provided for second time willful contravention.

36. Since the intention behind the amendment was to make implementation of the Minimum Wages Act more effective, it was generally agreed to retain the proposed amendment. However, more deliberations could be considered necessary before taking a final decision on enhancement of the imprisonment term.

**Section 22A: Under present provision, fine upto Rs.500/- can be levied for non-maintenance of registers and non-display of notice etc. It was proposed to enhance fine up to Rs.1000 for the first conviction and for the second and subsequent contraventions, a fine upto Rs.5000/-.**

37. Even though Shri Sushil Kumar Gupta (LUB) wanted exemption for tiny and small-scale enterprises, the proposal was agreed to.

**Section 22 AA: New Provision for compounding of offences**

38. As compounding of offences is generally not possible, it was agreed to reconsider the proposal.

**Section 27: New Provision to add or alter or delete or modify to either part of the Schedule or employment by notification.**

39. No detailed discussion was held. The amendment proposal was agreed to.

**Section 28: New provision for Delegation or powers by the Central Government to the State Governments.**

40. No detailed discussion was held. The amendment proposal was agreed to.

41. The meeting ended with a vote of thanks by the Member Secretary to the Chair and all the participants.

**CONCLUSIONS OF THE CONFERENCE COMMITTEE ON “AMENDMENT OF WAGE RELATED LABOUR LAWS”**

**Payment of Wages (Amendment) Act, 2005:**

The Committee was informed that the Payment of Wages (Amendment) Act, 2005 since passed by the Parliament has been made effective from 9<sup>th</sup> November 2005. However, the workers representatives demanded that there should be no ceiling. As the basic intention of the Act is to ensure payment of wages in time and not making any unauthorized deductions, it concerns all employees. The employers’ representatives demanded that the tiny / small establishments should be provided with special dispensation.

***Payment of Bonus Act, 1965:***

The amendment proposals to raise the eligibility ceiling from Rs.3500/- to Rs.7500/- and calculation ceiling from Rs.2500/- to Rs.3500/- were generally agreed to. While the employers’ representatives desired that the bonus should be linked to profit and productivity, the Workers’ representatives pointed out that the bonus should be treated as deferred wage and there should be no statutory ceilings. Special dispensation for tiny / small establishments was desired in this case also.

**Amendment proposals to Minimum Wages Act, 1948**

The amendment proposals relating to sections 3 (1) (a), 3 (2) (a), 3 (3) (a) (iii), 8 (2) & 9, 18 (3), 20 (1), 20 (2), 20 (3) (ii), 20 (5) (b), 20 (7), 20 (8), 21 (1), 21 (3), 22, 22 A, 22 AA, 27 and 28 of the Minimum Wages Act, 1948 as contained in the agenda note were agreed to.

As regards proposal relating to section 3 (1) (b) to review of revision of minimum wages of scheduled employments having VDA component after 5 years and two years where there is no VDA component, the Workers Union demanded VDA component should be applied to all the scheduled employments and review period should be two years. The employers’ side, however, stated that review / revision of minimum wages should be done after 3 years where there is no VDA and 5 years where there is VDA. However, there was general agreement to the said proposal.

The proposal relating to section 11 (2) regarding to wages to be paid wholly in kind should be dropped. The present provision of payment of minimum wages wholly or partly in kind should continue. Special dispensation for tiny / small establishments was desired in this case also.

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**III. DELIBERATIONS OF THE CONFERENCE COMMITTEE ON 'AMENDMENTS RELATING TO INDUSTRIAL RELATIONS'.**

This committee was chaired by Mr. Rajiv Phillip, Managing Director, Hindustan Paper Corporation and Vice Chairman, Scope, New Delhi. Shri S.K.Mukhopadhyay, Chief Labour Commissioner (Central), New Delhi was the Member Secretary of this Committee.

2. To begin with the deliberation, it was agreed upon that all the relevant proposals for amendment in the ID Act be deliberated upon one by one. The Member Secretary thereafter presented the amendment proposals one by one and the members of the Committee consisting representatives of Trade Unions, Employer's Association and State Governments deliberated at length on each proposal as follows:

3. First amendment proposed related to Grievance Settlement Authority.

As per Section 9-C of ID Act.1947 every establishment employing 50 or more persons shall provide a 'Grievance Settlement Authority' for settlement of industrial disputes connected with individual workman employed in the establishment. This section has been introduced by ID Amendment Act. 1982 but has not yet been given effect.

4. The proposed amendment to section 9-C is to provide elaborate grievance ventilation and redressal machinery within an establishment having 20 or more workmen with two stage appeal. The decision taking authority of the grievances will be at the level of a person who supervises the workman. The first appeal will be at the plant level and the second will be at the level of head of the industrial establishment.

5. During deliberations the union representatives in general supported the amendment while the employer representatives were in favour of keeping the applicability at 50 or more as in the existing provisions. The union representatives were also apprehensive of the fact whether consideration by the Grievance Redressal Authority would be a pre- condition to raise the industrial dispute. Further, the union representatives suggested that instead of the individual authority there should be a committee consisting of equal number of representatives from the management and the worker side. They also suggested that there should be a time limit for the committee to finalise its proceedings.

6. After detailed deliberations the proposal for setting up of 'Grievance Redressal Committee' instead of 'Grievance Redressal Authority' as proposed was approved with the following changes:-

**1) Amendment to Section 9(c) of ID Act 1947 relating to Grievance Redressal Authority.**

- (a) Every establishment employing 50 or more workmen must have one or more Grievance Redressal Committee.
- (b) The said Committee shall consist of equal number of representatives from the management and the workmen. The size of the Committee should not be less than 2 and more than 6.

- (c) Setting up of Grievance Redressal Committee will in no way affect the right of the workmen to raise disputes under the ID Act.
- (d) The Grievance Redressal Committee shall finalise its proceedings within 45 days.

2) **The Amendment of Section 2(a) regarding 'Appropriate Government'**

As per existing provisions Central Government is empowered to refer the disputes of national importance or dispute involving workmen in more than one State to National Industrial Tribunal even if Central Government is not the appropriate Government but this does not give the Central Government power to implement the award of the National Industrial Tribunal pertaining to disputes for which the Central Government is not the appropriate Government.

Further, as per the definition of Appropriate Government clarified by the Supreme Court in SAIL Vs. NUWFW (30<sup>th</sup> August, 2001) Central Government is not the appropriate Government for all the Central PSUs, though under Chapter V-B relating to lay-off, retrenchment and closure, Central Government is the appropriate Government for all Central PSUs. As a result, in case of some PSUs though Central Government is required to hear applications relating to Chapter V-B, State Government is the appropriate Government to refer the disputes to Labour court/Tribunal for adjudication.

To remove the anomalies mentioned above by declaring the Central Government as appropriate Government in addition to those already listed in Section 2(a)(i) in relation to (i) of Central PSUs or corporations or boards or authorities, established or constituted by an Act of Parliament; and (ii) disputes of national importance or disputes which have repercussions in more than one State.

During deliberation the union representatives suggested that in addition to the existing definition of appropriate Government Central Government be 'Appropriate Government' in respect of Central PSUs and State Government by appropriate Government in respect of State PSUs. It was also brought during discussions about non-availability of the required infrastructure with the Central Government as well as the power of delegation, the Central Government already have under Section 39 of the ID Act.1947. The employer representatives were neither very much supportive of this proposal nor they were opposed to the proposed amendment. However, some of the State Government representatives raised the issue of the definition of national importance, as it does not find place either in the proposal or in the ID Act. They suggested that as it is difficult to define national importance, the proposed change of definition of appropriate Government relating to disputes of national importance need not be effected.

After detailed deliberations the committee decided to recommend on this proposal as under: -

Apart from the existing definition of 'Appropriate Government' under the ID Act, Central Government should be the 'Appropriate Government' in respect of the Central PSUs and State Governments should be the 'Appropriate Government' in respect of the State PSUs. However, the proposal that the Central Government should be appropriate Government in respect of the disputes of national importance was not agreed to.

3) **Next amendment related to repeal of definition of industry as amended by section 2 (c) of ID Act 1982 which is yet to come in force.**

The existing definition of 'Industry' as mentioned above could not be given effect to, as at the time of introduction of this amendment, a commitment was given that a separate law for the settlement of grievances/disputes of workmen in respect of institutions proposed to be excluded from the definition of the term 'Industry' would be put in place. This commitment could not be fulfilled so far.

The proposal has been to repeal section 2 (c) of ID Act as amended by ID amendment Act.1982.

This proposal was welcomed by representatives of State Governments and Trade unions but the employer representatives opposed. As such the committee, therefore, decided to record the following note.

'Representatives of the State Governments and Trade unions endorsed the proposal. However, employers' representatives did not agree.'

4) **The 4<sup>th</sup> Amendment was relating to section 2 (n) of ID Act relating to Public Utility Services.**

As per existing provisions, 'Appropriate Government' may, by notification in the official gazette, specify any industry in the First schedule to be Public Utility Services for a period not exceeding 6 months at a time.

It has been proposed that a period of six months as mentioned above be extended to three years, which will reduce unnecessary paper work. It was further proposed that industries in Special Economic Zones, Export Processing Zones and 100 per cent Export Oriented Undertakings be declared as permanent public utility services, for improving the investment scenario in these sectors, in the form of an entry to Section 2(n)(v)(a).

During deliberations the union representatives were not agreeable to the proposal rather they suggested that the 'Public Utility' service should itself be removed from the statute. The proposed amendment was, however, supported by the representatives of the State Government as well as the employers associations.

After detailed deliberations the committee decided to record the minutes on the demand as follows:

'The employers' representatives and State Government representatives' supported the proposed amendment. However, representatives of the trade union disagreed.

5) **Section 7, 7 A:- Thereafter the amendment in Section 7, 7A relating to Labour Courts/Tribunals were considered.**

At present serving/retired High Court/District Court judges with certain years of experience are eligible to be appointed as Presiding Officers in the Industrial Tribunal/Labour Court. As per the existing system, it takes a long time to appoint Presiding officers due to non-availability of willing serving/retired high court/district court judges.

It has been therefore, proposed that the officers of Central Labour Service in Grade III or from State Labour Service in the rank of Joint Labour Commissioner or above with five years of experience and Indian Legal Service Officers in Grade II with 3 years of experience, may also be made eligible for appointment to post of Presiding Officer in Labour Courts/Industrial Tribunal.

The above amendment has been proposed to appoint the Presiding officer in time to ameliorate the sufferings of the workmen due to delay in disposal of cases for non-availability of Presiding Officer. The representatives from the Public sector employers felt that experts HR Personnel with law degree should also be considered for appointment as Presiding officers. This proposal received considerable support from the trade unions but the employers Associations did not agree to relax the existing provisions. However, after discussions at length the committee recorded the deliberation on this amendment as under:-

'The proposal was agreed to by the trade unions and the State Governments. The representatives of the public sector employers felt that experienced HR personnel with law degree should also be considered for appointment as Presiding Officers. Employers' representatives did not endorse the proposal for relaxation of the existing provision.'

6) **The sixth proposal was to incorporate a new section in ID Act to empower the tribunals to issue decree for implementation of their awards.**

At present the Industrial Tribunals/Labour Courts are not empowered to implement the award/order given by them through a decree. As a result, the Enforcement Machinery finds it extremely difficult to enforce the awards through prolonged cases in the criminal courts and workers suffer for the delay in the implementation of the awards etc. In fact the orders under Section 33 C-(2) are not enforceable as these are not published by the appropriate Government., and accordingly not treated as awards.

The proposal has been before a Tribunal or National Tribunal or Labour Court shall be executable, as a decree of the Civil Court for the workers to get speedy justice by way of avoiding delay in the enforcement of awards. After detailed deliberations all the three social partners unanimously agreed

upon for the proposed amendment and the committee finally recommended as under: -

There was a consensus to endorse the proposed amendment.

- 7) **The 7<sup>th</sup> amendment was to include a new section to empower the appropriate Government to make rules for salary, allowances and terms and conditions of services of the Presiding officers of Industrial Tribunals/Labour Courts.**

At present there is no specific provision with regard to salaries/allowances, service conditions of Presiding Officers.

It has been proposed to empower the 'Appropriate Government' to frame rules specifying salaries/allowances/service conditions of the Presiding Officers of Industrial Tribunals/Labour Courts.

'There was consensus among all the three parties on the proposed amendment and Committee accordingly recommended that the above proposed amendment has been agreed by all the parties'.

- 8) **The 8<sup>th</sup> amendment was relating to section 9-A on notice of change and also for item No. 11 of fourth schedule.**

As per the existing provision for change of certain conditions mentioned in the Fourth Schedule of the Act, notice of 21 days is required to be given to the workmen. This provision affects rationalization measures, diversification, reinvestment and performance of the industry.

Item No.11 of the Fourth Schedule requires that for any increase (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift (not occasioned by substance for which the employer has no control), 21 days' notice to be given to workmen, trade union etc.

It has been proposed to include an additional provision (c) after provisos (a) and (b) of Section 9 A on the following lines.

"Involving rationalization, standardization or improvement of plant or technique which is likely to lead to retrenchment of workers and for which the employer has provided voluntary retirement scheme".

As regards item No. 11 it was proposed to delete it from the 4<sup>th</sup> schedule.

During discussions it came out that the employer representatives though were in favour of the proposed amendment but the trade union and State Government representatives did not endorse the proposal. However, after deliberations the committee decided to recommend as under: -



'Trade union representatives and State Government representatives did not endorse the proposal. However, employers' representatives supported the proposed amendment.'

9) **The next amendment No. 9 related to section 10 of the ID Act.**

As per the existing provision, disputes relating to termination/dismissal/retrenchment/discharge of individual workman are referred by the appropriate government to the tribunal, after the process of conciliation.

It has been proposed that after conciliation, the aggrieved workmen be allowed to go straight to the Labour Court/ Industrial Tribunal and the conciliation machinery need not send these cases to the 'Appropriate Government' for reference to the Industrial Tribunal.

This proposal was supported by all the three parties and committee, therefore decided to recommend to the ILC, accordingly, as follows. All the three parties have agreed for this amendment'.

10) **The next amendment No. 10 related to special provisions on lay-off, retrenchment and closure in factories, mines and plantations employing not less than 100 workmen. (Chapter V-B).**

This provision does not encourage small employers to engage workmen due to the apprehension that they may not be in a position to reduce the number of workmen which they do not have sufficient order or demand.

It has been proposed to raise the number to 300 workmen instead of 100 workmen.

This proposed amendment was opposed by the trade union representatives. Although employer representative did endorse but the State Government representatives were also not in favour of this amendment.

However, after discussions the committee recommended as under.

'The suggested changes were supported by employers' representatives. However, the trade unions and State Governments did not endorse the proposal'.

11) **The next amendment considered by the committee was relating to section 25-F on enhancement of retrenchment compensation.**

At present, under Section 25 F, for retrenchment of workmen, apart from one month's notice or notice pay, 15 days' wages for every completed year of service or part in excess of 6 months thereof are payable.

It has been proposed to increase the retrenchment compensation from 15 days to 45 days' average pay for every completed year of service. This will

not only help the workmen to sustain during the period of unemployment but also act as a deterrent to take recourse to retrenchment in routine manner.

During the course of discussions the employer representatives gave their conditional supports i.e. if the proposed changes above in chapter V-B are accepted by the trade unions and State Government representatives, then they agree for this amendment. The union representatives were, however, agreeable only for enhancement of retrenchment compensation under section 25 F. After detailed deliberations the committee recommended as under:

‘Employers’ representatives were not willing to consider amendment of section 25-F unless the proposed changes in Chapter V-B were accepted by the Trade Unions and the State Government representatives. However, representatives of the Trade Unions felt that retrenchment compensation under Section 25-F should be suitably raised.’

**12) The last amendment No. 12 considered by the committee was relating to power of the appropriate Government to grant exemption under section 36-B.**

At present, the appropriate Government has the power to exempt only industrial establishments or undertakings carried on by a department of the government from any or all the provisions of the Act if there is adequate provision for investigation and settlement of industrial disputes in the establishment.

It has been proposed to empower the appropriate Government to exempt deserving industrial establishment, be it in private or public sector, such as industrial establishments in Export Promotion Zones, Special Economic Zones, IT Parks etc.

The employer representatives were positive in their response towards this proposed amendment but the trade union representatives as well as State Government representatives were not in favour of exempting industry in private sector under section 36-B.

7. After detailed deliberations, the Committee recommended on this amendment as under :-

‘The proposal to authorize appropriate Governments to exempt industrial establishments in the private sector, from the operation of provisions of ID Act was not endorsed by the trade unions and State Government representatives. However, employers’ representatives endorsed the proposal’.

8. Before recommending amendment on all the proposals as mentioned above to the ILC, the committee had further discussions after the recommendations were drafted by a drafting committee comprising representatives from the State Government, employers and the trade unions. It was unanimously decided that Shri Ashok Chakravarty, Principal Secretary, Labour, Government of West Bengal would present the recommendations before

the ILC. Passing a vote of thanks to the Chair concluded the meeting. Shri Chakravarty accordingly, presented the recommendations before ILC.

## **CONCLUSIONS OF THE CONFERENCE COMMITTEE ON 'AMENDMENTS RELATING TO INDUSTRIAL RELATIONS'**

### **Grievance Redressal Authority**

The proposal for setting up of Grievance Redressal Authority was approved with the following changes:

- (a) Every industry/establishment employing 50 or more workmen must have one or more Grievance Redressal Committee.
- (b) The said Committee shall consist of equal number of representatives from the management and the workmen. The size of the Committee should not be less than 2 and not more than 6.
- (c) Setting up of Grievance Redressal Committee will in no way affect the right of the workmen to raise disputes under the ID Act.
- (d) The Grievance Redressal Committee shall finalise its proceedings within 45 days.

### **Appropriate Government – Section 2(a)**

Apart from the existing definition of appropriate Government under the ID Act, Central Government should be the appropriate Government in respect of the Central PSUs and State Governments should be the appropriate Government in respect of the State PSUs. However, the proposal that the Central Government should be appropriate Government in respect of the disputes of national importance was not agreed to.

### **Repeal of Section 2 (C) of the ID (Amendment) Act, 1982**

Representatives of the State Governments and trade unions endorsed the proposal. However, employers' representatives did not agree.

### **Public Utility Service**

The employers' representatives and State Govt. representatives supported the proposed amendment. However, representatives of the trade unions disagreed.

### **Relaxation of qualification of Presiding Officers**

The trade unions and the State Governments agreed to the proposal. The representatives of the public sector employers felt that experienced HR personnel with law degree, should also be considered for appointment as Presiding Officers. Employers' representatives did not endorse the proposal for relaxation of the existing provision.

### **Power to enforce decree by tribunals**

There was a consensus to endorse the proposed amendment.

**Salaries and allowances and other terms and conditions of service of the Presiding Officers**

Agreed to.

**Notice of Change (Section 9-A)**

Trade union representative and State Govt. representatives did not endorse the proposal. However, employers' representatives supported the proposed amendments.

**Direct reference of dispute, etc.**

Agreed to.

**Special provision relating to lay-off, retrenchment and closure**

The suggested changes were supported by employers' representatives. However, the trade unions and State Governments did not endorse the proposal.

**Retrenchment compensation**

Employers' representatives were not willing to consider amendment of Section 25-F unless the trade unions and the State Govt. representatives accepted the proposed changes in chapter V-B. However, representatives of the trade unions felt that retrenchment compensation under Section 25-F should be suitably raised.

**Power to exempt (Section 36-B)**

The proposal to authorize appropriate Govts. to exempt industrial establishments in the private sector, from the operation of provisions of ID Act was not endorsed by the trade unions and State Govt. representatives. However, employers' representatives endorsed the proposal.

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**Prime Minister's address to the 40th Indian Labour Conference**  
**(New Delhi : December 9, 2005)**

"I am happy to be here in your midst to inaugurate the 40th Session of the Indian Labour Conference. This is truly a historic forum that first met under the chairmanship of Shri Ramaswami Mudaliar in 1940. Dr B R Ambedkar chaired four sessions during the pre-Independence period. After Independence, some of our seniormost national leaders, like Babu Jagjivan Ram, Shri V V Giri and Shri Gulzarilal Nanda chaired several sessions of the Indian Labour Conference.

2. The importance attached by our national leadership to this forum was due to the fact that our national movement recognized, from the very inception, the central role of the working class in national development. The working class is like the blood that flows through our veins. Our economy, our society, our nation functions because of the toil and energy of the working people of our country. Let there be no doubt about our commitment to the critical role of our working classes in carrying forward the process of social and economic change.

3. Our national movement recognized from the very beginning that if India has to regain its true place in the comity of nations, if we have to become an economic powerhouse, if we have to once again stand tall on our own feet, then we must ensure that all social groups come together and build this new India of our dreams. The Indian Labour Conference has contributed enormously to the process of nation building by providing a platform on which representatives of government, of industry and of workers can come together and reinforce this unity in the larger national interest.

4. I am happy to be here today because this is the first Labour conference being held after the UPA Government came to power and I do agree with you that this Conference should meet regularly; that all senior members of the Government should also attend the Conferences so that they can get acquainted with the feeling of the working classes.

5. The United Progressive Alliance was forged on the platform of a new unity between different sections of our society and based on the principles of equality, welfare and social justice. The National Common Minimum Programme declares emphatically that the UPA Government is firmly committed to ensure the welfare and well being of all workers, particularly those in the unorganized sector who, as the previous speakers pointed out, constitute 93% of our workforce. Our Government remains committed to giving a new deal to the working people to ensure that they receive their due share from the fruits of social and economic development.

6. I am also happy to report that our Government has already brought forward several legislations aimed at addressing issues dear to the working sections of our population, both men and women, in cities and in villages, in industry and in agriculture. However, I do recognize the fact that we have some distance to travel in addressing all the concerns of our working people. I would like to reiterate here once again our sincere commitment to do so.

7. This Conference is discussing issues pertaining to social security for unorganized sector workers. Our Government has taken a very important step in this direction by enacting

the National Rural Employment Guarantee Act. It is the single most important social security benefit being extended to the rural labour since Independence. Our Government has also launched the National Rural Health Mission that seeks to provide health security for our rural areas. We have taken major initiatives in the field of education to eliminate illiteracy and provide basic education. Taken together, all these initiatives of our Government will, I believe, enhance the income security and welfare of the poor, particularly those in the rural areas.

8. Our Government is presently examining alternative approaches to the welfare of workers in the unorganized sector and is considering different drafts of a possible Bill for Unorganized Sector Workers' Social Security. I am grateful to all those who have contributed to the wide-ranging discussion on the proposed legislation. There should be a meaningful discussion on all aspects of this bill, including its administrative feasibility and financial viability. This we are committed to promote.

9. While such legislative protection is necessary and desirable, the ultimate security for all working people lies in the assurance of sustained economic growth and development. A country like ours has enormous potential for the growth of employment opportunities. Given the low level of per capita consumption, the demand for goods and services can only increase in years to come. It should be possible for us to sustain growth rates of close to 8-10% for several years, generating adequate employment for all. However, there are several impediments to new investment that must be removed, so that we can accelerate the growth process and generate more employment. I do agree with previous speakers that we cannot live with a jobless growth. We need growth, which will be employment friendly, we need growth, which will create a lot more jobs in the process of social and economic change.

10. I urge therefore, both industry and labour to work together in removing the hurdles in the way of faster economic growth and faster growth of employment. The physical barriers to growth and employment creation, like infrastructure bottlenecks, are easier to deal with. The barriers that are more difficult to remove are the policies that have outlived their original purpose. Many of these are the legacies of the past that have no longer much relevance today. Indeed, some of them have become counter-productive and may well be hurting the very people they were meant to benefit.

11. Consider, for example, many of our labour laws. Several expert groups have studied them and come to the conclusion that some of these laws have in fact hurt working class interests by discouraging investment in labour-intensive industries. They have encouraged expensive automation and capital-intensive technologies in a country where our real comparative advantage lies in skilled, yet affordable labour.

12. After Independence, even though we had a comparative advantage in the textiles industry, we missed the bus as global demand grew because of our rigid domestic laws. We were over-taken in the global market by other textile exporting economies of Asia. If I look back in 1948, this side of Suez, India was the largest exporter of textiles. And where are we today? We lost many opportunities, but there is still possibility of a new renewal with the withering away of the Multi-fiber agreement, the world market for textiles are once again open. We have a chance to retrieve the lost ground, but we need sensible policies if we are to succeed in doing that.

13. Today, once again, the textile sector is opening up and the Indian textiles industry can regain its lost glory in the global market. The jobs that were driven out of the organized industrial sector into the unorganized sector can be regained. New employment can be

created in this potentially labour-intensive industry. It will, however, require some reform in our labour laws and in our urban land utilization laws. We must think ahead and think creatively, so that thousands of new blue-collar jobs are created in this major segment of our domestic industry.

14. There is also the burden of multiple and parallel legislation that has created a vast paraphernalia of regulation. There is, I believe, confusion even with respect to basic definitions in some of our labour laws. Many common items like workman, wages, employee and factory are defined differently in different Acts pertaining to the same sector. Provisions under the Factories Act, do not match with provisions under the Minimum Wages Act. Provisions under the Beedi Act are at variance with those under the Contract Labour Abolition Act.

15. Many Acts go into unnecessary details. For example, Section 11 of the Factories Act actually specifies the necessity of “daily sweeping” of premises, Section 18 of this Act specifies the minimum distance in a factory between the source of drinking water supply and a possible source of contamination! Some of our legislation dealing with the organized industrial sector is replete with such examples of misplaced concreteness. I understand that many such laws came into being under certain circumstances, particularly in plantation and manufacturing industries with a poor record of safety and hygiene. We need new laws for new times. Laws which provide safety standards, which cater to the basic needs of workers, which take care of their welfare, which are flexible enough to create rather than destroy jobs, which increase the overall well-being of our people and particularly, the working people.

16. In fact, some analysts suggest that excessive regulatory legislation has contributed to the relative lack of growth of the organized industrial sector, and the greater growth of the unorganized sector. While the protection of workers’ interests is necessary and you must honour all provisions, which seek to protect workers’ interest, over-protection through such administrative interference only contributes, in some cases at least, to corruption.

17. I have been told that in most industries in China, a factory establishment is visited by a handful of inspectors, often not more than five. In India, it has been estimated, a large-scale factory is visited by over 30 inspectors under various laws and rules and regulations. This tyranny of the Inspector Raj must end and it must end, if Indian manufacturing is to prosper.

18. I sincerely believe that if we make the business of doing business in India less intimidating, less cumbersome, less bureaucratic, there will in fact be more investment and more employment, more investment in labour-using technologies and industries. A more flexible and transparent regime of laws, including labour laws, will in fact contribute to increased employment. Appropriate and relevant labour legislation are, therefore, in the interests of labour and in the interests of the nation as a whole. I urge our labour leaders and those committed to the welfare of the working class to recognize the reality.

19. India cannot become a major economic power, let alone a developed economy unless it has a much larger manufacturing base. Manufacturing as a sector of our economy today accounts for less than 25 per cent of our GDP. In China and South East Asia, countries which have made a mark in development, the share of manufacturing in total Gross National Product is between 35 to 45 per cent. And India cannot become a developed country, India cannot provide all the jobs that our young men and women need outside agriculture, if manufacturing in our country does not grow and grows fast enough.

20. The share of the industrial sector in our national income cannot continue to therefore, remain as low as it presently is. We need a much bigger manufacturing sector to absorb the new generation of youth being added to our labour force. If our manufacturing base has to grow, if employment opportunities have to be created, we must make our labour laws less rigid. Our policies with respect to the industrial sector must be in line with global best practices, especially in countries competing with us in the industrial sector - like China.

21. Therefore, the time has come for us to take stock of our labour laws and see how best we can in fact serve the interests of our working people, especially the vast mass of low-skilled, unemployed youth who are looking for jobs in the manufacturing sector. I am convinced that we can create and we must create, new employment opportunities without compromising on basic labour rights and welfare. I think Shri Gurudas Dasgupta referred to labour rights. It is the duty and the obligation of the Indian State to protect the rights of the working classes. Therefore, there cannot be any dilution in that commitment. I am sure the Arjun Sengupta Commission on Enterprises in the Unorganized and Informal Sector will address the relevant issues in the unorganised sector.

22. Greater social security for the working people must go hand in hand with a more flexible labour policy so that workers can deal with the ups and downs of a well-functioning market economy. No Government can ignore, or neglect the welfare of the working class, least of all UPA Government. We are obliged to protect the interests of those who have nothing more than their labour power to feed their families, educate their children and find a shelter for themselves. Equally, a Government must ensure that its policies serve the greatest good of the largest number by encouraging enterprises to create employment opportunities on a wide enough scale. This is the challenge at hand.

23. In conclusion, let me say that I do regard the Indian Labour Conference as an important tripartite platform, because Government has to work with both industry and labour to take the economy forward. I do believe that the trade union movement has played a very important role in our national development. Trade unions are an integral part of the functioning of our social democracy. I seek their cooperation in taking our nation forward. I do urge our trade union leadership to recognize that in a world where demand and technology are undergoing rapid change and firms must adjust or perish, we need reasonable flexibility in markets and in public policy and our public policy must respond to such needs with speed. I do sincerely believe that such an approach will be in the best interests of promoting the growth of employment opportunities.

24. I also urge industry to be mindful of the need to create employment opportunities. In the past some of our policies induced a bias in favour of capital-intensive technologies. I do believe that our economic policies have recently sought to correct this imbalance to an extent and there is greater incentive today for our economy to derive the benefits of adequate labour supply. Our Government is committed to employment generation and to strengthening the manufacturing base in our country. Industry and labour must work together and ensure a climate of industrial peace and good industrial relations.

25. Leaders of the trade unions have referred to several issues. I don't have the time to respond to each one of them. But I have taken note of the views that have been expressed with regard to the interest rate on the Employees' Provident Fund and I do recognize that a falling interest rate does reduce the returns to individuals and can cause hardship to the people at the lower rung of social and economic ladder. But, all I can say at this moment is that I will have to discuss this matter with the Labour Minister, with all the concerned officials,



to examine to see what can be done on this matter within the resources of Employees Provident Fund organization. As regards regular exchange of views with the trade unions, I do recognize that there has been some omission on the part of the Government. We will, I think, seek to correct that. I do regard the Trade Unions as an integral part of our functioning; social democracy and therefore, consultations with the representatives of the workers must be given the prominence it deserves. I think we will try to make up for past deficiency.

26. With these words, I wish your Conference all success. I hope the 40th session of the Indian Labour Conference will contribute to the task of nation building.

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**40<sup>th</sup> SESSION OF THE INDIAN LABOUR CONFERENCE**  
**(NEW DELHI- 09 - 10 December-2005)**

**LIST OF PARTICIPANTS**

- |    |  |   |                                      |
|----|--|---|--------------------------------------|
| 1. | Shri K. Chandrashekar Rao,<br>Union Labour & Employment Minister | - | Chairman                             |
| 2. | Shri Girish Awasthi, President, BMS                              | - | Vice Chairman<br>(Workers Group)     |
| 3. | Shri R.K.Somany, President, CIE                                  | - | Vice Chairman<br>(Employers Group)   |
| 4. | Shri Md. Amin, Labour Minister,<br>Govt. of West Bengal          | - | Vice Chairman<br>(State Governments) |

**WORKERS' GROUP**

**DELEGATE**

**ADVISER**

**BHARTIYA MAZDOOR SANGH (5 Seats)**

1.	<u>Shri Girish Awasthi, President</u> Bhartiya Mazdoor Sangh, <u>2, Navin Market,</u> <u>Kanpur-208001</u>	1.	Shri R.S. Chauhan Vice President BMS, 5239, Ajmeri Gate, Delhi-110006
2.	<u>Shri Uday Rao Patwardhan,</u> General Secretary, <u>BMS, B-1/11, LIC Qtrs, G.K. Road,</u> <u>Pune -411016</u>	2.	Shri P.J. Sounder Rajan Flat No.102 Block G-5, Sector-15, Rohini, Delhi-110085
3.	Shri Hasmukh Bhai Dave Bhartiya Mazdoor Sangh 'Shram Sadhana' Opp. Municipal Water Tank, Gondal Road, Rajkot-360002	3.	Sh. Sarvesh Chandra Dwivedi, 554/158/1 Bheem Nagar, Alambagh Colony, Lucknow (UP)
4.	Shri R.V. Subba Rao H.No.12-11-1542 Boudh Nagar, Secundarabad-500061 (AP)	4.	Sh. Surinder Thakur Block-A, Type -II, Sect.-III Richmond, Shimla-171001
5.	Km. Mangalamba Rao 158, 7 <sup>th</sup> Main, Byrasandra, Jaya Nagar, Bangalore-560011(Karnataka)	5.	Sh. Vidyadhar Pathak Bhartiya Postal Employees Federation T-21, Atul Grove Road, New Delhi-110001

**INDIAN NATIONAL TRADE UNION CONGRESS (4 Seats)**

1.	Shri Rajendra Prasad Singh, General Secretary , INTUC INTUC Office , Makchund Toli, P.O. Chutla, Ranchi-334001	1.	Shri Basudev Sharma, Editor, Indian Worker Publication, 4, Bhai Veer Singh Marg, New Delhi-110 001.
2.	Shri Ashok Singh, Vice-President, INTUC, A-178, Darulsafa, Lucknow-(UP)	2.	Shri C.P. Singh, Working Committee Member, INTUC, 166/2, URMU New Delhi-
3.	Shri Nirmal Ghosh, Org. Secretary INTUC, 2, Iswar Chatterjee Road, Sodepur, North 24-Parganas, Kolkata-700 110, West Bengal.	3.	Shri S.S. Chouhan, Secretary, INTUC, A-4/27, Sector-16, Rohni- New Delhi-34
4.	Shri K. Suresh Babu, Secretary, INTUC, INTUC Office, Kollam (Kerala)-691001	4.	Shri K.A. Manoharan, Permanent Invitee, INTUC 82, Main Road, Hossur-635109

**CENTRE OF INDIAN TRADE UNIONS (3 Seats)**

1.	Dr. M.K. Pandhe, President, Centre of Indian Trade Unions, B.T. Ranadive Bhawan, 13-A, Rouse Avenue, New Delhi-110002.	1.	Shri Dipankar Mukherjee, Secretary, Centre of Indian Trade Unions, West Bengal State Committee, 53, Acharya J.C. Bose Road, Kolkata-700016
2.	Shri Chittabrata Majumdar, M.P. General Secretary, Centre of Indian Trade Union West Bengal State Committee, 53, Acharya , J.C. Bose Road, Kolkata –700016	2.	Mr. Tapan Sen, Member, General Council CITU, B.T. Ranadive Bhawan, 13-A, Rouse Avenue, New Delhi
3.	Shri W.R. Varada Rajan Secretary, CITU AE-113, Tenth Main Road, Annanagar, Chennai-600040	3.	Shri Raghunath Singh, Vice President, CITU, Punjab State Committee, Cheema Bhawan, Sector 30 B, Chandigarh, (Punjab)

**HIND MAZDOOR SABHA (2 Seats)**

1.	<u>Shri Thampan Thomas</u> <u>President,</u> Hind Mazdoor Sabha "Anamala" Market Road, Kochi-682011 (Kerala)	1.	Shri Harbhajan Singh Sidhu Secretary Hind Mazdoor Sabha 1181, Sector 43-B Chandigarh-160022
2.	Shri A.D.Nagpal, Secretary Hind Mazdoor Sabha 1 <sup>st</sup> Poddar Estate, Malad(E) Mumbai-400097	2.	Shri R.A. Mital Secretary Hind Mazdoor Sabha 120, Babar Road, New Delhi-110001

**ALL INDIA TRADE UNION CONGRESS (1 Seat)**

1.	Shri Gurudas Das Gupta, General Secretary, 78, Chetia Road, Kolkata-700 029.	1.	Shri S.N.Thakur, Secretary, 24, Canning Lane, New Delhi-110 001.
		2.	Shri D.L.Sachdev, Secretary 24, Canning Lane, New Delhi-110 001.
		3.	Shri G.L.Dhar, Secretary

**UNITED TRADE UNION CENTRE (LENIN SARANI) (1 Seat)**

1.	Shri Krishna Chakraborty, Vice President 77/2/1, Lenin Sarani, Kolkata-700 013.	1.	Shri Sankar Saha Secretary UTUC Lenin Sarani, 77/2/1, Lenin Sarani, Kolkata-700013
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**UNITED TRADE UNION CONGRESS (1 Seat)**

1.	Shri Ashok Ghosh, General Secretary, UTUC, West Bengal State Committee, 249, B.B.Ganguly Street, 1 <sup>st</sup> Floor, Kolkata-700 012.		
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**NATIONAL FRONT OF INDIAN TRADE UNIONS (1 Seat)**

1.	Shri Naren Sen, President, NFITU,	1.	Shri O.P.Verma, Senior Vice President, NFITU,
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	10, Government Place East, Kolkata-700 069		BA-4E, Munirka Flats, New Delhi-110 067.
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**EMPLOYERS' GROUP**

**DELEGATE**

**ADVISER**

**COUNCIL OF INDIAN EMPLOYERS (9 Seats)**

1.	Shri R.K.. Somany , Chairman- CIE & CMD, Hindustan Sanitaryware & Industries Ltd., P.O. Jhajjar-124507	1.	Shri B.C. Prabhakar, Working President Karnataka Employers Association 74, Shankara Arcade, Vanivilas Basavanagudi, Bangalore-4
2.	Shri I.P.Anand, Chairman, Corporate Shivthane Centre, 16, Nizamuddin East, New Delhi.	2.	Shri A.K. Rauniar , General Manager (HR) IOCL, SCOPE Complex Core-2, 7, Lodhi Road, New Delhi-110003
3.	Mr. K.M. Gherda, President –EFI & Chairman, Kotak Mahindra Bank Ltd., “Baktawar” 2 <sup>nd</sup> Floor, Behind Oberoi Nariman Point , Mumbai-400021	3.	Shri Michael Dias, Secretary, The Employers Association Delhi 54 Kailash Kunj , GK-I New Delhi
4.	Mr. Raji Philip, Vice Chairman, SCOPE & CMD, HPCL 75-C, Park Street, Kolkata-700016	4.	Shri T.M. Jawaharlal , Secretary The Employers’Federation of Southern India, “Karmuttu Centre, 1 <sup>st</sup> Floor, 634 (old No.498) Anna Salai, Chennai-600035
5.	Dr S.M. Dewan, Director General SCOPE, SCOPE Complex, 7, Lodhi Road, New Delhi-110003	5.	Shri. B.P. Pant, Secy, (Coord., ) Council of Indian Employers Federation House, Tansen Marg, New Delhi-110001
6.	Mr. Sharad S Patil, Secy. General The Employers Federation of India Army & Navy Building , 148, M.G. Road, Mumbai-400001		

**ALL INDIA MANUFACTURERS' ORGANISATION (3 Seats)**

1.	Shri Babulal B. Todi, President –AIMO M/s. Todi industries Ltd., Todi Estate, Sun Mill Compound, Lower Parel, Mumbai-400013	1.	Shri Sudarshan Sareen, Chairman, (DHP Regional Board) 10/6, Nehru Enclave East, Kalkaji, New Delhi-110019
2.	Shri G. Ramanand, Secretary, AIMO, GF-01, Crescent Classic 105, Wheeler Road, Cooks Town, Bangalore-560005	2.	Shri R.J.Majithia, Advisor, 28, Jagan Path, Chonnu House, Jaipur-302 001.

**LAGHU UDYOG BHARTI (3 Seats)**

1.	Shri Vishram Jamdar, President, Laghu Udyog Bharti, Kinetic Gears, 101, Verma Layout, Nagpur-440033	1.	Shri Madhu Sudan Dadu M/s. Apsom Infotex Ltd., A-55, Sector-4, Noida (UP)
2.	Er. Sushil Kumar Gupta, National General Secretary		
3.	Laghu Udyog Bharati, M/s. Fastners India, No.10, Engineers Complex, Raibareilly-229010  Shri Jitinder Gupta, 181, Pitambra Appartment, Rachna Nagar, Bhopal –462023		

**CONFEDERATION OF INDIAN INDUSTRIES (1 Seat)**

1.	Shri D.L.Sharma, Executive Director, Representative of Confederation of Indian Industry, 23, Institutional Area, Lodi Road, New Delhi-110 003.	1.	Shri Mohit Gandhi, Deputy Director, Confederation of Indian Industry, 23, Institutional Area, Lodi Road, New Delhi-110 003.
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**FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY (1 Seat)**

1.	Shri O.P.Lohia, Sr. Executive Member, FICCI, CMD, Indo Rama Synthetics (I) Ltd., Dr.Gopal Das Bhawan, 28, Barakhamba Road, New Delhi.	1.	Shri D.R.Datta, Senior General Manager, Osram India Pvt. Ltd., Delhi Road, Sonepat, Haryana.
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**THE ASSOCIATED CHAMBERS OF COMMERCE & INDUSTRY OF INDIA (1 Seat)**

1.	Shri Vineet Virmani Chairman, ASSOCHAM Expert Committee on HRD, Managing Director S.P. Virmani & Son Pvt. Ltd, 15, Golf Links, New Delhi-110003	1.	Shri M.K. Garg, Senior Advisor (HR) ASSOCHAM Corporate House, 147-B, Gautam Nagar, Gulmohar Enclave, New Delhi
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## STATE GOVERNMENTS

### DELEGATE

### ADVISER

#### ANDAMAN & NICOBAR ISLANDS

1.	Shri Kailash Chandhra, Secretary (Labour) A & N Administration Secretariat, Port Blair-744101	1.	Shri Avtar Singh, Labour Commissioner Supply line, Port Blair-744101
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#### **ANDHRA PRADESH**

1.	Shri G. Vinod, Minister for Labour & Employment, Govt. of Andhra Pradesh.	1.	Shri R. Karikalvalaven, Commissioner of Labour Karmika Sankshma Bhawan, RTC Cross Roads, Hyderabad-500020
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#### **ARUNACHAL PRADESH**

		1.	Dr. S.P. Bhardwaj, Dy. Labour Commissioner, Govt. of Arunachal Pradesh, Naharlagun-791110
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#### **ASSAM**

1.	Shri Rameswar Dhanowar, Minister, Labour & Employment, Assam.	1.	Shri Sat Sang Hojai, Labour Commissioner, Govt. of Assam,
2.	Shri S.K.Srivastava, Principal Secretary, Labour & Employment, Govt. of Assam	2.	Shri Girish Borpatra Goken, Representative of Assam, Govt. of Assam..

#### **BIHAR**

1.	Dr.Md Shakeel Ahmed, Commissioner-Cum-Secretary Labour & Employment & Training Govt. of Bihar, Patna	1.	Shri K.K. Mahto Labour Commissioner –Cum-Director Social Security , Labour & Employment & Training Govt. of Bihar, Patna-
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**CHHATISGARH**

1.	Shri V.K. Kapoor, Chief Secretary Labour & Employment Department, Govt. of Chhatisgarh, Raipur	1	Shri K.C. Saroj, Joint Secretary Labour & Employment Department, Govt. of Chhatisgarh, Raipur.
		2	Smt. Savita Mishra, Labour Welfare Commissioner, Govt. of Chhatisgarh, Raipur.

**DELHI**

1.	Dr. Onkar Sharma, Welfare Commissioner, Delhi Labour Welfare Board, Govt. of NCT of Delhi. DTC Colony, Pratap Nagar, Jail Road, New Delhi.	1	Shri Piyush Sharma, Joint Labour Commissioner Labour Department, 5-Sham Nath Marg, Delhi-54
		2.	Shri J.C. Negi, Joint Labour Commissioner, Govt. of Delhi.

**GOA**

1.	Shri S.K. Jain, Commissioner & Secretary, Labour, Government of Goa, Secretariat, Porvorim-Goa-403501	1.	Shri S.A. Deshpabhu, Commissioner, Labour and Employment, Government of Goa, Shram Shakti Bhavan, Patto Plaza, Panaji-Goa-403001
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**GUJARAT**

1.	Shri V.K. Babbar, IAS Principal Secretary, Labour and Employment Block No.5, 6 <sup>th</sup> Floor, Sardar Bhavan, Sachivalaya, Gandhinagar-382010 -Gujarat		
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**HARYANA**

1.	Ch. Birendra Singh, Finance & Labour Minister, Govt. of Haryana, Chandigarh.	1.	Shri H.S. Mandiwal Add. Labour Commissioner, Govt. of Haryana, Chandigarh.
2.	Smt. Promilla Issar, IAS Financial Commissioner and Principal Secretary to Govt. of Haryana, Labour & Employment Department, Civil Secretariat, Chandigarh-		
3.	Smt. Saroj Siwatch, IAS Special Secretary & Labour Commissioner Govt. of Haryana, Chandigarh.		

**HIMACHAL PRADESH**

		1.	Shri Kashmir Chand, Labour Commissioner, Himachal Pradesh, Shimla-171002
		2.	Shri S.C.Awasthi, Joint Labour Commissioner, Govt. of Himachal Pradesh, Shimla-171 002.

**JAMMU & KASHMIR**

1.	Shri Verghese Samuel, Principal Secretary, Labour & Employment, Govt of J & K.		
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**JHARKHAND**

1.	Shri B.K. Singh, Secretary, Labour & Employment and Training, Govt. of Jharkhand (Ranchi)		
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**KARNATAKA**

1.	Shri Tanveer Sait, Hon'ble Minister of State for Labour & Haj, Govt. of Karnataka.	1.	Shri K.S.Manjunath, Labour Commissioner Department of Labour Govt. of Karnataka Karnataka Government Secretariat, M.S. Building, Bangalore
2.	Mrs. Vatsala Watsa Principal Secretary Department of Labour Govt. of Karnataka Karnataka Government Secretariat, M.S. Building, Bangalore-	2.	Shri S.Manjunatha Shastry, Joint Labour Commissioner, Govt. of Karnataka.

**KERALA**

1.	Shri Babu Divakaran, Minister (Labour), Government of Kerala, <u>Govt.Secretariat, Thiruvananthapuram</u>	1.	Shri C. Mohanan, Additional Secretary to Govt. Labour & Rehabilitation Deptt. Government of Kerala, Govt. Secretariat, Thiruvananthapuram
2.	Shri C.K. Viswanathan, IAS Secretary to Government , Labour & Fisheries Deptt. Government of Kerala,	2.	Shri S. Srinivasan, IAS Labour Commissioner, O/o the Labour Commissioner Thiruvananthapuram
		3.	Sri Joseph Oommen, APS to Minister (Labour) O/o the Minister (Labour) Government Secretariat, Thiruvananthapuram-695001

**LAKSHWADWEEP**

1.	Shri S.K.S.Yadav, Dy. Resident Commissioner, Resident Commissioner Office, U.T. of Lakshadweep.	1.	
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**MADHYA PRADESH**

1.	Shri Jagdish Devda, Labour Minister, Govt. of Madhya Pradesh.	1.	Shri L.K. Pandey Additional Labour Commissioner, Commissioner office Moti Banglow Indore (MP)
		2.	Shri L.P. Pathak Dy. Labour Commissioner Commissioner office Moti Banglow Indore (MP)

**MAHARASHTRA**

1.	Dr. Bhagwan Sahai, Secretary Labour Govt. of Maharashtra, Room No.620 A, 6 <sup>th</sup> Floor, Industries, Energy & Labour Deptt., Mantralaya, Mumbai-400032		
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**MANIPUR**

1.	Shri G.Tombi Sharma, Deputy Labour Commissioner, Govt. of Manipur, Secretariat, Labour Department, Manipur.		
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**MEGHALAYA**

1.	<u>Shri S. Nongrum , Minister</u> Health & Family Welfare, SAD, Sericulture & Weaving, Labour Information & Public Relations, Meghalaya, Shillong.	1.	Shri S.Nonesiej, Officer on Special Duty, Labour Department. Govt. of Meghalaya, Shillong.
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		2.	Smt. R.Lyngdoh, MCS, Labour Commissioner, Govt. of Meghalaya, Shillong.
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**MIZORAM**

1.	Mr. T.B.C. Rozara, Commissioner & Secy, Labour & Employment Deptt. Govt. of Mizoram, Aizaw	1.	
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**NAGALAND**

1.	Shri E. Picho Ngullie, Joint Labour Commissioner, Govt. of Nagaland		
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**ORISSA**

1.	Shri J. Panda, IAS Commissioner-Cum-Secretary, Labour & Employment Department, Orissa Secretariat, Bhubaneshwar.		
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**PONDICHERRY**

		1.	Shri Rattan Singh, Commissioner of Labour, Labour Department,, Gandhi Nagar, Pondicherry-605009
		2.	Shri P.Karunakaran, PS to Labour Minister, Pondicherry.

**PUNJAB**

1.	Ch. Jagjit Singh, Minister Labour and Employment Government of Punjab SCO No.47-48, Sector , 17-E Chandigarh-	1.	Shri Som Parkash. Labour Commissioner, Govt. of Punjab.
2.	Ms. Kusumjit Sidhu, IAS Secretary to Government Punjab, Labour and Employment Deptt. Room No. 523, 5 <sup>th</sup> floor, Punjab Mini Secretariat, Chandigarh-160009	2.	Shri Ramesh Behl, Additional Labour Commissioner, Govt. of Punjab, SCO No.47-48, Sector 17-E, Chandigarh-160017.
		3.	Shri Harish Nayar, Assistant Labour Commissioner,

			Govt. of Punjab, SCO No.47-48, Sector 17-E, Chandigarh-160017.
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**RAJASTHAN**

1.	Dr. Kirodi Lal Meena Minister For Food, Suply and consumer affairs and Labour & Employment and Natural calamities Management Government of Rajasthan ,Jaipur	1.	Shri S.M.Meena, Labour Commissioner, Govt. of Rajasthan.
2.	Shri S.R. Meena, Labour Secretary, Govt. of Rajasthan, Jaipur.	2.	Shri C.B.S.Rathore, Joint Labour Commissioner, Govt. of Rajasthan, Jaipur.
		3.	Shri Bajrang Lal, Addl. Labour Commissioner, Govt. of Rajasthan.

**SIKKIM**

1.	Shri R.K.Purkaystha, Secretary, Labour, Govt. of Sikkim.	1.	Shri Bhisai Rai, Deputy Director,Labour, Govt. of Sikkim.
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**TAMIL NADU**

1.	Shri R. Sellamuthu, IAS Secretary to Govt. Labour and Employment Deptt. Chennai-600009	1.	Shri A.Immanuel Thangarajan, Joint Labour Commissioner,\ Govt. of Tamil Nadu, Chennai-600 009.
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**UTTAR PRADESH**

1.	Shri Anis Ansari , Principal Secretary , Labour Department, Room No. 801, Bapu Bhawan, 8 <sup>th</sup> Floor, U.P. Secretariat, Lucknow	1.	Shri M.N. Siddqui Director of Factories O/o the Labour Commissioner G.T. Road, Kanpur – U.P.
		2.	Shri Sharda Prasad, Commissioner, Labour, P.B. Box No. 220, G.T. Road, Kanpur.
		3.	Shri Shri Ram Singh, Addl. Labour Commissioner, Kanpur.
		4.	Shri V.K.Srivastan, Addl. Labour Commissioner, U.P.

**UTTRANCHAL**

1.	Shri Hira Singh Bisht Hon'ble Minister Labour and Employment, Uttranchal Govt. Vidhan Sabha Uttranchal <u>Dehradun-</u>	1.	Shri J.S.Bisht, Addl. Labour Commissioner, Govt. of Uttranchal, 298, Hingeri Vihar, Ajabpur Khurd, Dehradun.
2.	Shri N.S. Napolchayal , Principal Secretary Labour & Employment Uttranchal Govt. Subash Road, Dehradun (Uttranchal)	2.	Shri G.P.Bahuguna, Adviser, Labour Department, Govt. of Uttranchal.



**WEST BENGAL**

1.	Shri Md.Amin, Hon'ble Minsiter-in-charge, Labour Department, Govt. of West Bengal, Writers Buildings, Kolkata-700 001.	1.	Shri Ravi Kant Labour Commissioner Govt. of West Bengal Writers Buildings , Kolkata-700001
2.	Shri Susanta Ghosh, Hon'ble Minister of State Labour Department Govt. of West Bengal Writers Buildings , Kolkata-700001		
3.	Shri A.M. Chakrabarti Principal Secretary Labour Department Govt. of West Bengal Writers Buildings , Kolkata-700001		

**CENTRAL MINISTRIES/DEPARTMENTS****DELEGATE****ADVISER****MINISTRY OF AGRICULTURE  
DEPTT. OF AGRICULTURE & COOPERATION  
DIRECTORATE & ECONOMICS & STATISTICS**

1.	Shri R.C.Ray, Adviser	1.	Shri M.Singh, Deputy Economic Adviser,
		2.	Shri Sher Singh Economic Officer

**DEPARTMENT OF CHEMICALS & PETROCHEMICALS**

1.	Shri Gopal Krishan, Deputy Secretary, Room No. 235, A-Wing , 2 <sup>nd</sup> Floor, Shastri Bhawan, New Delhi	1.	
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**MINISTRY OF COAL**

1.	Shri B.K.Panda, Director, Ministry of Coal	1.	Shri M.D.Salimuddin, Director (P&IR), Coal India Limited.
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**MINISTRY OF COMMERCE & INDUSTRY, DEPARTMENT OF COMMERCE**

1.	Smt. Aditi Das Rount, Director, Department of Commerce, Udyog Bhavan, New Delhi-110 011.		
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**MINISTRY OF COMMERCE & INDUSTRY O/O THE ECONOMIC ADVISER****D/o Industrial Policy & Promotion**

1.		1.	Shri M.N.Lothe, Economic Adviser, Office of the Economic Adviser, Department of IPP, Room No.245, Udyog Bhavan, New Delhi-110 011.
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**MINISTRY OF COMMUNICATIONS & INFORMATION TECHNOLOGY****D/O INFORMATION TECNOLOGY**

1.	Shri K.M.I. Yusuf, Director (SR) Department of Telecom Room No.921 A, Sanchar Bhawan, New Delhi-110001		
2.	Shri S.S. Midha, Director D/o Information Technology, Electronics Niketan, CGO Complex, New Delhi		

**M/O.FINANCE**

1.		1	Dr.S.C.Pandey, OSD (P&C), Ministry of Finance. New Delhi.
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**M/o.FINANCE, DEPTT. OF ECONOMIC AFFAIRS**

1.	Dr. Tarun Das, Economic Adviser, D/o Economic Affairs, M/o Finance, Room No. 34-A, North Block, New Delhi-110001	1.	Shri B.N. Nanda, Additional Economic Adviser, D/o Economic Affairs, M/o Finance, Room No. 56, North Block, New Delhi-110001
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**MINISTRY OF HOME AFFAIRS (INTER-STATE COUNCIL)**

		1.	Shri B. Nayak, Director Inter-State Council Secretariat Ministry of Home Affairs Vigyan Bhawan Annexe, New Delhi
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**PLANNING COMMISSION**

1.	Dr.M.S.Ahluwalia, Deputy Chairman, Planning Commission, New Delhi.	1.	Shri S.K. Saha Joint Adviser (LEM) Planning Commission, Yojana Bhavan, New Delhi
2.	Shri Shailendra Sharma, Adviser (LEM), Planning Commission Yojana Bhavan, New Delhi-110011	2.	Smt. Padmaja Mehta, Director (LEM) Planning Commission Yojana Bhavan, New Delhi-

**DEPARTMENT OF POSTS**

1.	Shri Subhash Chander, Director (SR & Legal ) Room No. 319 Dak Bhawan, Sansad Marg, New Delhi		
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**DEPTT. OF PUBLIC ENTERPRISES**

1.	Shri P.C. Cyriac, Dy. Secretary, Public Enterprises Bhavan, Block No. CGO Complex, Lodi Road, New Delhi	1.	Shri P.J. Michael, Under Secy., Public Enterprises Bhavan, Block No. CGO Complex, Lodi Road, New Delhi
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**MINISTRY OF RAILWAYS**

		1.	Shri A.K. Nigam, Chief Personnel officer, Southern Railway,
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			Chennai-
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**DEPTT. OF FERTILIZERS**

1.	Shri R.C.Meena, Deputy Secretary, D/o.Fertilizers, Shastri Bhavan, New Delhi.	1.	
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**MINISTRY OF ROAD TRANSPORT & HIGHWAYS**

1.	Shri S.M. Basak, Superintending Engineer M/o Shipping, Road Transport & Highway , D/o Department of Road Transport & Highway, Transport Bhawan, New Delhi	1.	
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**DEPARTMENT OF SMALL SCALE INDUSTRIES & AGRO & RURAL INDUSTRIES**

		1.	Shri Praveen Mahto, Additional Economic Adviser (AEA) O/o. the Development Commissioner (SSI), Room No. 723-A Nirman Bhawan, New Delhi
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**MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT**

1.	Shri J.S.Kochar, Director	1.	
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**MINISTRY OF TEXTILES**

1.	Shri S.A. Baba, Director M/o Textiles, Room No. 231-A) Udyog Bhawan, New Delhi	1.	
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**KHADI & VILLAGE INDUSTRIES COMMISSION**

1.	Shri S.K.Sinha Director , Khadi Co-ordination, KVIC, 3, Irla Road, Ville Parle (W), Mumbai-400056		
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**National Commission for Enterprises in the Unorganised Sector (NCEUS)**

1.	Dr.K.P.Kannan,	1.	Shri Mahesh Kumar,
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Member, NCEUS, New Delhi.	2.	Director. Shri D.P.Singh, Under Secretary
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**MINISTRY OF LABOUR & EMPLOYMENT**

1. Shri K.M.Sahni, Secretary
2. Shri J.P.Singh, Additional Secretary
3. Shri H.N.Gupta, Labour & Employment Adviser
4. Shri K.Chandramouli, Joint Secretary
5. Shri J.P.Pati, Joint Secretary
6. Shri K.K.Mittal, DGE&T
7. Shri S.K.Mukhopadhyay, CLC
8. Shri Manohar Lal, DGLW
9. Shri Ashok Sahu, Economic Adviser
10. Shri Suresh Chandra, Legal Adviser.
11. Shri Manoranjan Kumar, Director (IR)
12. Shri A.V.Singh, Director.
13. Shri Harcharan Singh, Director.
14. Shri C.A.Bhaskaran, Director.
15. Ms.Vineeta Aggarwal, Director
16. Shri Suraj Bhan, Director.
17. Shri K.C.Jain, Director.
18. Shri H.C.Gaur, Deputy Secretary.
19. Dr.Shakuntla, Controller of Accounts.
20. Shri Shersha, Under Secretary.
21. Shri T.A.Srinivasan, Under Secretary, DGLW
22. Ms. Simmi Chaudhary, Dy.Director.
23. Shri O.P.Dahiya, Deputy Director.
24. Shri Kishori Lal, Assistant Director.
25. Shri Shakil Alam, Assistant Director.
26. Mrs.Urmila Goswami, Section Officer, RW.
27. Shri S.K.Saxena, DG, FASLI.
28. Shri B.Bhattacharjee, DGMS
29. Shri V.Vinod Kumar, Dy. Director, DGMS
30. Shri A.K.Megharaj, DGMS
31. Shri R.I.Singh, DG, ESIC.
32. Shri Balram, DG, Labour Bureau.
33. Shri Bhaskar Mishra, Deputy Director, Labour Bureau
34. Shri Anjan K. Dutta, Joint Director, ESIC
35. Shri A.J.Pawar, Insurance Commissioner, ESIC.
36. Shri Ram Parshad, Director, ESIC
37. Shri M. Sundar Raman, Director, ESIC
38. Dr.S.K.Jain, ESIC.
39. Shri V.Parameswaran, Director, CBWE.
40. Shri R.K.Pant, Zonal Director, CBWE.
41. Shri Puneet Gautam, Education Officer, CBWE.

42. Shri K.Sethuram, O/o.CLC
43. Shri P.K.Mohanadasan, PS to CLC
44. Shri A.A.Gilani, Dy. CLC, O/o.CLC
45. Smt.Mary C.Jaikar, Dy.CLC
46. Shri P.P.Sarkar, Dy.CLC
47. Shri A.N.Mehrotra, RLC (C), O/o.CLC
48. Shri S.K.Chand, RLC (C), O/o.CLC
49. Shri V.P.Ramaiah, RPFC, EPFO.
50. Shri M.L.Meena, Addl. CPFC.

#### **SPECIAL INVITEES AND OBSERVERS**

1. Dr.S.Balakrishnam Raju, Chairman, Central Advisory Contract Labour Board,
2. Shri A.M.Bhardwaj, DG, Mahatma Gandhi Labour Institute, Gujarat.
3. Shri Manali Shah, SEWA
4. Shri K.S.Ravichandran, Programme Officer, ILO, New Delhi.
5. Shri Pong-SuL Ahn, Senior Specialist on Workers' Activities, ILO, N.Delhi.
6. Ms. Anjana Chellam, Programme Officer, ILO, New Delhi.
7. Shri Marc Socquet, ILO, New Delhi.
8. Shri Hironari Onishi, Technical Officer, ILO, New Delhi.
9. Ms. Renu Vinod, Centre for Civil Society, New Delhi (NGO)
10. Md.Salimuddin, Director (P&IR), Coal India Limited.
11. Shri Ram Mohan, Addl. Director (Pers.), SAIL, New Delhi.