

New Labour Codes of India
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Lecture 05
National Labour Commission Reports

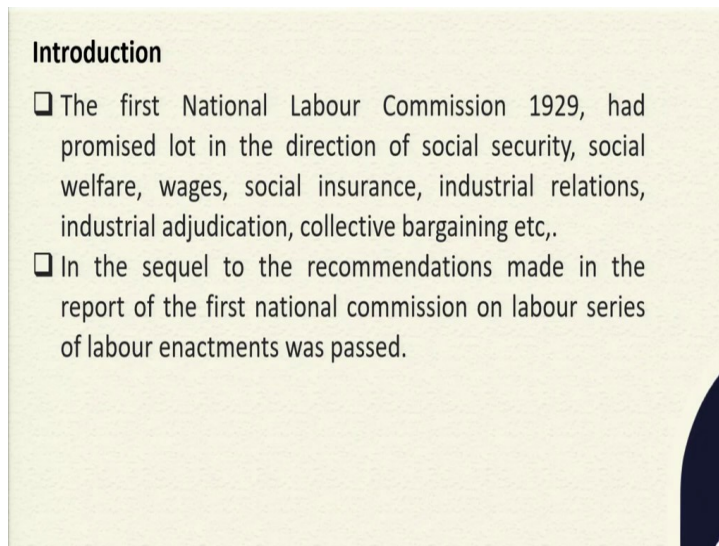
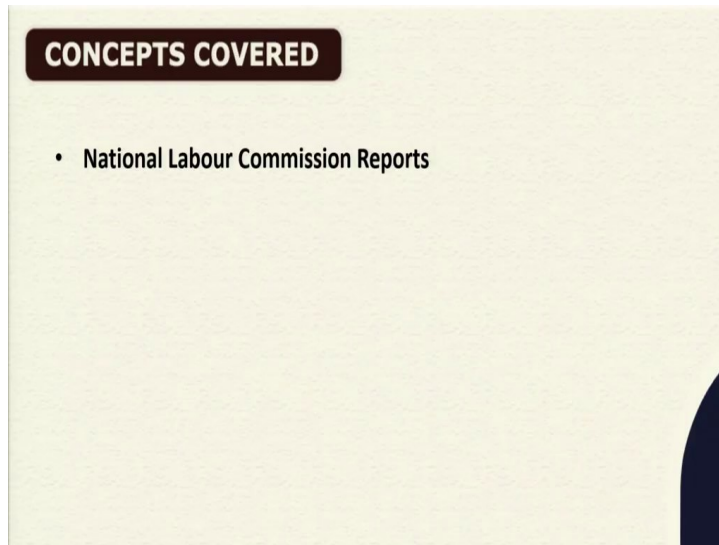
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Dear students, this class we are going to discuss the various Labour Commission reports, including the Royal Commission Report before independence. So, these National Labour Commission reports laid down the basic criteria or recommended the basic provisions or various legislations for various Social Security legislations which led to the passing of various Social Security legislations.

So, we will have to look into their recommendations, which lead to the legislation of various what are those legislations which they are enacted, due to these particular recommendations. And their recommendations are very important in post-independent India at that time, because most of the Social Security legislation we saw in the last class was enacted due to the recommendations of this particular committee.

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So, we can see that the Labour Commission reports are very important from the perspective of the passing of this various legislation. So, they have made a contribution to passing these particular legislations. So, in pre-independent India, the Royal Commission or we can say the first national Labour commission as far as India is concerned. So, it was constituted by the Britishers at that point of time in 1929.

So, it has taken into consideration of various areas like Social Security, social welfare, wages, social insurance, industry relations, industrial adjudication, collective bargaining and all the areas, all the areas of we can see that the Labour legislations and also the commission recommendations, even Britishers have made the draft legislations which is for the fulfilment of these particular recommendations of the Royal Commission.

So, that is why for example, we can find the workmen Compensation Act or which was much before the commission was formed in 1929. So, the Workmen Compensation the enactment was 1923. In 1926, the Trade Union Act. So, the Commission came in 1929, and a series of drafts were made after that.

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Introduction

- ❑ The labour laws of independent India derive their origin, inspiration, and strength partly from the views expressed by important nationalist leaders during the days of national freedom struggle, partly from the debates of the Constituent Assembly and partly from the provisions of the Constitution and the International Conventions and Recommendations.
- ❑ The Labour Laws were also influenced by important human rights and the conventions and standards that have emerged from the United Nations.
- ❑ These include the right to work of one's choice, right against discrimination, prohibition of child labour, just and humane conditions of work, social security, protection of wages, redressal of grievances, right to organize and form trade unions, collective

And you can see the full fledged implementation happened after India became independent in 1947, independent India. So, you can see that all the Labour legislation or I would say that social legislation, we are looking into the welfare of workers when we made the Indian when the constitutional assembly was ever discussed about the Indian constitution. So, these objectives can be reflected in part 3 and part 4 of the Indian constitution.

So, that is the Fundamental Rights and also in the Directive Principles of State Policies, this can be found. And also we can see that the Indian Labour laws are greatly influenced by international conventions like the Universal Declaration of Human Rights and also various other conventions of ILO standards and also the various resolutions of the United Nations for the welfare of workers or the working class.

So, for example, the case right to work of one's choice, right against discrimination, prohibition of child labour, just and human conditions of work, protection of wages, redressal of grievances, try to organize and form unions or associations, the collective bargaining power all these can be considered as part of basic human rights.

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Introduction

- ❑ **National Commission on Labour** is an Indian statutory body to recommend the changes in the labour laws.
- ❑ The first National Commission on Labour was set up on 24 December 1966 under the Chairmanship of *Justice P.B. Gajendragadkar*.
- ❑ The Commission submitted its report in August 1969 after a detailed examination of all aspects of labour problems, both in the organised and unorganised sectors.
- ❑ The first National Commission on Labour recommended that a **works committee** be set up in any unit which has a recognized union.

So, in this background, so, we can see that the first labour commission or National Commission on labour was set up in 1966 by the government under the chairmanship of Justice P.B. Gajendragadkar. So, this national labour commission was constituted as a statutory body to recommend changes in the existing labour laws at that point of time. So, the commission has taken the task very seriously and has come out with the draft, so many draft legislations. So, our focus is going to look into what are they. What were those recommendations? And also the formation of various administrative committees.

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1st National Commission on Labour

- ❑ **Recommendations on Employment Service Administration**
- ❑ Uniform standards, policies and procedures will be needed in all States to enable the National Employment Service to work as a well-knit and coordinated organisation throughout the country.
- ❑ Programmes for (i) occupational research, (ii) vocational guidance and employment market information, (iii) special surveys and studies, and (iv) forecasting of manpower supply and demand, should be speeded up.
- ❑ The National Employment Service has to be strengthened to help efficient utilisation of manpower and particularly critical skills required for planned economic growth. The national character of the service should be fostered and strengthened for this purpose.
- ❑ Provision of gainful employment to physically handicapped/disabled persons should form part of an enlightened social policy.
- ❑ To the extent possible, employers should accept it as a matter of industrial ethics to rehabilitate persons disabled because of industrial accidents. Rehabilitation Homes for the physically handicapped should be provided jointly by employers and the Government.

And also the Social security provisions. So, we will discuss this under various hits. So, first, we will see the recommendations on the service administration. So, the commission the

Gajendragadkar Committee, the Commission, the Labour Commission has recommended uniform standards for national employment service throughout the country. So, uniform standards and policies and procedures for working of labour throughout the country.

And in order to achieve this particular objective, various programmes are implemented by the government on Occupational Research, vocational guidance employment, market information, special surveys and studies, forecasting of manpower supply and demand and all these are included as programmes. So, National Employment Service.

So, the Commission recommended that this National Employment Service has to be strengthened for the efficient utilization of the manpower and especially the skilled manpower because if there is no skilled manpower, the economic growth like achieving economic growth is very difficult. So, if there is no policy for the creation of skilled manpower, then the industry is going to be suffered, the productivity of the industry is going to be suffered and there is a deficiency of skilled manpower and also provisions for employment to physically handicapped, disabled persons and they are part of an enlightened social policy.

And also, we can see that some of the other recommendations like employees should accept as a matter of industrial ethics to rehabilitate persons disabled because of industrial accidents. So, the rehabilitation, and constitution of rehabilitation homes for the physically handicapped, jointly should be provided by the employees and the government. So, all the duties cannot be cast upon the government. So, the employees also must be they must cooperate with the government for the constitution of these particular institutions.

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1st National Commission on Labour

Recommendations on Holidays

- Uniformity in the number of paid national and festival holidays is desirable.
- Every employee should be allowed in a calendar year 3 national and 5 festival holidays.
- The penal provisions should be made stringent so that their deterrent effect is felt. Serious offences should be made cognizable.

And other important recommendations including holidays. So, it says uniformity in the number of paid national and festival holidays. Still, we have these national holidays, paid national holidays. So, it says every employee should be allowed in a calendar year, 3 national and 5 festival holidays. So, now, we know that the number of holidays has even increased to 15 the total number of holidays and also recommended penal provisions for the violators and also some of the serious offences are made cognizable offences so that the enforcement of these provisions can be effective.

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1st National Commission on Labour

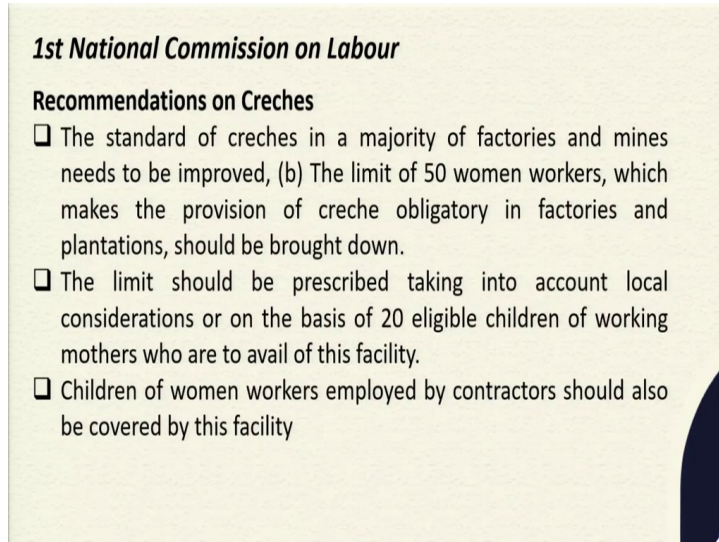
Recommendations for Welfare Officers

- The welfare officer has to be a maintenance engineer on the human side; he does not have job satisfaction at present, since welfare is not accorded adequate importance in an industrial unit.
- His presence is treated more as a statutory requirement to be tolerated. The officer should not be made to handle, on behalf of management disputes between management

So, if you look into the recommendations, the commission has recommended for appointment of welfare officers or maintenance engineers. So, because the welfare officers are part and

parcel of the industry harmony or industrial relations so the post welfare officer is made a statutory requirement in certain establishments. So, these welfare officers are entrusted to take care of all the welfare activities of the workers in an establishment.

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1st National Commission on Labour

Recommendations on Creches

- ❑ The standard of creches in a majority of factories and mines needs to be improved, (b) The limit of 50 women workers, which makes the provision of creche obligatory in factories and plantations, should be brought down.
- ❑ The limit should be prescribed taking into account local considerations or on the basis of 20 eligible children of working mothers who are to avail of this facility.
- ❑ Children of women workers employed by contractors should also be covered by this facility

And the most innovative recommendations at that point of time were the creches facilities for children and if there are 50 women workers in an establishment it is a statutory obligation of the employer to provide creches facilities. So, this is not only applicable to factories, it is applicable to mines, it is applicable to plantations and it is applicable to other establishments to provide creches facilities wherever there are 50 women workers working.

So, this is one provision which provided that immediately after, the maternity leave the women workers can join for working and also you can see that this particular provision is provided to the children of women workers those who are employed by contractors covered by this particular facility.

So, the back-end benefit if you can see here see that if the creches are very near or creches inside the establishment, there are nursing breaks to be provided. So, this is also a statutory provision. So, the recommendation of creches at that point of time was very innovative in nature and still, these particular provisions are followed by creches facilities.

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1st National Commission on Labour

Recommendations on Canteens

- a) Even after years of development, canteen and rest shelters have not received adequate attention from management,
- b) The present employment limit for making the employer set up a canteen compulsorily should be brought down to 200 in units where there is an established demand for a canteen from a majority of workers.
- c) It should be automatically obligatory on the employer to provide a canteen whenever the employment exceeds the prescribed limit. The need for notifying the establishment should be done away with.
- d) Establishments which operate over a wide area should consider the running of a mobile canteen,

Canteen facilities because in larger establishments canteen facilities so as I said that these are canteen facilities and rest shelters have no adequate attention or the employees are not provided adequate attention to rest places. So, the commission recommended canteens.

So, you can see that there is a certain ceiling of the number of working so the canteen has to be provided with establishments those who are working some prescribed number of workers. So, it is the statutory obligation of the employer to provide canteen facilities. So, you can see that some establishments operate mobile canteen.

So, it is this particular facility is provided to the workers as a welfare mission and also certain provisions for providing balanced meals by these particular canteens. Most of the industry canteens work on subsidized rates. So, ultimately the objective is the welfare of the workers.

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1st National Commission on Labour

Recommendations on Factories

- a) Effective steps should be taken for periodic medical examination of factory workers so that timely diagnosis and treatment of occupational diseases will be possible. This should be a charge on the employer ; in respect of non-occupational diseases, medical examination and treatment should be the responsibility of the Employees' State Insurance Corporation,
- b) Standards of schooling facilities available in the welfare centres run by Government should be improved and new schools set up. Employers should provide scholarships to deserving children of their workers.

And if you look into certain specific recommendations of factories, certain steps for periodical medical examination of the factory workers to find out occupational diseases. So, these medical examinations have to be done by the employees. So, it is the responsibility of the employer to do this particular medical test from time to time. If an occupational disease is found then it can be treated under the ESI act.

And another provision of welfare provision is the schooling facilities. Schooling facilities other than the schools provided by the governments. So, the bigger establishments provide schooling facilities for the children of workers and also provide scholarships to the deserving children of workers. So, we can see that most of the schools established by the Britishers during their time is in plantation areas. So, wherever they run their factories, so, they set up schools as well. So, in post-independent India, it is made statutory to provide schooling facilities.

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1st National Commission on Labour

Recommendations on Mines

- a) A General Miners' Welfare Fund should be created to undertake welfare activities in medical, educational and recreational fields in respect of workers in all mines,
- b) Finances for the Fund should be arranged by the levy of a cess based on the prices which the minerals fetch,
- c) What has been said in (b) above should not delay the setting up of welfare funds for certain minerals, the proposals for which are under examination of Government.
- d) Periodic medical check-up of coal miners should be a part of the activity of the Coal Mines Labour Welfare Fund.
- e) Funds should be allotted more liberally for acquiring essential apparatus for detecting and curing diseases.
- f) There should be no discrimination in welfare facilities between persons recruited through the Gorakhpur Labour Organisation and those selected locally. Also, workers recruited through the GLO should have all the privileges which workers selected through other agencies have

And if you look into the special provisions for the mines. So, we can see that mine is the workplace of mine is a highly risky area. So, the provision has to be made in such a way that the worker's welfare is made sure and the welfare fund should be created for the welfare activities of Mineworkers which includes medical, educational, recreational and with respect to all workers in the mines because most of the time they spent underground in the deep mines. So, welfare and even mental recreational facilities are very important.

Then, this particular fund is to be arranged by living a cess based on the prices, what and whatever the minerals, which they carry or minerals they dig out minerals they fetch or these minerals or the mines, for example, the coals, which they dig out and process it. So, setting up of welfare funds. So, the government has to look into whether compulsory or mandatory setting up of these particular funds has failed.

So, these funds should be allotted very liberally for acquiring essential equipment and apparatus and also detecting specific diseases or even purchasing medicines. So, for example, so, no discrimination in welfare facilities to be provided and no discrimination between the workers to be provided in these particular facilities.

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1st National Commission on Labour

Recommendations on Labour Welfare Boards

- a) Constitution of tripartite and autonomous Statutory Labour Welfare Boards, as in some States, has resulted in efficient management of welfare centres and in workers taking adequate interest in the activities of such centres,
- b) Similar Boards should be set up elsewhere,
- c) Trade unions doing approved welfare work should be given subsidies by the Board.

So, most importantly, recommendations for formation or constitution of labour welfare boards, this constitution of these labour welfare boards in the form of tripartite bodies, autonomous statutory labour welfare boards. So, there will not be any much clutches of the government, and the policies can be or the welfare measures can be easily implemented by these particular boards. So, efficient management of welfare centres, efficient management of welfare activities.

So, that the local workers will take adequate interest in such kinds of welfare centres. So, trade unions definitely trade unions are part and parcel of every industry, every establishment. So, welfare activities are also to be taken by these trade unions. So, the funding also can be given to these trade unions to take out or take up welfare activities of workers.

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1st National Commission on Labour

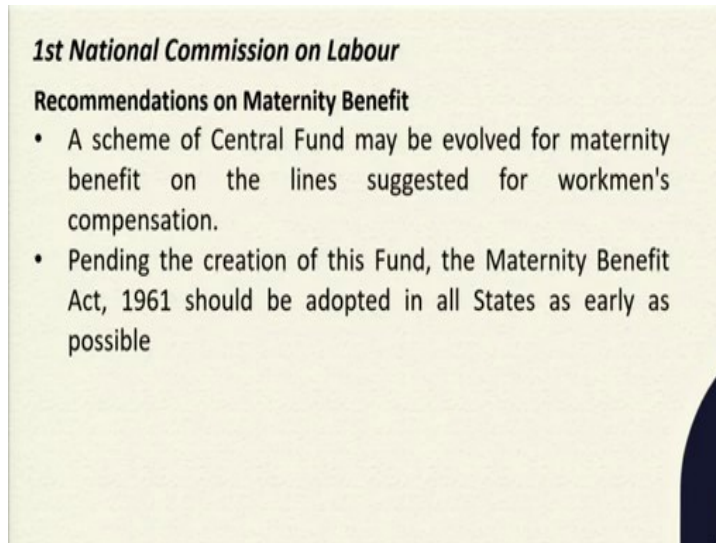
Recommendations on Workmen's Compensation

- a) All workmen, including supervisors employed in the occupations covered under the Workmen's Compensation Act, 1923, should be eligible for compensation for a work injury.
- b) Wage limit for eligibility should be removed.
- c) A scheme of the Central Fund for Workmen's Compensation should be evolved. All employers who are subject to the Workmen's Compensation Act should pay to this fund a percentage of total wage as monthly contributions to cover the cost of the benefit and of administration.
- d) The fund should be controlled by the Employees' State Insurance Corporation.
- e) A similar arrangement in respect of mines may be made by the Welfare Commissioners who control various welfare funds for coal, mica, and iron ore mines.

So, specifically, the recommendation on workmen compensation. So, Workmen Compensation Act was passed in the British time in 1923. So, sufficient amendments are recommended by the commission. So, the wage limit for workmen's compensation has been removed. Now, there is no wage limit for workmen's compensation. Every workman those who met with an accident, met with a disability, met with death, their legal rights are eligible for workmen compensation.

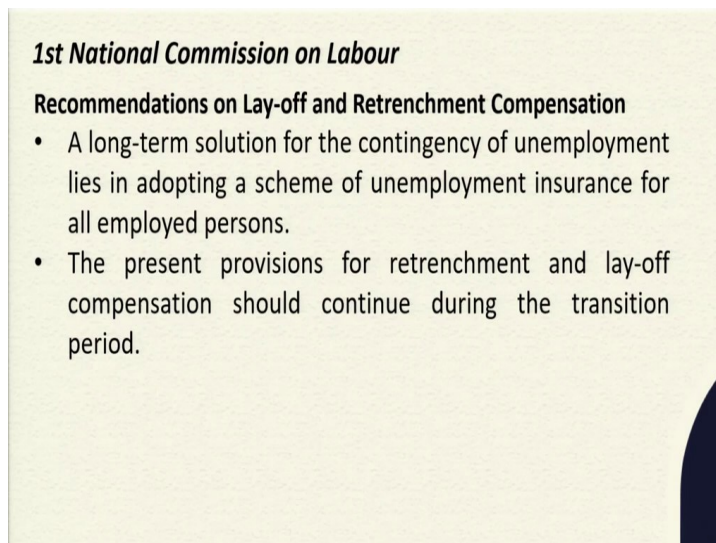
And also, you can see that the fund a percentage of total wages has monthly contributions to cover the cost of benefits and administration. And also, these funds should be controlled by the Employee State Insurance Corporation. So, and are similar arrangements in the case of mines and other areas of like coal or mica or iron or other mines. So, the specific recommendations on amendment of Workmen Compensation Act.

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And also, we can see the recommendations on maternity benefits at that point of time. So, it provides that central fund may be evolved for maternity benefit in the case of workmen compensation, but, we can see that later on this maternity benefit act was passed in 1961. But, there is a liability to pay maternity benefit as well as the workmen's compensation is put on the employees no central funds has been formed for this particular purpose, but the commission has recommended constituting central funds, central organizations for management of these particular funds or providing these welfare measures.

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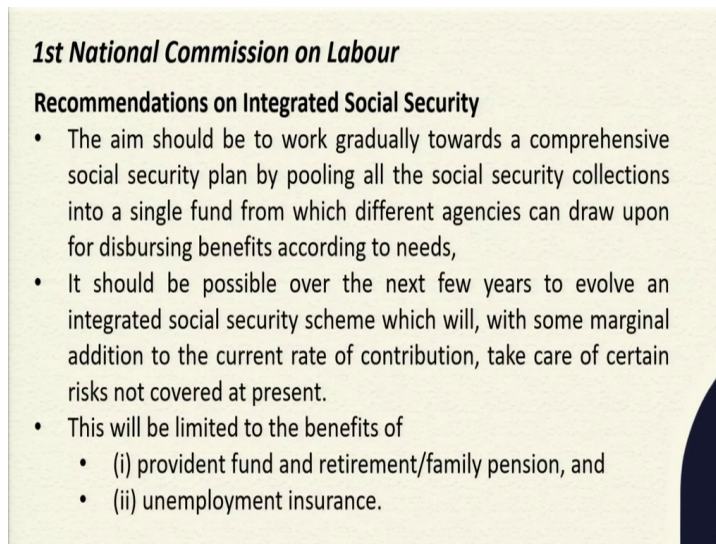
And recommendations specifically on layoff and retrenchment compensations. So, there can be a contingency in the industry. So, for the last more than 2 years, 2 and a half years, the

pandemic is tracked all over the whole world. So, most of the institutions, most of the companies or most of the factories were closed, so, contingencies, so, unemployment during the contingencies is one of the big reasons. So, even without any notifications most of the companies were laid off and most of the companies retrenched their employees.

So, in that case, there must be specific provisions with regard to the contingency of unemployment. So, the Commission recommended unemployment insurance and still after, 74 years of independence still lacking in most industries, unemployment insurance, which is very much prevalent in developed countries. So, if a contingency like a pandemic comes, the employees or the workmen is going to suffer and the employees are unable to provide their salaries or even subsistence relevance.

So, even in 1966 itself the first labour commission recommended unemployment insurance and also in the case of retrenchment and lay of compensations during the period provided for the compensations.

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1st National Commission on Labour

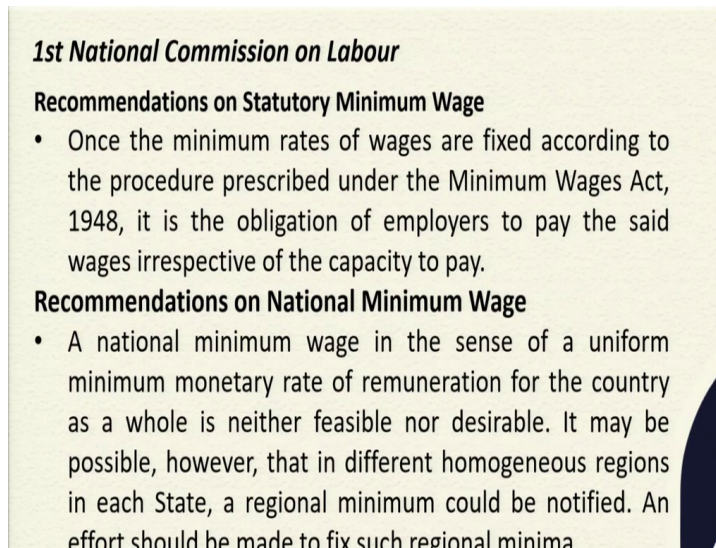
Recommendations on Integrated Social Security

- The aim should be to work gradually towards a comprehensive social security plan by pooling all the social security collections into a single fund from which different agencies can draw upon for disbursing benefits according to needs,
- It should be possible over the next few years to evolve an integrated social security scheme which will, with some marginal addition to the current rate of contribution, take care of certain risks not covered at present.
- This will be limited to the benefits of
 - (i) provident fund and retirement/family pension, and
 - (ii) unemployment insurance.

And if you look into the Social Security. So, the Social Security aim is very clear, comprehensive social security plans. So, by pooling the resources into a single fund. So, the different agencies can draw upon disbursing benefits from the single fund. But I think this recommendation has also not been taken up by the central government at any point of time, there is no central fund, and there is no pulling of funds for various legislations for the implementation of various legislations. So, there are scattered funds under various schemes.

So, and also you can see that the contributions. So, it is by the employer and employee contributions. So, and also certain risks to be covered by the employees from time to time. So, and also these limitations of benefits. So, the Commission recommended that only with the provident fund, family pension and unemployment insurance.

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1st National Commission on Labour

Recommendations on Statutory Minimum Wage

- Once the minimum rates of wages are fixed according to the procedure prescribed under the Minimum Wages Act, 1948, it is the obligation of employers to pay the said wages irrespective of the capacity to pay.

Recommendations on National Minimum Wage

- A national minimum wage in the sense of a uniform minimum monetary rate of remuneration for the country as a whole is neither feasible nor desirable. It may be possible, however, that in different homogeneous regions in each State, a regional minimum could be notified. An effort should be made to fix such regional minima

So, if you look into the statutory minimum wages, the Minimum wage Act has been passed in 1948. But, there was a great disparity existed between the states with regard to minimum wages. So, it means the minimum wage has changed from state to state. So, it is a disparity existed between the state minimum wages and central minimum wages. So, that is going to be I know done away with the floor wage in the new codes. So, it is very interesting to see that the first commission itself recommended a national minimum wage.

That national minimum wage is the uniform minimum monetary rate of remuneration for the country as a whole. So, it is said that it is neither feasible nor desirable at that point of time. So, the commission recommended at that point of time for the regional or we can see that specific local conditions, the states are free to fix minimum wages or the regional minimum wage notified, but we have been done with the state level minimum wages.

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1st National Commission on Labour

Recommendations on Need-based Minimum

- The need-based minimum wage and the wages at the higher levels of fair wage, may and can be introduced by convenient and just phasing, keeping in mind the extent of the capacity of the employer to pay the same.
- This has to be a pragmatic process which the wage-fixing authorities will have to keep in mind.
- In fixing the need-based minimum which is in the range of the lower level of fair wage, the capacity to pay will have to be taken into account.
- Every worker in organised industry has a claim to this minimum and the onus of proving that the industry does not have the capacity to pay it should lie on the employer.

So, the regional wages now, the reality we have never heard of regional wages and the present codes, the new codes are come out with the National floor wages where the states cannot fix minimum wage below the national floor wage and here need based minimum. So, need-based minimum wage and higher levels of a fair wage. So, can be introduced. So, this is in keeping in mind the extent of the capacity of an employer to pay the same. So, I think the commission recommended it in 1966 itself, probably we are implementing it after many years through the new codes.

So, wage fixing authorities, wage fixing is most probably done by one is the government the minimum wages and the other mode is the collective bargaining mode and still, these two modes exist. So, need-based minimum wages. So, there is a lower wage, a fair wage and a higher wage which we never had in the country. So, for every worker organized in the organized industries, the wage structure is more organized but in the unorganized sector, there is no parity. So, I think this recommendation of the commission is going to be implemented through the floor wage in the new codes.

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1st National Commission on Labour

Recommendations on WORKERS' ORGANISATIONS

- The basis on which a trade union should be organised is a matter to be determined by **workers themselves**, in the light of their own needs and experience.
- Formation of craft/occupation unions should be discouraged. Craft unions operating in a unit/industry should amalgamate into an industrial union,
- Where there is already a recognised industrial union, it should set up sub-committees for important crafts/occupations so that problems peculiar to the crafts receive adequate attention.
- Formation of centre-cum-industry and national industrial federations should be encouraged.

So, recommendations specifically with regard to the worker's organizations. So, we can see that the trade unions should be organized and determined and it is run by the workers themselves. So, it means the management of Trade Unions by the workers themselves. So, the different unions, different industrial unions and different recognized industrial unions and also their subcommittees and various occupations are involved.

So, these committees' trade unions have subcommittees and they are affiliated unions to the recognized unions permitted at that point of time. So, the formation of centre cum industry National Industrial Federations are encouraged that is why you can see that the central union, whether it is AITUC or CITU , INTUC and 1000 of affiliated unions.

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1st National Commission on Labour

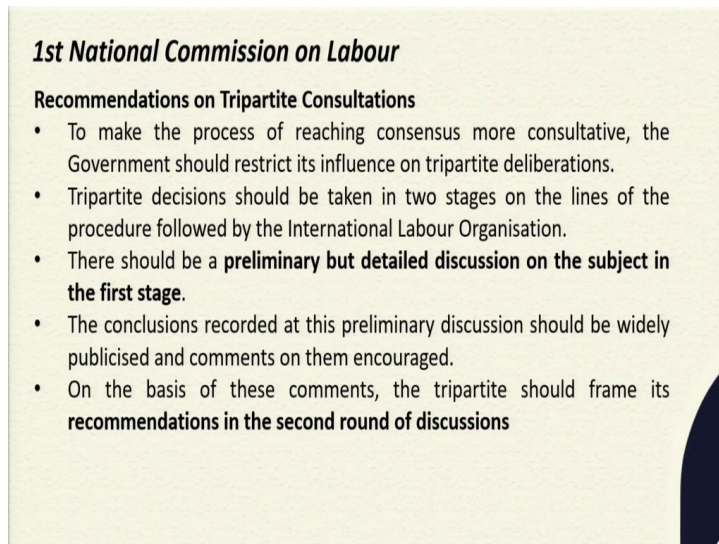
Recommendations on WORKERS' ORGANISATIONS

- Unions should also undertake social responsibilities such as
 - (i) promotion of national integration,
 - (ii) influencing the socio-economic policies of the community through active participation in the formulation of these policies, and
 - (iii) instilling in their members a sense of responsibility towards industry and the community.
- There should be no ban on non-employees holding positions in the executive of the unions,
- Steps should be taken to promote internal leadership and give it a more responsible role
- Internal leadership should be kept outside the pale of victimisation

And workers organizations also we can find that the commission has recommended for the Union should promote national integration and they should influence the socio-economic policies of the committee or socio-economic policies of the community through active participation in the formulation of these particular policies. So, the worker's participation in policymaking and they have a responsibility towards industry, community and also a responsibility towards the society at large and no ban on employees holding positions in the executive of the unions.

So, it means a worker who is working in the factory can be an executive official of a trade union as well. So, that the internal leadership can be promoted. So, here and also to make it official. So, the complete victimisation of these kinds of people can be avoided. So, if anybody is joining trade unions, the victimisation by the employees is to be avoided. So, these recommendations for the worker's organizations are very comprehensive in nature at that point of time and also the commission has recommended tripartite consultations.

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1st National Commission on Labour

Recommendations on Tripartite Consultations

- To make the process of reaching consensus more consultative, the Government should restrict its influence on tripartite deliberations.
- Tripartite decisions should be taken in two stages on the lines of the procedure followed by the International Labour Organisation.
- There should be a **preliminary but detailed discussion on the subject in the first stage.**
- The conclusions recorded at this preliminary discussion should be widely publicised and comments on them encouraged.
- On the basis of these comments, the tripartite should frame its **recommendations in the second round of discussions**

So, the employer, employee, and government tripartite deliberations influence the labour policies and take decisions. So, for all the labour organizations or if it is a tripartite meeting, the decisions can be taken quickly and also there is the dissemination of information and dissemination of knowledge and consent of various activities can be taken into consideration. So, and also you can see that the various kind of discussions with the labour organizations are to be promoted.

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1st National Commission on Labour

Recommendations on Common Labour Code

- Considering the variety of subjects, presently covered under labour legislation it will not be practicable to formulate a common labour code, having uniform definitions all through and applying to all categories of labour without any distinction.
- Since 'labour' will continue in the 'Concurrent List', adjustments to suit local conditions in different States will have to be allowed.
- These adjustments in some cases may not necessarily conform to the letter of a common code.
- In order to bring about a feasible degree of simplification and uniformity in definitions, it should be possible to integrate those enactments which cover subjects having a common objective.
- This will mean a simplification of the existing framework of labour laws.

So, it is again interesting to note that the first labour Commission recommended common labour codes. So, again I want to say that this first recommendation in 1966 has been implemented only in 2019 or when 3 more were out to be notified. So, only after so, many years the government is notified of these common labour codes. So, these common labour codes will consolidate the list.

So, the central list as well as the state list and the concurrent list, but, through these particular codes, the state powers are not going to be taken away, but these common codes simplify the existing framework of labour laws. So, when we look into these, the first labour commission report there is a reason to look into these new labour codes because actually, it is the recommendation of the first labour commission.

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1st National Commission on Labour

Recommendations on Common Labour Code

- There appears to be no valid ground for narrowing the scope of the definition of 'industry' under the I. D. Act, 1947, as it stands today.
- In fact, there is a case for **enlarging its scope so as to cover teaching or educational institutions or institutes, universities, professional firms and offices**, etc., whose employees are at present denied the protection of the provisions of the Industrial Disputes Act.
- However, the definition of 'industry' should be extended in scope by **stages and in a phased manner** over a reasonable period, depending upon the administrative arrangements which could be made to meet the requirements of the law and upon the consideration of a number of other relevant factors.
- The arrangement for settlement of disputes may have to be different in such employments.

And again, we can see that the consolidation which includes Factories Act, which includes the Industry Dispute Act and the scope. So, you can see the scope of extending this particular legislation to various organizations and also whether it is an extension or it is limiting the definition of industry. So, we have large jurisprudence or huge jurisprudence emerged in a period of time on the definition of industry.

So, now, I think through the judicial interpretations, the definition of the industry has been extended or the definition of the industry has been covering so many establishments. So, the industry disputes or the benefits of these employees can be extended to a large number of people.

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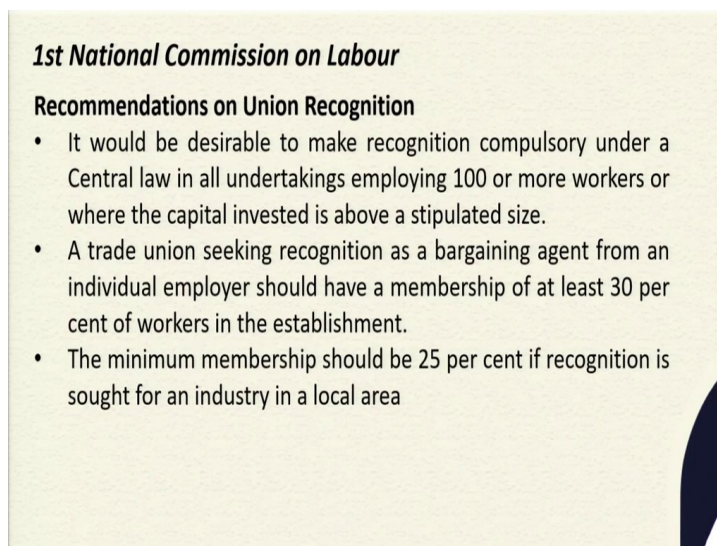
1st National Commission on Labour

Recommendations on Common Labour Code

- The definition of the word 'workman' under the I. D. Act should be based on **functional as well as remuneration criteria**.
- While only managerial and administrative personnel may be excluded irrespective of their salary, supervisory and other personnel whose remuneration exceeds a specified limit could also be reasonably excluded.
- This limit, which is Rs. 500 p.m. at present, could be raised in such a way as to put an end to the present anomaly of very highly paid personnel resorting to industrial action and seeking protection under the provisions of the Act.
- Raising of the wage ceiling will be particularly justified in view.

So, the other recommendations which you can see that the remuneration criteria the definition of workmen now, in the new codes, we can see two definitions one definition is on workmen and another definition on the employee. So, I think all working people are included under these two definitions. So, all the legislations, the post-independence legislation, excluded supervisory or managerial personals or administrative personals or there is a salary ceiling for availing all the social security legislations. Now, in most legislations, the ceilings are increased or it is abandoned. So, a large number of people can be included under these particular social welfare measures.

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1st National Commission on Labour

Recommendations on Union Recognition

- It would be desirable to make recognition compulsory under a Central law in all undertakings employing 100 or more workers or where the capital invested is above a stipulated size.
- A trade union seeking recognition as a bargaining agent from an individual employer should have a membership of at least 30 per cent of workers in the establishment.
- The minimum membership should be 25 per cent if recognition is sought for an industry in a local area

And recommendations on union recognition. So, if you look into these union recognitions. So, if there is a multiplicity of unions in the same establishment it is very difficult to negotiate, even collective bargaining is at a standstill if there is a multiplicity of unions in the same establishment. There cannot be a common stand. It is difficult for different unions to take a common stand on collective bargaining.

So, the commission recommended union recognition at that point of time and one step ahead. The new codes prescribed for negotiating trade unions. So, that will easier for the employer to do discussions or do collective bargaining with the negotiating unions. So, that it will be effective, the decision-making can be effective and the discussions can be effective. There would not be a multiplicity of unions in the same establishment. So, the recommendation for the Union recognition is in 1966.

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2nd National Commission on Labour

- ❑ The second National Commission on Labour was set up on 15 October 1999 under the chairmanship of *Ravindra Varma* which submitted its report to the then Prime Minister Atal Bihari Vajpayee on 29 June 2002.
- ❑ 2nd national commission on labour was in favour of setting up wages boards for fixing wage rates for workers in any industry.

So, we can say that the first labour, commission recommended the worst recommendations are made by and most of the legislations are passed in accordance with the recommendations of the first labour commission. So, the second national labour commission was set up on 15th October 1999 under the chairmanship of Ravindra Varma, who submitted his report in 2002.

So, the second national commission was in favour of setting wage boards for fixing wages and wage rates for workers in the industry. And we know that wage fixing is mostly a problematic area because the centre fixes the central minimum wages for the scheduled industry under the centre list and the states fix the minimum wages for the schedules in the state list.

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2nd National Commission on Labour

Recommendations on Holidays

The Central Government and the State Government should have a uniform policy on holidays, only 3 national holidays be gazetted - namely Independence Day, Republic Day and Gandhi Jayanti Day, two more days may be added to be determined by each State according to its own tradition and apart from these each person must be allowed to avail of 10 restricted holidays in the year, Government holidays should be delinked from holidays under the Negotiable Instruments Act.

And if you look into the second national commission, we saw the holidays you do recommend holidays in the first commission and the second Commission has increased the number of holidays which depends upon the national holidays and also the festival holidays or we can say that the regional holidays or state holidays or government holidays and the commission recommended for delinking the government holidays with the negotiable instruments act.

So, it means that on national holidays commercial establishments need not be closed. So, the holidays are separated into the national holidays, state holidays and also the holidays under the Negotiable Instruments Act. So, this is again, I would say that for doing easing doing business because the commission established has to be worked even on some of the holidays.

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2nd National Commission on Labour

Recommendation on Compensation

There should be flexibility in the hours of work per week and compensation for overtime.

The government may lay down a list of highly paid jobs that are presently deemed as workman category as being outside the purview of the laws relating to the workman and included in the proposed law for the protection of non-workmen.

Another alternative is that the Govt. fix a cut-off limit of remuneration which is substantially high enough, in the present context such as Rs.25,000/- p.m. beyond which employee will not be treated as ordinary "workmen".

And what are the other recommendations of the second commission on compensation? So, you can see the flexibility in working hours on the week you know work per week and compensation for overtime. So, we saw that if flexibility is there in the working time and also the working number of hours per week and overtime is provided for extra work done. So, we can see that the overtime work, overtime wages fixed for a long period of time is double the wages of their usual wage working hours. And also, we can see that the government laid down a list of highly paid jobs.

So, highly paid jobs and also, we can see that the protection of non-workmen and alternatively, it is recommended that the government fix a cutoff limit for remuneration, which is substantially very high. So, beyond which the employee will not be treated as workmen that mean the second Commission only recommended that the highly paid people highly paid so, called people employees should not come under the definition of workmen.

So, that is why probably under the new codes there we can see 2 definitions one is workmen and the other one is employees. So, the highly paid people also come under the definition of employees may not be workmen or type and on legislations.

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2nd National Commission on Labour

Recommendation on Legislation

Existing set of labour laws should be broadly grouped into four or five groups of laws pertaining to:

- i) Industrial relations
- ii) Wages
- iii) Social security
- iv) Safety
- v) Welfare and working conditions and others

Central laws relating to the subject of labour relations are currently the ID Act, 1947, The TU Act, 1926, Industrial Employment (SO) Act, 1946, Sales Promotion Employees (Conditions of Service) Act, 1976.

There is State level legislation too on the subject.

We recommend that the provisions of all these laws be judiciously consolidated into a single law called "The Labour Management Relations Law" or "Law on Labour Management Relations".

So, the present legislations the second Commission has grouped into different legislations, industrial relations, wages, social security, and safety and welfare and working conditions and others. So, you can see that the present four quotes emanated from the recommendations of the second labour commission.

So, presently, there is the Wages code, Industrial Relations Code, Social Security Code and then the last one Occupational Health and Safety they made it together. So, the present there are 4 codes that consolidated all existing industrial legislations or Indian labour laws are consolidated into 4 codes. So, this is mostly done by the second labour commission.

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2nd National Commission on Labour

Recommendation on Trade Unions

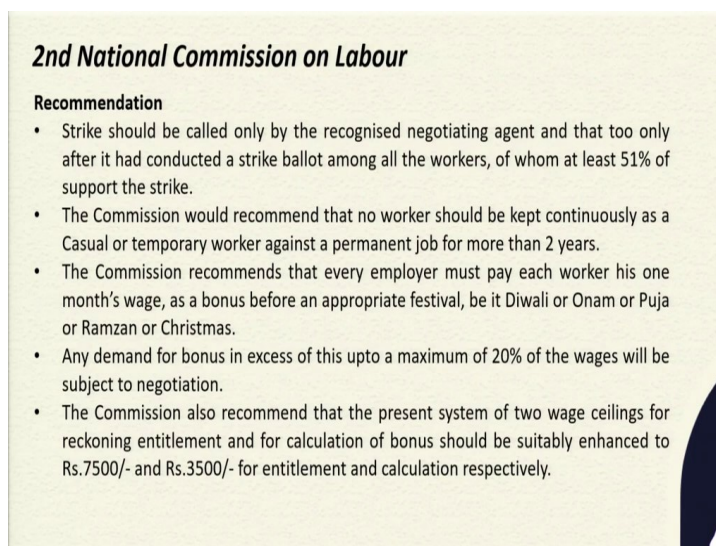
- Check-off system in an establishment employing 300 or more workers must be made compulsory for members of all registered trade unions.
- Commission also recommended that recognition once granted, should be valid for a period of 4 years to be co-terminus with the period of settlement.
- No claim by any other Trade Union / Federation / Center for recognition should be entertain till at least 4 years have elapsed from the date of earlier recognition.
- The system of legal aid to workers and trade unions from Public Fund be worked out to ensure that workers and their organisations are not unduly handicapped as a result of their inability to hire legal counsel.

And some of the definitions, some of the recommendations of the second labour commission. So, you can see that the checkoff system, where the more number of people like employing 300 or more workers is compulsory for members of old registered trade unions. And also, the commission second labour Commission has recommended that the recognition is granted it should be valid for a period of 4 years.

And then after 4 years, there will be another election of this particularly recognized union there will be a referendum to select this particular trade union and also you can see that for 4 years. So, from the date of their recognition, there is no claim by any other trade unions will be made. So, this is basically to provide consistency of Trade Unions, consistency of trade unions for a period of time in an establishment, otherwise, the employer is going to be negotiating with the trade union every year, every 6 months.

So, legal aid is another recommendation legal aid to workers and trade unions from the public fund. So, this is what was one of the recommendations very innovative recommendations provided at that point of time, because most workmen are laymen. So, Legal Aid is one of the important aspects of dispute settlement and their inability to appoint legal counsels because of economic conditions as well as because of lack of awareness, lack of education and so many other social reasons. So, Legal Aid is recommended by the second commission.

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2nd National Commission on Labour

Recommendation

- Strike should be called only by the recognised negotiating agent and that too only after it had conducted a strike ballot among all the workers, of whom at least 51% of support the strike.
- The Commission would recommend that no worker should be kept continuously as a Casual or temporary worker against a permanent job for more than 2 years.
- The Commission recommends that every employer must pay each worker one month's wage, as a bonus before an appropriate festival, be it Diwali or Onam or Puja or Ramzan or Christmas.
- Any demand for bonus in excess of this upto a maximum of 20% of the wages will be subject to negotiation.
- The Commission also recommend that the present system of two wage ceilings for reckoning entitlement and for calculation of bonus should be suitably enhanced to Rs.7500/- and Rs.3500/- for entitlement and calculation respectively.

And other recommendations include strikes with regard to strikes, and retrenchments, all of these are problematic areas in the scope of the industrial relation. So, strikes should be called only by their crazy negotiating agents. So, after a sufficient notice period, with sufficient

support of the workers and commission also recommend no workers should be kept continuously as a casual or temporary workers against a permanent job for more than 2 years.

So, we can see that now, including government organizations, are keeping some employees for 15 years, 20 years on the temporary post as a temporary worker, which is very well against the spirit of labour laws in the country. And also the commission has recommended a bonus during the festival period, during paying bonus during festival periods, I think most of the industry sources implemented this recommendation and also recommended for in excess of 20 percent is subject to negotiation.

So, we already said that the bonus, minimum bonus 8.33 percent and the maximum bonus is 20 percent. This must be subject to negotiations, for example, in some of the industries highly profitable industries, why not the labour unions negotiate with the employer and get more benefits or more bonus and also you can see that wage ceilings for getting this particular bonus is recommended by the second commission.

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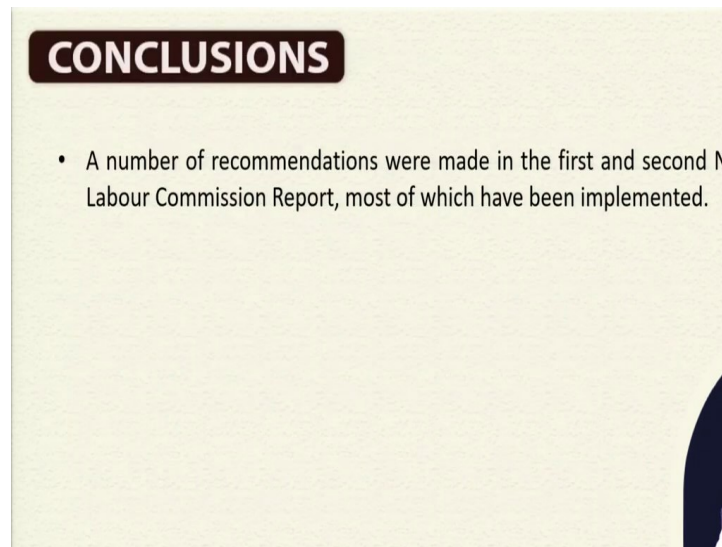
2nd National Commission on Labour

Recommendation

- A fully qualified Safety Officer should be appointed at each port. The Dock Workers' (Safety, Health and Welfare) Scheme, 1961 and the Indian Dock Labourers' Regulations, 1948 should be merged into one enactment covering all workers.
- The welfare officer has to be a maintenance engineer on the human side; he does not have job satisfaction at present, since welfare is not accorded adequate importance in an industrial unit.
- His presence is treated more as a statutory requirement to be tolerated.
- The officer should not be made to handle, on behalf of management, disputes between management and workers.

And also recommended for appointment of safety officers, safety officers in factories, safety officers in docks and also we can see that the other areas where mines safety officers have to be appointed. So, these officers handle on behalf of the management the disputes between management and workers. Safety officers, appointment and this are implemented later on.

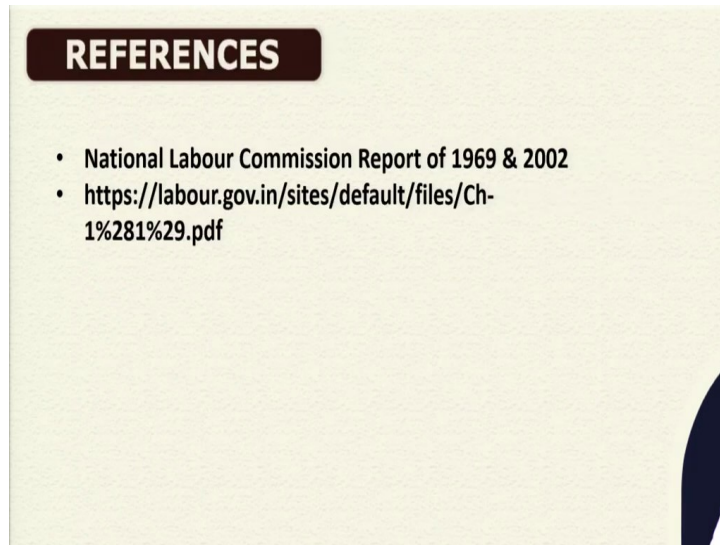
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So, in this class, we have discussed the first labour commission report and the second labour commission report, the first, the second labour commission added some of the provisions of the first labour commission report, but the first labour commission has contributed to the Indian Labour Law is fantastically in a number of legislations were passed, a number of provisions were inserted into the existing provisions.

And the government passed many legislations in accordance with the recommendation of the Labour Commission and most importantly, these labour commission recommendations even though after so, many years, the government was able to pass the new consolidated labour codes. So, the second labour commission was in 2002. So, maybe after 20 years, probably the government is able to implement the common labour codes, they are able to implement it. So, this labour Commission has contributed to the Indian labour laws or the labour laws of the country.

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I would say that the welfare of workers in the country so, this is all about the National Labour Commission. Thank you.

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